



U.S. Department  
of Transportation

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

Research and  
Special Programs  
Administration

APR 13 2004

DOT-E 7458  
(SEVENTH REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Swagelok Company  
Willoughby, OH  
(Former Grantee: Ekohwerks Company)
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification cylinders conforming in part with the DOT-3E Specification for the shipment of materials specified 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(h) and 173.302a(a) in that a non-DOT specification cylinder is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Swagelok Company dated February 9, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Chlorine	2.3	UN1017	N/A (Hazard Zone B)
Hydrogen chloride, anhydrous	2.3	UN1050	N/A (Hazard Zone C)
Those materials which are authorized for shipment in DOT Specification 3E cylinders and that are compatible with the cylinder's material of construction.	As Appro- priate	As Appro- priate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a seamless non-DOT specification cylinder made of Nickel-Copper Alloy 400 (UNS N04400) material and conforming to Whitey Company's Drawing No. M-CY-E7458 Revision A, dated 04/10/89, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and to DOT-3E Specification (§ 178.42) except as specifically prescribed below:

## § 178.42(b) Material

(a) Nickel copper alloy 400 (UNS N04400) conforming with ASTM B 165.

## § 178.42(i) Marking

Applies except "DOT-E 7458 1800" replaces "DOT-3E 1800" in the marking.

b. OPERATIONAL CONTROLS -

(1) Each cylinder must be shipped in strong outside packaging in accordance with § 173.301(a)(9).

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(2) Inspections and verifications must be performed by an independent inspection agency approved in writing by the Associate Administrator in accordance with § 173.300a. Chemical analyses and tests as specified must be made within the United States.

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 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, rail freight, cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.

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:

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- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o 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.
- o 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 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

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(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.

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