



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 29 2004

DOT-E 11274
(FIFTH REVISION)

EXPIRATION: DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: The U.S Department of Defense.
Fort Eustis, Virginia

2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of fire extinguishers in privately owned and military owned vehicles on cargo vessels, as not subject to the requirements for documentation, marking, and that each fire extinguisher must be shipped as an inner packaging. 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.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts C and D of Part 172 and § 173.309(a)(2) in that up to two fire extinguishers per vehicle may be transported, as safety equipment, without the required outside packaging.

5. BASIS: This exemption is based on the U.S. Department of Defense's application dated March 2, 2004, submitted in accordance with § 107.109 and additional information dated March 8, 2004.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description/proper shipping name	Hazard Class/Division	Identification number	Packing Group
Fire extinguishers containing compressed or liquefied gas	2.2	UN1044	N/A

7. SAFETY CONTROL MEASURES:

- a. The packaging is as specified in § 173.309, except that § 173.309(a)(2) does not apply.
- b. A fire extinguisher may not contain more than 10 pounds of compressed gas and fire extinguishing agent.
- c. No more than two fire extinguishers may be contained in each vehicle under the terms of this exemption. Each fire extinguisher must be contained within the vehicle and adequately secured from movement.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this exemption who 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 reoffered for transportation in conformance with this exemption and the HMR.
- b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
this exemption.
- c. The shipping paper requirements of Subpart C of Part 172 and the marking requirements of Subpart D of Part 172 do not apply to a fire extinguisher shipped in accordance with the provisions of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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:

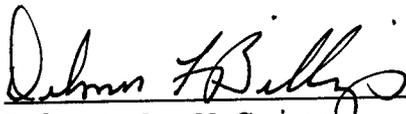
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required 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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENT: 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 inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

APR 29 2004
(DATE)

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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.

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