

July 2, 2007



U.S. Department
of Transportation

East Building, PHH - 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 10131
(SEVENTH REVISION)

EXPIRATION DATE: May 31, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: FOMO Products Inc.
Norton, Ohio
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the manufacture, marking, sale and use of a non-DOT specification container, with a wall thickness less than permitted and an alternative testing protocol, to be used for the transportation in commerce of certain Division 2.1 or 2.2 materials. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit 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 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 §§ 173.305(c) and 173.306(a)(3) in that the use of a non-DOT specification package and an alternative testing protocol are not authorized, except as provided herein.
5. BASIS: This special permit is based on the application of FOMO Products Inc. dated June 29, 2007 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Compressed gas consisting of a solution of a nonhazardous material mixture (polyurethane foam) and compressed gases classed as Division 2.1/ Compressed gases, flammable, n.o.s.	2.1	UN1954	N/A
Compressed gas consisting of a solution of a nonhazardous material mixture (polyurethane foam) and compressed gases classed as Division 2.2/ Compressed gases, n.o.s.	2.2	UN1956	N/A
Consumer commodity, as appropriate	ORM-D	N/A	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a nonrefillable non-DOT specification inside metal container conforming with POLYPAG AG drawing 4 and the technical specifications on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA), and DOT Specification 2Q (§ 178.33a), except as follows:

§ 178.33a-7 *Wall thickness.*

The minimum wall thickness must be 0.0075 inch.

§ 178.33a-9 *Marking.*

(a) * * *

(1) "DOT-SP 10131" in lieu of "DOT 2Q".

b. TESTING -

(1) The pressure in each completed container as prepared for shipment must be raised until it is equivalent to the equilibrium pressure of the lading at 40°C (105°F). Lading equilibrium pressure may not exceed 8.8 bars (130 psig) at this temperature. Acceptable containers must show no evidence of leakage, distortion, or other defect.

(2) One container out of each 1,000 containers (lot) filled must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 55°C (131°F). Lading equilibrium pressure may not exceed 12.4 bars (180 psig) at this temperature. Liquid content of the lading may not completely fill the container at this temperature. Acceptable containers must show no evidence of leakage, distortion or other defect. If the tested container fails, ten additional containers must be selected at random and subjected to the test. Should any of the ten containers thus tested fail, the entire lot must be rejected.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, 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 special permit and the HMR.

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

- d. Each packaging manufactured under the authority of this special permit 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 Special Permits and Approvals for a specific manufacturing facility.
- e. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.
- f. Each container must be packed in a strong outside packaging as prescribed in § 173.301(a)(9).
- g. Prescribed packages which meet the § 171.8 definition of "Consumer commodity" may be shipped in accordance with § 173.306(h).
- h. Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS".
- h. Packagings permanently marked 'DOT-E 10131', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 10131'.
- i. Shipping papers displaying 'DOT-E 10131' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel used to transport packages covered by this special permit.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous

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materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Bob Richard
Deputy Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln