

October 17, 2007



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 14596

EXPIRATION DATE: November 1, 2007

1. GRANTEE: Lynden Transport
Houston, TX
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-time transportation in commerce of approximately 50 damaged DOT specification packages, some with obscured markings and/or labeling, that contain 1.4D explosive materials. 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. 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 §§ 172.300 and 172.400 in that some markings and labeling are no longer legible, 172.301 in that marking the special permit number on each package is waived, and § 173.62 in that the packaging no longer meets the DOT specification requirements.
5. BASIS: This emergency special permit is based on the application of Lynden Transport, dated October 16, 2007 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|-----------------------------------|--|--------------------------|
| Proper Shipping Name | Hazard Class/ Division | Identi- fication Number | Packing Group |
| Charges, shaped, <i>without detonator</i> | 1.4D | UN0440 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Approximately 50 packages that contain charges, shaped, without detonators, UN0440, PGII, that were damaged while in transport. The packages were originally in conformance with Packing Instruction 137, listed in 49 CFR 173.62 for UN0440. In addition to the damaged packaging, some of the marking and labeling have been obscured and are illegible.

b. Marking the special permit number on each damaged package is waived.

c. OPERATIONAL CONTROLS - The one-time movement of the packages will be on a vehicle owned and operated by Lynden Transport and the shipment will originate in Oklahoma City, OK, and end in Irving, TX.

d. The driver of the motor vehicle must be specifically trained in the hazards associated with the hazardous materials being transported and be knowledgeable in appropriate emergency response procedures.

e. The driver of the motor vehicle must have the capability to contact the shipper's 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 packages are offered for transportation.

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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.

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

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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.

PO: AMAZZULLO