



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 11 2003

DOT-E 12768
(SECOND REVISION)

EXPIRATION DATE: February 28, 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 of certain Division 2.2 gases in DOT Specification 105S500W tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. 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 § 172.203(a) in that marking the exemption number on shipping papers is waived and § 179.13 in that the gross weight of a DOT-specification tank car may not exceed 263,000 pounds, except as specified herein.
5. BASIS: This exemption is based on the application of BOC Gases dated March 19, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	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 Specification 105S500W tank cars constructed under Certificate of Construction number L006093A. Each tank must conform to the Association of American Railroads Standards S-259, dated November 1994, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head protection thickness 0.7874 in (TC 128) Head and shell thickness 0.7874 in (TC 128, Grade 70) Metal jacket and insulation
Controlling Longitudinal Loadings	Cardwell Westinghouse Mark 50
Structural Worthiness	Trinity Type 23 (full) underframe having a one million mile fatigue life calculated by applying an overall loading factor of 1.09
Track Worthiness	S-2-HD trucks
Pressure Relief Device	Reclosing pressure relief device
Service Equipment Protection	Each tank must have a protective housing in conformance with § 179.100-12(c)
Maintenance Program	See paragraph 8(e)

b. OPERATIONAL CONTROLS - Each tank may be loaded to a maximum gross weight on rail not to exceed 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized in § 173.24b.

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. Each tank car must meet the Association of American Railroads (AAR) Standard S-259, dated January 5, 1995, and may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes must be agreed to, in writing, by participating railroads. The written acceptance must be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. The shipping paper requirement of § 172.203(a) is waived.

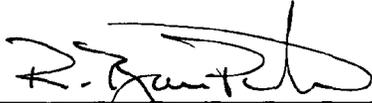
e. The applicant must file a copy of their complete maintenance program (see Appendix U of the Association of American Railroads Manual of Standards and Recommended Practices, M-1002, dated January, 1996) for any car operating under the terms of this exemption. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

f. MARKING - Each tank car operating under the terms of this exemption must be marked "DOT-E 12768" in four inch letters and numerals on a contrasting background above the DOT Specification number.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:
- Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590
(202) 493-6229 or 493-6247
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 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.:



fr Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 11 2003

(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.

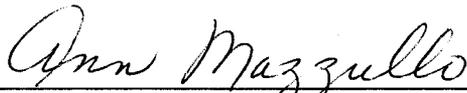
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: Kasey(FRA)/sln

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:

DEC 12 2003

Company Name City/State	Application Date	Issue Date	Expiration Date
Air Liquide America L.P. Houston, TX	Nov 26, 2003	DEC 12 2003	Feb 28, 2005
American Carbonation Corporation Palmer, MA	Aug 22, 2003	Sep 11, 2003	Feb 28, 2005
EPCO Carbon Dioxide Products, Inc. Monroe, LA	Aug 21, 2003	Sep 11, 2003	Feb 28, 2005
Reliant Holdings, Inc. Odessa, TX	Nov 11, 2003	Nov 19, 2003	Feb 28, 2005



RM
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety