



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

SEP - 9 2004

DOT-E 9034
(TWELFTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Praxair, Inc.
Danbury, CT

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain gases or gas mixtures in DOT specification 3AL cylinders subject to the limitations and special requirements of this exemption. 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 CAR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.302a, § 173.304a, and § 175.3 in that DOT specification 3AL cylinders are not authorized for the materials listed in paragraph 6, except as specified herein.

5. BASIS: This exemption is based on the application of Praxair, Inc. dated August 30, 2004 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Addend- faction Number	Packing Group
Compressed gas, n.o.s.	2.2	UN1956	N/A
Compressed, flammable, n.o.s.	2.1	UN1954	N/A
Insecticide gases, n.o.s. (carbon dioxide, petroleum distillate)	2.2	UN1968	N/A
Insecticide gases, flammable, n.o.s.	2.1	UN 3354	N/A
Liquefied gas, flammable. n.o.s.	2.1	UN3161	N/A
Liquefied gas, n.o.s.	2.2	UN3163	N/A

7. SAFETY CONTROL MEASURES:

PACKAGING - Packaging prescribed is a DOT Specification 3AL aluminum cylinder. The maximum filling density must be such as to prevent the cylinder from being liquid full at or below 130°F.

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. Transportation of Division 2.1 (flammable gases) are not authorized aboard aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).
- d. Transportation of oxygen is only authorized when in accordance with § 172.102(c)(2) Special Provision A52 and §§ 175.85(h) and (i).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger aircraft. (See restrictions in paragraphs 8c and 8d.)
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.
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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption 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 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.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP - 9 2004

(DATE)

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

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Air Liquide America L.P. (Former Grantee: Air Liq. Amer. Corp) Houston, TX	Aug 23, 2004	Sep 9, 2004	Jun 30, 2006
Air Products & Chemicals, Inc. Allentown, PA	Nov 01, 2002	Nov 06, 2002	Oct 31, 2004
Airgas, Inc. Cheyenne, WY	Jul 9, 2004	Jul 19, 2004	Jun 30, 2006
BOC Gases Murray Hill, NJ	Aug 19, 2004	Sep 9, 2004	Jun 30, 2006
Chem-Tech, Ltd. Des Moines, IA	Sep 20, 2004	OCT 19 2004	Jun 30, 2006
Matheson Tri-Gas, Inc. East Rutherford, NJ	Aug 3, 2004	Aug 16, 2004	Jun 30, 2006
National Welders Supply Co., Inc. Charlotte, NC	Sep 2, 2004	Sep 28, 2004	Jun 30, 2006
Praxair Distribution Southeast, LLC Tequesta, FL	Aug 30, 2004	Sep 9, 2004	Jun 30, 2006
Voltaix, Inc. North Branch, NJ	Aug 5, 2004	Aug 16, 2004	Jun 30, 2006



Robert A. McGuire
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Date

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