U.S. Department of Transportation
Research and Special Programs Administration

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

DOT-E 11968

EXPIRATION DATE:, **April 30 2000**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Air Liquide America Corporation
Houston, TX

2. PURPOSE AND LIMITATIONS: This exemption authorizes the loading of Division 2.1 and 2.2 gases into DOT Specification cargo tank motor vehicles without a person being in attendance and provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Part 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173.834(i)(3) in that a person does not have to be within 25 feet of the cargo tank during loading.

5. BASIS: This exemption is based on Air Liquide America Corporation's application dated September 23, 1997, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous materials authorized/ proper shipping name | Hazard Division | ID Number | Packing Group |
|---|---|---|---|
| Liquefied gas, flammable, n.o.s. or specific material name as appropriate | 2.1 | As appropriate | N/A |
| Liquefied gas, n.o.s. or specific material name as appropriate | 2.2 | As appropriate | N/A |

7. PACKAGING and SAFETY CONTROL MEASURES:

a. PACKAGING - The hazardous material described in paragraph 6 must be transported in authorized DOT specification cargo tank motor vehicles.

b. OPERATIONAL CONTROLS -

(1) Each cargo tank must be loaded by qualified persons, who are familiar with the product and with the proper procedures for its safe handling.

(2) The provisions of 177.834 (i) shall be complied with except that paragraph (3) shall be replaced with the following:

A person "attends" the loading or unloading of a cargo tank if the person is awake throughout the process, has an unobstructed view of the cargo tank, and has the capability to halt the flow of product. The attendance requirements may be met by either of the following:

(i) Physical attendance by a designated employee. If a facility is accessible to the general public, the designated employee must be within 7.62 meters (25 feet) of the cargo tank at all times and must have an unobstructed view of the cargo tank; or

(ii) A signaling system that includes remote shut-off equipment with either detection devices (such as sensors) or surveillance equipment (e.g., television monitors and video cameras), or both detection devices and surveillance equipment. The surveillance equipment may be monitored either in the immediate area of the cargo tank or from a remote location, such as a control room, within the facility. In the event of any malfunction of the signaling system, physical attendance is required as specified in paragraph (i)(3)(i) of section 177.834. The signaling system must:

(A) provide a level of safety at least equivalent to physical attendance as specified in paragraph (i)(3)(i) of section 177.834; and

(B) have the capability to provide immediate notification to the designated employee of any system malfunction or other emergency so that, if warranted, the product flow may be halted immediately.

8. SPECIAL PROVISIONS: Air Liquide America Corporation must provide to Office of Hazardous Materials Exemptions and Approvals a current listing of those facilities operating under this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS. None as a requirement of 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. Section 5101 et.seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et. seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the 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. (49 CFR 17.15 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 incidents involving the package and shipments made under the terms of the exemption.

Issued at Washington, D.C.:

JUN 15 1998

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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