

November 6, 2008



U.S. Department
of Transportation

East Building, PHH - 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14338
(FIRST REVISION)

EXPIRATION DATE: September 30, 2012

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Defense Technology Corporation
Casper, WY
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, marking, sale and use of a non-DOT specification cylinder conforming with all regulations applicable to a DOT specification 39 cylinder except as specified herein, for the transportation in commerce of the materials authorized by this special permit. The cylinder is authorized for limited refills. 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, use as a component of a transport vehicle or other device, 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 § 173.302 in that the use of a non-DOT specification cylinder is not authorized, except as specified herein.

5. BASIS: This special permit is based on the application of Defense Technology Corporation dated October 9, 2008, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Compressed gas, n.o.s.	2.2	UN1956	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification cylinder conforming to Sea-Fire drawing number 125-016 dated 4-95 or to Metalcraft drawing number 125-003B dated 2/98 on file with the Office of Hazardous Materials Special Permits and Approvals. Cylinders are a part of a riot control disperser. Cylinders must be manufactured in conformance with DOT Specification 39 (§ 178.35 and 178.65) and must meet all requirements therein except as follows:

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

(1) * * *

(2) The marked service pressure of the cylinder is 500 psig. The minimum test pressure is 720 psig.

* * *

§ 178.65(i) *Markings.*

(1) * * *

(2)(i) "DOT-SP 14338" must replace the mark "DOT 39".

(2)(ii) In lieu of "NRC", the cylinder must be marked "This cylinder may be refilled no more than 60 times to a pressure not exceeding 200 psig at ambient temperature (See DOT-SP 14338 for restrictions)."

* * *

- (2) (viii) Not required.
- (3) * * *

b. OPERATIONAL CONTROLS -

(1) This special permit authorizes each cylinder to be refilled which consists of no more than 60 pressurizations or charges to a pressure not exceeding 200 psig at ambient temperature. "Topping off" the contents is considered a refill. Refilling is only authorized if:

(i) Each cylinder is identified by a unique serial number that is traceable back to the manufacturer's inspection report;

(ii) Prior to each refill, the cylinder is subjected to an external visual examination in accordance with CGA pamphlet C-6 for steel cylinders or CGA Pamphlet C-6.1 for aluminum cylinders. Cylinders meeting the rejection criteria in § 180.205 or the CGA Pamphlet may not be refilled and must be condemned in accordance with § 180.205(i);

(iii) Each person performing a visual inspection maintains a record for each inspection of each cylinder in accordance with § 180.215. The records must be maintained for the duration of that cylinder's service life;

(iv) Each person performing the filling of a cylinder possesses all previous visual inspection and refill records for that cylinder. The records for each refill must identify the unique serial number for each cylinder, the date of fill, the fill pressure, and name of the filler. The records must be maintained by the filler and owner for the service life duration of that cylinder; and

(v) The records specified above are maintained by the cylinder owner and the persons performing the filling and visual inspection of each cylinder. The records must be made available to a DOT representative upon request.

(2) Defense Technology or the distributor of the cylinder must provide the information specified in paragraph 7.b.(1) above to all customers who purchase the riot control disperser. Cylinders may not be sold to the public.

(3) Maximum filling density is 60 percent.

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 grantee of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modification or change is made to the package and it is offered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. A current copy of this special permit must be maintained at each facility where the package is filled or refilled.

e. Each packaging manufactured under the authority of this special permit 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 Special Permits and Approvals for a specific manufacturing facility.

f. 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.

g. Cylinders authorized by this special permit are part of riot control disperser which is limited to only military, law enforcement and corrections purposes and use.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo aircraft only, and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit 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 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, 49 CFR 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 Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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: CWFreeman/sln