

May 7, 2009



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12994
(FOURTH 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 DOT specification cylinders and non-DOT specification cylinders manufactured to a foreign specification which are charged for export only. 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 § 173.301(1) in that the foreign cylinders authorized to be charged for export are manufactured within the United States instead of in a foreign country; and the cylinder valve and pressure relief device requirements of Part 173.
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 Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
All hazardous materials currently authorized to be shipped in accordance with § 173.301(1)	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:a. PACKAGING - Prescribed packagings are:

(1) Foreign cylinders that are in conformance with all requirements of § 173.301(1), except that they may be manufactured within the United States. These cylinders are not equipped with valves or pressure relief devices in accordance with the requirements of 49 CFR Part 173; and

(2) DOT Specification cylinders that are in conformance with all requirements of the HMR except for the valve and pressure relief device requirements of 49 CFR Part 173.

b. OPERATIONAL CONTROLS -

(1) Prescribed cylinders must be charged with compressed gas in the United States and shipped solely for export.

(2) Prescribed cylinders must meet the maximum filling density and service pressure requirements of the 49 CFR Part 173.

(3) Prescribed cylinders must be prepared for refill in accordance with Air Liquide's Pre-fill Inspection Procedures on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). A copy of this document must be kept on file at each location where cylinders are inspected or filled.

(4) The shipping paper must identify the cylinders with the special permit number "DOT-SP 12994" and must carry the following certification: "This cylinder has [These cylinders have] been retested and refilled in accordance with DOT requirements for export."

(5) When cylinders are not fitted with pressure relief devices, emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the cylinders are not fitted with pressure relief devices and provide appropriate guidance for exposure to fire.

8. SPECIAL PROVISIONS:

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

b. MARKING -

(1) Each cylinder must be marked "DOT-SP 12994" as specified in § 172.301(c).

(2) Each DOT Specification cylinder must be plainly and durably marked "For Export Only" near the special permit number marking.

c. Transportation of Division 2.1 (flammable gases) and Division 2.3 materials (gases which are poisonous by inhalation) are not authorized aboard cargo vessel unless specifically authorized in the Hazardous Materials Table (§ 172.101).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

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

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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 Theodore L. Willke
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.

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: CWFreeman/dl