



U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

**JUL 27 2004**

DOT-E 10279  
(FOURTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Flexcon Industries, Inc.  
Randolph, MA
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches for the transportation of the materials listed in paragraph 6. This exemption provides no relief from any Hazardous Materials Regulation (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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR, Subparts D and E of Part 172, except § 172.304 and a portion of § 173.306(g)(1), except as specified herein.
5. BASIS: This exemption is based on the application of Flexcon Industries dated April 30, 2004, submitted in accordance with § 107.109 and additional information dated June 24, 2004.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Air, compressed	2.2	UN1002	N/A
Nitrogen, compressed	2.2	UN1066	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a water pump system tank conforming with Flexcon's drawing submitted as Exhibit B with their application and § 173.306(g)(1) except that the maximum outside diameter may not exceed 26 inches. The wall thickness must be at least 0.075 inch. Drawings for water system tanks manufactured under this exemption must be on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to initial shipment.

b. OPERATIONAL CONTROLS - Packages are exempt from marking and labeling requirements except that the name of contents must be marked on the outside packaging in accordance with the marking requirements of § 172.304.

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 modifications or changes are made to the package 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.

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d. 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.

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, rail freight, and cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. Motor carriers operating under the terms of this exemption must have a "Satisfactory" or "Conditional" safety rating as prescribed in 49 CFR Part 385.

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, Parts 171-180.
- o 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.
- o 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.

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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.

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(DATE)

*Robert A. McGuire*  
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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: KWong/sln