



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

APR 2 2004

DOT-E 12972
(SECOND REVISION)

EXPIRATION DATE: February 28, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Voltaix, Inc.
North Branch, NJ
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain DOT specification cylinders and non-DOT specification 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: 49 CFR § 173.301(1) in that the foreign cylinders authorized to be charged for export are manufactured within the United States instead of in a foreign country; and the cylinder valve and pressure relief device requirements of Part 173.
5. BASIS: This exemption is based on the application of Voltaix, Inc. dated March 9, 2004 submitted in accordance with § 107.109 and supplement information dated March 31, 2004.

2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
All hazardous materials currently authorized to be shipped in accordance with § 173.301(j)	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:a. PACKAGING - Packagings prescribed are:

(1) Foreign cylinders that are in conformance with all requirements of § 173.301(l), except that they may be manufactured within the United States. These cylinders 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 Appendix A (Pre-fill Inspection Procedures) of the Voltaix documentation 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 12972" 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 12972" 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:

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

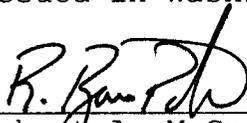
- o Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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.:



 Robert A. McGuire

 (DATE)

ra Associate Administrator for
 Hazardous Materials Safety

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: SStaniszewski/sln

Voltaix, Inc.

Appendix A Pre-fill Inspection Procedures For Cylinders Not Equipped with Pressure Relief Devices

Scope

These requirements include the steps completed before filling cylinders that are not equipped with pressure relief devices **and** which are **being** shipped "for **export only**". They apply to all metal cylinders containing materials authorized to be transported "for **export only**" under DOT's Hazardous Materials Regulations. Cylinders will be filled to authorized service pressures or **filling** densities.

Procedures

Visually inspect the cylinder for compliance with the following requirements **and** the criteria listed in CGA C-6 and C-6.1

1. **Check cylinder Ownership markings.** Inspect cylinder **markings** to ensure that the cylinder is owned by the Filler or the Filler has been authorized by the owner to fill the cylinder.
2. **Validate Required Cylinder Marking are present -** Inspect cylinder **markings** to confirm that the cylinder complies with DOT/TC cylinder re-qualification requirements, including application of the 5-pointed **star** (if appropriate).
Required **markings** are:
 - a. **Markings** of a national competent authority (e.g., DOT, ICC, CTC, TC markings or markings required by a recognized foreign authority),
 - b. DOT Cylinder specification **marking** (if appropriate),
 - c. Service pressure or test pressure
 - d. Latest cylinder re-qualification test date; if a foreign cylinder, the re-qualification date must meet DOT HMR regulations outlined in 49CFR 173.34,
 - e. RIN tester's ID number (DOT Cylinders only)

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Tel: (908) 231-9060, Fax: (908) 231-9063, Web: www.voltaix.com

Voltaix, Inc.

7. Each cylinder shall be marked with the DOT exemption number as specified in §172.301(c).
 8. Each cylinder shall be **marked** "For Export Only" near the exemption number **marking**.
- j. **Justification Of Exemption Proposal.** The alternative packagings for which the exemption is requested provide **an** equivalent level of safety to DOT authorized packages as **shown** below.
- i. The packages to be exempted from the PRD have been safely used in **Europe** for decades.
 - ii. DOT **has** previously issued to Airgas, Inc. exemption DOT-E 12521 that is similar to the one requested by Voltaix.
 - iii. DOT has previously issued to BOC Gases, exemption DOT-E **12865** that is **similar** to the one requested by Voltaix.
 - iv. DOT **has** previously issued to Anderson Development Company, exemption DOT-E 12868 that is similar to the one requested by Voltaix.
 - v. DOT **has** previously issued to Praixair, Inc. exemption DOT-E 12869 that is similar to the **one** requested by Voltaix.

On the basis of previous reviews for exemption applications similar to this, Voltaix Specialty Gases respectfully requests that this application be given expedited review in order to **begin** shipping the packages as quickly **as** possible.

If you have any questions about this application, please contact me. I can be reached at (201) 231-9054 ext.26

Respectfully submitted,



Voltaix, Inc.
Michael Degen,
Director Safety Regulatory and Facilities Engineering

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