U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 31 2000

DOT-E 9926
(FOURTH REVISION)

EXPIRATION DATE: July 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Implementos Agricolas LALA, S.A.
Durango, Mexico
(U.S. Agent - Guillermo Wolff, San Antonio, Texas)

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, marking and sale of a nonrefillable, non-DOT specification cylinder designed and manufactured in accordance with DOT Specification 39, except that welded seam tubing is authorized. The cylinder is to be used for the transportation in commerce of certain Division 2.2 materials. This exemption provides no relief from any regulation 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)(1), 173.304(a)(1) and (a)(2), 175.3, in that non-DOT Specification packaging is not authorized except as specified herein.

5. BASIS: This exemption is based on the applications of Implementos Agricolas LALA, S.A. dated August 22, 2000 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Nonflammable gases listed in 49 CFR Part 173 that are authorized for shipment in DOT Specification 39 cylinders	2.2	As appropriate	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a nonrefillable, non-DOT specification steel cylinder conforming with Implementos Agricolas LALA's drawings A010 dated August 7, 1987, A010-1 dated March 7, 1996, A017 dated March 7, 1996, or A018 dated January 10, 1996 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and fabricated in accordance with DOT Specification 39 cylinder (§ 178.65) except as follows:

§ 178.65 Each cylinder may not exceed 10 pounds (277 cubic inches), and the service pressure may not exceed 80 percent of test pressure. The maximum service pressure must not exceed 2,200 psig.

§ 178.65(b) Material; steel

(1) * * * *

(i) AISI 1010 or 1020 aluminum killed steel meeting ASTM specification A513 A electric-resistance-welded steel mechanical tubing.

(ii) Not applicable.

(iii) * * *

(iv) Materials with longitudinal welds, such as electric resistance welded tubing that is manufactured and tested as shown in the application, are authorized.

(2) Not applicable.

(3) and (4) * * *

§ 178.65(c) Manufacture.

(1) * * *

(2) * * *

(i) thru (v) Not applicable.

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§ 178.65(d) Wall thickness.

(1) * * *

(2) Not applicable.

§ 178.65(f) Pressure test.

(1) * * *

(2) * * *

(ii) and (iv) Not applicable

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§ 178.65(i) Markings.

(1) * * *

(2) * * *

(i) DOT-E 9926

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b. <u>OPERATIONAL CONTROLS</u>:

(1) Containers must be packed in strong outside packaging in accordance with § 173.301(k).

(2) A copy of the inspector's report required by § 178.35(g) for the first lot of cylinders must be submitted to the OHMEA prior to first shipment.

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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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger aircraft.

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. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.

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, Parts 171-180.

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- 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 at Washington, D.C.:

AUG 31 2000

Robert A. McGuire
for 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 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln