U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 12 1991

DOT-E 10579

1. Tri-Gas, Incorporated, Jupiter, Florida, is hereby granted an emergency exemption from certain provisions of the Department's Hazardous Materials regulations to offer a non-DOT specification portable tank containing oxygen for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the transportation of oxygen, nonflammable compressed gas in a non DOT specification portable tank which is out of retest, and provides no relief from any other regulation other than is specified herein.

2. BASIS. This exemption is based on Tri-Gas, Incorporated's application dated April 12, 1991, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary for the protection of life.

3. HAZARDOUS MATERIALS (Descriptor and class). Liquefied oxygen, classed as a nonflammable gas.

4. PROPER SHIPPING NAME: Oxygen, refrigerated liquid.

5. REGULATION AFFECTED. 49 CFR 173.315(a)(1), 173.32(e).

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, cargo vessel.

7. SAFETY CONTROL MEASURES. Packaging authorized is a non-DOT specification portable tank manufactured by Minnesota Valley Engineering conforming to their design HLD-3084, Serial Number 170009-7 and in full conformance with the requirements prescribed in DOT-E 6299 (Third Revisions) (Corrected copy) except that the tank has not been retested as required by DOT-E 6299.

8. SPECIAL PROVISIONS.

a. All of the provisions of paragraph 8 of DOT-E 6299 are applicable to shipments made under this exemption.

b. A copy of DOT-E 6299, Third Revision, Corrected copy, must accompany the shipment made under this exemption.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. May 17, 1991.

Issued at Washington, D.C.

APR 12 1991

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA, USCG.