U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

JUN 2 1 2005

DOT-E 13295

EXPIRATION DATE: May 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Taylor-Wharton
Harsco Gas and Fluid Control Group
Harrisburg, PA

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, marking, sale and use of a non-DOT specification cylinder conforming with ISO Standard 9809-1, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. This exemption provides no relief from any Hazardous Materials Regulation (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.

c. Party status will not be granted to this exemption.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.301, 175.3 and 180.209 in that a non-DOT specification cylinder is not authorized except as specified herein.

5. BASIS: This exemption is based on the application of the Taylor-Wharton dated August 12, 2003 and additional information dated December 29, 2004, February 15, 2005 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Gases or mixtures of gases authorized in the HMR to be shipped in DOT-3AA specification cylinders.	2.1 2.2 2.3	Various	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification seamless steel cylinder as shown on Taylor-Wharton drawing number 38387-5 and described in the Taylor-Wharton (TW) application and the supporting documentation on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Additionally, the cylinder must meet all the requirements of ISO Standard 9809-1:2002 (Gas Cylinders - Refillable seamless steel gas cylinders - Design, construction and testing - Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa) except as follows:

(1) Each cylinder must be fitted with a pressure relief device in accordance with § 173.301(f).

(2) Cylinder valves must be protected, using caps, shrouds or guards from damage which could cause inadvertent release of the contents of the cylinder. Caps, shrouds or guards, must meet the performance requirements of ISO Standard 11117:1998 (Gas Cylinders - Valve Protection Caps and Valve Guards for industrial and medical gas cylinders - Design, construction and tests).

b. TESTING -

(1) Each cylinder must be inspected and tested in accordance with ISO Standard 6406:2005 (Gas cylinders - Seamless steel gas cylinders - Periodic inspection and testing) except that ultrasonic examination (UE) must be performed.

(i) Cylinders used for Division 2.3 gases or mixtures must be re-qualified at least once every five years.

(ii) Cylinders used for Division 2.1 or 2.2 gases or mixtures must be re-qualified at least once every ten years.

(2) Each facility performing the required inspection and testing must have a current requalification identification number (RIN) from OHMEA. Also the facility must be approved for use of UE by OHMEA.

c. MANUFACTURE - The manufacturer of a cylinder under this exemption must secure an approval in accordance with the applicable provisions of 49 CFR Part 107, Subpart H.

d. INSPECTION - Compliance with the requirements of §§ 178.35 and 107.803, is required before production of containers under this exemption.

e. MARKING - Each cylinder must be stamped "DOT E-13295" and with other marks as approved in writing by the OHMEA in letters and figures at least 5 mm (0.20 inch) high into the metal of valve end. Additionally, each cylinder must conform to the marking requirements in 6.2.2.7 of the UN Model Regulations, 13th revision.

8. SPECIAL PROVISIONS:

a. The manufacturer of the cylinders covered by this exemption must retain the test reports required by this exemption for as long as the cylinders are authorized for use under this exemption plus one year.

b. A copy of the Inspector's report for the first three lots produced must be submitted to the Office of Hazardous Materials Technology prior to shipment.

c. 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.

d. 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.

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

f. 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.

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

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

i. Transportation of oxygen is only authorized by aircraft 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.h. and 8.i. 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 must 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.
- 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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption 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 exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

JUN 2 1 2005

Date

for

Robert A. McGuire
Associate Administrative for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-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.

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