

June 29, 2007



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 5945
(NINTH REVISION)

EXPIRATION DATE: May 31, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America L.P.
Houston, TX
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the use of a small capacity insulated portable tank for the transportation in commerce of carbon dioxide, refrigerated liquid, subject to the limitations and special requirements specified herein. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Party status will not 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 § 173.315 in that a non-DOT specification portable tank is not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Air Liquide America L.P. dated June 25, 2007, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Carbon dioxide, refrigerated liquid	2.2	UN2187	N/A

7. SAFETY CONTROL MEASURES: PACKAGING - Prescribed packaging is a 825 pound water capacity portable tank mounted on wheels having an inner tank made of SA 515 Gr 70 steel with a design pressure of 363 psi, an insulation of polyurethane foamed in place, and an outer jacket of SA 515 Gr 70 steel or reinforced fiber glass. Each tank must be designed and constructed to ASME Code (and so marked) and § 178.245 (DOT Specification 51 portable tanks) except that the tank's water capacity is less than 1,000 pounds and is not marked "DOT Specification 51." Each tank must be protected by at least one safety relief valve set at 357 psi.

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 modification or change is made to the package or its contents 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 tank wheels must be rendered inoperative during transportation.

d. Before transportation in an empty condition, each tank must be emptied of liquid content. In addition, the vapor pressure must be so reduced as to avoid the possibility of venting en route.

e. MARKING - Each portable tank must be marked "DOT-SP 5945" on the nameplate in place of the DOT Specification number.

f. Packages specified herein marked "DOT SP 5945" prior to April 30, 1976, may be transported under the terms of this special permit.

g. TESTING - Each portable tank must be reinspected and retested in accordance with § 173.32(e) as prescribed for DOT Specification 51 portable tanks.

h. Packagings permanently marked 'DOT-E 5945', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 5945'.

i. Shipping papers displaying 'DOT-E 5945' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: This special permit imposes no additional modal specific requirements.
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.
 - 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 the 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 Bob Richard
Deputy Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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: CS/sl