

October 13, 2010



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12637
(SIXTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain cryogenic liquids listed in paragraph 6, in certain non-DOT specification vacuum insulated portable tanks. 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. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.318 in that the use of a non-DOT specification portable tank is not authorized, except as specified herein.
5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Argon, refrigerated liquid (cryogenic liquid)	2.2	UN1951	N/A
Nitrogen, refrigerated liquid (cryogenic liquid)	2.2	UN1977	N/A
Oxygen, refrigerated liquid (cryogenic liquid)	2.2	UN1073	N/A

7. SAFETY CONTROL MEASURES:a. PACKAGING -

(1) Packagings prescribed are five (5) non-DOT specification vacuum insulated stainless steel portable tanks designed and constructed by Gibson Cryogenics, Inc. in accordance with the DOT Specification MC-338 cargo tank motor vehicle, except as modified herein. The portable tanks must be enclosed in an ISO frame. The maximum design pressure of the inner tank may not exceed 265 psig. The design temperature is -320° F. for the inner tank and any part, valve or fitting that may come in contact with the lading. The maximum capacity may not exceed 3745 gallons. New construction is not authorized.

(2) Tanks must conform with § 178.338, except as follows:

(i) § 178.338-10 does not apply.

(ii) Lifting lugs, framework and any anchoring to the inner tank or the tank jacket must conform with § 178.338-13(a). The portable tank need not conform to §§ 178.338-13(b) or (c).

(iii) Each tank need not be marked as required by § 178.338-18(a)(1) but instead be plainly and durably marked on both sides near the middle in

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letters and numbers at least two inches high, on a contrasting background, the special permit number "DOT-SP 12637".

(iv) A portable tank that meets the definition of "container" must meet the requirements of 49 CFR Parts 450 through 453, and each design must be qualified in accordance with § 178.270-13(c).

b. TESTING - Each portable tank must be reinspected and retested once every five years in accordance with the procedure prescribed in § 173.32(e) for DOT Specification 51 portable tanks. The test pressure for the inner tank must be determined from the following formulas:

If there is no vacuum in the outer jacket during test:

$$P_T = 1.25 \times P_d$$

If vacuum exists in the outer jacket during test:

$$P_T = [1.25 \times P_d] - 14.7$$

Where:

P_T = Test pressure, psig

P_d = Design pressure (the sum of the maximum allowable working pressure, Static head of liquid in inner tank, psi and 14.7 psi)

c. OPERATIONAL CONTROLS -

(1) Tanks authorized by this special permit bear manufacturer's serial numbers 5044-1 through 5044-5 and owner's serial numbers VIGU 860002-3, VIGU 860005-8, VIGU 860006-6, VIGU 860001-5 and VIGU 860003-1.

(2) Each portable tank must be prepared and shipped as required in § 173.318, as applicable for the lading.

(3) Shipments by cargo vessel must conform with the following:

(i) The package must conform with § 176.76(g). The portable tank may not be overstowed with other containers or freight.

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(ii) Any road relief valve set at a pressure lower than that prescribed for the (safety) pressure relief valve must be closed during transportation by cargo vessel unless the holding time was determined based on the setting of the pressure control valve.

(iii) The legend "One-Way Travel Time Hours" or "OWTT _____ Hours" must be marked on the shipping paper and on the dangerous cargo manifest immediately after the container description. The OWTT is determined by the formula:

$$\text{OWTT} = \text{MRHT} - 24 \text{ hours.}$$

(iv) A written record of the portable tank's pressure and ambient (outside) temperature at the following times must be prepared for each shipment.

- (A) At the start of each trip;
- (B) Immediately before and after any manual venting;
- (C) At least every 24 hours; and
- (D) At the destination point.

(4) No person may transport or offer for transportation a charged portable tank unless the pressure of the lading is equal to or less than that used to determine the marked rated holding time (MRHT) and the OWTT is equal to or greater than the elapsed time between the start and termination of travel.

(5) The actual holding time for each tank must be determined after each shipment. If it is determined that the actual holding time is less than 90 percent of the (MRHT) of the tank, the tank may not be refilled until it is restored to its MRHT or the tank is re-marked with the reduced holding time determined by this examination. The holding time must be determined in accordance with § 178.338-9.

(6) The holding time and the MRHT of the first portable tank must be determined and results thereof must be submitted to OHMSPA prior to initial shipment.

8. SPECIAL PROVISIONS:

a. 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 reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel and motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages 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, 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.

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.

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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: PTO/sln