



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

AUG 24 2004

DOT-E 12149
(THIRD REVISION)

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE. CP Industries, Inc.
McKeesport, PA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking, sale and use of a cylinder conforming with all regulations applicable to a DOT Specification 3T cylinder, except for the ultrasonic examination specified in § 178.45(h), for the transportation in commerce of the materials authorized by this exemption. 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. The safety analyses did not consider the hazards and risks associated with consumer use, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 178.45(h), in that an ultrasonic scanning speed faster than that specified in ASTM Standard A-388-67 is authorized, and § 172.203(a) in that marking the exemption number on a shipping paper is not required.

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5. BASIS: This exemption is based on the application of CP Industries Inc. (CPI), dated July 29, 2004, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
All gases or mixtures of gases authorized in the regulations to be shipped in DOT-3T specifications cylinders	2.1 2.2 2.3	Various	N/A

See paragraphs 8(g) and 8(h) for restrictions.

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packaging prescribed is a steel cylinder conforming with all regulations applicable to a DOT Specification 3T cylinder except that an ultrasonic scanning speed faster than that specified in ASTM Standard A-388-67 is authorized for the ultrasonic examination specified in § 178.45(h) as described in paragraph 7(b) of this exemption.
- b. TESTING - After the hydrostatic test, the cylindrical section of each cylinder must be examined in accordance with ASTM Standard A-388-95. CPI may increase the ultrasonic scanning speed in accordance with the procedure described herein and CPI document CP-QC-4001-4, Rev. 05 entitled "Ultrasonic Inspection of DOT 3T and 3AAX Seamless Pressure Vessels" on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). The ultrasonic examination scanning speed must be less than or equal to the speed at which an acceptable calibration was made. The equipment used must be calibrated using the angle beam technique to detect a notch equal to five percent of the design minimum wall thickness. Any discontinuity indication greater than that produced by the five percent notch must be cause for rejection of the cylinder unless the discontinuity is repaired within the requirements of the DOT Specification 3T (§ 178.45).

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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. 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.

d. 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.

e. Each facility approved by OHMEA to test cylinders under the terms of this exemption must have a resident operator with at least a Level II certification.

f. In addition to the markings specified in §§ 178.35(f) and 178.45(m), each cylinder must be marked "DOT-E 12149" as specified in §§ 172.302(b) and (c). The requirement specified in § 172.203(a) for marking the exemption number on shipping papers is waived.

g. Transportation of Division 2.1 (flammable gases) and Division 2.3 (gases which are poisonous by inhalation) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

h. Transportation of oxygen is only authorized when in accordance with § 172.102(c)(2) Special Provision A52 and §§ 175.85(h) and (i).

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9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, and cargo aircraft only (See paragraphs 8(g) and 8(h) for restrictions).
10. MODAL REQUIREMENTS: None as a requirement of 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.
 - 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

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(DATE)

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

PO: MMT/AM