

June 21, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-E 9969
(NINTH REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: VICI Metronics, Inc.
Poulsbo, WA

(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 small quantities of hazardous materials in permeation devices without shipping papers, labeling and placarding. 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: Shipping papers, marking (except for § 172.301(c)), labeling and placarding requirements specified in 49 CFR Part 172 Subparts C, D, E and F.
5. BASIS: This exemption is based on an application of VICI Metronics, Inc. dated September 27, 2004 submitted in accordance with § 107.109 and additional information dated October 7, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
See Appendix 1	See Appendix 1	See Appendix 1	As appro- priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification package described as a permeation device. The permeation device consists of the following:

(1) An inner receptacle of which is a steel or aluminum tube having a maximum volume of 80 cc.

(2) The inner receptacle is connected to a scrubber cartridge which contains sufficient absorbent material to absorb the entire contents of the inner receptacle. The scrubber cartridge must be attached to the diffusion end of the inner receptacle by means of a hermetically tight seal as shown on GC Industries drawings 11-0172, 11-0173 and 11-0174 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) or the diffusing end of the inner receptacle may be hermetically sealed using a pipe or tubing cap so as to contain all of the contents within the inner receptacle.

(3) The inner receptacle and scrubber cartridge assembly must be placed in a sealed plastic bag and placed in a 2" pipe nipple with threaded caps made hermetically tight with Teflon tape or other suitable material. The pipe may be steel or polyvinyl chloride (PVC) depending on the chemical to be transported as shown in GC Industries Drawing No. 730-0017 on file with OHMEA.

(4) The complete pipe assembly must be placed in a DOT Specification UN 4G fiberboard box.

b. TESTING - Each inner receptacles must be capable of withstanding 2000 psig without leakage.

c. OPERATIONAL CONTROLS -

- (1) The maximum pressure in the permeation device at 70°F must not exceed 500 psig.
- (2) No more than one inner receptacle and scrubber cartridge assembly may be placed in one pipe assembly.
- (3) More than one pipe assembly may be contained within the DOT Specification UN 4G fiberboard box.
- (4) Wherever PVC pipe is authorized, steel pipe may also be used.

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. MARKING - Each DOT Specification UN 4G fiberboard box must be marked "DOT-E 9969" as specified in § 172.301(c).

d. Transportation of Division 2.1 materials (flammable gases) and Division 2.3 materials (gases which are poisonous by inhalation) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

e. The transportation of oxygen by aircraft is only authorized when in accordance with § 172.102(c)(2) Special Provision A52 and §§ 175.85(h) and (i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only (see restrictions in paragraphs 8.d and 8.e).

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-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: CH/dl