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

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

SEP 7 - 2001

DOT-E 12771
(FIRST REVISION)

EXPIRATION DATE: August 31, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Cytec Industries Inc.
West Paterson, NJ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of a toxic by inhalation, hazard zone D fumigant in DOT Specification 3AA2400 cylinders which are not fitted with a pressure relief device. 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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.34(d) in that transportation of compressed gas in a cylinder not fitted with a pressure relief device is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Cytec Industries dated July 27, 2001 and supplementary information dated August 2, 2001 and August 8, 2001, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3162	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are DOT Specification 3AA2400 cylinders which are not fitted with a pressure relief device.

b. OPERATIONAL CONTROLS -

(1) Each cylinder must be taken out of service or retrofitted with a pressure relief device to conform with § 173.34(d) by July 31, 2005 or when its next periodic retest and reinspection is required, whichever occurs first.

(2) This exemption applies only to cylinders whose serial numbers are listed in the supplementary information dated August 8, 2001 and on file with OHMEA (Office of Hazardous Materials and Exemptions).

(3) Pressure in the cylinder must not exceed 850 psig at 70°F.

(4) 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 person who is not a holder of this exemption who receives a package covered by this exemption 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 exemption and the HMR.

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 plainly and durably marked "DOT-E 12771" as specified in § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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: 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. (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.:

J. Suzanne Hedgepeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 7 - 2001
(DATE)

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, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: KFW