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

JUN 24 1997

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

DOT-E 11842

EXPIRATION DATE: **June 1, 1999**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109.)

1. GRANTEE: Maine State Ferry Service
Rockland, ME.

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of a cargo tank motor vehicle carrying fuel oil on board a ferry vessel without the presence of the motor vehicle operator. This exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 176.89(a)(6)

5. BASIS. This exemption is based on the application of Maine State Ferry Service dated February 20, 1997, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Fuel oil	3	NA1993	III

7. PACKAGING AND/OR SAFETY CONTROL MEASURES:

The vessel master shall assign a member of the crew to maintain a watch over the cargo tank motor vehicle during the length of the vessel's voyage.

1. The crew member shall be familiar with the use of vehicle controls and equipment, including the operation of all emergency control features of the cargo tank motor vehicle.

2. The crew member shall be trained as a hazmat employee and shall meet the training requirements in 49 CFR Subpart H.

3. Prior to the departure of the vessel, the crew member shall conduct a visual safety inspection of the vehicle jointly with the vehicle operator.

8. SPECIAL PROVISIONS. None as a requirement of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED. Passenger ferry vessel.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each vessel used to transport the cargo tank motor vehicle 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 Hazardous Materials Transportation Act:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 *et seq.*, when applicable.

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 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. (49 CFR 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 at Washington, D.C.:

JUN 24 1997

Alan I. Roberts
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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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