

March 18, 2008



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14670

EXPIRATION DATE: August 31, 2008

1. GRANTEE: Flexcon Industries
Randolph, MA
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-way transportation in commerce of approximately of 26,000 non-DOT specification cylinders containing compressed air at a pressure not greater than 40 psig by motor vehicle and rail. 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, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.302a in that non-DOT specification cylinders are not authorized, except as provided herein; § 173.306(g)(2) in that pneumatic pressure testing is not performed on every cylinder; and § 172.301(c) in that the marking requirements are waived.

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5. BASIS: This emergency special permit is based on the application of Flexcon Industries dated March 4, 2008, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Air, compressed	2.2	UN1002	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 26,000 non-DOT specification steel gas cylinders known commercially as pre-pressurized diaphragm expansion tanks. The cylinders have water capacities between 2.1 and 8.5 US gallons (8 liters to 32.3 liters) as shown on Flexcon Industries' drawings titled "PW Tanks" dated October 24, 2001 or "Jet-Rite Tanks" dated November, 1, 1995 on file with the Office of Hazardous Materials Special Permits and Approvals. The design burst strength to charge pressure ratio is not less than 8.0.

b. TESTING - A pneumatic audit test must be performed on two tanks per hour at a minimum test pressure of 165 psig, with the results logged on the in-process sheet JRST #6. The test pressure must be permanently marked on the tank.

c. OPERATIONAL CONTROLS -

(1) The maximum pressure in each cylinder may not exceed 40 psig during transportation.

(2) Transportation is authorized from Flexcon Industries in Randolph, MA to Flexcon Industries distributors in truckload or less than truckload and rail freight quantities with no intermediate stops.

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8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

c. The marking requirements of § 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle and Rail Freight.

10. MODAL REQUIREMENTS:

A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

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 this 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 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 Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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: NELSON/Moore