

May 03, 2023



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 10772
(TENTH REVISION)

EXPIRATION DATE: 2027-03-31

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** Air Products and Chemicals, Inc.
Allentown, PA

2. **PURPOSE AND LIMITATIONS:**

a. This special permit authorizes the manufacture, mark, sale, and use of three cargo tank motor vehicles, which comply with DOT Specification MC 338 except that each tank has a sump location that does not meet the requirements of § 178.338-4(c). 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. In accordance with 49 CFR 107.107(a), party status may not be granted to a manufacturing special permit. These packagings may be used in accordance with 49 CFR 173.22a.

3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.

4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR § 172.302(c) in that the outside of each package must be marked with the special permit number and § 178.338-4(c) in that the tank sump location is not authorized, except as specified herein.

5. **BASIS:** This special permit is based on the application of Air Products and Chemicals, Inc. dated December 16, 2022, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name/Hazardous Materials Description	Hazard Class/Division	Identification Number	Packing Group
Hydrogen, refrigerated liquid (<i>cryogenic liquid</i>)	2.1	UN1966	N/A

7. SAFETY CONTROL MEASURES: Prescribed packagings are three cargo tank motor vehicles, manufactured in accordance with DOT Specification MC 338, except for the location of the sump. In each of the three tanks, a sump has been installed in such a location that it intersects with a longitudinal seam of the inner vessel. This sump location does not comply with § 178.338-4(c). The sump was cut after the longitudinal weld was fully radiographed. All sump welds are fully examined using a liquid penetrant method. Each sump is designed to meet the requirements of ASME Code Section VIII, Division I, which allows the intersection of longitudinal welds with nozzles. The 304N stainless steel used as construction material must have a tensile strength of at least 89,000 psig. Only three cargo tanks are allowed to be manufactured under this special permit; no future construction is permitted.

8. SPECIAL PROVISIONS:

- a. In accordance with the provisions of paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.
- b. A person who is not a holder of this special permit who 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.
- c. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Safety (OHMS) for a specific manufacturing facility.
- d. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

- e. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.
- f. Each tank is to be marked with "DOT MC 338 SP 10772" on the nameplate as specified in § 178.338-18(a)(1) in lieu of marking the special permit number on the side of each cargo tank. All other markings, tests and inspections must be in accordance with § 178.338.
- g. A copy of the final inspection report and hydrostatic or pneumatic test results for each cargo tank must be submitted to the OHMS prior to the first shipment.

9. **MODES OF TRANSPORTATION AUTHORIZED:** Motor vehicle.
10. **MODAL REQUIREMENTS:** A current copy of this special permit must be carried aboard each cargo tank motor vehicle covered by this special permit.
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, 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.

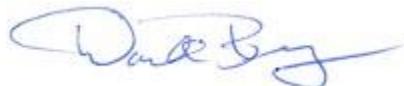
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the 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 William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-13, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Olson/NICKS