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

MAY 22 2001

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

DOT-E 12699

EXPIRATION DATE: September 30, 2001

1. GRANTEE: Catalina Cylinders/Cliff Impact Division
Hampton, VA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the manufacture, mark, sale and use of a DOT specification cylinder conforming to all regulations applicable to DOT specification 39, except for a procedure in completing the marking requirement, for use in transporting materials authorized under this exemption. 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 § 172.203 and § 172.301(c) in that marking the exemption number on the shipping paper and package is waived; and § 178.65(i) in that alternate procedure for marking on the cylinder is not authorized, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Catalina Cylinder, dated April 23, 2001, 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):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Materials authorized in DOT specification 39 cylinders in the HMR	As appro-priate	As appro-priate	As appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-refillable DOT Specification 39 cylinder in conformance with § 178.65 except that the marking requirement under § 178.65(i)(2)(viii)is performed by the cylinder filler. The exemption holder is responsible for ensuring the completion of the marking requirement by the cylinder filler.

b. TESTING - The cylinders must be tested for leakage using the procedure described under § 178.65(f).

c. The requirements to mark the exemption number on shipping papers and the packages under § 172.203 and § 172.301(c) are waived.

8. SPECIAL PROVISIONS:

a. New manufacture of cylinders authorized under this exemption is not authorized after May 22, 2001.

b. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

c. A person who is not a holder of this exemption, but 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 offered for transportation in conformance with this exemption and the HMR.

d. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

e. Transportation of Division 2.1(flammable gases) and Division 2.3 (gases which are poisonous by inhalation) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

f. Transportation of oxygen is only authorized when in accordance with § 172.102(c)(2) Special Provision A52 and §§ 175.85(h) and (i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only (see paragraphs 8(e) and (f) for restrictions).

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft 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.

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

MAY 22 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