



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

April 8, 2014

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

DOT-SP 16127

EXPIRATION DATE: December 31, 2014

1. GRANTEE: Linde Gas North America LLC
Murray Hill, NJ
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce of certain non-DOT specification foreign cylinders containing Neon by motor vehicle and cargo vessel. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 171.23(a)(1), and 171.23(a)(2)(ii) in that non-DOT specification cylinders are not authorized, except as provided herein.
5. BASIS: This emergency special permit is based on the application of Linde Gas North America LLC dated March 25, 2014, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous Materials Description | | | |
|---------------------------------|------------------------|-----------------------|---------------|
| Proper shipping name | Hazard Class/ Division | Identification Number | Packing Group |
| Neon, compressed | 2.2 | UN1065 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging are non-DOT specification seamless steel spun cylinders similar to UN/ISO/9809-3 Standard cylinders and DOT-3AA specification intermediate manganese steel cylinders. The cylinders must be designed, manufactured and tested in accordance with the National Standard of the People's Republic of China for Seamless Steel Gas Cylinders, GB 5099-1994, by the Langfang Tianhai (BTIC) High Pressure Container, Co., Ltd., China. The cylinders must be in conformance with the BTIC drawing WMA219-40-15 and the specifications & design criteria provided by Linde to the Office of Approvals and Permits.

b. REQUALIFICATION - Each cylinder must be requalified in accordance with the requirements of § 180.209 as applicable to DOT-3AA cylinders except that the test pressure is 3/2 times the service pressure.

c. OPERATIONAL CONTROLS -

- (1) The shipping papers must identify the cylinders with the special permit number "DOT-SP 16127".
- (2) Linde will act both as a shipper and carrier under the terms of this special permit.
- (3) Emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the cylinders are not equipped with pressure relief device as required by § 173.301(f) and provide appropriate guidance for exposure to fire.

- (4) This special permit is limited to a period of time not to exceed the expiration date listed on the special permit. The total number of cylinders in any single shipment is limited to 500 cylinders.
- (5) Cylinders authorized under this special permit may be transported by cargo vessel only when loaded into closed steel freight containers.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit 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 special permit and the HMR.

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

c. The cylinders must be imported from China to the Port of Newark, NJ. The cylinders will then be transported via motor vehicle to Linde's Alpha, New Jersey plant for discharge.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle, Cargo Vessel.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

April 8, 2014

- 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

April 8, 2014

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: RS