SEP 17 1998

U.S. Department of Transportation
Research and Special Programs Administration

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

DOT-E 12140

EXPIRATION DATE: October 31, 1998

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Airgas Management, Inc.
Radnor, PA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain non-DOT specification cylinders containing non-flammable liquefied gas, for reclamation. This exemption provides no relief from any Hazardous Materials Regulation (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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.301(a), 173.3 and 173.304, in that non-DOT specification cylinders are authorized.

5. BASIS: This emergency exemption is based on the application of Airgas Management Inc. dated September 7, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary in order to protect life and property including the environment.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Refrigerant gas, n.o.s.	2.2	UN1078	n/a

For the N.O.S entry above, the requirements of 49 CFR 172.203(k) must be met.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 250 30 lb. cylinders that appear to meet the DOT 39 specification required for refrigerant gases but have not been properly certified for transportation.

b. OPERATIONAL CONTROLS

(i) The cylinders will be transported by exclusive use motor vehicles from Birmingham, Alabama to a reclamation facility in Dallas, Texas.

(ii) The cylinders must be overpacked in corrugated boxes. The corrugated boxes must be placed on pallets secured with plastic shrink-wrap.

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. Each pallet must be plainly and durably marked "DOT-E-[illegible]

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each 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. Section 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by 49 CFR 107.601 et seq., when applicable.

    Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

    No person may use or apply this exemption, including display of its number, when the 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. (49 CFR 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 at Washington, D.C.:

J. Suzanne Hedgepeth

Alan I. Roberts
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.

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The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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PO: am

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PLEASE NOTE:

Enclosed find Appendix A of DOT-E 12140 dated 9/17/98 that has been corrected and needs to replace the one that was received by you earlier this week.

If any questions please contact this office immediately. At 202-366-4535.

THANK YOU