

July 27, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 12800
(THIRD REVISION)

EXPIRATION DATE: May 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U. S. Department of Energy (DOE)
Germantown, MD
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of closed top gondola cars, as Type-2 industrial packages (IP-2), containing LSA-II material from the Fernald Closure Project (FCP) at the DOE Fernald Site in Fernald, Ohio, to the Envirocare of Utah, Inc. disposal facility near Clive, Utah. This special permit provides no relief from the 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.
 - 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 § 172.302(a)(1) and §§ 172.310(a), (b) and (c), as they pertain to package marking requirements; § 173.411(b)(2) as it pertains to performance requirements for IP-2 packages;
5. BASIS: This special permit is based on the application of the U. S. Department of Energy dated May 19, 2006, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Radioactive material, Low Specific Activity (LSA-II), <i>non fissile or fissile-excepted</i>	7	UN3321	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are closed-top gondola rail cars constructed and modified in accordance with drawings, specifications and photographs provided with the DOE application for special permit on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). Under the terms of this special permit, these cars are classified as IP-2 packages.

b. OPERATIONAL CONTROLS -

(1) The closed-top gondola rail cars must be consigned as exclusive use.

(2) Shipments must be made in accordance with the DOE Fernald Area Office Rail Operations Plan 10400-PL-0003, on file with OHMEA.

(3) Each rail car must be plainly and durably marked "DOT-SP 12800" in accordance with § 172.302(c). This marking must be removed or covered during transport in which the special permit is not utilized.

(4) Shipments must be made in compliance with § 173.427, paragraphs (a)(6)(i) through (a)(6)(v).

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(5) Each rail car must be stenciled or otherwise marked on both sides with the words "RADIOACTIVE-LSA", and in the case that the rail car contains a hazardous substance, with the letters "RQ". These markings must be removed or covered during transport in which the contents are not as stated.

(6) The size of the markings in 7.b(3) and (5) must be in accordance with the requirement in § 172.302(b)(1).

(7) Each rail car must be stenciled on both sides with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in accordance with § 174.715(b).

8. SPECIAL PROVISIONS:

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

b. DOE must ensure that each rail carrier involved in the transportation of these packages is provided with a copy of the special permit.

c. Packagings permanently marked 'DOT-E 12800', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 12800'.

d. Shipping papers displaying 'DOT-E 12800' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The rail carrier must maintain a current copy of this special permit on file during transportation.

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

Issued in Washington, D.C.:

A handwritten signature in blue ink, appearing to read "R. Ryan Taylor".

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Pipeline and Hazardous Materials Safety Administration, Department of Transportation, 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: FDF/AM