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

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

JUN 1 2001

DOT-E 10101
(FOURTH REVISION)

EXPIRATION DATE: April 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Gases
Murray Hill, NJ

(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 hazardous materials described in paragraph 6 below in DOT Specification 3A and 3AA cylinders having a ten-year retest without a pre-fill hammer test. This exemption provides no relief from any regulation 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 § 173.34(e)(16)(i)(C) in that a hammer test is required prior to each refill, except as specified herein.

5. BASIS: This exemption is based on the application of BOC Gases dated May 2, 2001, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Argon, compressed	2.2	UN1006	N/A
Helium, compressed	2.2	UN1046	N/A
Hydrogen, compressed	2.1	UN1049	N/A
Nitrogen, compressed	2.2	UN1066	N/A
Oxygen, compressed	2.2	UN1072	N/A

Permitted mixtures of these gases and permitted mixtures of these gases up to 30% by volume of carbon dioxide. Other gases specifically identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed are DOT Specification 3A and 3AA cylinders conforming with the requirements contained in § 173.34(e)(16) except that the cylinders are not subjected to the hammer test as specified in Compressed Gas Association (CGA) Pamphlet C-6 prior to each refill. Prior to each refill, each cylinder must be given a complete external visual examination in accordance with CGA Pamphlet C-6.

b. Ten percent of the cylinders used to transport the commodities listed in paragraph 6 above must meet all of the requirements specified in § 173.34(e)(16) including the hammer test.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle.

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.

- 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 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. (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.:

R. Ryan Pitt

For Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JUN 1 2001
(DATE)

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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.

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, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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