



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 6 2003

DOT-E 9599
(FOURTH REVISION)

EXPIRATION DATE: May 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Linde Gas Puerto Rico, Inc.
Hato Rey, Puerto Rico
(U.S. Agent Aga Gas Inc., Independence, Ohio)
(Former grantee: AGA Puerto Rico Corporation)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of a non-DOT specification portable tank prescribed herein for use in transporting Division 2.2 material. This exemption provides no relief from any Hazardous Materials Regulation (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 §§ 172.203, 173.318, 173.320, 176.30, 176.76(h), except as specified herein.
5. BASIS: This exemption is based on the application of Linde Gas Puerto Rico, Inc. dated June 2, 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	Identification Number	Packing Group
Argon, refrigerated liquid (cryogenic liquid)	2.2	UN1951	N/A
Nitrogen, refrigerated liquid (cryogenic liquid)	2.2	UN1977	N/A
Oxygen, refrigerated liquid (cryogenic liquid)	2.2	UN1073	N/A

7. SAFETY CONTROL MEASURES:

PACKAGING - Packaging prescribed is a non-DOT specification portable tank, designed and constructed in accordance with the ASME Code unless otherwise specified, and Gibson Cryogenics' drawings 4-40136 Rev. E, 4-4-2316 Rev. C, and related drawings on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). The portable tank bears manufacturer's serial number 5104-1 and National Board Number 559.

a. The portable tank is to be enclosed in an ISO type frame. Design pressure is 225 psig for the inner tank. Design temperature is -320°F for the inner tank and any part, valve or fitting that may come in contact with the lading. Water capacity for inner tank is 4000 gallons, nominal. Inner tank material is SA 240 type 304 stainless steel. Jacket material is SA 285 Gr. C carbon steel or equivalent. The tank may be equipped with a road relief valve set to discharge at 24 psig.

b. The portable tank must be designed and constructed in accordance with § 178.338, except as follows:

(1) For a portable tank used to transport oxygen, the insulation may not sustain combustion in a 99.5 percent oxygen atmosphere at atmospheric pressure when contacted with a continuously heated glowing platinum wire. The portable tank must be marked in accordance with § 178.338-18(b)(7).

(2) Impact test is not required on SA 240 type 304 stainless steel material.

(3) Each tank in oxygen service must be provided with a manhole as prescribed in the ASME Code. Each tank having a manhole must be provided with a means of entrance and exit through the jacket, or the jacket must be marked to indicate the manway location on the tank.

(4) § 178.338-10 does not apply.

(5) Lifting lugs, framework and any anchoring to the inner tank or tank jacket must conform with § 178.338-13(a). A portable tank that meets the definition of "container" in § 450.3(a)(3) must meet the requirements of 49 CFR Parts 450 through 453 and each tank design must be qualified in accordance with § 178.270-13(c).

(6) A portable tank constructed for oxygen service must be thoroughly cleaned to remove all foreign material in accordance with CGA Pamphlet G-4.1. All loose particles from fabrication, such as weld beads, dirt, grinding wheel debris, and other loose materials, must be removed prior to final closure of the manhole of the tank. Chemical or solvent cleaning with a material compatible with the intended lading must be performed to remove any contaminants likely to react with the lading.

(7) "DOT-E 9599" must replace the mark "MC 338".

c. Each portable tank must conform with the provisions of § 173.318 as applicable for the lading. The provisions of § 173.320 apply only to transportation by highway.

8. SPECIAL PROVISIONS.

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

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c. Each portable tank must be plainly marked on both sides near the middle in letters at least two inches high on a contrasting background, "DOT-E 9599".

d. In addition, a written record of the portable tank lading pressure and ambient (outside) temperature at the following times must be prepared for each shipment by cargo vessel:

- (i) At the start of each trip;
- (ii) Immediately before and after any manual venting;
- (iii) At least once every 24 hours; and
- (iv) At the destination point.

e. Each tank must be reinspected and retested once every 5 years in accordance with § 173.32(e) as prescribed for DOT Specification 51 portable tanks at a pressure of 1-1/4 times the sum of the design pressure plus static head, plus 14.7.

f. Transportation aboard a cargo vessel must conform with the following:

(1) Each portable tank must conform with § 176.76(h).

(2) A portable tank may not be offered for transportation unless the pressure of the lading in the tank is equal to or less than that used to determine the marked rated holding time (MRHT), and the one way travel time (OWTT). The OWTT is determined from the formula:

$$\text{OWTT} = \text{MRHT} - 24$$

(3) Each tank's actual holding time must be determined after each shipment. If examination indicates that the actual holding time is less than 90 percent of the MRHT of the tank, the tank may not be refilled until it is restored to its MRHT or tank is remarked with the reduced holding time determined by this examination.

(4) The OWTT must be marked on the shipping paper immediately after the container description.

(5) The road relief valve must be rendered inoperable during transportation by vessel.

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f. No new construction is authorized.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each vessel and motor vehicle 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. Section 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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 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.:



Robert A. McGuire
Associate Administrator for
fa Hazardous Materials Safety

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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