



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

JUL 20 2004

Dear Holders of DOT-E 12339:

Enclosed is the 3rd revision of DOT-E 12339. Please note that paragraph 4 has been revised to correctly identify the sections from which relief has been provided. If you have any questions concerning this change, feel free to call Diane LaValle of my staff at (202) 366-4535.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Ryan Posten".

R. Ryan Posten
Exemptions Program Officer
Office of Hazardous Materials
Exemptions and Approvals



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JUL 20 2004

DOT-E 12339
(THIRD REVISION)

EXPIRATION DATE: April 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Gases
Murray Hill, NJ

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce by cargo vessel of DOT Specification 3AL aluminum cylinders (6061 aluminum alloy) containing various Division 2.1 and 2.3 gases that are currently permitted for transport in such cylinders only by highway, rail and, in some cases, cargo-only aircraft. 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 § 172.301(c) in that the requirement to mark each cylinder with the exemption number is waived; § 173.192(a)(2), § 173.302(d), § 173.302a(c), § 173.304a(d)(3)(i) and § 173.337(a) in that the transportation of certain compressed gases in DOT Specification 3AL cylinders by cargo vessel is not authorized, except as specified herein.

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5. BASIS: This exemption is based on the application of BOC Gases dated April 21, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identifi- fication Number	Packing Group
Various compressed gases of Division 2.1 and 2.3	As Appro- priate	As Appro- priate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings authorized are DOT Specification 3AL cylinders (constructed of 6061 aluminum alloy). This exemption applies only to DOT Specification 3AL cylinders that contain Division 2.1. or 2.3 compressed gases that are otherwise authorized for transportation in such cylinders by highway, rail and, in some cases, cargo-only aircraft.

b. OPERATIONAL CONTROLS - Cylinders authorized for transportation under this exemption may be transported by cargo vessel only when loaded into closed steel freight containers.

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.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by 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:

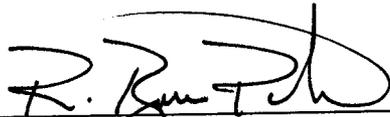
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required 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.:



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 20 2004

(DATE)

JUL 20 2004

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: USCG/EP/CWF/d1

JUL 2 0 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
Air Liquide America L.P. Houston, TX	Jun 25, 2003	Jul 08, 2003	Apr 30, 2005
Air Products and Chemicals, Inc. Allentown, PA	May 07, 2003	May 14, 2003	Apr 30, 2005
BOC Gases Murray Hill, NJ	Apr 21, 2003	May 14, 2003	Apr 30, 2005
Matheson Tri-Gas East Rutherford, NJ	Jun 02, 2003	Jun 20, 2003	Apr 30, 2005
Praxair, Inc. Danbury, CT	Jun 27, 2003	Jul 08, 2003	Apr 30, 2005
Voltaix, Inc. North Branch, NJ	May 12, 2003	May 27, 2003	Apr 30, 2005



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety