

January 30, 2006



U.S. Department  
of Transportation

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

**Pipeline and  
Hazardous Materials  
Safety Administration**

DOT-SP 14309

EXPIRATION DATE: May 31, 2006

1. GRANTEE: NYESC Acquisition Corp. dba Health Care Waste Services  
Bronx, NY
2. PURPOSE AND LIMITATION:
  - a. This emergency special permit authorizes the one-time transportation in commerce of regulated medical waste in certain film bags that meet the requirements for the ASTM performance standard tests without having been marked with the manufacturer's certification. This special permit provides no relief from any regulation 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 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 § 173.197(e)(1)(i) in that each bag meets the ASTM performance standard tests but is not marked with the manufacturer's certification and § 172.301(c) in that each bag need not be marked with the special permit number.

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5. BASIS: This emergency special permit is based on the application of NYESC Acquisition Corp. dba Health Care Waste Services dated January 16, 2006, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper shipping name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Regulated medical waste	6.2	2796	II

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Prescribed packagings are approximately 26,000 bags (260 cases of 100 bags each) that are capable of meeting, and certified by its manufacturer as having passed, the ASTM tests prescribed in § 173.197(e)(1)(i). The bags are not marked with the ASTM certification statement.
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. This special permit only authorizes the one-time transportation of the bags until depletion of the 260 cases in inventory.
- c. The marking requirement of § 172.301(c) is waived.
- d. Each shipping paper must be marked with DOT-SP 14309 in accordance with § 172.203(a).
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.

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

Issued in Washington, D.C.:



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Robert A. McGuire  
Associate Administrator  
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](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm)  
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PO: kah