



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20580

OCT 6 2004

DOT-E 11826
(SEVENTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Messer MG Industries
Morrisville, PA

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes DOT Specification 3AL cylinders, with specially treated interiors to prevent chloride/aluminum interaction, to be used for the transportation in commerce of the compressed gas mixtures described in paragraph 6 below. 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 § 173.302a(a)(5) in that the charging of DOT Specification 3AL cylinders with non-liquefied compressed gases that are not listed is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of MG Industries dated September 13, 2004 submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
Compressed gases, n.o.s./ Mixtures of Nitrogen, Air, Helium, Neon, Argon, Krypton or Carbon dioxide containing up to 0.1% (1000 ppm) anhydrous hydrogen chloride, chlorine, or hydrogen fluoride.	2.2	UN1956	N/A

7. SAFETY CONTROL MEASURES:

a. Packaging: Prescribed packaging is a DOT Specification 3AL cylinder made from aluminum alloy 6061. The internal surface of each cylinder must be passivated to prevent chloride/aluminum interaction.

b. Testing: Prescribed packaging is a DOT Specification 3AL cylinder that is subjected to periodic retesting, re-inspection and marking prescribed in § 180.205. Additionally the internal surface of each cylinder must be inspected for sidewall defects by enhanced visual examination using light and mirror or an approved ultrasonic examination using shear wave to detect and measure sidewall defects.

c. Operational Controls:

(1) All cylinders must be re-passivated after each retest to prevent chloride/aluminum interaction.

(2) Moisture content may not exceed 10 ppm.

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 modification or change is made to the package or its contents 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. Marking: The exterior of each cylinder passing retest under the provisions of this exemption must be marked as prescribed in § 180.205 and must also be marked "DOT-E 11826".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo 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
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

OCT 6 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: 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: MToughiry/ALB

OCT 26 2004

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
AGA Gas, Inc. Cleveland, OH	Feb 14, 2003	Mar 13, 2003	Nov 30, 2004
Air Liquide America L.P. Houston, TX	Sep 23, 2004	OCT 26 2004	Jun 30, 2006
Airgas, Inc. Cheyenne, WY	Sep 7, 2004	OCT 26 2004	Jun 30, 2006
BOC Gases Murray Hill, NJ	Sep 3, 2004	Oct 6, 2004	Jun 30, 2006
Linde Gas LLC Independence, OH	Sep 20, 2004	Oct 6, 2004	Jun 30, 2006
Matheson Tri-Gas, Inc. (Formerly: Matheson Gas Products) East Rutherford, NJ	Feb 24, 2003	Mar 27, 2003	Nov 30, 2004
Spectra Gases, Inc. Branchburg, NJ	Jul 6, 2004	Jul 28, 2004	Jun 30, 2006



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Hazardous Materials Safety