U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 13 2005

DOT-E 11866
(FIFTH REVISION)

EXPIRATION DATE: December 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Horizon Lines, LLC
Charlotte, North Carolina
(Former grantee: CSX Lines, LLC)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the grantee to transport internal combustion-powered motor vehicles in freight containers in cargo vessel holds that are not ventilated. This exemption provides no relief from the Hazardous Materials Regulations (HMR)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 § 176.905(f) in that cargo vessel holds must be ventilated, except as specified herein.

5. BASIS: This exemption is based on the application of Horizon Lines, LLC dated January 3, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JAN 13 2005

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Vehicle, flammable gas powered	9	UN3166	N/A
Vehicle, flammable liquid powered	9	UN3166	N/A

7. SAFETY CONTROL MEASURES: Not applicable.

8. SPECIAL PROVISIONS: This exemption applies only when motor vehicles are shipped as cargo in freight containers.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS:

a. A vapor detection system must be installed in each cargo hold. This system must continuously monitor the air in the hold to determine whether there are any flammable hydrocarbon vapors present. It must be able to detect concentrations of flammable hydrocarbon vapors at levels between 0 and 100 percent of the lower explosive limit (LEL) of the vapor/air mixture.

b. The installation must consist of an integrated system of sensors and alarms. The design and installation must be in accordance with the technical requirements of the U.S. Coast Guard and the American Bureau of Shipping (ABS). The system must be inspected, calibrated, and tested prior to being placed in operation.

c. At least two sensors must be installed in each cargo hold, with a central monitoring unit providing audible and visual alarms on the vessel's navigating bridge. The sensors must be located as far apart from each other as possible, and at the lowest possible points in the hold. The audible and visual alarms should be set to function at a concentration of not greater than 30 percent of the lower explosive limit.

d. The vessel must have on board at least two self-contained, pressure-demand, air breathing apparatus approved by the Mine Safety and Health Administration (MSHA) or the National Institute for Occupational Safety and Health (NIOSH), each having a thirty-minute capacity. These must be in addition to any self-contained breathing apparatus carried by the vessel in conformance with the International Convention for the Safety of Life at Sea (SOLAS).

e. A portable gas analyzer appropriate for flammable hydrocarbon vapors must be on board the vessel. The gas analyzer must be capable of measuring 0-100% of the LEL for flammable hydrocarbon vapors.

f. The Master must ensure that responsible officers and crew members are trained in the use of the installed and portable vapor detection equipment, the use of the self-contained breathing apparatus and the appropriate remedial action to be taken in the event of a fuel leak from a vehicle.

g. A current copy of this exemption must be carried aboard each cargo vessel 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.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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 the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The grantee is required to report to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable any incident involving fire, explosion or necessary remedial response action resulting from detection of flammable hydrocarbon vapors in a hold due to transportation of a motor vehicle under the authority of this exemption. (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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

JAN 13 2005

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(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