U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAR 1 4 2003

DOT-E 12463
(SECOND REVISION)

EXPIRATION DATE: February 28, 2005

1. GRANTEE: State of Washington, Department of Transportation, Washington State Ferries, Seattle, Washington

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of Oxygen, refrigerated liquid, UN 1073 in insulated cylinders or insulated cargo tanks aboard a passenger vessel as prescribed herein. This exemption provides no relief from any regulation other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.101 Table, Column 10(a) in that Oxygen, refrigerated liquid is authorized on a passenger vessel that exceeds the maximum number of passengers as described in this exemption, 172.301(c), 172.302(c)and 173.302(a) in that a passenger vessel is an authorized mode of transportation for oxygen, refrigerated liquid, as specifically prescribed in this exemption.

5. BASIS: This exemption is based on the application of the State of Washington, Department of Transportation, Washington State Ferries, Seattle, Washington, dated February 21, 2003 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Oxygen, refrigerated liquid (*cryogenic liquid*)	2.2	UN 1073	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are insulated cylinders meeting the requirements of § 173.316 or § 173.320(a), or insulated cargo tanks meeting the requirements of § 173.320(a). The packagings are prepared for highway motor vehicle transportation.

b. OPERATIONAL CONTROLS -

(1) Each motor vehicle carrying the oxygen, refrigerated liquid, must be loaded and stowed, during a voyage, along the center long axis of the vessel at the bow or stern for optimum ventilation.

(2) The total quantity of oxygen, refrigerated liquid, on each motor vehicle may not exceed 200 gallons.

(3) No more than two motor vehicles carrying oxygen, refrigerated liquid, may be transported per voyage.

(4) The transportation of oxygen, refrigerated liquid is authorized only between the following Washington State Ferry Terminals:

(i) Fauntleroy and Vashon Heights

(ii) Southworth and Vashon Heights

(iii) Point Defiance and Tahlequah

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. The requirements of Part 172 apply to each shipment of oxygen, refrigerated liquid.

c. MARKING - The marking requirements of §§ 172.301(c) and 172.302(c) are waived.

d. Each vessel crew and vessel operating under the terms of this exemption must be informed about the terms and conditions of this exemption and in the condition as described in paragraph 9 of Washington State Ferries' May 5, 2000 application.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger (Ferry) Vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each passenger ferry vessel used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

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12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

R. Ryan Fish

Robert A. McGuire
For Associate Administrator
for Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln