



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

AUG 5 2004

DOT-E 12981
(SECOND REVISION)

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Airgas, Inc.
Cheyenne, WY
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of DOT Specification MC-330 and MC-331 cargo tank motor vehicles containing nitrous oxide, refrigerated liquid, with an alternate means to shut-down the flow of product. 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: The marking requirement specified in § 172.203(a); and § 173.315(n)(2) in that a cargo tank motor vehicle transporting a dual hazard material without a passive shut-down capability is not authorized except as authorized herein.
5. BASIS: This exemption is based on the application of Airgas Management, Inc. dated March 14, 2006, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Nitrous oxide, refrigerated liquid	2.2	UN2201	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are DOT Specification MC-330 and MC-331 cargo tank motor vehicles authorized for nitrous oxide, refrigerated liquid, in the HMR.

b. OPERATIONAL CONTROLS - The requirement for a passive shut-down system specified in § 173.315(n)(2) is waived provided the qualified person monitoring unloading remains within arm's reach of the mechanical means of closure for the external inlet valve to the pump, or the pump power source when the valve is open, except for short periods when it is necessary to activate controls or monitor the receiving container.

8. SPECIAL PROVISIONS:

a. No new construction is authorized.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each DOT Specification MC-330 and MC-331 cargo tank motor vehicle must be plainly and durably marked "DOT-E 12981" as specified in §§ 172.302(b) and (c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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
b7 Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 5 2004
(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: DL