U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 22 2002

DOT-E 13015
(SECOND REVISION)

EXPIRATION DATE: September 30, 2004

1. GRANTEE: BOC Gases
Murray Hill, NJ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain cylinders containing Division 2.1 and Division 2.2 gases with cylinder collars that obscure certain required markings. 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 need not be noted on the shipping paper, § 172.301(c) in that the exemption number need not be marked on each cylinder, § 172.400a(a)(1) in that the cylinders do not meet the marking requirements of Compressed Gas Association's Pamphlet C-7, Appendix A, and §§ 178.3(a)(3) and 178.35(f) in that the cylinders do not bear the required markings in a visible manner

5. BASIS: This exemption is based on BOC Gases' application dated May 22, 2002 and additional information dated June 12, 2002 and August 27, 2002, submitted in accordance with § 107.105 and public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Hazardous materials authorized to be transported in DOT 3A, 3AA and 3AL cylinders	2.1 or 2.2	As applicable	N/A

7. SAFETY CONTROL MEASURES: Prescribed packagings are DOT 3A, 3AA and 3AL Specification cylinders as authorized in the HMR that are equipped with a plastic neck ring collar identification system identified in BOC's application on file with the Office of Hazardous Materials Exemptions and Approvals.

8. SPECIAL PROVISIONS:

a. Cylinders must be transported by private or contract motor carrier.

b. Neck ring collars without a window to display required markings must be removed prior to each refill or top-off to ensure the service pressure and retest dates are valid. See restriction in paragraph 8.d.

c. Neck ring collars having a window to display markings need not be removed but must have markings verified in accordance with the Quality Assurance Procedures on file with the Office of Hazardous Materials Exemptions and Approvals.

d. After December 31, 2002, only cylinders fitted with neck ring collars that have a window to display markings may be filled or offered for transportation.

e. The marking requirements specified in §§ 172.203(a) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: The carrier must keep a current copy of this exemption 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. 5101 et seq:

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

    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
Associate Administrator for
Hazardous Materials Safety

OCT 22 2002
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590-0001. 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: DL