U.S. Department
of Transportation

Research and
Special Programs
Administration

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

DEC 24 1991

DOT-E 10609

1. Steel Cylinder Manufacturing, Ltd. Tilbury, Ontario, Canada, (U.S. Agent; Mr. Alton Kelly Waite, Belvidere, IL), is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of the hazardous materials described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the use of billet pierced DOT 3AA cylinders that are made from parted billets which are not inspected by an independent inspector after parting, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Steel Cylinder Manufacturing, Ltd.'s application dated April 29, 1991 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon and supplemental correspondence dated May 10, 1991.

3. HAZARDOUS MATERIALS (Descriptor and class). Compressed gas, classed as flammable or nonflammable gas and poisonous gas, classed as Poison A for which DOT 3AA cylinders are prescribed in 49 CFR Part 173.

4. PROPER SHIPPING NAME (49 CFR 172.101). The specific commodity name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 173 Subparts G and H, and §178.37-4(a).

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, passenger-carrying aircraft, cargo aircraft only. (See paragraph 8.g. for the limitations and prohibitation of shipments of flammable gases and Poison A materials aboard aircraft.)

7. SAFETY CONTROL MEASURES. Packaging prescribed is a DOT Specification 3AA (49 CFR 178.37) cylinder except as follows:

§178.37-4 - Duties of inspector.

(a) Inspect all material and reject any not complying with the requirements. For billet pierced cylinders, inspect inside and outside surfaces after piercing and before closing in.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; the special packaging requirements of 49 CFR 173.3a for certain poisonous materials; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

c. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

d. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

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

f. Compliance with 49 CFR Part 107, Subpart B Appendix B is waived. However the manufacturer must keep a list of the serial numbers and symbols of all cylinder manufactured under this exemption for the duration of this exemption or fifteen years from the original test date of each cylinder, whichever is longer.

g. Flammable gases may not be transported aboard passenger-carrying aircraft. Poison A gases are forbidden on passenger-carrying and cargo aircraft under any circumstances.

h. The following additional requirements apply to the transportation of materials requiring special packaging approval as specified in 49 CFR 173.3a:

(1) This exemption serves as a special packaging approval under the provisions of 49 CFR 173.3a(a)(3) for the shipment of a material authorized in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) which is classified as a Poison Inhalation Hazard (PIH).

(2) For highway transportation, each motor carrier used to transport packagings authorized by this exemption must have a safety rating of "Satisfactory", as assigned by the Office of Motor Carrier Field Operations (OMCFO), Federal Highway Administration. Written verification of the safety rating for each motor carrier must be obtained at least once each year. A copy of the safety rating notification letter for each motor carrier, as received from OMCFO must be submitted with the annual report required by this exemption;

(3) In addition to the requirements of 49 CFR 171.15 and 171.16, the Office of Hazardous Materials Exemptions and Approvals (OHMEA) must be notified of any incident involving damage to the packaging or loss of contents of materials shipped under this exemption;

(4) OHMEA shall be advised of the causes of the incident and any remedial action taken, as a result of the incident as soon as practical after its occurrence; and

(5) OHMEA must be advised annually, within 30 days after the end of the calendar year, of the shipping experience of the material covered by this exemption. Failure to comply may result in the immediate suspension of this exemption.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. November 30, 1993.

Issued at Washington, D.C.

DEC 24 1991

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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: Exemptions Branch.

Dist: USCG, FAA, FHWA, FRA.