



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

MAY - 6 2008

Mr. John D. Upperman, GM  
Cryogenic Equipment and Services, LLC  
P.O. Box 34  
727 Ringtown Road  
Zion Grove, PA 17985

Ref. No. 08-0060

Dear Mr. Upperman:

This responds to your February 29, 2008 letter requesting clarification the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a 1000-gallon mobile tank manufactured in 1955 and used to transport liquid argon, nitrogen, and oxygen. Specifically, you ask if you may obtain a letter of exemption to use this tank.

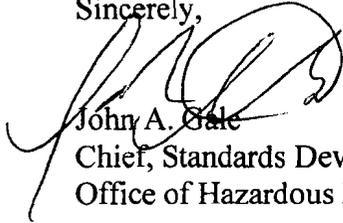
According to your letter, you own a 1000-gallon mobile tank manufactured by Union Carbide in 1955 for the transportation of liquid argon, nitrogen and oxygen. The unit has a serial number, but was not registered with the National Board. It is your understanding that registration was not required in 1955. The unit was designed to operate at less than 25.3 psi. You ask if you must obtain an exemption letter to operate this unit since you do not have the National Board registration plate.

The HMR specify under the Special Provisions in §172.102 that tank codes T75, TP5 and TP22 apply to the transportation of liquid argon, nitrogen, and oxygen in portable tanks. In accordance with T75, portable tanks are authorized to be used in transporting refrigerated liquefied gases in conformance with requirements of §178.277 which cover the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases. If you wish to obtain a special permit (formerly referred to as an exemption), you may apply for one in accordance with requirements in subpart B of part 107 in §107.105 of the HMR.

In addition, you may also qualify to use the exceptions in §173.320(a) since your tank was designed to operate at less than 25.3 psi. You must meet all of the specified requirements in §173.320(a)(1)(2)(3) in order to use this exception.

I hope this information is helpful and answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", is written over the typed name.

John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards

# **CRYOGENIC**

## **EQUIPMENT & SERVICES LLC**

Boothe  
\$173,320  
EXCEPTIONS  
08-0060

Mr Edward Mazzullo  
US Department of Transportation  
Washington DC

29 February 2008

Gentlemen,

We own a 1000 gallon mobile tank manufactured by Union Carbide in 1955 for use in transportation of liquid argon, nitrogen and oxygen. The unit has a serial number but was not registered with the National Board. It was my understanding that national Board registration was not required in 1955. The unit was designed to operate less than 25.3 psi. I have enclosed a photo of the name plate and the vehicle it is mounted on. My question is , what exemption letter do I need to operate this unit in case I am stopped for inspection and do not have the National Board plate which is now required on tanks and vessels used for moving product?. We have a considerable amount of money invested in our unit and would like to receive a letter to carry with this unit for transfer of ownership and every day use. Incidentally, Prax air had this unit in their fleet prior to my purchase.

Thank you in advance for your quick response to this matter.

John D Upperman GM  
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727 Ringtown Road  
Zion Grove Pa 17985

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