



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

**OCT 07 2019**

John A. View, III  
Radiation Safety Officer  
Leo Journagan Construction Co., Inc.  
3003 E. Chestnut Expressway, Suite 1200  
Springfield, MO 65802-6322

Dear Mr. View:

This is in reference to your application dated July 10, 2019, and the subsequent letter received on August 9, 2019, signed by Perry J., Schneider, R.G., requesting the renewal of Radioactive Material License #24-32157-01. Upon review of the request, I identified the following areas requiring additional or clarifying information:

1. Item 6, 7, 8 and 9, Part D, of your license authorizes possession and use of a Seaman Nuclear Corporation Model C-200 portable gauging device with a Ra-226 Sealed Source (NSSI Model AN-HPG or GT-GHP) with a maximum activity of 4.5 millicuries.

The reference to NSSI Model AN-HPG is in error. This was confirmed by a search of the associated Sealed Source & Device (SS&D) Registry Sheets #WI-587-D-107-S and #NR-587-D-104-S for the Seaman Nuclear Corporation Model C-200 and the associated SS&D Registry Sheet #TX-303-S-801-S for the NSSI / Gammatron Model AN-HPG. While this search confirmed that the NSSI / Gammatron Model AN-HPG is approved for use with the Model C-200, this source is not a Ra-226:Be source. Instead, the NSSI / Gammatron Model AN-HPG is described as a combination source containing a maximum activity of 10 mCi of Cs-137 and 50 mCi of Am-241:Be.

Therefore, please clarify the associated source models required for your Seaman Nuclear Corporation Model C-200 portable moisture/density gauge. Please submit applicable records confirming the identity of the sources installed in your gauging device. Note that this may include a Source Assay Certificate or other documentation that was provided to you when this device was initially distributed to your company from Seaman Nuclear Corporation. A search of our past inspection records did reveal that Geoffrey Warren, Inspector, had identified an apparent discrepancy with regards to a Seaman Nuclear Corporation Model C-200, S/N L594, which was mislabeled at the time of his inspection on December 14, 2014 as containing a Cs-137 / Am-241:Be Sealed Source instead of a Ra-226:Be Sealed Source. Correspondence from Seaman Nuclear Corporation dated December 20, 2004 regarding this same matter confirmed that this device was initially distributed with a Ra-226:Be Sealed Source.

2. Your license currently authorizes use of licensed material at temporary job sites. Please confirm that you would like to retain the authority to use portable gauging devices at temporary job sites.

3. Condition 10 of your license currently authorizes two facilities for the use and storage of portable gauging devices. Item 3 of your application for renewal only identified a single location. Please clarify if you are no longer using or storing your portable gauging devices at the location identified in Condition 10.A.: 512 E. County Line Road, Ozark, MO 65721.

If applicable, submit documentation to support the removal of the former location of use and storage of radioactive materials from your license. Acceptable documentation may include records of transfer and/or disposal of licensed radioactive material and a radiation area survey report and/or current leak test records demonstrating that there is no evidence of residual radioactive contamination and/or leaking sources. In addition, please confirm that there have not been any past incidents at this location involving loss of licensed radioactive material or suspected leaking or ruptured sealed sources.

4. The submitted facility diagram does not identify all areas adjacent to your radioactive materials storage area. Please resubmit the facility diagram identifying all areas adjacent to your radioactive storage area. In particular, please identify the area to the north of your radioactive materials storage area. Is this a shared wall separating your facility from an adjacent tenant or is this an exterior wall? Clarify if your individual members of the public dose compliance study accounts for the doses to individuals who may access this area.
5. Several of your gauging devices appear to be those that may have an older vintage sealed source, which may include some that are no longer covered by a valid special form certificate. Lacking a valid special form certificate, these older vintage sources may not be eligible for shipment in a Type A Package. This is a concern for devices in your possession that may have an Am-241:Be sealed source with an activity of approximately 27 millicuries or greater.

You may review the listing of the sources code and serial numbers on Troxler Electronic Laboratories' webpage: <http://www.troxlerlabs.com/Safety/Special-Gauge-Shipping>. Those sources identified on this listing as requiring a Special Permit are only authorized for one-time transportation for source disposal purposes only. Attached for your reference is a copy of the U.S. DOT's Special Permit Authorization, DOT-SP 14287, and background information provided by Troxler Electronic Laboratories. As this item is only advisory, no specific response is needed to address this item.

