



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

MAR 19 2004

DOT-E 12398
(FOURTH REVISION)

EXPIRATION DATE: February 28, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Praxair, Inc.
Danbury, CT

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain DOT Specification 3A and 3AA cylinders equipped with alternative pressure relief devices and, for ammonia, containing at least 165 pounds of the materials listed 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 §§ 173.301(f) and 178.35(e) in that the type of pressure relief device authorized is different from that specified in the regulations.
5. BASIS: This exemption is based on the application of Praxair, Inc. dated February 25, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Ammonia, anhydrous	2.2	UN1005	N/A
Boron trichloride	2.3	UN1741	Hazard Zone C
Chlorine	2.3	UN1017	Hazard Zone B
Octafluorocyclobutane or Refrigerant gas RC 318	2.2	UN1976	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 3A and 3AA cylinders that are in conformance with all requirements of DOT Specification 3A (§§ 178.35 and 178.36) or DOT Specification 3AA (§§ 178.35 and 178.37) except as follows:

(1) § 178.35(e) *Safety Devices*. Protection for valves, safety devices, and other connections, must be as required or authorized by the appropriate specification, as required in §§ 173.301a and 180.205.

(i) For Octafluorocyclobutane: the cylinders are equipped with CGA-1 pressure relief devices (PRD).

(ii) For ammonia, anhydrous, boron trichloride and chlorine: the cylinders are equipped with CGA CG-4, combination rupture disc in series with a fusible metal plug, PRD. The rupture disk component of the combination PRD must be designed to burst at a pressure no greater than the minimum required test pressure of the cylinder. The fusible plug component must have a nominal yield temperature of 165°F.

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b. TESTING - Each cylinder authorized for use by this exemption must be periodically requalified as specified for DOT Specification 3A and 3AA cylinders in § 180.205.

c. OPERATIONAL CONTROLS -

(1) Cylinders may not be shipped with leaking pressure relief devices.

(2) Pressure relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant. The repair of leaking fuse plug devices is forbidden, where the leak is through the fusible metal or between the fusible metal and the opening in the plug body, (except by removal of the device and replacement of the fusible metal).

(3) Cylinders and shipping papers for cylinders containing ammonia, anhydrous must be marked as specified in § 172.102(c)(1) Special Provision 13.

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. Transportation of Division 2.3 materials (gases which are poisonous by inhalation) are not authorized aboard cargo vessel unless specifically authorized in the Hazardous Materials Table (§ 172.101).

d. Each DOT 3A and 3AA Specification cylinder must be marked "DOT-E 12398" and conform to the marking requirements of § 178.35(f)(4), (5) and (6).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel (see restriction in paragraph 8.c).

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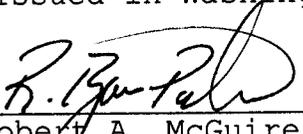
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel and motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and 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.



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

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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: MMT/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
Matheson Tri-Gas Parsippany, NJ	Feb 9, 2004	MAR 19 2004	Feb 28, 2006



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 Robert A. McGuire
 Associate Administrator for
 Hazardous Materials Safety

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 Date