



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

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

JUL 7 2003

DOT-E 10772
(FOURTH REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Products and Chemicals, Inc.
Allentown, PA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of three cargo tank motor vehicles which comply with DOT Specification MC 338 except that each tank has a sump location which does not meet the requirements of § 178.338-4(c). 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 §§ 172.302(c), 178.338-4(c) in that the tank sump location is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Air Products and Chemicals, Inc. dated May 7, 2003, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/Hazardous Materials Description	Hazard Class/Division	Identification Number	Packing Group
Hydrogen, refrigerated liquid	2.1	1966	N/A

7. SAFETY CONTROL MEASURES: Prescribed packagings are three cargo tank motor vehicles, manufactured in accordance with DOT Specification MC 338, except for the location of the sump. In each of the three tanks, a sump has been installed in such a location that it intersects with a longitudinal seam of the inner vessel. This sump location does not comply with § 178.338-4(c). The sump was cut after the longitudinal weld was fully radiographed. All sump welds are fully examined using a liquid penetrant method. Each sump is designed to meet the requirements of ASME Code Section VIII, Division I, which allows the intersection of longitudinal welds with nozzles. The 304N stainless steel used as construction material must have a tensile strength of at least 89,000 psig. Only three cargo tanks are allowed to be manufactured under this exemption; no future construction is permitted.
8. SPECIAL PROVISIONS:
- a. In accordance with the provisions of paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.
- b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.
- c. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.
- d. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
- e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

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f. Each tank is to be marked with "DOT MC 338 E 10772" on the nameplate as specified in § 178.338-18(a)(1) in lieu of marking the exemption number on the side of each cargo tank. All other markings, tests and inspections must be in accordance with § 178.338.

g. A copy of the final inspection report and hydrostatic or pneumatic test results for each cargo tank must be submitted to the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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 Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

Ana Mazzullo

JUL 7 2003

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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: Olson/alb