6. With your application for license renewal, you included copies of recent HAZMAT Training Certificates. Upon review, I noted that the certificates did not identify that all required subjects were addressed in the Initial HAZMAT Training and HAZMAT Refresher Training as required by Title 49 Code of Federal Regulations. Note that the required subjects include:

- General awareness/familiarization training;
- Function-specific training;
- Safety training;
- Security awareness training; and
- Driver training (for each hazmat employee who will operate a motor vehicle).

You may consider requesting a copy of the provider's training outline to document that all required subject areas were addressed in the training provided. As this item is only advisory, no specific response is needed to address this item.

7. U.S. NRC Information Notice 96-52, "Cracked Insertion Rods on Troxler Model 3400 Series Portable Moisture Density Gauges," and SS&D Registry Sheet #NC-646-D-130-S for the Troxler Model 3400 Series Portable Surface Moisture and Density Gauges and SS&D Registry Sheet #NC-646-D-830-S for the Troxler Model 3401, 3401-B, 3411 and 3411-B Portable Surface Moisture and Density Gauges identify that the gauging devices should be returned every five years for a thorough manufacturer's inspection of the gauge, to include an extensive inspection of the extendable source rod and its pertinent welds.

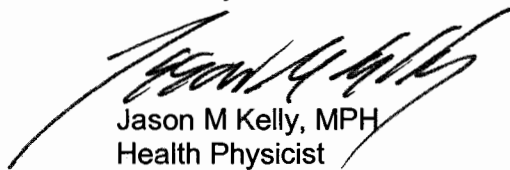
Inspection of the source rod is important to ensure the detection of cracks, which might be expected to propagate over time and would then result in the complete failure and loss of control of radioactive material. This would result in a threat to public health, safety and security. As this item is only advisory, no specific response or action is needed to address this item.

For your reference, the program specific guidance for your license is NUREG-1556, Volume 1, Rev. 2 dated June 2016. This guidance is available on the NRC Web site at: <https://www.nrc.gov/docs/ML1617/ML16175A375.pdf>.

To continue the review of your amendment request, please submit a written response to this letter by November 7, 2019. Your response must be dated and signed by a licensee's representative and please reference Mail Control Number 613324 in the response. To expedite the licensing process, you may fax your response to (630) 515-1078. If you have any questions or require clarification on any of the information stated above, please do not hesitate to contact me at (630) 829-9737 or [Jason.Kelly@nrc.gov](mailto:Jason.Kelly@nrc.gov).

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the U.S. Nuclear Regulatory Commission's (NRC) "Rules of Practice," a copy of this letter and enclosures will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,



Jason M Kelly, MPH  
Health Physicist  
Materials Licensing Branch

License No. 24-32157-01  
Docket No. 030-34953

Enclosure(s): As Stated



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

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

## SPECIAL PERMIT AUTHORIZATION

DOT-SP 14287

**EXPIRATION DATE: 2019-11-30**

GRANTEE: TROXLER ELECTRONIC LABORATORIES, INC.  
DURHAM, NC

In response to your December 22, 2015 application for renewal of DOT-SP 14287, the grantee status to DOT-SP 14287 for TROXLER ELECTRONIC LABORATORIES, INC. is hereby renewed in accordance with 49 CFR 107.109.

Copies of this special permit may be obtained by accessing the Office of Hazardous Materials Safety Homepage at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/special-permits/search>. The most recent revision of the special permit supersedes all previous revisions of the special permit. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

If you have questions regarding this action please call the Office of Hazardous Materials Approvals and Permits Division at (202)366-4535.

Issued in Washington D.C. on **February 09, 2016.**

for Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety

Tracking Number: 2015125091

**Troxler Electronic Laboratories, Inc.**

3008 Cornwallis Rd. • PO Box 12057 • Research Triangle Park, NC 27709

Phone: +1.919.549.8661 • Fax: +1.919.485.2250 • www.troxlerlabs.com

**Special Permit Authorization DOT-SP 14287**Background

Certain gauges containing Am-241 or Am-241/Cs-137 sources manufactured by QSA Global (formerly AEA Technology QSA, Inc) and manufactured before certain dates no longer are covered by special form certificates.

Sources which are not certified as special form are considered to be normal form. A Type A package is not allowed to contain more than 27 mCi quantity of Am-241 in normal form. Therefore, gauges having the sources listed above could not be transported in Type A packages in accordance with U.S. DOT hazardous material regulations. This effectively prevented the gauge owners from either using the gauges or shipping the gauges for disposal.

