



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 12402
(SECOND REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Taylor-Wharton (TW)
Huntsville, AL
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking, sale and use of a non-DOT specification cylinder conforming with all regulations applicable to a DOT Specification 3BN cylinder except as specified herein, 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: The marking requirement in §§ 172.203(a), 172.301(c), and 178.35(f)(2)(i); and § 178.39(e) in that welding is not authorized around the plug at the bottom of the cylinder, except as specified herein.

5. BASIS: This exemption is based on the application of TW dated January 31, 2004, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Liquefied or non-liquefied compressed gases, or mixtures of such compressed gases which are authorized in the HMR for transportation in DOT 3BN cylinders.	Specific Hazard Class and Division applicable and as appropriate to the compressed gas or gas mixture to be shipped	As listed in § 172.101 for specific compressed gas or gas mixture	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification nickel cylinder made in accordance with all requirements for a DOT Specification 3BN cylinder (§§ 178.35 and 178.39) except as follows:

§ 178.35(f)(2)(i) When a plug is reinforced by a weld, the word "**W-PLUG**" must be placed near the DOT specification.

§ 178.39(e) Welding or Brazing. Welding is authorized for providing an additional seal to a permanent plug. The welding process must be in accordance with TW'S procedure and drawing on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

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 either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) 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. The marking requirements of §§ 172.203(a) and 172.301(c) are waived.

f. Transportation of Division 2.1 (flammable gases) and 2.3 (toxic gases) materials are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

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

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, passenger-carrying aircraft, and cargo-aircraft only.
10. MODAL REQUIREMENTS: (See paragraph 8.f. and g. for restrictions).
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 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

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: MT/AM