

February 25, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 12092
(FOURTH REVISION)

EXPIRATION DATE: December 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Matheson Tri-Gas, Inc.
(Former Grantee: Matheson Gas Products)
East Rutherford, NJ

(See Appendix A to this document for a list of additional grantees)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain Division 4.3 materials in DOT 4BW cylinders which are visually inspected externally instead of the required hydrostatic retest. 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 § 180.205 in that a periodic external visual inspection is performed instead of the required hydrostatic retest and internal visual inspection; and the marking requirements in §§ 172.203(a) and 172.301(c), except as specified herein.
5. BASIS: This exemption is based on the application of Matheson Tri-Gas, Inc., dated December 10, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Alkali metal alloys, liquid n.o.s	4.3	UN1421	I
Alkali metal dispersions or Alkaine earth metal dispersions	4.3	UN1391	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 4BW240 cylinder. Each cylinder must:

- (1) be closed by use of plugs;
- (2) be protected externally by a suitable corrosion resistant coating;
- (3) not exceed 239 pounds water capacity;
- (4) not be liquid full at 130°F;
- (5) not be pressurized. Valves and safety relief devices are not authorized. Openings must be protected by threaded caps or welded collars.

b. TESTING - Each cylinder must be given a complete external visual inspection at least once every five (5) years in accordance with the Compressed Gas Association (CGA) Pamphlet C-6. A cylinder which fails the visual inspection must be removed from service and stamped condemned as specified in § 180.205.

c. OPERATIONAL CONTROLS:

- (1) Cylinders used under the terms of this exemption must be used exclusively for hazardous materials described in paragraph six of this exemption. The materials must be commercially free from corroding components.
- (2) The flash point of the organic solvent must not be less than 125°F when determined in accordance with a DOT specified test method described in § 173.120(c).

(3) Each person performing the visual inspections authorized by this exemption must have a copy of CGA Pamphlet C-6 and be familiar with its acceptance/rejection criteria, a current copy of this exemption, 49 CFR Parts 100 to 185, and other reference material required by the applicable sections of § 173.34 and this exemption. Tester qualifications and test reports meeting the requirements specified in § 173.34(e)(8) must be maintained at each facility where testing is performed.

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. MARKING - Each cylinder must be marked with the letter "E" following the month and year of the retest. The marking requirements in §§ 172.203(a) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: No additional requirements other than as required by the HMR.

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, 49 CFR Parts 171-180.
- o 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.
- 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.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: AM

February 25, 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Environmental Protection Services, Inc. Wheeling, WV	Apr 04, 2002	Apr 12, 2002	Feb 29, 2004
KMR Industries, LLC Columbia, MD	Feb 08, 2002	Jul 11, 2002	Feb 29, 2004



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety