DOT-E 12106
(SECOND REVISION)

EXPIRATION DATE: February 29, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America L.P.
   Houston, TX
   (Former Grantee: Air Liquide America Corporation)

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the transportation in
      commerce of carbon dioxide, refrigerated liquid in DOT
      105J400W tank cars at a loading pressure equal to or less
      than 235 psi. 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 §§ 173.24(g) and
   173.314(o) in that the use of a DOT 105J400W tank car is
   not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Air
   Liquide America Corporation dated January 24, 2002,
   submitted in accordance with § 107.109 and a supplemental
   letter from Air Liquide America L.P. dated October 1,
   2002.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<table>
<thead>
<tr>
<th>Proper Shipping Name/ Hazardous Materials Description</th>
<th>Hazard Class/ Division</th>
<th>Identification Number</th>
<th>Packing Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon dioxide, refrigerated liquid</td>
<td>2.2</td>
<td>UN2187</td>
<td>N/A</td>
</tr>
</tbody>
</table>

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT 105J400W tank cars conforming to the following:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tank Test Pressure</td>
<td>400 psi</td>
</tr>
<tr>
<td>Pressure Relief Device Set Pressure</td>
<td>300 psi</td>
</tr>
<tr>
<td>Regulating Valve Set Pressures (2)</td>
<td>275 psi</td>
</tr>
<tr>
<td>Bursting Disc Set Pressure</td>
<td>Less than 400 psi</td>
</tr>
<tr>
<td>Min. Tank Head Thickness</td>
<td>0.787 inch</td>
</tr>
<tr>
<td>Min. Tank Jacket Thickness</td>
<td>0.120 inch</td>
</tr>
</tbody>
</table>

b. OPERATIONAL CONTROLS - The loading pressure may not exceed 235 psig.

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 modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMK.

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 have the exemption number "DOT-E 12106" marked on each side, above the DOT specification number in 4-inch letters on a contrasting background.

9. **MODES OF TRANSPORTATION AUTHORIZED**: Rail freight.

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. 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.:

Robert A. McGuirt
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.

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: Schoonover/Rader/sdc