



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JUN 28 2004

DOT-E 11323
(FIFTH REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 § 107.109)

1. GRANTEE: Renaissance Industries, Inc., Sharpsville
Operations
Sharpsville, PA
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking, sale and use of non-DOT specification cylinders for the transportation in commerce of hazardous materials authorized in DOT Specification 39 cylinders. This exemption provides no relief from the Hazardous Material 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 §§ 173.302a(a)(1), 173.304a(a)(1) and 175.3 in that a non-DOT specification cylinder is not authorized, except as specified herein.
5. BASIS: This exemption is based on Renaissance Industries' application dated May 17, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous materials description/proper shipping name	Hazard Class/Division	Identification Number	Packing Group
Hazardous materials authorized for transportation in DOT specification 39 cylinders.	2.1 or 2.2	As appropriate	N/A

7. SAFETY CONTROL MEASURES: PACKAGING - Packaging prescribed is a non-DOT specification non-refillable steel cylinder as described in McDowell Manufacturing's application, dated March 11, 1997 and Renaissance Industries application dated January 8, 2001 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and in accordance with the DOT Specification 39 cylinder (§§ 178.35 and 178.65) except as follows:

178.65(a) *Type, size, service pressure.* Each cylinder must be of welded construction. The marked service pressure may not exceed 80 percent of the test pressure and may not exceed 2200 psig.

(1) Size limitation: Maximum water capacity may not exceed 10 pounds (277 cubic inches).

(2) and (3) * * *

178.65(b) *Material; steel.*

(1) Steel:

(i) AISI 1010 or 1020 aluminum killed steel with the following composition * * *.

(ii) Not applicable

(iii) * * *

(iv) Longitudinal welded cylinders made from drawn over mandrel (D.O.M.) tubing per ASTM A513-5 are authorized.

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(2) Not applicable

(3) and (4) * * *

178.65(c) *Manufacture.*

(1) (i), (ii) and (iii) * * *

(2) (i) through (v) Not applicable

(2) (vi) and (vii) * * *

(3) and (4) * * *

(Added): (5) Drawn over mandrel tubing:

(i) Each longitudinally, electrically resistance welded (ERW) seam must be 100% inspected by ultrasonic and eddy current testing.

(ii) After cold drawing, each tube must be qualified by non-destructive testing in accordance with ASTM-A-513 Supplementary Requirement S8.

178.65(i) *Markings.*

Applies, except that each cylinder must be marked "DOT-E 11323" instead of "DOT-39".

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.

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- 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. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.
- f. 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.
- g. Cylinders must be transported in strong outside packaging in accordance with § 173.301(k).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft (See restrictions in paragraph 10(b)).
10. MODAL REQUIREMENTS:
- a. A current copy of this exemption must be carried aboard each cargo vessel, or aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
- b. Transportation of Division 2.1 materials are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).
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 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 Persons operating under the terms of this exemption 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.

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 in Washington, D.C.



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: MT/sln