



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590
SEP 30 2003

DOT-E 13258
FIRST REVISION

EXPIRATION DATE: August 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: FIBA Technologies, Inc.
Westboro, MA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification cylinders conforming with all regulations applicable to a DOT Specification 3T 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: 49 CFR §§ 173.302(a) and 173.304(a) in that non-DOT specification cylinders are not authorized except as specified herein; and § 178.35(c) in that an Independent Inspection Agency was not present at the time of manufacture.
5. BASIS: This exemption is based on the application of FIBA Technologies, Inc. dated August 1, 2003, submitted in accordance with § 107.105 and public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification steel cylinder manufactured in stages by both domestic and non-domestic entities and stamped DOT-3T. The non-domestic entity (Dalmine) manufactured the pipe, formed the ends and heat-treated the semi-finished cylinder. Each cylinder must be in conformance with §§ 178.35 and 178.45 except as follows:

§ 178.35(c) *Duties of inspector.* The inspector was not present in the non-domestic manufacturing facility during the first phase of the cylinders' manufacture.

§ 178.35(f)(1)(i) Each cylinder must be stamped "DOT-E 13258" in lieu of "DOT-3T".

b. TESTING - Each cylinder must be requalified as specified for a DOT-3T cylinder in § 180.209.

c. OPERATIONAL CONTROLS - Cylinders may be manifolded in accordance with § 173.301(g) and securely mounted on a motor vehicle.

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 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.

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. MARKING - Each motor vehicle which contains cylinders manifolded in accordance with § 173.301(g) must be plainly marked on the curb side near the front, in letters at least 2 inches high on a contrasting background, "DOT-E 13258."

g. The manufacture and use of the cylinders authorized under this exemption is limited to cylinders bearing the serials numbers provided by FIBA Technologies, Inc. and on file with the Office of Hazardous Materials Exemptions and Approvals.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel and 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.

- 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.



fr
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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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: SStaniszewski/CHHochman/dl