



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

East Building, PHH – 30  
1200 New Jersey Avenue, Southeast  
Washington, D.C. 20590

SPECIAL PERMIT AUTHORIZATION

DOT-SP 10885

**EXPIRATION DATE: October 31, 2013**

GRANTEE: U.S. Department of Energy  
Washington, DC

In response to your October 7, 2009 application for renewal of DOT-SP 10885, the grantee status to DOT-SP 10885 for U.S. Department of Energy is hereby renewed in accordance with 49 CFR § 107.109.

Copies of this special permit may be obtained by accessing the Office of 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). The most recent revision of the special permit supersedes all previous revisions of the special permit. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

If you have questions regarding this action please call the Office of Hazardous Materials Special Permits and Approvals at (202) 366-4535.

Issued in Washington D.C. on **November 3, 2009**.

for Dr. Magdy El-Sibaie  
Acting Associate Administrator  
for Hazardous Materials Safety

July 12, 2007



U.S. Department  
of Transportation

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

**Pipeline and Hazardous Materials  
Safety Administration**

DOT-SP 10885  
(ELEVENTH REVISION)

**EXPIRATION DATE: October 31, 2009**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Department of Energy/National Nuclear Security Administration (NNSA)  
Washington, DC
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of certain hazardous materials that exceed the quantity limitations, or are incompatible, or are forbidden for transportation by air in DOE aircraft and operated by DOE contract personnel. This special permit does not grant authority to use foreign controlled airspace or airports outside the United States. This special permit provides no relief from the Hazardous Materials Regulations (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. Party status will not 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 § 172.101 Column 9(B), § 172.204(c)(3), § 173.27 (b)(2) and (3), § 173.27 (f) Table 2, § 173.56(d) and (e), § 175.30(a)(1), § 175.33 (c)(3), except as specified herein.
5. BASIS: This special permit is based on the application of Department of Energy dated June 18, 2007, submitted in

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accordance with § 107.117 and a determination that it is necessary for purposes of national security.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous materials description - - proper shipping name</b>	<b>Hazard Class/ Division</b>	<b>Identi- fication Number</b>	<b>Packing Group</b>
Class 1 explosives under specific commodity name or generic description, as appropriate	As appropriate	As appropriate	As appropriate
Radioactive material, excepted package-limited quantity of material	7	UN2910	N/A
Class 9 materials under specific commodity name or item	9	As appropriate	N/A
Non-flammable gas (LN2) not to exceed 100 liters under specific commodity name or generic description, as appropriate	2.2	As appropriate	N/A
Flammable liquid under specific commodity name or generic description, as appropriate	3	As appropriate	N/A
Corrosive materials under specific commodity name or generic description, as appropriate	8	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - All hazardous materials must be classified, packaged, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 171-180). Certain explosives and Division 2.2 non-flammable gas (LN2) is packaged with DOE/NNSA performance oriented packaging (POP). All other hazardous materials (except Engines, internal combustion) must be packaged in accordance with 49 CFR Parts 171-180 or the equivalent Military Specification (MILSPEC) packaging as referenced in § 173.7(a) and Air Force Joint Manual 24-204(I), "Preparing Hazardous Materials for Military Air Shipments". Engines, internal combustion

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need not be in packagings. They may not contain more than 17 ounces of fuel, and the tanks need not be purged.

b. OPERATIONAL CONTROLS -

(1) The hazardous materials listed in paragraph 6 above are only authorized on Government aircraft under the control and supervision of the Department of Energy (DOE) and must be operated by personnel under contract with the DOE, and authorized by DOT/PHMSA to operate under DOT SP-10885.

(2) Hazardous materials carried under the terms of this special permit must be authorized to be transported by common carrier by highway under 49 CFR Parts 171 through 180.

(3) Shipment of hazardous materials must comply with the hazardous materials procedures in NNSA/Office of Secure Transportation Aircraft Cargo Tie-down Manual, and the DOE commercial aircraft operator's operation and safety manuals, which establishes its policy to conduct operations in a manner that protects the health and safety of employees, the public and the environment. In addition, a full-time DOE/NNSA Aviation Safety Officer, who possesses DOE Aviation Safety Officer qualifications and is located at the Albuquerque DOE/NNSA's Office of Secure Transportation, conducts oversight and surveillance of the daily Aviation operations. DOE Headquarters must also conduct annual inspections, audits and reviews of Federal oversight of DOE aircraft operations and the DOE contract operator's safety and operations programs.

(4) Maximum weight. Not more than 2,000 pounds net explosive weight may be carried in the aircraft.

