U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 1 2004

DOT-E 11262
(SEVENTH REVISION)

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: CAIRE Inc.
Burnsville, MN

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT Specification cylinder conforming with all regulations applicable to a DOT Specification 4L cylinder, 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 analyses did not consider the hazards and risks associated with consumer use, use as a component of another 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)(2) in that non-DOT specification packaging is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of CAIRE Inc. dated August 17, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Oxygen, Refrigerated liquid	2.2	UN1073	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a vacuum-insulated, non-DOT specification cylinder conforming to Caire Inc.'s models Stroller GEN III-1.2 L, Sprint GEN III-0.6 L and Spirit 300. The liquid oxygen supply systems must conform with drawings and reports on file with the Office of Hazardous Materials Exemptions and Approvals, (OHMEA) and with the requirements for DOT-4L Specification (§ 178.57) except as follows:

(1) § 178.57(d)(3): Applies except the sixth sentence is deleted and the fifth sentence is replaced by the following:

(i) For the Stroller and Sprint models: "The construction of the container and vacuum insulation must be such that the total heat transfer from the atmosphere at ambient temperature to the cylinder lading will not exceed 0.010 BTU per hour, per Fahrenheit degree differential in temperature, per pound of water capacity of the cylinder".

(ii) For the Spirit model: "The construction of the container and vacuum insulation must be such that the total heat transfer from the atmosphere at ambient temperature to the cylinder lading will not exceed 0.0158 BTU per hour, per Fahrenheit degree differential in temperature, per pound of water capacity of the cylinder".

(2) The pressure relief device shall be in direct contact with the vapor phase at all times.

(3) § 178.57(p): Marking applies except each cylinder must be marked with "DOT-E 11262" instead of "DOT 4L".

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

d. Each packaging manufactured under the authority of this exemption must be marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. 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: No modal-specific requirements are required 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:

- 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 § 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 this 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. (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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

SEP 1 2004
(DATE)

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: SS/ALB