



U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

**AUG - 4 2004**

DOT-E 9790  
(FIFTH REVISION)

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Taylor-Wharton (Division of Harsco Corp.)  
Theodore, Alabama
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification cylinders conforming with DOT 4L specification except that the container is made of Type 316L stainless steel for transportation of Class 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 § 173.316(c) in that a non-DOT specification cylinder is not authorized except as prescribed herein.
5. BASIS: This exemption is based on the application of Taylor-Wharton dated August 3, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): **AUG 4 2004**

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Nitrogen, refrigerated liquid <i>cryogenic liquid</i>	2.2	UN1977	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification welded cylinder conforming with the Taylor Wharton drawings D-L240-3C01 dated 10/28/86, D2200-3C00 Rev. C dated 4/27/84, or C 2200-1C10 Rev. D dated 3/20/84 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and DOT 4L (49 CFR 178.57) except as follows:

§ 178.57(o) *Authorized material of construction.*

(1) Electric furnace steel of uniform quality must be used. Chemical analysis must conform to ASTM A-240, type 316L Stainless steel. The following chemical analyses and physical properties are authorized.

<u>Designation</u>	<u>Chemical analysis, limits in percent</u>
Carbon	0.08 max.
Manganese	2.00 max.
Phosphorus	0.045 max.
Sulphur	0.030 max.
Silicon	1.00 max.
Nickel	10.0/14.0
Chromium	16.0/18.0
Molybdenum	2.0/3.0
Titanium	None
Columbium	None

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§ 178.57(o) *Markings*

Applies except that the cylinder must be marked "DOT-E 9790" instead of the specification "DOT 4L".

b. OPERATIONAL CONTROLS - Qualification, maintenance and use of the cylinder must conform with that required for a DOT 4L cylinder.

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 modifications or changes are made to the package 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.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle 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:

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

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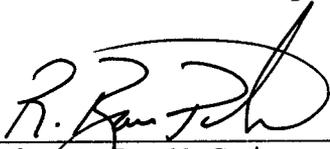
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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

AUG 4 2004

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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.

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