U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 2 3 2004

DOT-E 14002

EXPIRATION DATE: November 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Group, BOC Gases Division
Murray Hill, New Jersey

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of liquefied oxygen in a certain DOT Specification cargo tank that does not have a remotely controlled self-closing shutoff valve. 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 § 178.338-11(c) in that the DOT Specification MC 338 cargo tank authorized to transport liquefied oxygen under this exemption is not equipped with an on-vehicle remotely controlled self-closing shutoff valve.

5. BASIS: This exemption is based on the application of BOC Group dated October 25, 2004, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Oxygen, refrigerated liquid	2.2	UN1073	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The authorized packaging is one DOT Specification MC 338 cargo tank motor vehicle, unit number 6526, authorized for transporting liquefied atmospheric gases. The requirement for an on-vehicle remotely controlled self-closing shutoff valve on each liquid filling and liquid discharge line is exempted for transporting liquid oxygen. The cargo tank is built in conformance with the ASME Code Section VIII and is certified with the U stamp. The manufacturer's identification number on the ASME plate is 96-6000-OX-5.

b. OPERATIONAL CONTROLS - During transportation, a secondary pressure type plug, attached with chain, must be fitted into the hose connection as a positive flow stop during transportation.

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. All valve handles for fill and discharge valves must be fastened in the closed position during transportation.

c. The cargo tank must be marked "DOT-E 14002" in accordance with 172.302(c).

d. No new construction is authorized.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.
- 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.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

DEC 23 2004
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: PTOlson