



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 1 2004

DOT-E 8990
(SIXTH REVISION)

EXPIRATION DATE: April 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Scott Specialty Gases
Plumsteadville, PA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification cylinder for the transportation of certain Division 2.1 and 2.2 gases. 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 §§ 173.302a(a)(1) and 175.3 in that non-DOT specification cylinders are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Scott High Pressure Technology dated April 14, 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
Division 2.1 gases authorized in DOT Specification 39 cylinders	2.1	As appro- priate	N/A
Division 2.2 gases authorized in DOT Specification 39 cylinders	2.2	As appro- priate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification non-refillable steel inside cylinder as described in Pressure Pak, Incorporated's Drawing No. 82376 Revision B dated March 10, 1981 and fabricated in conformance with the DOT Specification 39 cylinder (§§ 178.35 and 178.65) except as follows:

§ 178.65(a) *Type, size, service pressure and test pressure.*

Each cylinder must be welded construction.

(1) *Size limitation:* Maximum water capacity may not exceed 10 pounds (277 cubic inches).

(2) *Test pressure:* The minimum test pressure is the maximum pressure of contents at 130°F or 180 psig whichever is greater.

(3) * * *

§ 178.65(b) *Material; steel*

(1) Applies except that steel authorized must be AISI 1010 or 1020 aluminum killed steel.

(2) Not applicable.

(3) * * *

(4) Materials with longitudinal welds such as electric resistance welded or drawn over mandrel tubing that is manufactured and tested as shown in the application are authorized.

§ 178.65(c) *Manufacture.*

(1) * * *

(2) * * *

(i) through (v) Not applicable

* * *

§ 178.65(f) *Pressure test.*

(1) * * *

(2) * * *

(i) thru (iii) * * *

(iv) Not applicable

§ 178.65(i) *Markings*

Applies except that the cylinder must be marked with "DOT-E 8990" instead of "DOT-39"

b. OPERATIONAL CONTROLS - Containers must be packed in strong outside packagings in accordance with § 173.301(a)(1).

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.
- f. Transportation of flammable gases (Division 2.1) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101.)
- g. The transportation of Oxygen by aircraft is only authorized 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, and passenger-carrying aircraft (see restrictions in paragraphs 8(f) and (g)).
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 shall 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, 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 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
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 1 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: KFW/SLN