U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV 18 1998

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

DOT-E 8874
(THIRD REVISION)

EXPIRATION DATE: **July 31, 2000**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: B & F Medical Products, Inc.
   Toledo, Ohio

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the use of a non-DOT specification aluminum cylinder made in compliance with DOT Specification 3AL by deep drawing instead of backward extrusion for the transportation in commerce of certain Division 2.2 materials. This exemption provides no relief from any Hazardous Materials Regulation (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 consumer use, 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 173.301, 173.302 and 175.3 in that a non-DOT specification cylinder is allowed and portions of 178.46 as specified herein.

5. BASIS: This exemption is based on the application of B & F Medical Products, Inc. dated July 2, 1998 and additional information dated November 11, 1998 submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Oxygen, compressed	2.2	UN1072	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification cylinder made by Cylinder Technology Inc. or Justus Enterprises of Kansas, Inc. in conformance with DOT Specification 3AL (49 CFR 178.35 and 178.46), except as follows:

§178.46(b) Authorized material and identification of material.

(1) Starting stock is shell or plate traceable to cast stock that is scalped prior to rolling into plate or sheet.

(2) * * *

(3) * * *

(4) Applies except that only 6061-T6 alloy and temper is authorized.

(5) Ultrasonic inspection of sheet or plate is not required.

(6) Plate or sheet material must have uniform equiaxed grain structure not to exceed 2000 microns.

(7) * * *

§178.46(c) Manufacture.

(1) Applies except that cylinder shells must be manufactured by the deep draw process or by the draw and iron process without external heating of starting material.

8. SPECIAL PROVISIONS.

a. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

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

c. Each cylinder must be reinspected, retested, and marked every five (5) years in accordance with 49 CFR 173.34(e) as prescribed for DOT Specification 3AL cylinders.

d. No new construction of cylinders manufactured under this exemption is authorized.

e. Preparation of packages must conform with the applicable sections in 49 CFR Parts 172, 173, 174, 175, 176 and 177 as required for DOT 3AL cylinders.
and the HMR.

(f) The cylinder must bear the mark "DOT-E 8874" in lieu of the "DOT 3AL" marking.

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

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

b. Transportation of flammable gases is not authorized aboard cargo vessel and passenger-carrying aircraft.

c. Transportation of Poison A gases is not authorized aboard cargo vessel, passenger-carrying aircraft or cargo-aircraft only.

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. Section 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by 49 CFR 107.601 et seq., when applicable.

    Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

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

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 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 at Washington, D.C.:

Ann Mazzulla

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

11/18/98
(DATE)

NOV 18 1998

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

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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