U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

NOV 14 2002

DOT-E 12106
(SECOND REVISION)

EXPIRATION DATE: February 29, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America L.P.
Houston, TX
(Former Grantee: Air Liquide America Corporation)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of carbon dioxide, refrigerated liquid in DOT 105J400W tank cars at a loading pressure equal to or less than 235 psi. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.24(g) and 173.314(o) in that the use of a DOT 105J400W tank car is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Air Liquide America Corporation dated January 24, 2002, submitted in accordance with § 107.109 and a supplemental letter from Air Liquide America L.P. dated October 1, 2002.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Carbon dioxide, refrigerated liquid	2.2	UN2187	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT 105J400W tank cars conforming to the following:

Tank Test Pressure	400 psi
Pressure Relief Device Set Pressure	300 psi
Regulating Valve Set Pressures (2)	275 psi
Bursting Disc Set Pressure	Less than 400 psi
Min. Tank Head Thickness	0.787 inch
Min. Tank Jacket Thickness	0.120 inch

b. OPERATIONAL CONTROLS - The loading pressure may not exceed 235 psig.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

c. Each tank car must have the exemption number "DOT-E 12106" marked on each side, above the DOT specification number in 4-inch letters on a contrasting background.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

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

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

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

NOV 14 2002
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: Schoonover/Rader/sdc