

April 28, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 14351

EXPIRATION DATE: September 30, 2006

1. GRANTEE: U.S. Department of Defense
Fort Eustis, VA
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-time shipment in exclusive use vehicles, of Nitric acid in DOT 42B drums which deviate from the required wall thickness, secondary cap seal and overpack requirements for Packing Group I Hazard Zone B 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 exemption only considered the hazards and risks 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 § 172.301(c) in that the special permit number need not be marked on each package and § 173.227(b) in that the closure is not required to be provided with a secondary cap seal.
5. BASIS: This emergency special permit is based on the application of DOD dated April 27, 2006, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Nitric acid, red fuming	8	UN2032	I, Hazard Zone B

7. SAFETY CONTROL MEASURES:

a. Prescribed packagings are approximately 39 each DOT Specification 42B aluminum drums further overpackged in metal drums certified to the PG II performance level. The DOT42B drums must meet the performance testing requirements of Subpart M of Part 178, for UN1B1 drums at the Packing Group I level for liquids with a specific gravity of at least 1.6, and a hydrostatic test pressure of at least 250 kPa. They must meet all requirements of § 173.227, except that the closure is not required to be provided with a secondary cap seal in accordance with § 173.227(b)(2)(iii).

b. VEHICLE SPECIAL REQUIREMENTS - Shipments must be in enclosed van trailers, in exclusive-use-of-vehicle service. Drums, which must be securely blocked and braced, may not be stacked (double decked) within the transport vehicle. Shipments must be from one origin to one destination only, without any intermediate pickup or delivery.

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 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.

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

d. Removal/disposal must be carried out under the direction of the U.S. Army Corps of Engineers and in accordance with the Transportation Security Plan on file with OHMSPA.

e. Transportation is authorized only from the current location in Manzanola, CO to the disposal facility in Cincinnati, OH.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

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,

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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 -- OHMSPA, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire
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, 400 Seventh Street, SW, 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: LaValle