

December 8, 2005



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 14245
(FIRST REVISION)

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| EXPIRATION DATE: June 30, 2006 |
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1. GRANTEE: Airgas, Inc.
Cheyenne, WY
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce of certain cylinders containing hazardous materials that have had DOT hazard communication marking and labeling removed as a result of Hurricane Katrina. This special permit only authorizes those cylinders to be transported one-way, from the Hurricane Katrina disaster areas, to a local gas plant facility in order to identify the contents for proper re-marking and re-labeling, or disposal of the cylinders. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. No party status will be granted for this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts B, C, D, E and F of Part 172, except as specified herein.

December 8, 2005

5. BASIS: This emergency special permit is based on the applications of Airgas, Inc., dated September 15, 2005 and December 2, 2005 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|-------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Hazardous Materials listed in 49 CFR that are authorized in DOT Specification Cylinders | 2.1, 2.2 and 2.3 | As appropriate | n/a |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings are cylinders that have had hazard warning labels and markings removed as a result of weather conditions related to Hurricane Katrina.

b. OPERATIONAL CONTROLS - The cylinders will be placed in vehicles owned and operated by Airgas, Inc.

c. The driver of the motor vehicle must be trained in the hazards associated with the hazardous materials being transported and be knowledgeable in the appropriate emergency response procedures.

d. The driver of the motor vehicle must have the capability to contact the plant and appropriate emergency response in the event of accident or emergency involving the hazardous materials being transported.

e. The cylinders must be properly blocked and braced in the vehicle to prevent movement during transportation.

8. SPECIAL PROVISIONS: Each motor vehicle must be placarded with Division 2.1 Flammable gas placards.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each 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.

December 8, 2005

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.



Robert A. McGuire
Associate Administrator
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: AM