U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 9 2004

DOT-E 12865
(SECOND REVISION)

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Gases
Riverton, WY

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain DOT specification cylinders and cylinders manufactured to a foreign specification which are charged for export only. 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.

c. Party status will not be granted to this exemption.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: The cylinder valve and pressure relief device requirements of Part 173.

5. BASIS: This exemption is based on the application of BOC Gases dated August 14, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
All hazardous materials currently authorized to be shipped in accordance with § 173.301(l)	As appropri ate	As appropri ate	As appropri ate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are:

(1) Foreign cylinders that are in conformance with all requirements of § 173.301(i) which are not equipped with valves or pressure relief devices in accordance with the requirements of 49 CFR Part 173; and

(2) DOT specification cylinders that are in conformance with all requirements of the HMR except for the valve and pressure relief device requirements of 49 CFR Part 173.

b. OPERATIONAL CONTROLS -

(1) Prescribed cylinders must be charged with compressed gas in the United States and shipped solely for export.

(2) Prescribed cylinders must meet the maximum filling density and service pressure requirements of the 49 CFR Part 173.

(3) Prescribed cylinders must be prepared for refill in accordance with Work Instructions WI 012-510 C12 fill procedures on file with the Office of Hazardous Materials Exemptions and Approvals.

(4) The shipping paper must identify the cylinders with the exemption number "DOT-E 12865" and must carry the following certification: "This cylinder has [These cylinders have] been retested and refilled in accordance with DOT requirements for export."

(5) When cylinders are not fitted with pressure relief devices, emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the cylinders are not fitted with pressure relief devices and provide appropriate guidance for exposure to fire.

8. SPECIAL PROVISIONS:

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

b. MARKING -

(1) Each cylinder must be marked "DOT-E 12865" as specified in § 172.301(c).

(2) Each DOT specification cylinder must be plainly and durably marked "For Export Only" near the exemption number marking.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

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

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUN - 9 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: sln

JUN 9 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
Airgas, Inc. Cheyenne, WY	May 23, 2004	JUN 9 2004	Jul 31, 2005

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 9 2004
Date