U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 6 2004

DOT-E 13263

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Products and Chemicals, Inc.
Allentown, PA

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification full-opening head salvage cylinder of 77.5 gallons water capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials described in paragraph 6 below. 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 § 173.301(f) in that the salvage cylinder does not have a pressure relief device, and §§ 173.192, 173.201, 173.202, 173.203, 173.226, 173.227, 173.302a(a) and 173.304a(a)(2) in that non-DOT specification cylinders are not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Air Products and Chemicals, Inc. dated February 4, 2004, submitted in accordance with § 107.105 and public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 3 & 8 materials, Division 2.1 gases (except acetylene), 2.2, 2.3, 6.1 and materials authorized for shipment in DOT Specification cylinders	As Appro-priate	As Appro-priate	As Appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a carbon steel non-DOT specification full-open head "salvage" cylinder of welded construction. The "salvage" cylinder must be designed, constructed and stamped in accordance with Section VIII of the ASME Code for a maximum allowable working pressure (MAWP) of 641 psig. The "salvage" cylinder must be in accordance with Fluitron, Inc. Drawing number D-2814, dated 4/30/03, and the drawings submitted with the petitioner's application on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) as follows:

Volume	77.5 gallon water capacity (nominal).
Material	SA 106 Grade C Carbon Steel ASTM A 283, A 53 Gr. B, or equivalent carbon steel.
Outside diameter	18 inches, nominal.
Length	83.625 inches, nominal.
Sidewall thickness	0.460 inch, nominal (.230 inch, min.)
Service pressure (MAWP)	641 psig at 130□F
Test pressure	962 psig.
Openings Sidewall	3/4 inch threaded outlet inside a valve protective cap.
Openings head	Full opening head, hinged to cylinder sidewall.
Welded attachments	2-lifting rails, 2-supports.
Pressure relief devices	None.

b. TESTING - Each salvage cylinder must be cleaned and purged after each use and must be visually inspected (internally and externally) and hydrostatically retested once every 2 years at a test pressure of at least 962 psig. The visual inspections must be performed in accordance with the Compressed Gas Association's Pamphlet C 6. The retest and inspection must be made by an employee that is familiar with the salvage cylinder and is trained and experienced in the use of the inspection and testing equipment. Records of retest must be made available to a DOT representative upon request.

c. OPERATIONAL CONTROLS -

(1) Each salvage cylinder must be plainly marked on the cylinder sidewall, 180 degrees apart, near the middle, in letters at least 2 inches high on a contrasting background "DOT-E 13263" and the words "SALVAGE CYLINDER".

(2) Damaged cylinders containing liquefied gases with a vapor pressure exceeding 641 psig at 70°F are not authorized to be transported under the terms of this exemption.

(3) Non-liquefied gases in a damaged cylinder to be transported must be limited in pressure and volume so that if totally discharged into the salvage cylinder the pressure at 70°F will not exceed 641 psig.

(4) Each assembly must be securely lashed in an upright position to the motor vehicle by a securement system that conforms with the requirements contained in §§ 393.100 through 393.106.

(5) Each salvage cylinder must be labeled as prescribed for the material in the damaged or leaking cylinder.

8. SPECIAL PROVISIONS:

a. 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.

b. 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 modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

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

d. 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 by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. 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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire, or accident. The loaded salvage cylinder must be delivered to the consignor or the consignee as soon as practicable. Drivers and other persons who load/unload or transport the salvage cylinder must be trained in handling and loading/unloading the salvage cylinder.

c. Transportation is limited to motor vehicles owned or leased by Air Products and Chemicals, Inc., or its customers or vehicles owned or leased by contract carriers employed by Air Products and Chemicals, Inc. or its customers.

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, Parts 171-180.

- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

- 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 the 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

APR 6 2004
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.

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.

PO: DB