



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

"BY FACSIMILE"

January 13, 1999

Mr. Don Harkins  
Managing Director  
OZ Technology, Inc.  
N. 10900 Howell Road  
Rathdrum, Idaho 83658

Termination of Exemption DOT-E 12053  
OZ Technology, Inc.

Dear Mr. Harkins:

I hereby terminate DOT-E 12053 issued to OZ Technology, Inc (OZ), in accordance with 49 C.F.R. 107.121(b). On December 2, 1998, I issued a letter informing OZ that the Research and Special Programs Administration (RSPA) proposed to terminate the exemption and provided OZ an opportunity to show cause within 30 days why the exemption should not be terminated. Based on a return receipt, OZ received this letter on December 10, 1998. RSPA has received no response from OZ regarding the proposed termination. RSPA is terminating DOT-E 12053 for the following reasons:

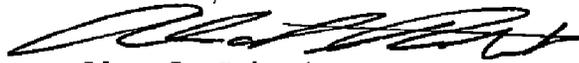
(1) OZ provided RSPA with inaccurate information in its exemption application concerning the pressure of its product HC-12a at 130 degrees F. RSPA would not have granted the exemption if OZ had provided the accurate pressure information. On October 19, 1998, OZ reported to RSPA that the pressure inside the DOT specification 2Q containers at 130 degrees F. is 141 psig. RSPA had granted the exemption based on OZ' representation that the pressure of its product at 130 degrees F. was 132 psig.

(2) OZ knowingly violated the terms of DOT-E 12053. DOT-E 12053 specified that the maximum pressure of the lading in the container at 130 degrees F. must not exceed 132 psig. Although required by the exemption to report temperature and pressure data to RSPA, OZ failed to include this information in the "Water Bath Report" that it submitted to RSPA. After RSPA notified OZ that this information must be provided, OZ submitted a second water bath report on October 19, 1998.

In this second report, OZ's own data for 20 days from June 6, 1998 through July 28, 1998, including July 6, 1998, showed that the pressure of its product was 141 psig at 130 degrees F. On July 6, 1998, OZ offered cases of HC-12a for transportation in commerce. OZ knew that it offered cans of HC-12a with pressures higher than authorized by the exemption for transportation in commerce and therefore knowingly violated the terms of the exemption.

Each of these reasons constitutes a sufficient basis to terminate DOT-E 12053, and the exemption is therefore terminated effective January 13, 1999.

Sincerely,



Alan I. Roberts  
Associate Administrator for  
Hazardous Materials Safety

CERTIFIED MAIL - RETURN RECEIPT REQUESTED