U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 16 1999

DOT-E 8840
(SECOND REVISION)

EXPIRATION DATE: December 15, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Walter Kidde
Mebane, NC

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, marking and sale of a non-DOT specification cylinder to be used for the transportation in commerce of certain Division 2.2 materials. This exemption provides no relief from any Hazardous Material Regulation other than as specifically stated herein.

b. An exemption authorization to manufacture, mark, sell, and transport only represents certification of safety for a package when it is an article of commerce in transportation. 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, use as a component of a transport vehicle or other device, 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 § 173.304 (a) and § 175.3 in that the use of a non DOT specification package is authorized and § 178.46 as specified herein.

5. BASIS: This exemption is based on the application of Walter Kidde dated November 22, 1999, submitted in accordance with § 107.109 and additional information dated December 2, 1999.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Fire extinguishers containing compressed gas	2.2	UN1044	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification seamless aluminum cylinder. Construction must be in conformance with applicant's drawing 293335 (Revision F) on file with the Office of Hazardous Materials and Approvals (OHMEA), and in compliance with the requirements of a DOT Specification 3AL cylinder (§ 178.46) except as follows:

§ 178.46 (a) The service pressure must be at least 150 psig and must not exceed 500 psig.

§ 178.46 (b) (4) The material must be of uniform quality. For new construction after January 1, 1990 only the heat treatable aluminum alloy 6061-T6 is authorized.

§ 178.46 (c) (5) (ii) Three samples must be pressurized to destruction, and failure must not occur at less than four times the marked cylinder service pressure. Each cylinder must remain in one piece. Failure must initiate in the cylinder sidewall in longitudinal direction. Rate of pressurization may not exceed 200 psi per second.

§ 178.46 (d) Wall thickness

The minimum wall thickness for any cylinder with an outside diameter greater than 5 inches must be 0.100 inch. ***

§ 178.46 (g) (3) (iii) Does not apply.

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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. 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 cylinder must be marked "DOT-E 8840" followed by the service pressure. Cylinders with a charged pressure not over 500 psig and marked "DOT-SP 7042" or "DOT-E 7042" prior to the issuance of this exemption must, in addition, be marked "DOT-E 8840" and transported under the terms of this exemption.

g. Each cylinder must be retested at least once every five years in accordance with § 173.34(e) as prescribed for DOT 3AL specification cylinders.

h. The cylinder must be shipped in strong outside packaging in accordance with § 173.301(k).

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 and aircraft 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:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

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for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7ths Street, S.W., Washington DC 20590-0001, Attention: Records Center, 202-366-5046.

Dist: FAA, FHWA, FRA, USCG
PO: sln99