To resolve this problem, Troxler petitioned U.S. DOT for special permission to ship the gauges. U.S. DOT granted Troxler's request by issuing special permit DOT-SP 14287 on April 25, 2006 which authorizes one-time transportation of the gauges for source disposal purposes only. The special permit currently expires on **December 31, 2011**.

Special Permit Conditions and Requirements

1. The use of the special permit is limited to Troxler gauge models 257, 1255, 1257, 1403, 2226, 2376, 2401, 2402, 2451, 2452, 3241, 3401, 3411, 3430, 3440, and 3450 which contain sources listed in the following table.

Troxler Source Code	Affected Source Serial Nos.	Nuclide	Activity, mCi	Sources Manufactured Before	Used on Gauge Models
20	All S/N	Am-241:Be	100	N/A	1255, 1257
23	All S/N	Am-241:Be	100	N/A	1255, 1257
33	All S/N	Cs/AmBe	10/50	4/1/81	257, 1403
34	All S/N	Cs/AmBe	10/50	4/1/81	1403, 2376, 2401
47	< 740	Am-241:Be	40	5/17/77	3401, 3411
48	All S/N	Am-241:Be	40	5/17/77	3401, 3411
55	<8132; 17978 to 18080	Am-241:Be	100	2/23/88	1255, 1257, 3241
60	All S/N	Am-241:Be	300	2/23/88	2226, 3241
63	All S/N	Cs/AmBe	10/50	4/1/81	1403, 2401, 2402, 2451
64	All S/N	Cs/AmBe	8/50	4/1/81	2401, 2402, 2452
65	All	Cs/AmBe	10/50	4/1/81	2401
70	All	Cs/AmBe	8/125	4/1/81	2401

2. The special permit only applies to shipments made within the U.S. It does not authorize affected gauges or sources to be shipped to the U.S. from other countries.
3. The special permit authorizes one-time shipment of Troxler gauges for source disposal only.
4. The sources must have no known or suspected defects.
5. The sealed source capsule must have a current satisfactory leak test in accordance with U.S. NRC or Agreement State license conditions.
6. Type A packages must be used and each Type A package may contain only one Troxler gauge.
7. Each package must be conspicuously marked "DOT-SP 14287" in figures at least 1" (2.5 cm) high.
8. The proper shipping name and UN ID that must be used on the shipping papers when shipping the affected sources is: "Radioactive material, Type A package, special form" and "UN 3332."

*Note: Gauges containing Am-241 sources may also contain Cs-137 sources in special or normal form. If the accompanying Cs-137 source is special form, then the same proper shipping name and UN ID would apply to it. If the Cs-137 source is normal form (not certified as special form), then the proper shipping name and UN ID for the Cs-137 source would be "Radioactive Material, Type A package" and "UN 2915."*

9. The shipping papers must bear the notation "DOT-SP 14287" located so that the notation is clearly associated with the description of the material.
10. A current copy of the Special Permit must be maintained at each facility where the package is offered for transportation.
11. Persons offering gauges for shipment under this special permit must be on file (organization, address, telephone number, and e-mail address optional) with the PHMSA Office of Special Permits and Approvals. The filings may be provided by either the consignor or consignee.
12. Transportation by motor vehicle, cargo aircraft, or cargo vessel only are authorized under the permit.
13. A current copy of the special permit must be carried aboard each motor vehicle or cargo aircraft used to transport packages under this special permit.
14. Each "hazmat employee", as defined in §171.8, who performs a function subject to this special permit to receive training on the requirements and conditions of the special permit in addition to the regular hazmat training required by 172.700 through 172.704.

### **Customer Instructions for Use of Special Permit DOT-SP 14287**

1. Ensure a current satisfactory leak test has been performed on the gauge.
2. Train all personnel who will be involved with the shipment (packaging, marking, labeling, preparing shipping papers, or transporting) on the conditions and requirements of the special permit. The individuals must be tested (Attachment 3) and the training documented (Attachment 2).
3. Complete the transfer request form (Attachment 1) and submit to the attention of the Troxler Radiation Safety Department to obtain a Returned Goods Authorization (RGA number). The Troxler fax number is 919-485-2250. Troxler will issue an RGA number to you and register your organization with PHMSA Office of Special Permits and Approvals as authorized to use the special permit.
4. Upon receipt of the RGA number from Troxler you are authorized to ship the gauge one-time for disposal, subject to preparation of the package and shipping papers in accordance with all applicable U.S. DOT hazardous material regulations.
5. Ensure that the package is certified as meeting U.S. DOT Type A package requirements and that the package contains no more than one Troxler gauge.
6. Mark the package with the special permit number "DOT-SP 14287" in letters at least 1" high.
7. Mark the Troxler RGA number on the outside of the package.
8. Prepare shipping papers for the package, making sure that the special permit notation "DOT-SP 14287" appears on the shipping papers in close association with the material description to which the special permit applies. This notation must appear on the Shipper's Declaration for Dangerous Goods if shipping by air.
9. Provide a copy of the special permit to the carrier (i.e., motor vehicle driver) along with the shipping papers.
10. Maintain a copy of the special permit, shipping papers, leak test record, and training records on file at your facility.
11. If you have any questions about these requirements, please contact the Troxler Radiation Safety Department.

