

March 31, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14811

EXPIRATION DATE: July 31, 2009

1. GRANTEE: Worthington Cylinders of Canada Corp.
Tilbury, Ontario, Canada
(US Agent: Worthington Cylinder Corporation
Columbus, OH)
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the manufacture, marking, sale, and use of a DOT Specification 3AA cylinder manufactured using a bend test in lieu of a flattening test. This special permit provides no relief from the Hazardous Materials Regulations (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. 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.
 - c. 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 §§ 172.203(a) and 172.301(c) in that the requirements to mark shipping papers and the package with the special permit number are waived; and § 178.37(j) and (l) in that a bend test is not authorized in lieu of a flattening test, except as specified herein.

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5. BASIS: This emergency special permit is based on the application of Worthington Cylinders of Canada Corp. dated February 2, 2009, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous materials authorized for transportation in a DOT Specification 3AA cylinder	Various	Various	Various

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packaging prescribed is a DOT Specification 3AA seamless steel (4130X) cylinder which is made in full conformance with the requirements for a DOT Specification 3AA cylinder (§§ 178.35 and 178.37) except as follows:

A bend test may be used in lieu of the flattening test described in § 178.37(j) and (l). Two bend test specimens must be fabricated and tested in accordance with procedure described in ISO 9809-1: 1999 and the Worthington application on file with OHMSPA.

- b. OPERATIONAL CONTROLS - The manufacturer of the cylinder covered by this special permit must retain the test reports required by this special permit as long as the cylinders are authorized for use.

8. SPECIAL PROVISIONS:

- a. A person who is not the holder of this special permit, but receives a package covered by this special permit, may re-offer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.

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- b. Each packaging manufactured under the authority of this special permit must be marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals Program for a specific manufacturing facility.
 - c. A current copy of this special permit must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.
 - d. MARKING - The marking requirements specified in §§ 172.203(a) and 172.301(c) are waived.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo aircraft only as currently authorized by the HMR for the hazardous materials being transported.
10. MODAL REQUIREMENTS: None, other than as required in the HMR.
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.

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 Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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: MMTTOUGHIRY