



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

OCT 5 2004

DOT-E 9393
(ELEVENTH REVISION)

EXPIRATION DATE: September 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Sexton Can Company, Inc.
Cambridge, MA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale, and use of a non-DOT specification, non-refillable cylinder for use in transporting certain Division 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 §§ 173.304a(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 Sexton Can Company dated August 12, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Chlorodifluoromethane or refrigerant gas, R 22	2.2	UN1018	N/A
Compressed gases, n.o.s.*	2.2	UN1956	N/A
Mixture of Isobutane, Chlorodifluoroethane, and Chlorodifluoromethane/Compressed gases, n.o.s.	2.2	UN1956	N/A
Refrigerant gases--the proper shipping name listed in the hazardous materials table in 49 CFR § 172.101.	2.2	As appropriate	N/A

*See paragraph 7(b)(3) of this exemption.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - A non-DOT specification steel cylinder consisting of a seamless shell with the bottom attached by a mechanical seam. Construction must be in conformance with applicant's drawing SKE-84-101-A on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and in conformance with the requirements of a 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 made from steel and have seamless cylindrical body with bottom attached by means of a circumferential mechanical joint.

- (1) Water capacity may not exceed 32.5 cubic inches. Service pressure is 240 psig maximum.
- (2) Test pressure is 300 psig minimum.
- (3) * * *

§ 178.65(c) *Manufacture.*

(1) * * *

(2) * * *

(i) Mechanical joints must have strength equal to or greater than the minimum strength of the shell material in the finished cylinder.

* * * * *

(3) Pressure relief devices.

The pressure relief system consists of a localized area of the bottom designed to fail at a minimum pressure of 315 psig and a maximum pressure of 480 psig. One cylinder must be taken from the beginning of production of each lot and pressurized until the relief system functions. If the system fails to function between 315 and 480 psig the lot represented by the test must be rejected.

§ 178.65(d) *Wall thickness.*

Applies except that cylinders with wall thickness less than 0.0085 inch are not authorized.

§ 178.65(f) *Pressure tests.*

(1) Each cylinder must be tested at the internal pressure at 130° F or a pressure of 300 psig, whichever is higher.

(i) and (ii) * * *

(2) * * *

(i) * * *

(ii) A failure initiates in a mechanical joint.

* * * * *

§ 178.65(i) *Markings.*

Applies except that each cylinder must be marked "DOT-E 9393" instead of "DOT-39".

b. OPERATIONAL CONTROLS -

- (1) Filling density may not exceed 87 percent.
- (2) The cylinder must be shipped in strong outside packagings in accordance with § 173.301(a)(9).
- (3) The pressure of the lading at 70°F may not exceed 240 psig; and at 130°F, may not exceed 300 psig.

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 and cargo aircraft only.

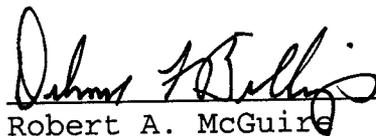
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure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

Associate Administrator for
Hazardous Materials Safety

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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/alb