

June 8, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12149
(FOURTH REVISION)

EXPIRATION DATE: May 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE. CP Industries, Inc.
McKeesport, PA
2. PURPOSE AND LIMITATIONS:
 - a. This special permit 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 special permit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit 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 special permit number on a shipping paper is not required.

5. BASIS: This special permit is based on the application of CP Industries Inc. (CPI), dated May 18, 2006, 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 special permit.
- 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 Special Permits and Approvals (OHMSPA). 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).

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, 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 special permit and the HMR.

c. Each packaging manufactured under the authority of this special permit must be marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

d. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.

e. Each facility approved by OHMSPA to test cylinders under the terms of this special permit 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-SP 12149" as specified in §§ 172.302(b) and (c). The requirement specified in § 172.203(a) for marking the special permit 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).

- i. Packagings permanently marked 'DOT-E 12149', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 12149'.
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 special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, Parts 171-180.
 - o Persons operating under the terms of this special permit 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term

'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MMT/sln