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

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

JUL 1 2002

DOT-E 12723
(TWELFTH REVISION)

EXPIRATION DATE: **July 31, 2002**

1. GRANTEE: Air Cruisers Company
Belmar, New Jersey

(See Appendix A to this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of life-saving appliances that contain a compressed gas cylinder, manufactured under DOT-E 8162, that is filled in excess of its marked service pressure and does not meet the Hazardous Materials Regulations (HMR). This exemption provides no relief from any regulation 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 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 § 172.301(c) in that each package is not required to be marked with the exemption number; 173.219(b)(1) in that life-saving appliances containing compressed gas cylinders that do not meet the Hazardous Materials Regulations are not authorized except as specified herein; and §§ 173.302(a) and 175.3 in that a non-DOT specification cylinder containing a compressed gas is not authorized except as specified herein.

5. BASIS: This emergency exemption is based on the applications of Air Cruisers Company dated June 4, 2001, and June 15, 2001, (referencing a corrective action replacement plan to be submitted by July 16, 2001) and September 17, 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 |
|---|---|---|---|
| Compressed gas, n.o.s. | 2.2 | UN1956 | N/A |
| Life-saving appliances, self inflating | 9 | UN2990 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are:

(1) Self inflating life-saving appliances (aircraft emergency escape slide assemblies) that conform to § 173.219 except that the nonflammable compressed gas is packaged in DOT-E 8162 exemption cylinders that do not meet the requirements of the HMR; or

(2) Non-DOT specification cylinders, containing compressed gas n.o.s. listed in paragraph 6, marked DOT-E 8162, that do not meet the E-8162 exemption. Each cylinder must be packaged in accordance with § 173.301(k).

b. Each cylinder specified in this exemption has been manufactured under DOT-E 8162 and has a marked service pressure of 3000 psig except that each cylinder has been charged up to 10 percent in excess of its marked service pressure.

8. SPECIAL PROVISIONS:

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

b. The grantee and person's holding party status to this exemption must submit, individually or collectively, to the Office of Hazardous Materials Exemptions and Approvals (OHMEA), a corrective action plan that conforms with paragraph 8.c. of this exemption and is approved and acknowledged in writing by the Associate Administrator for Hazardous Materials Safety prior to the expiration date of this exemption, or:

(1) Each DOT-E 8162 exemption cylinder specified in this exemption is not authorized for transportation and;

(2) The exemption number (DOT-E 8162-3000) and associated required markings on each DOT-E 8162 exemption cylinder specified in this exemption must be removed or covered.

c. The corrective action plan must include a schedule of maintenance to replace each DOT-E 8162 exemption cylinder that has been charged in excess of its marked service pressure.

d. MARKING - The marking requirement of § 172.301(c)is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo aircraft and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a current coy 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

JUL 1 2002
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.