

February 25, 2004



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

DOT-E 8786
(TENTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: STABILUS
Gastonia, NC

(See Appendix A of this exemption for a list of additional grantees)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of limited quantities of compressed gases, Division 2.2, in accumulators which deviate from the required retest parameters. 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 §§ 173.306(f)(2)(iii) and (f)(3) and 175.3, except as specified herein.
5. BASIS: This exemption is based on the application of STABILUS dated January 5, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Materials Description	Hazardous	Hazard Class/ Division	Identi- fication Number	Packing Group
Articles, pressurized pneumatic or hydraulic containing non- flammable gas.		2.2	UN3164	N/A
Consumer Commodity		ORM-D, as appro- priate	As appro- priate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-refillable accumulator as shown in Drawings F 2690 or F 2694 having not more than 100 cubic inches volume capacity. Packagings having a volume capacity not exceeding 30 cubic inches must be designed and fabricated for a burst pressure of no less than 4 times the charge pressure. Packagings having a volume capacity greater than 30 cubic inches but not over 100 cubic inches must be designed and fabricated for a burst pressure of not less than 5 times the charge pressure.

b. A lot is defined as the quantity of 1000 or less accumulators successively produced over a production shift not exceeding 10 hours, and having identical size, design, construction, material, heat treatment and quality. The test accumulators must be a subassembly, closed at one end in the same manner as the finished product; the other end where the seal package is installed must be sealed by the test machine in a position similar to that of the sealed package in the finished product. The following qualification tests must be performed:

- (1) One test accumulator from each lot must be burst tested and pass the burst pressure requirements in paragraph 7(a) of this exemption.
- (2) Two accumulators, one from the beginning and one from the end of each lot must be pressure tested to at least 2.5 times the charge pressure without leakage or distortion.

c. If a lot fails to pass either of the above tests, an additional four sets of accumulators taken from that lot may be tested to qualify the lot. If any of the accumulators fail the qualification tests, that lot must be rejected.

d. Each packaging manufactured under the authority of this exemption must be marked as follows:

(1) The outside of each packaging must be plainly and durably marked "DOT-E 8786".

(2) Each packaging must be marked either (1) with the name of the manufacturer and location (City and State) of the facility at which it is manufactured or (2) with the registration symbol designated for the specific manufacturing facility.

e. Each package must be prepared and shipped in accordance with the following:

(1) The accumulators must be packed in a strong outside packaging as prescribed in § 173.301(a)(9).

(2) The outside of each package must be plainly and durably marked "INSIDE CONTAINERS COMPLY WITH DOT-E 8786".

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who 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 reoffered for transportation in conformance with this exemption and the HMR.

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

c. The limited quantities of compressed gas in accumulators under this exemption may be re-classed as an ORM-D material.

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

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10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel and aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.

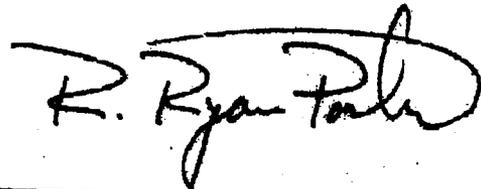
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. 5101 et seq.:
 - o All terms and conditions prescribed in this exemption and the Hazardous 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 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 inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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/exemption> Photo reproductions and legible
reductions of this exemption are permitted. Any alteration of
this exemption is prohibited.

PO: sln

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
CNH America LLC Racine, WA	Feb 25, 2006	Mar 17, 2004	Jan 31, 2006
Deere & Company Moline, IL	Jan 21, 2004	Apr 6, 2004	Jan 31, 2006
Easylift of North America, Inc. Melbourne, FL	Aug 26, 2004	SEP 9 2004	Jan 31, 2006
Stabilus GmbH D-56020, Koblenz Germany (U.S. Agent: Stabilus, Inc. Gastonia, NC)	Jan 05, 2004	Feb 25, 2004	Jan 31, 2006
Tennant Company Minneapolis, MN	Jan 23, 2004	Feb 25, 2004	Jan 31, 2006



Robert A. McGuire

fr Associate Administrator for
Hazardous Materials Safety

SEP 9 2004

Date