

February 11, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 9856
(EIGHTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: UPMC Presbyterian Shadyside (Shadyside campus)
Pittsburgh, Pennsylvania
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of either specification or non-specification packaging and authorizes patient use of oxygen systems (Division 2.2) on board a passenger ship or cargo ship. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. This exemption is extended to other users as discussed in paragraph 8c.
 - 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 § 176.63(b), § 173.316, § 173.320, § 176.200 through 210, except as specified herein.
5. BASIS: This exemption is based on the application of Shadyside Hospital dated December 23, 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
Oxygen, refrigerated liquid (cryogenic liquid)	2.2	UN1073	N/A
Oxygen, compressed	2.2	UN1072	N/A

7. SAFETY CONTROL MEASURES: PACKAGING -
Packaging prescribed is -

a. for liquid oxygen:

(1). CRYO/2 Corporation's models GRANDEAIR (stationary model), or equivalent (maximum 100 lbs capacity), and TRAVELAIR (portable model), or equivalent (maximum 3.78 lbs capacity),

(2). PURITAN-BENNETT Corporation's Companion (stationary) models 21, 31 and 41 and Mark IV (stationary) models F50/40, R50/70, R50/90, R20/41, R20/72 and R20/93 or equivalent (maximum 100 lbs capacity), and Companion (portable) models T and 1000 and Mark IV Walker (portable) models W50/2.8 and W20/2.9 or equivalent (maximum 3.00 lbs capacity),

(3). Union Carbide Corporation's Mark III (stationary) models OR-302, OR-303 and OR-304 or equivalent (maximum 90 lbs capacity) and Mark III (portable) models OW-302 and OW-303 or equivalent (maximum 3.0 lbs capacity),

(4). Minnesota Valley Engineering, Incorporated's models identified as the Liberator 30 (stationary unit) with a capacity of 72 pounds and Stroller 10 (portable unit) with a capacity of 3.0 pounds, or

(5). Lifecare International's Freedom 02 (portable oxygen concentrator) Model AC-300.

- b. for compressed oxygen:
 - (1) DOT Specification 3AL cylinder.
- c. Other stationary and portable models specifically identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to first shipment.

All models must be approved by the U.S. Food and Drug Administration (FDA), Bureau of Medical Devices.

8. SPECIAL PROVISIONS.

- a. A current copy of this exemption must be provided to the vessel's Master, Chief Mate or Chief Engineer prior to loading any units onto the vessel.
- b. Ships' crews must be instructed as to the necessary safeguards and proper procedures in the event of fire or accident involving liquified oxygen or compressed gas.
- c. Passengers, including those not represented by the specified exemption holder, may carry the units described in paragraph 7 of this exemption aboard passenger and cargo vessels. These units can be used by passengers in need of oxygen, provided each passenger using the equipment has a copy of DOT-E 9856, on board the vessel, and is familiar with its conditions. For passengers utilizing liquefied oxygen, see paragraphs 8.h.(5) and 8.h.(6) below for access to stationary units and filling requirements.
- d. The stationary units may not exceed a total capacity of 1000 lbs when placed on board a vessel under this exemption.
- e. All units used under this exemption must have no outstanding recall notices.
- f. All units used under this exemption with electrical components must be Underwriters Laboratories (UL) or Factory Mutual (FM) listed.
- g. All units used under this exemption must be used in accordance with the manufacturer's instructions. As a minimum the following conditions will apply:

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- (1) Prevent the accumulation of oxygen in cabins by turning off the oxygen supply valve when the equipment is not being used.
 - (2) Keep units in well ventilated areas.
 - (3) Do not carry the units under a coat or any form of clothing.
 - (4) Matches, cigarette lighters, burning tobacco and candles must be eliminated from the cabin where the oxygen unit is being used and stored.
 - (5) Radios, televisions sets, fans, electrical razors and all other electrical appliances must be kept at least six feet from the oxygen units.
 - (6) All electrical equipment must be properly grounded.
 - (7) Do not place units near heat sources.
 - (8) Keep all flammable materials away from the oxygen units.
 - (9) Keep all units out of the reach of children.
 - (10) No unauthorized individuals should be allowed to tamper with the units.
 - (11) Keep oils, greases, vaseline, lotions, facial creams and hair dressings away from the units. Aerosol sprays are also prohibited from use in the vicinity of the units.
- h. For the stationary units:
- (1) Stowage must be in accordance with § 176.63(b) and § 176.83(b).
 - (2) If the stowage area is not on weather decks, the space must have an intrinsically safe or explosion proof electrical installation.
 - (3) If the stowage area is not on the weather decks, the space must be ventilated to prevent oxygen enrichment of the space.

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- (4) Stowage locations must be approved by the vessel's Master, Chief Mate or Chief Engineer.
 - (5) Access to the units must be approved by the vessel's Master, Chief Mate or Chief Engineer.
 - (6) Only trained attending medical staff must fill the portable units.
 - (7) Units must be configured and stowed to withstand the conditions of transportation by sea.
 - (8) All locations where units are stored must be designated as no smoking areas and suitably posted as such.
- i. For the portable units:
- (1) Portable units may be used in any public area, and used or stored in any cabin in accordance with the conditions of this exemption.
 - (2) Cabins where units are used must be designated as no smoking areas and suitably posted as such.
 - (3) Users of the units must be trained in its proper use.
 - (4) Units must be stowed and handled to withstand the conditions of transportation by sea.
- j. Any unit that is damaged or develops a leak must be immediately placed "on-deck" and the Master notified. The unit must remain "on-deck" until repaired or is emptied of all oxygen.
- k. The conditions of this exemption do not relieve the users from any requirements issued by:
- (1) The master of the vessel.
 - (2) The Competent Authority of the Government having registered the vessel.
 - (3) Any Nation whose waters or ports the vessel sails into or calls upon.

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l. The local Coast Guard Captain of the Port must be notified and provided a copy of this exemption by the users at least 72 hours prior to the vessel's departure from the port where the units are first loaded.

m. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, Passenger vessel, cargo vessel.

10. MODAL REQUIREMENTS:
A current copy of this exemption must be carried aboard each motor vehicle, passenger vessel, cargo vessel used to transport packages covered by 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. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR 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.

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(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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

A handwritten signature in blue ink, appearing to read "Robert A. McGuire".

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: sln