

September 9, 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 14392
(THIRD REVISION)

EXPIRATION DATE: February 28, 2009

1. GRANTEE: Department of Defense
Ft. Eustis, VA
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the stowage of Class 1 (explosive) materials below deck of a cargo vessel with an alternative container stowage configuration. 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 §§ 172.101 Column (10B); 176.83(a)(b)(g), 176.84(c)(2); 176.136; and 176.144(a) in that an alternative container stowage configuration is authorized and 172.203(a) and 172.302(c) in that the marking requirements are waived.
5. BASIS: This special permit is based on the application of Department of Defense dated January 5, 2007, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated August 18, 2008.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Class 1 (explosive materials) (proper shipping name as appropriate)	1.1,1.2, 1.3,1.4, 1.5,1.6	As appropriate	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The provisions of this special permit apply only to Class 1 (explosive) materials when packaged in full conformance with the applicable requirements of the HMR and stowed as containerized cargo.

b. OPERATIONAL CONTROLS - When mixed cargoes are loaded with Class 1 material, the Class 1 material must be loaded in conformance with the provisions of the HMR if possible, notwithstanding the alternatives granted by this special permit.

8. SPECIAL PROVISIONS: The following operating requirements apply to this special permit:

a. The cargo decks subject to the terms of this special permit are specified in enclosure (2) to the DOD application dated August 28, 2008 and entitled *LMSR Profile Explosive Stowage Plan*.

b. Containers of Class 1 (explosive) materials must be prepared in accordance with the applicable segregation requirements of the HMR.

c. Containers of Class 1 (explosive) materials must be stowed as far away as practicable from living, accommodation, and work areas, and may not be overstowed.

d. When containers of Class 1 (explosive) materials are stowed below deck, a minimum of 20 feet must be maintained between incompatible cargo.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo Vessel.

10. MODAL REQUIREMENTS:

a. This special permit applies only to the following named Department of Navy owned vessels built under NASSCO Hulls 310-317 to the T-AKR Large, Medium Speed, Roll-On Roll-Off (LMSR) ship design while they are operated by Military Sealift Command:

<u>Vessel Name</u>	<u>Hull #</u>
USNS Watson	T-AKR-310
USNS Sisler	T-AKR-311
USNS Dahl	T-AKR-312
USNS Red Cloud	T-AKR-313
USNS Carlton	T-AKR-314
USNS Watkins	T-AKR-315
USNS Pomeroy	T-AKR-316
USNS Soderman	T-AKR-317

b. A current copy of this special permit must be carried aboard each 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.

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.

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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, 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