U.S. Department of Transportation
Research and Special Programs Administration

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

DEC 3 - 1992

DOT-E 10527

1. Ekohwerks Company, Eastlake, Ohio is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell the packaging described in paragraph 7 below for use in the transportation in commerce of the hazardous materials described in paragraph 3 below, subject to the limitations and special requirements specified herein. This exemption authorizes the manufacture, mark and sale of a non-DOT specification cylinder which complies in part with the DOT Specification 3A cylinder and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Ekohwerks Company's application dated November 1, 1990 and additional information dated January 8, and February 28, 1992, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Hazardous materials specifically authorized to be shipped in DOT Specification 3A cylinders. (NOTE: Effective October 1, 1993, the appropriate numeric hazard class or division description must be used in place of the written hazard class description.)

4. PROPER SHIPPING NAME (49 CFR 172.101). The specific chemical name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 107 Appendix B, paragraph 1; 178.36-11.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, passenger-carrying aircraft, and cargo-aircraft only.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a stainless steel non-DOT specification cylinder having a maximum marked service pressure of 5000 psi and maximum capacity of 5 gallons. The cylinder is constructed from seamless austenitic 304L or 316L annealed stainless steel tubing meeting the requirements of ASTM A 213 and meeting the appropriate test requirements in ASTM A 262. The cylinder is manufactured using the hot spinning process followed by water quenching. The cylinder must conform with Ekohwerks Company's design data submitted with the application and on file with the Office of Hazardous Materials Exemptions and Approvals. The cylinder must also comply in all respects to the DOT Specification 3A (49 CFR 178.36) except as follows:

178.36-11 Heat Treatment

(a) The completed cylinders as described by this exemption are not required to be heat treated.

8. SPECIAL PROVISIONS.

a. The manufacturer is authorized to mark the cylinders described in this exemption as specified in 49 CFR 178.36-20. Each cylinder does not have to be marked with the exemption number as required by 49 CFR Part 107, Appendix B, paragraph 1.

b. The manufacturer is required to maintain a current record of all cylinders manufactured without heat treatment under the terms of this exemption. The records must be maintained at all manufacturing facilities at which cylinders are produced under this exemption and be made available to a DOT representative upon request.

c. Offers for transportation of hazardous materials specified in this exemption, may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

d. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

e. A copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. In accordance with 49 CFR Part 107, Appendix B to Subpart b, Paragraph 3, the shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

9. REPORTING REQUIREMENTS. Any incident involving fire, explosion, packaging failure, or loss of packaging contents must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. October 31, 1994.

Issued at Washington, D.C.:

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(DATE)

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C., 20590. Attention: Exemptions Program.

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