



U.S. Department
of Transportation

SEP 21 2005

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-E 14246

EXPIRATION DATE: December 31, 2005

1. GRANTEE: Airgas, Inc.
Cheyenne, WY
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the filling and offering for transportation in commerce of certain DOT specification cylinders that are up to 12 months overdue for periodic requalification for relief efforts in the regions affected by Hurricane Katrina. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analysis 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 173.301(a)(6) in that a DOT specification cylinder may not be refilled and offered for transportation after its periodic retest date has passed except as specified herein.
5. BASIS: This emergency exemption is based on the application of Airgas, Inc., dated September 16, 2005 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

SEP 21 2005

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Hazardous Materials listed in 49 CFR that are authorized in DOT Specification Cylinders	2.1 and 2.2	As appropriate	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT specification cylinders that are authorized for the specific hazardous material. The cylinders meet all requirements of the HMR except they are overdue for periodic requalification by no more than 12 months. These cylinders may be refilled and offered for transportation for use in the regions affected by Hurricane Katrina.

b. Airgas must perform a complete external visual inspection, in accordance with the applicable CGA Pamphlet prior to refilling and offering each overdue DOT specification cylinder. Cylinders that fail the external visual inspection may not be refilled.

c. OPERATIONAL CONTROLS - The cylinders must be transported in vehicles owned or operated by Airgas, Inc.

d. Each cylinder must be marked "DOT-E 14246" in accordance with § 173.301(c).

e. The cylinders must be properly blocked and braced in the vehicle to prevent movement during transportation.

8. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

9. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

SEP 21 2005

10. 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.

11. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption 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 exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.

for Edward T. Mazzullo
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

9/21/05
DATE

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 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: AM