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

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

NOV 1 0 2003

DOT-E 12772
(FOURTH REVISION)

EXPIRATION DATE: April 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Cruisers Company, Belmar, NJ and persons listed in their application on file with the Office of Hazardous Materials Exemptions and Approvals

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of non-DOT specification cylinders, containing a Division 2.2 material, manufactured and marked in accordance with the DOT-3HT Specification. The cylinders have been filled in excess of their marked service pressure and therefore are no longer considered DOT Specification cylinders. This exemption also authorizes the transportation in commerce of life saving appliances that contain the compressed gas cylinder as described above. This exemption provides no relief from the Hazardous Materials Regulations (HMR) 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. The safety analyses did not consider the hazards and risks associated with use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that each package is not required to be marked with the exemption number; § 173.219(b)(1) in that life-saving appliances containing compressed gas cylinders that do not meet the Hazardous Materials Regulations are not authorized except as specified herein; and §§ 173.302a(a) and 175.3 in that a non-DOT specification cylinder containing a compressed gas is not authorized except as specified herein.

5. BASIS: This exemption is based on the application of Air Cruisers Company dated October 14, 2003 submitted in accordance with § 107.109 and a supplemental report dated November 3, 2003.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Compressed gas, n.o.s.	2.2	UN1956	N/A
Life-saving appliances, self inflating	9	UN2990	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are:

(1) Non-DOT specification cylinders, containing compressed gas n.o.s., marked DOT-3HT 3000, that have been filled up to 10 percent in excess of their marked service pressure. Each cylinder is packaged in accordance with § 173.301(a)(9); or

(2) Self inflating life-saving appliances (aircraft emergency escape slide assemblies) that conform to § 173.219 except that the nonflammable compressed gas is packaged in non-DOT specification cylinders, marked DOT-3HT 3000, that have been filled up to 10 percent in excess of their marked service pressure.

b. Cylinders marked DOT-3HT 3000 covered by this exemption that have been filled in excess of their marked service pressure are not authorized for transportation after April 30, 2005. In addition,

(1) Cylinders must be removed from service beginning no later than the next scheduled lifesaving appliance maintenance cycle on or after May 1, 2002.

(2) Upon removal from service, each DOT-3HT 3000 cylinder must be rendered incapable of holding pressure.

8. SPECIAL PROVISIONS:

a. Air Cruisers must identify and list each cylinder covered by this exemption by the *Cylinder and Valve Assembly* part number. Air Cruisers must provide this list, along with a current copy of the exemption, to each person or facility responsible for servicing the emergency escape slide assemblies or cylinders covered by this exemption.

b. Air Cruisers must maintain a list of the specific serial number for each cylinder within each *Cylinder and Valve Assembly* part number covered by this exemption. A copy of this list must be made available to any DOT representative upon request.

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

d. 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 modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

e. MARKING - The marking requirement of § 172.301(c) is waived.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption 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 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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS:

a. The Associate Administrator for Hazardous Materials Safety (AAHMS) must be provided a status report by January 1, 2002 and every six months thereafter, which summarizes the total number of DOT-3HT cylinders which must be removed from service and the number of cylinders removed from service and rendered incapable of holding pressure.

b. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the 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. Ban[illegible]

Robert A. McGuire
for Associate Administrator
for Hazardous Materials Safety

NOV 10 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590 Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions/E12772.pdf Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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