**Request to Transfer Gauge under Special Permit DOT-SP 14287**

Instructions: Complete this form and return to Troxler to obtain a Returned Goods Authorization (RGA) number. **Do not ship the gauge until you receive an RGA number from Troxler.**

Organization name: \_\_\_\_\_

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Gauge Model: \_\_\_\_\_ Serial No: \_\_\_\_\_

Source serial numbers: \_\_\_\_\_, \_\_\_\_\_

Date sealed source leak test performed: \_\_\_\_\_

Date special permit training completed: \_\_\_\_\_

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**For Troxler Radiation Safety Use Only**

The above organization has been registered with DOT as authorized to use the Special Permit.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Training Record for Special Permit DOT-SP 14287**

Name of Trainer: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Trainee	Date Trained

I certify that the above individuals have been trained and tested on the conditions and requirements of special permit DOT-SP 14287.

Certified by:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Special Permit DOT-SP 14287 Test**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. The special permit authorizes one-time shipment of gauges for disposal:
  - a. Within the U.S.
  - b. Within the U.S. and Canada
  - c. Within the North American free-trade zone
  - d. World-wide
2. How often is a gauge authorized to be shipped under the special permit?
  - a. One time
  - b. Two times
  - c. As often as necessary
  - d. Does not specify how many times
3. Each package used for shipping a gauge under the special permit must be marked:
  - a. "special permit"
  - b. "DOT-SP 14287"
  - c. "Exempt"
  - d. All of the above
4. The proper shipping name for an Am-241 source shipped under the special permit is:
  - a. Radioactive material, Type A package
  - b. Radioactive material, Type A package, special permit
  - c. Radioactive material, Type A package, special form
  - d. Radioactive material, Type A package, instruments
5. The package used for shipping gauges must:
  - a. Be certified as a Type A
  - b. Contain lead shielding
  - c. Be approved by U.S. DOT
  - d. Contain no more than 2 gauges

6. The special permit authorizes gauges to be shipped by which modes of transportation?
  - a. Rail
  - b. Motor vehicle
  - c. Cargo aircraft
  - d. Cargo vessel
7. The shipping papers for a gauge transported under the special permit must bear the notation:
  - a. "Exempt"
  - b. "Authorized by U.S. DOT"
  - c. "Special Permit"
  - d. "DOT-SP 14287"
8. The following documents must be maintained by the shipper:
  - a. Shipping papers, special permit, Type A package test, training records, & leak test
  - b. Special form certificate and Type A package test
  - c. Leak test and Type A package test
  - d. Special permit and Leak test results
9. The use of the special permit authorizes the shipment of:
  - a. Any Troxler gauge if the source not certified as special form
  - b. Any portable nuclear gauge containing Am-241
  - c. Certain Troxler gauges and sources as specified on the permit
  - d. Troxler "normal form" sources
10. A copy of what document must be carried aboard each motor vehicle or cargo aircraft?
  - a. Leak test results
  - b. Training record
  - c. Special form certificate
  - d. Special permit



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

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

## SPECIAL PERMIT AUTHORIZATION

DOT-SP 14287

**EXPIRATION DATE: January 31, 2016**

GRANTEE: Troxler Electronic Laboratories, Inc.  
Research Triangle Park, NC

In response to your December 19, 2011 application for renewal of DOT-SP 14287, the grantee status to DOT-SP 14287 for Troxler Electronic Laboratories, Inc. is hereby renewed in accordance with 49 CFR § 107.109.

Copies of this special permit may be obtained by accessing the Office of Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm). The most recent revision of the special permit supersedes all previous revisions of the special permit. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

If you have questions regarding this action please call the Office of Hazardous Materials Special Permits and Approvals at (202) 366-4535.

