



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

OCT 16 2007

Dr. Raymond Martin  
Regional EHS Manager  
Con Edison Development  
1423 Rock Springs Road  
Rising Sun, MD 21009

Ref. No.:07-0121

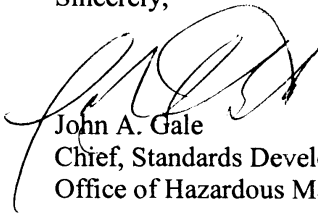
Dear Dr. Martin:

This is in response to your letter dated May 18, 2007 concerning the applicability of the Hazardous Materials Registration Program as specified in 49 CFR Part 107, Subpart G. According to your letter, your company uses hydrogen gas for cooling at your facility. A carrier delivers hydrogen in 250 ft<sup>3</sup> trailers and removes the empty trailers.

Provided you do not offer or transport the hydrogen described in your letter, you are not required to register. "Person who offers or offeror" is defined in § 171.8 as a person who performs, or is responsible for performing, any pre-transportation function required under this subchapter for transportation of the hazardous material in commerce or who tenders or makes the hazardous material available to a carrier for transportation in commerce. In addition, "carrier" is defined in § 171.8 to mean a person who transports passengers or property in commerce by rail car, aircraft, motor vehicle, or vessel.

I hope this information is helpful.

Sincerely,



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



070121

171.8  
107.601



Leary  
 \$ 107.601  
 \$ 171.8  
 Registration  
 07-0121

**CERTIFIED**  
 7006 2760 0004-5791794  
 1423 Rock Springs Road  
 Rising Sun, MD 21009  
 (410) 658-1107  
 (410) 658-0351 Fax  
 7916

May 18, 2007

US Department of Transportation  
 Hazardous Materials Registration  
 PO Box 70985  
 Charlotte NC  
 28272-0985

RE- registration query

Hello,

I am the Environmental Manager for the above captioned electric power generation facility in Maryland. Our facility uses hydrogen gas for cooling. The hydrogen is delivered in a trailer by a contractor, and then removed and replaced with another when it is empty. These trailers are approximately 250 cu ft, or 1870 gallons capacity and contain about 240 lbs. of hydrogen when delivered.

As we do not own the trailers or the trucks that transport them, I do not see that registration is required for us but we have had internal divergent opinions in this regard. Can you clarify? We will be glad to register if required.

I have called your hotline number a few times and left messages, but have not yet had a return call. I thought this inquiry might prove more successful.

Regards,

Dr. Raymond Martin  
 Regional EHS Manager  
 Con Edison Development

732-901-0995

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> X</p> <p>B. Received by (Printed Name)  <b>MILE MARKER LOGIST</b>  <b>DAI 297</b></p>
<p>1. Article Addressed to:</p> <p>US DEPT OF TRANSPORTATION          HAZARDOUS MATERIAL REGS          PO BOX 70985          CHARLOTTE NC 28272 -          0985</p>	<p>D. Is delivery address different from item B?          If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>7006 2760 0004 5791 794</p>