U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 2 7 2004

DOT-E 13293

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Penox Technologies, Inc.
Pittston, Pennsylvania

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification cylinders conforming with all regulations applicable to a DOT Specification 4L, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. This exemption provides no relief from the Hazardous Materials 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. The safety analysis 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 173.316(c) in that a non-DOT specification cylinder is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Penox Technologies, Inc. dated August 26, 2003 submitted in accordance with 49 CFR § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Oxygen, refrigerated liquid *(cryogenic liquid)*	2.2	UN1073	NA

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification, insulated, .375 liter capacity cylinder constructed of a fusion welded stainless steel inner vessel and vacuum shell encased in a plastic housing. The cylinder must conform with the documents and drawings on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). The cylinder must conform with documents and drawings on file with the OHMEA and with the DOT 4L Specification (§§ 178.35 & 178.57) except as follows:

§ 178.35(f) Marking.

(1) Cylinders must be marked "DOT-E 13293" in place of "DOT-4L".

§ 178.57(d) *Manufacture.*

* * *

(1) * * *

(2) * * *

(3) The construction must be such that the total heat transfer, from the atmosphere at ambient temperature to the contents of the cylinder, will not exceed 0.018 BTU per hour, per Fahrenheit degree differential in temperature, per pound of water capacity of the cylinder.

b. TESTING - Periodic retesting is not required.

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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. 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.

d. 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

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- 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.
- Registration required by 49 CFR § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR §§ 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. (49 CFR §§ 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 at Washington, D.C.

for 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 ate permitted. Any alteration of this exemption is prohibited.

PO: SSTANISZEWSKI