



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20000

APR 16 2004

DOT-E 12391
(THIRD REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Airgas, Inc.
Cheyenne, WY

(See Appendix A for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain Division 2.1 and 2.2 gases, as specified in paragraph 6 below, in ICC Specification 3, 3A or 3AA cylinders manufactured on or before December 31, 1945, and which have been retested at least every 10 years. 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 § 172.203(a) in that the exemption number is not required to be indicated on the shipping paper, § 180.209(b)(i) in that cylinders manufactured on or before December 31, 1945, and otherwise conforming to the requirements of § 180.209(b) may be retested every 10 years instead of every five years, and § 175.3, except as specified herein.

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5. **BASIS:** This exemption is based on the application of Airgas Management, Inc. dated January 4, 2004 submitted in accordance with § 107.109.
6. **HAZARDOUS MATERIALS (49 CFR § 172.101):**

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Gases and gas mixtures specified in § 180.209(b) (ii)	2.1 or 2.2 as appropriate	As appropriate	N/A

7. **SAFETY CONTROL MEASURES:**

a. **PACKAGING** - Prescribed packagings are cylinders marked and manufactured to ICC-3, 3A or 3AA, with a water capacity of 125 pounds or less, conforming in all respects with § 180.209(b) except that the cylinders were manufactured on or before December 31, 1945.

b. **TESTING** - The internal hydrostatic water jacket test must be performed at least every ten years instead of every five years in accordance with the applicable requirements of § 180.205 and be in accordance with the Airgas Safecor "Hydrotesting Review Manual" on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). In addition, cylinders must be in conformance with CGA pamphlets, C-1 "Methods for Hydrostatic Testing of Compressed Gas Cylinders" (1996 edition) and C-5, "Cylinder Service Life-Seamless Steel, High Pressure Cylinders" (1991 edition).

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.

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

c. Marking

(1) Each cylinder having successfully passed the internal hydrostatic water jacket test required by paragraph 7.b. above must be marked "DOT-E 12391" as specified in § 172.301(c) and be marked with a five pointed star in accordance with § 180.209(b)(vi).

(2) The marking requirement specified in § 172.203(a) is waived.

d. Transportation of Division 2.1 (flammable gases) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

e. The transportation of oxygen is only authorized by aircraft when in accordance with § 172.102(c)(2) Special Provision A52 and §§ 175.85(h) and (i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.
10. MODAL REQUIREMENT: A current copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.
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 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.

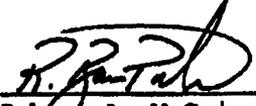
- o Registration required by § 107.601 et seq., when applicable.

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.:



Fe Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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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.

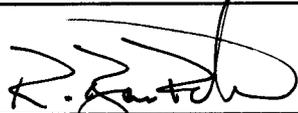
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: SS/alb

JUL 29 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Abbott Fire & Safety, Inc. Colorado Springs, CO	Jul 29, 2004	JUL 29 2004	Mar 31, 2006
J & M Cylinder Gases, Inc. Decatur, AL	May 4, 2004	June 1, 2004	Mar 31, 2006
National Welders Supply Co., Inc. Charlotte, NC	Feb 23, 2004	Apr 16, 2004	Mar 31, 2006
Precision Testing Dania Beach, FL	Dec 30, 2003	Apr 16, 2004	Mar 31, 2006
Sky Cylinder Testing, Inc. Evansville, IN	Apr 1, 2004	May 4, 2004	Mar 31, 2006



Robert A. McGuire

fe Associate Administrator for
Hazardous Materials Safety