

January 21, 2011



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 8990
(EIGHTH REVISION)

EXPIRATION DATE: June 30, 2012

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Nova Gas Technologies
North Charleston, SC
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the transportation in commerce of a non-DOT specification cylinder containing certain Division 2.1 and 2.2 gases. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.302a(a)(1) in that non-DOT specification cylinders are not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Nova Gas Technologies dated June 8, 2009, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101)

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Division 2.1 gases authorized in DOT Specification 39 cylinders	2.1	As appropriate	N/A
Division 2.2 gases authorized in DOT Specification 39 cylinders	2.2	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification non-refillable steel inside cylinder as described in Pressure Pak, Incorporated's Drawing No. 82376 Revision B dated March 10, 1981 and fabricated in conformance with the DOT Specification 39 cylinder (§§ 178.35 and 178.65) except as follows:

§ 178.65(a) *Type, size, service pressure and test pressure.*

Each cylinder must be welded construction.

(1) *Size limitation:* Maximum water capacity may not exceed 10 pounds (277 cubic inches).

(2) *Test pressure:* The minimum test pressure is the maximum pressure of contents at 130°F or 180 psig whichever is greater.

(3) * * *

§ 178.65(b) *Material; steel*

(1) Applies except that steel authorized must be AISI 1010 or 1020 aluminum killed steel.

(2) Not applicable.

(3) * * *

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(4) Materials with longitudinal welds such as electric resistance welded or drawn over mandrel tubing that is manufactured and tested as shown in the application are authorized.

§ 178.65(c) *Manufacture.*

(1) * * *

(2) * * *

(i) through (v) Not applicable

* * *

§ 178.65(f) *Pressure test.*

(1) * * *

(2) * * *

(i) thru (iii) * * *

(iv) Not applicable

§ 178.65(i) *Markings*

Applies except that the cylinder must be marked with "DOT-SP 8990" instead of "DOT-39".

b. OPERATIONAL CONTROLS - Containers must be packed in strong outside packagings in accordance with § 173.301(a) (9).

c. Cylinders must have been constructed prior to September 30, 2006.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modification or change is made to the package and it is offered for transportation in conformance with this special permit and the HMR.

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- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
- c. Transportation of flammable gases (Division 2.1) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).
- d. The transportation of oxygen by aircraft is only authorized when in accordance with § 175.501.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft (see restrictions in paragraphs 8.c. and 8.d.)
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or aircraft used to transport packages covered by this special permit. The shipper shall furnish a current copy of this special permit 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 special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit 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 special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

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 special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: KFW/dl