Issued in Washington D.C. on **March 16, 2012.**

for Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

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

**SPECIAL PERMIT AUTHORIZATION**

**DOT-SP 14287**

**EXPIRATION DATE: December 31, 2011**

GRANTEE: Troxler Electronic Laboratories, Inc.  
Research Triangle Park, NC

In response to your January 9, 2008 application for renewal of DOT-SP 14287, the grantee status to DOT-SP 14287 for Troxler Electronic Laboratories, Inc. is hereby renewed in accordance with 49 CFR § 107.109.

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](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.

If you have questions regarding this action please call the Office of Hazardous Materials Special Permits and Approvals at (202) 366-4535.

Issued in Washington D.C. on **January 17, 2008.**

for Theodore L. Willke  
Associate Administrator  
for Hazardous Materials Safety

December 22, 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 14287  
(THIRD REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the one-time transportation, for source disposal purposes only, of Troxler Electronic Laboratories, Inc. portable nuclear gauge Models 257, 1255, 1257, 1403, 2226, 2376, 2401, 2402, 2451, 2452, 3241, 3401, 3411, 3430, 3440 AND 3450. The gauges have an installed Troxler Electronic/Gamma Industries Model A-100608 or QSA Global, Inc. (formerly AEA Technology QSA, Inc.) sealed capsule Model X.220, X.1188, AX1, X.1, or X.1/2, containing Americium-241 and, in some cases Cesium-137, that are qualified as special form radioactive material under the provisions of this special permit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
  - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.469 and 173.476(a) insofar as this special permit provides certification the sealed capsules listed in section 7.b.1 of this special permit have been demonstrated to meet the requirements for special form radioactive material.

5. BASIS: This special permit is based on the application of Troxler Electronic Laboratories, Inc. dated September 25, 2008, submitted in accordance with § 107.105.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Radioactive material, Type A package, special form, <i>non fissile or fissile-excepted</i>	7	UN3332	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Type A packagings must be used. Each Type A packaging may contain only one Troxler nuclear gauge.

b. OPERATIONAL CONTROLS -

1. The use of this special permit is limited to Troxler Electronic Laboratories, Inc. nuclear gauge Models 257, 1255, 1257, 1403, 2226, 2376, 2401, 2402, 2451, 2452, 3241, 3401, 3411, 3430, 3440 and 3450 with a single installed Troxler Electronic/Gamma Industries Model A-100608 or QSA Global, Inc. (formerly AEA Technology QSA, Inc.) sealed capsule, as provided in the following table. The table provides the permitted capsule model numbers, upper activity limits, and applicable manufacturing dates.

December 22, 2008

Capsule Model No.	Am-241 Activity	Cs-137 Activity	Manufactured Before
A-100608	3.7 GBq (100 mCi)	N/A	N/A
X.220	4.625 GBq (125 mCi)	0.37 GBq (10 mCi)	4/1/81
X.1188	11.1 GBq (300 mCi)	N/A	2/23/88
AX1	2.22 GBq (60 mCi)	N/A	5/17/77
X.1	2.22 GBq (60 mCi)	N/A	5/17/77
X.1/2	2.22 GBq (60 mCi)	N/A	5/17/77

2. Each Troxler Electronic Laboratories, Inc. nuclear gauge may also contain an additional installed sealed capsule containing no more than 0.37 GBq (10 mCi) of Cesium-137 in special or normal form.

3. The sealed source capsule(s) must have no known or suspected defects.

4. The sealed source capsule(s) must have a current satisfactory leak test in accordance with U.S. Nuclear Regulatory Commission or Agreement State license conditions.

5. This special permit authorizes a one-time transportation, for source disposal purposes only.

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 modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.



December 22, 2008

- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
- c. Each package must be conspicuously marked "DOT-SP 14287" with figures at least 1" (2.5 cm) high.
- d. Persons offering hazardous materials under this special permit must be on file (organization, address, telephone number, and email address optional) with the PHMSA Office of Special Permits and Approvals. The filings may be provided by either the consignor or consignee. Filings must be provided to the Office of Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration., U.S. Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590-0001, Attention: PHH-31; or by email to [specialpermits@dot.gov](mailto:specialpermits@dot.gov).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo aircraft, and cargo vessel only.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle, cargo aircraft, or cargo vessel 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.

December 22, 2008

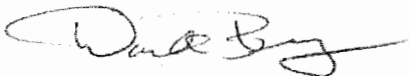
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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 -- 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 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, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

**December 22, 2008**

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](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.

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