

December 3, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12391
(FIFTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain Division 2.1 and 2.2 gases, as specified in paragraph 6 below, in ICC Specification 3, 3A or 3AA cylinders manufactured on or before December 31, 1945, and which have been retested at least every 10 years. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
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 special permit number is not required to be indicated on the shipping paper, § 180.209(b)(i) in that cylinders manufactured on or before December 31, 1945, and otherwise conforming to the requirements of § 180.209(b) may be retested every 10 years instead of every five years, and § 175.3, except as specified herein.

5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
Gases and gas mixtures specified in § 180.209(b) (ii)	2.1 or 2.2 as appropriate	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Prescribed packagings are cylinders marked and manufactured to ICC-3, 3A or 3AA, with a water capacity of 125 pounds or less, conforming in all respects with § 180.209(b) except that the cylinders were manufactured on or before December 31, 1945.
- b. TESTING - The internal hydrostatic water jacket test must be performed at least every ten years instead of every five years in accordance with the applicable requirements of § 180.205 and be in accordance with the Airgas Safecor "Hydrotesting Review Manual" on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). In addition, cylinders must be in conformance with CGA pamphlets, C-1 "Methods for Hydrostatic Testing of Compressed Gas Cylinders" (1996 edition) and C-5, "Cylinder Service Life-Seamless Steel, High Pressure Cylinders" (1991 edition).

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

c. Marking

(1) Each cylinder having successfully passed the internal hydrostatic water jacket test required by paragraph 7.b. above must be marked "DOT-SP 12391" as specified in § 172.301(c) and be marked with a five pointed star in accordance with § 180.209(b) (vi).

(2) The marking requirement specified in § 172.203(a) is waived.

d. Transportation of Division 2.1 (flammable gases) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

e. The transportation of oxygen is only authorized by aircraft when in accordance with § 175.501.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENT: A current copy of this special permit must be carried aboard each cargo vessel or aircraft used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Persons operating under the terms of this special permit 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

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

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Acting Associate Administrator for Hazardous Materials Safety

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.

December 3, 2009

Copies of this special permit may be obtained by accessing the Hazardous Materials safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: SS/dl