



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

OCT 23 2003

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

Ms. Elizabeth Campbell
Carleton Technologies, Inc.
10 Cobham Drive
Orchard Park, New York 14127-4195

Ref. No. 03-0261

Dear Ms. Campbell:

This responds to your October 15, 2003 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether cylinders manufactured for Department of Defense (DOD) programs, that have Certificates of Equivalencies (COE) in accordance with the requirements of § 173.7, can be certified by your resident government inspectors, instead of a third party DOT inspector. In your letter, you state that it has been your understanding that if your company has a COE for a cylinder, the cylinder can be certified by your resident government inspectors, as oppose to using a third party DOT inspector.

Your understanding is correct. In accordance with the requirements of § 173.7(a), hazardous materials offered for transportation by, for, or to the DOD of the U.S. Government, including commercial shipments pursuant to a DOD contract, must be packaged in accordance with the regulations of the HMR or in packagings of equal or greater strength as certified by DOD in accordance with the procedures prescribed by "Performance Oriented Packagings of Hazardous Material, DLAR 4145.41/AR 700-143/AFR 71-5/NAVSUPINST 4030.55/MCO 4030.40." In addition, hazardous materials offered for transportation by DOD under this provision may be reshipped by any shipper to any consignee provided the original packaging has not been damaged or altered in any manner.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



030261

173.7



**Carleton Technologies Inc
ISO 9001**

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Betts
173.7
U.S. Government
Material/Applicability
03-0261

October 15, 2003

Ryan Posten, Exemptions Program Officer
Office of Hazardous Materials Exemptions and Approvals
Research and Special Programs Administration
U.S. Department of Transportation
400th 7th Street, SW
Washington, D.C. 20590-0001

Dear Mr. Posten:

Carleton Technologies Inc. requests clarification on a portion of CFR 49 as it pertains to gas bottles we manufacture.

Paragraph 173.7 of 49 CFR relates to materials offered for transportation by, for, or to the Department of Defense. Most, if not all of our high pressure gas bottles are manufactured for DOD programs. In addition to DOT exemptions, several of them have Certifications of Equivalencies (COE), issued by the branch of the DOD who is the ultimate customer.

It has been our interpretation that if we have a COE for a gas bottle, the product can be certified by our resident government inspectors, and that the oversight of testing and certifying the bottles falls to them instead of a third party DoT inspector. The bottles and the shipping boxes are labeled with the COE number and objective evidence of government inspection is documented on the build paperwork.

We would like written confirmation of our interpretation of this for our records. If you have any questions or need further information for your examination, please contact me at (716) 667-6226 or e-mail at campbellb@carltech.com.

Sincerely,

Elizabeth Campbell
Manufacturing Engineer