

August 27, 2020



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 20495
(SECOND REVISION)

EXPIRATION DATE: 2024-07-31

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: TK Services Inc.
Bruce Twp, MI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain safety devices from storage facilities to facilities engaged in recycling or other disposition of the safety devices. 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 § 173.54(a) in that the recalled inflators are unapproved explosives and § 173.54(d) in that the propellant substance is forbidden as it is unstable or deteriorated, § 172.301 in that individual packages do not need to be properly marked, § 172.401 in that the use of an inapplicable label on a package where the

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label is on an overpack that covers the package and the overpack is appropriately labeled, and § 173.166 in that transportation between any storage facilities housing the safety devices and any facilities engaged in recycling or another disposition of the safety devices is authorized.

5. BASIS: This special permit is based on the application of TK Holdings Inc. dated August 6, 2020, 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
Safety devices, pyrotechnic*	1.4G	UN0503	N/A

*Only safety devices that are within the scope of TK Services Inc.'s safety recall campaign are authorized to be transported under the terms of this special permit.

7. SAFETY CONTROL MEASURES:

- a. PACKAGING: The following packaging methods are authorized:

(1) Specification and non-specification steel drums with a wall and lid thickness of not less than 20 gauge. The lid must be securely affixed with a lever-locking or bolted-ring assembly. The lid of the drum must provide ventilation of the drum contents in case of a fire. The drum may be filled with any combination of safety devices to a capacity not greater than fifty (50) percent of the drum's total volume. In addition, inner packagings or cushioning may not be used to fill the void space.

(2) Specification and non-specification reusable steel containers with a wall and lid thickness of not less than 20 gauge. The lid must be securely affixed with steel latches, steel strapping or other comparable methods. The reusable container must provide ventilation of the container contents in case of a

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fire. The reusable container may be filled with any combination of safety devices to a capacity not greater than fifty (50) percent of the container's total volume. In addition, inner packagings or cushioning may not be used to fill the void space.

(3) 4G fiberboard boxes that conform to the original classification. Safety devices must be secured within the package to prevent movement during transportation. The packages must be transported in the following:

(i) Steel intermodal containers. The doors must be securely sealed with lever-locking bars. The container may be filled with any combination of safety devices to a capacity not greater than fifty (50) percent of the container's total volume. The safety devices must be packed to prevent movement within the container during transportation; or

(ii) Enclosed insulated and/or refrigerated trailers comprised of insulated inner walls externally lined with a combination of steel and/or aluminum panels. The doors must be securely sealed with lever-locking bars. The trailer may be filled with any combination of safety devices to a capacity not greater than fifty (50) percent of the trailer's total volume. The safety devices must be packed to prevent movement within the trailer during transportation.

b. OPERATIONAL CONTROLS:

(1) Safety devices transported under the terms of this special permit must have originally been classed for transport under the requirements of 49 CFR §§ 173.56 or 173.166.

(2) Shipments of recalled safety devices under the terms of this special permit are authorized between storage facilities, operated by or contracted to TK Services, Inc., housing the safety devices and facilities engaged in recycling or another disposition of the safety devices.

(3) Packages must be stored away from heat and electrical sources.

c. MARKING AND LABELING:

(1) Each package must be marked and labeled, as appropriate:

(i) With the special permit number in accordance with §§ 172.301(c);

(ii) With the words "Safety Devices, pyrotechnic" in accordance with § 172.304;

(iii) With the words "FORBIDDEN FOR TRANSPORT BY AIRCRAFT AND VESSEL - GROUND TRANSPORTATION ONLY"; and

(iv) In accordance with Subparts D and E of Part 172.

(2) Notwithstanding anything to the contrary in this special permit, packages do not need to bear the markings or labels required by this special permit and may bear markings and labels inconsistent with the requirements of this special permit if packed in an overpack that:

(i) Obscures the inconsistent package markings and/or labels;

(ii) Is marked and labeled in accordance with package marking and labeling requirements under this special permit; and

(iii) Is marked with the words "Do not remove overpack during transportation."

8. SPECIAL PROVISIONS:

a. Under the terms of this special permit, the grantee is not authorized as a carrier.

b. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

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- c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
 - d. Each bulk packaging, freight container, transport vehicle or rail car that transports the safety devices covered under the terms of this special permit must be placarded with the EXPLOSIVES 1.4 placard specified in § 172.523.
 - e. All motor carriers must maintain a Federal Motor Carrier Safety Administration Rating of Satisfactory.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.
10. MODAL REQUIREMENTS:
- a. A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
 - b. Transportation of safety devices under the terms of this special permit is limited to contract carriage. No other hazardous materials may be transported within the same carrying body on a transport vehicle.
 - c. A motor carrier that transports safety devices covered under this special permit must furnish a document containing instructions on the procedures to be followed in the event of accident to the driver of each motor vehicle in which the safety devices are transported. The document must include the names and telephone numbers of persons (including representatives of carriers or shippers) to be contacted, the nature of the materials being transported, and the precautions to be taken in emergencies, such as fires or accidents.
 - d. A driver of a motor vehicle carrying safety devices covered under the terms of this special permit must operate the motor vehicle over routes that do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys, except where the motor carrier determines that:
 - (1) There is no practicable alternative;

(2) A reasonable deviation is necessary to reach terminals, points of loading and unloading, facilities for food, fuel, repairs, rest, or a safe haven; or

(3) A reasonable deviation is required by emergency conditions, such as a detour that has been established by a highway authority, or a situation exists where a law enforcement official requires the driver to take an alternative route.

e. A motor vehicle carrying safety devices covered by this special permit must be tracked using Global Positioning Systems or other suitable means.

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

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"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 William Schoonover
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 <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: DUNHAM/NICKS