

December 2, 2013



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 16042

**EXPIRATION DATE: June 30, 2014**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: New England Primate Research Center  
Cambridge, MA
2. PURPOSE AND LIMITATION:
  - a. This emergency special permit authorizes the one-time one-way transportation in commerce of non-human primates (NHPs) infected with Division 6.2 (infectious substance) materials. 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 § 173.199(a)(1) in that alternative packaging is authorized, as provided herein.
5. BASIS: This emergency special permit is based on the application of New England Primate Research Center dated November 25, 2013, submitted in accordance with § 107.117

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

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Biological substance, Category B	6.2	UN3373	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a USDA transport crate (enclosure) which meets the requirements as defined in the Animal Welfare Act for transporting animals with unknown health statuses into the U.S. from international locations.

(1) Each enclosure shall be large enough to contain the animal and will not allow the animal to put any part of its body outside of the enclosure. Except for a mother and nursing infant, an established male-female pair, a family group, or a compatible juvenile pair, only one animal may be transported in an enclosure.

(2) The openings must be secured with animal-proof devices to prevent accidental opening.

(3) The bottom of each enclosure must be either a solid, spill-proof bottom or a removable, spill-proof tray under a slatted or mesh floor. Each style of floor must prevent seepage of waste products outside of the enclosure. The slatted or mesh floor must be constructed so that the animal cannot put any part of its body through the raised floor.

(4) Each enclosure must be free of sharp points, edges, or protrusions that could injure the animal within, exposing blood.

(5) Each enclosure must be destroyed after the shipment is completed.

b. OPERATIONAL CONTROLS:

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(1) Transport of the caged animals in only authorized from Southborough, MA to Rockville, MD.

(2) Transport vehicle(s) is a carrier (i.e. JKL) that is USDA approved and specializes in animal transport

(3) A minimum of two employees will be in place to conduct transport activities. Upon departure from the shipping facility with the animals on board, the receiving facility shall be notified that the shipment is underway, and an approximate time of arrival. If an emergency arises, the transporter shall contact both the shipping and terminal facility by phone and gather instructions from the responsible person for the shipment.

(4) The transporter must have detailed emergency response procedure in place for any contingencies that arise during transport. The transporter must have a US DOT number and be registered with the USDA as a Class T carrier capable of transporting animals.

(5) Transportation must occur during non-peak hours of transportation.

(6) The cargo bay of the transport vehicle(s) must be access restricted and secured during transportation.

(7) The cargo area of the transport vehicle(s) must be thoroughly cleaned and disinfected at the receiving facility after the animals have been removed from the vehicles.

8. SPECIAL PROVISIONS:

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

b. MARKING: Marking, labeling, and USDA certifications for shipping the animals must be securely attached to the outside of the primary enclosure where they are easily noticed and read.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

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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
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

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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 Dr. Magdy El-Sibaie

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](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: HERZOGK