

March 10, 2009



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 14819

EXPIRATION DATE: June 30, 2009

1. GRANTEE: FPM Remediations, Inc.
Ronkonkoma, NY
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-time, one-way transportation in commerce of white phosphorus (WP) igniters that do not contain explosive components, in UN drums that exceed the capacity authorized in the regulations. The WP igniters are being transported for disposal. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - 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 § 172.301(c) in that marking the special permit number on each drum is waived; and § 173.188 in that an 85-gallon capacity drum is not authorized, except as specified herein.
5. BASIS: This emergency special permit is based on the application of FPM Remediations, Inc. dated February 26, 2009, submitted in accordance with § 107.117 and a

determination that it is necessary to prevent significant injury to persons or property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Phosphorus, white dry or Phosphorus, white, under water or Phosphorus white, in solution or Phosphorus, yellow dry or Phosphorus, yellow, under water or Phosphorus, yellow, in solution	4.2	UN1381	I

7. SAFETY CONTROL MEASURES:

PACKAGING:

a. The WP igniters are packaged in a UN Specification 1A2, 85-gallon steel over-pack drum and will accommodate no more than the maximum gross weight per drum of 440 kilograms, which is approximately 23 igniters per drum.

b. Each drum containing WP igniters is filled with water to ensure complete submergence regardless of the orientation of the drum. The drums have been tested to ensure they are able to withstand the total pressure of the igniters and water.

c. Approximately 22 drums will contain the 500 WP igniters to the authorized disposal facility.

d. The shipment of the drums will originate at Barksdale AFB, LA and will be transported to the Clean Harbor Permitted Disposal Facility in Colfax, LA, a total distance of 131 miles.

e. The transporter of the drums is a contract carrier, R&R Trucking, which will operate the motor vehicle from Barksdale AFB, LA to Colfax, LA.

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- f. The driver of the motor vehicle must be specifically trained in the hazards associated with the hazardous materials being transported and be knowledgeable in the appropriate emergency response procedures.
- g. The driver of the motor vehicle must have the capability to contact the plant and appropriate emergency response organizations in the event of an accident or an emergency involving the hazardous materials being transported.
8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at the facility where the drums are offered or reoffered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard the 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.

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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.

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