U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 2 4 2003

DOT-E 11770
(FOURTH REVISION)

EXPIRATION DATE: May 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Gas Cylinder Technologies Inc.
Ontario, Canada
(U.S. Agent: John Simes, Heathrow, FL)

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 3E cylinder, except as specified herein, for the transportation in commerce of those materials authorized in DOT Specification 3E cylinders. This exemption provides no relief from any Hazardous Materials Regulation (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 and 173.304a in that non-specification cylinders are not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Gas Cylinder Technologies dated June 2, 2003, 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**
All liquefied and non-liquefied gases authorized for 3E cylinders	2.1, 2.2 & 2.3	Various	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are non-DOT specification cylinders manufactured in accordance with the DOT 3E Specification in § 178.42 except as follows:

§ 178.42(a) *Type, size, and service pressure.*

The nominal outside diameter may not be greater than 63.5 mm (2.5 inches) and the length may not be greater than 30.5 mm (12 inches).

§ 178.42(f) *Hydrostatic test.* Cylinders must be tested as follows:

(1), (2), and (3) * * *

Add: (4) One cylinder out of each lot of 500 or less must be subject to flattening test without cracking to six times wall thickness between knife edges, wedge shaped 60 degree angle, rounded to a 1½ inch radius.

§ 178.42(i) *Marking.*

Each cylinder must be marked as required by § 178.35(f) except the cylinder must be marked "DOT-E 11770" in lieu of "DOT 3E" followed by the service pressure.

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 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 and rail freight.

10. MODAL REQUIREMENTS: No additional requirements other than those required in the HMR.

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.
- 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 in Washington, D.C.

Ann Mazzullo

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 2 4 2003
(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: CWFreeman/sln