

November 6, 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 6946
(EIGHTH REVISION)

EXPIRATION DATE: September 30, 2013

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Badger Welding Supplies, Inc.
Madison, WI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the use of DOT 3A or 3AA cylinders and ICC-3, 3A, or 3AA cylinders manufactured before December 31, 1945, to be retested every 10 years instead of 5 years for the transportation in commerce of compressed gases as authorized by this special permit. This special permit provides no relief from any Hazardous Materials Regulation (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.
 - d. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 180.209(b)(1)(i), in that the cylinders must be inspected every five years, except as specified herein.

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5. BASIS: This special permit is based on the application of Badger Welding Supplies, Inc. dated September 11, 2009 submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Only those compressed gases specifically listed in 49 CFR 180.209(b)(1)(ii) are authorized	As appropriate	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification 3A or 3AA or ICC 3, 3A, or 3AA cylinders, not exceeding 125 pounds water capacity, conforming in all respects with § 180.209(b)(1) except the cylinders were manufactured before December 31, 1945. In addition, cylinders must be in conformance with the grantee's retest procedures in its Operations Manual as revised, on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA).

b. Each cylinder authorized by this special permit marked with a star at requalification must be plainly and durably marked "DOT-SP 6946" for the entire duration of the requalification period.

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 modifications or changes are made to the package 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.

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- c. 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.
10. MODAL REQUIREMENTS: 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 the 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

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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.

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: KFW/AM