

January 16, 2004



U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

DOT-E 13385  
(FIRST REVISION)

EXPIRATION DATE: December 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Matheson Tri-Gas, Inc.  
Parsippany, NJ
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of certain UN portable tanks, containing liquid helium, which have not been impact tested. 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. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not 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(a) in that the exemption number must be marked on the shipping paper; § 172.302(c) in that the exemption number must be marked on each package; and § 173.24b(e)(2)(i) in that a UN portable tank manufactured outside of the United States which has not been impact tested is not authorized to be marked and used as a UN portable tank for transporting liquid helium except as provided herein.

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5. BASIS: This exemption is based on the application of Matheson Tri-Gas, Inc. dated May 30, 2003 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identi- fication Number</b>	<b>Packing Group</b>
Helium, refrigerated liquid ( <i>cryogenic liquid</i> )	2.2	UN1963	N/A

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Packaging prescribed is a UN portable tank conforming to the design, construction, inspection and testing requirements of §§ 178.274 and 178.277. Additionally, each portable tank must be ASME Code "U" stamped.
- b. TESTING - The impact testing required in § 178.274(j)(6) is not required.
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 modification or change is made to the package or its contents 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.
- c. The marking requirements of §§ 172.203(a) and 172.302 (b) and (c) are waived. Each tank must be marked "NOT FOR RAIL TRANSPORT" in letters of a minimum height of 10 cm (4 inches) on at least two sides of the portable tank.
- d. The portable tanks must be in dedicated service.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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. 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 this 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

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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.:

A handwritten signature in blue ink, appearing to read "R. Ryan Torler". The signature is written in a cursive style with a large, sweeping initial "R".

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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: PTOLSON/LAVALLE