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

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

APR 18 1996

DOT-E 11628
(SECOND REVISION)

EXPIRATION DATE: **May 15, 1996**

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

1. GRANTEE: SOS Gases, Inc.,
Kearny, New Jersey

2. PURPOSE AND LIMITATION: This exemption authorizes the one-time transportation in commerce of refrigerated liquefied oxygen in a non-DOT specification insulated cargo tank. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 176, 178 and 180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Sections 176.76(h), 178.338 and Part 180 Subpart E.

5. BASIS: This exemption is based on the application of SOS Gases, dated January 23, 1996, submitted in accordance with 49 CFR 107.113 and a determination based on Bermuda Hospital Board's supplemental information submitted January 24, 1996 and April 2 and 15, 1996 that it is necessary to prevent a potential risk to the health of hospital patients in Bermuda.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Oxygen, refrigerated liquid (cryogenic liquid)	2.2	UN1073	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES: The packaging prescribed is a 3500 gallon, non-DOT specification insulted cargo tank mounted on a road vehicle chassis (Manufacturer's Serial Number 19771) owned by FIBA Compressed Gases Equipment and leased by the applicant. The cargo tank was constructed to ASME Code standards in 1971 and was last pressure tested in 1993. It does not bear a permanent specification plate or name plate as prescribed in 49 CFR 178.338-18.

8. SPECIAL PROVISIONS:

a. No shipments of containers other than that prescribed above are authorized.

b. This exemption authorizes a one-time shipment of refrigerated liquefied oxygen in the cargo tank described herein. All shipments after March 1, 1996 must be in MC-338 cargo tank that complies with DOT regulations in all respects or in a portable tank covered by a DOT exemption.

c. MARKING - The cargo tank must be plainly marked on both sides "DOT-E 11628" in letters at least two inches high on a contrasting background.

d. SOS must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

e. The legend "One-Way Travel Time _____ Hours" or "OWTT _____ Hours" must be marked on the shipping paper immediately after the packaging description. One way travel time is determined as follows:

OWTT = RHT-24 hours. (Where RHT means the rated holding time of the tank)

f. A written record must be kept of the tank's pressure and ambient (outside) temperature at the following times during the shipment.

i. At the start of the voyage.
ii. Immediately before and after any manual venting.
iii. At least every 24 hours
iv. On arrival at the destination.

g. Any loading road relief valve set at a pressure lower than that prescribed for the (safety) pressure relief valve must be closed during the voyage unless the rated holding time was determined based on the setting of the road relief valve.

h. The cargo tank must not be transported by cargo vessel if the pressure of the lading is greater than the pressure used to determine the rated holding time or the OWTT is less than the expected elapsed time between the loading of the tank start and discharging of its contents at its final destination.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried on board the cargo vessel used to transport the hazardous materials covered by this exemption.

b. The cargo tank must be stowed on deck only and must be positioned so that any release of cryogenic liquid or vapor does not impinge on the vessel's structure or on other cargos.

c. The cargo tank may not be overstowed, and must be stowed in a manner that it is readily accessible and can be monitored in accordance with the provisions of 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:

- 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.:

APR 18 1996

(DATE)

Alan I. Roberts
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.

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.

Dist: USCG
PO: F. Thompson(USCG)/JSH