(5) Authorized persons aboard aircraft. No person other than a required flight crewmember, an FAA or DOE inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated and acknowledged in writing to DOE, or persons (qualified non-crewmembers) who are essential to and associated with the mission may be carried on the aircraft.

(6) Advance Notification to airport. The operator of the aircraft must provide advance notification to the

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owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the materials are on board. If the operator is unable to notify the airport operating certificate holder, the operator must notify an official of the firefighting agency for the airfield through the fixed base operator (FBO). When the destination is changed after departure because of weather or other unforeseen circumstances, provide notice to the owner or operator of the alternate airport as soon as practicable.

(7) Flight plan. For flights within the United States only, the operator of the aircraft must include the following information in the "Remarks" section of each flight plan when the provisions of this special permit are exercised:

(i) The classification of each hazardous material aboard the aircraft.

(ii) The net weight of each class of hazardous material aboard the aircraft.

(8) Loading and unloading. Loading and unloading operations under this special permit must comply with the following:

(i) The loading and unloading of the aircraft must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly. However, at an airport where the airport owner or operator or authorized representative thereof has designated a specific location for loading or unloading, the hazardous materials may not be loaded or unloaded at any other location.

(ii) The explosives must be loaded, transported or stored as provided in DOE/NNSA procedures except that detonators (with or without fuses), may be loaded and carried in the same aircraft with any other Division 1.1 or 1.2 explosive as long as the fuses are DOT packaged and isolated from the Division 1.1 or 1.2 explosives.

(iii) The loading arrangement to be used aboard the aircraft must be:

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- (A) in accordance with the May 20, 2006 FAA AMOC for the two DC-9-15F DOE aircrafts;
- (B) in accordance with the FAA approved Flight Manual and manufacturer's cargo-loading procedures; and
- (C) in accordance with all applicable FAA regulations and directives.

(iv) During loading or unloading, no person may smoke, carry a lighted cigarette, cigar or pipe, or operate any devices capable of causing an open flame or spark within 50 feet of the aircraft.

(v) No fueling operations of the aircraft may be done during loading and unloading of the hazardous materials.

(9) Requirements during operation of aircraft.

Operation of the aircraft during takeoff, en route, and landing must be conducted at a safe distance from heavily populated areas.

(i) Before movement of the aircraft, prior to take-off, and prior to entering an airport traffic area, the pilot of the aircraft must notify the control tower of the hazardous materials (including ammunitions) on board, and request that this information be released to the appropriate airport officials. This notification must be either communicated by radio transmission or facsimile transmission.

(ii) In the event of a diversion from the scheduled route of flight to an airport that was not previously scheduled, the flight crew must notify the control tower during the approach phase of the amount and class of hazardous materials on board and request this information be relayed to the appropriate airport officials. This notification must be either communicated by radio transmission or facsimile transmission. For airports without control towers, this communication must be made to the Flight Service Station nearest the airport of intended landing.

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(iii) When under radar control during the approach and landing phase, the pilot must request appropriate vectors so as to avoid heavily populated areas.

(iv) Whenever hazardous materials are on board the aircraft, no person on the aircraft may smoke, or carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark.

(10) Pilot requirements. The operator of the aircraft must ensure the following with respect to pilots of aircraft operating under this special permit:

(i) A minimum of two pilots is required aboard any multi-engine aircraft carrying hazardous materials under this special permit.

(ii) Each pilot of the aircraft must be provided, in writing, the name of the official(s) to whom advance notice was provided per Paragraph 7.b.(6) above.

(iii) Each pilot of an aircraft being operated under this special permit must have received formal training on the requirements of 49 CFR Parts 170-178 that are applicable to his duties and be thoroughly familiar with the specific requirements of this special permit.

(11) Attendance of explosives. Division 1.1, 1.2 and 1.3 explosives must be attended at all times that they are in the possession of the operator unless placed in an explosive storage magazine that is approved by the Federal, State or local authority or at a location on a military installation designated by appropriate military authorities.

8. SPECIAL PROVISIONS:

a. MARKING - The explosives must be classified, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 171-180).

b. This special permit only authorizes transportation of explosives in the aircraft described in paragraph 7.b.(1) of this special permit and must be operated under the

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supervision of DOE/NNSA. This special permit does not grant authority to use foreign controlled airspace or airports outside the United States.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo aircraft 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 exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable. In addition, the air carrier must comply with all cargo security mandates as required by the air carrier's applicable TSA approved security program and associated security directives.
  - 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 the 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



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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 Bob Richard  
Deputy Associate Administrator  
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, 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](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: KFW/kah