June 05, 2019

U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety Administration

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

DOT-SP 11406
(TENTH REVISION)

**EXPIRATION DATE: 2023-05-31**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Shippers and carriers of liquid or solid waste (henceforth called "waste") with low levels of external radiation who are approved by state radioactive material control officials registered with the Office of the Executive Director of the Conference of Radiation Control Program Directors (CRCPD), Frankfort, Kentucky

2. PURPOSE AND LIMITATION:

a. This special permit authorizes the one-way transportation in commerce by highway or rail of shipments of liquid or solid waste (hereafter referred to as "waste") in accordance with the conditions and requirements of set forth below, when:

(1) During or at the conclusion of transportation or during inspection of the shipment following its receipt, the waste has been found to contain unexpected and unidentified radioactive material or contamination; and

(2) The waste is transported to a location determined by the authorizing state official to be more appropriate for proper characterization and/or disposition of the discovered radioactivity.

b. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

c. The safety analysis performed in the development of this special permit only considered the hazards and risks associated with transportation in commerce.

d. 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 Part 172, Subparts C, D, E, F, G, H and I as they pertain to required shipping papers, package marking and labeling, placarding, emergency response information, training and security requirements; 49 CFR Part 173, Subpart B, § 173.22(a)(1) as it pertains to classification of hazardous materials; 49 CFR Part 173, Subpart I as it pertains to packaging and transport of radioactive material; 49 CFR Part 174, Subpart K as it pertains to detailed requirements for rail transport of radioactive materials; and 49 CFR 177.842 as it pertains to highway transport of radioactive materials.

5. BASIS: This special permit is based on the Conference of Radiation Control Program Directors' application dated May 6, 2019, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| **Hazardous Materials Description** | | | |
|---|---|---|---|
| **Proper Shipping Name** | **Hazard Class/ Division** | **Identi-fication Number** | **Packing Group** |
| Radioactive material, excepted package-limited quantity of material | 7 | UN2910 | N/A |
| Radioactive Material, Type A package *non-special form, non fissile or fissile-excepted* | 7 | UN2915 | N/A |
| Radioactive Material, Type A package, special form *non fissile or fissile-excepted* | 7 | UN3332 | N/A |
| Radioactive Material, Type B(U) package *non fissile or fissile-excepted* | 7 | UN2916 | N/A |
| Radioactive Material, low specific activity (LSA-I) *non fissile or fissile-excepted* | 7 | UN2912 | N/A |

| | | | |
|---|---|---|---|
| Radioactive Material, low specific activity (LSA-II) *non fissile or fissile-excepted* | 7 | UN3321 | N/A |
| Radioactive Material, low specific activity (LSA-III) *non fissile or fissile-excepted* | 7 | UN3322 | N/A |
| Radioactive Material, surface contaminated objects (SCO-I *or* SCO-II) *non fissile or fissile-excepted* | 7 | UN2913 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING: The shipments are excepted from the packaging and transport requirements for radioactive material in Part 173, Subpart I and may be transported by motor vehicle or rail freight provided the radioactive material will not be released from the conveyance during transit and that the transport conditions in the shipment approval form specified in paragraph 7.e. of this special permit are satisfied.

b. CLASSIFICATION AND TESTING: The shipments are exempted from the classification and description requirements referenced in § 173.22(a)(1) provided that the measured radiation levels at the external surface of the conveyance do not exceed 0.50 mSv/h (50 mrem/h) and, in the case of a highway vehicle, the dose rate in any occupied space is no greater than 0.02 mSv/h (2 mrem/h).

c. COMMUNICATIONS: The packages and conveyances transported under this special permit are exempted from the communication requirements of 49 CFR Part 172, Subpart C (shipping papers), D (marking), E (labeling), and F (placarding) provided the communication provisions in paragraphs 10.a. and 10.d. as well as the shipment approval form specified in paragraph 7.e. of this special permit are satisfied.

d. TRAINING AND SECURITY REQUIREMENTS: The requirements of Subparts H and I of Part 172 are waived.

e. SHIPMENT APPROVAL BY STATE RADIATION CONTROL OFFICIAL: Prior to shipment of the waste, the state radiation control official of the state where the radiation was detected must evaluate the radiological risk associated with the transport of the material, under the conditions of this special

permit, to a location where the radioactive material can be identified and properly treated. If the official believes that these risks are no greater than the risk associated with normal transport of radioactive material in compliance with the regulations, he/she may authorize the shipment by completing and signing a shipment approval form containing all the information shown in Annex A in a format controlled by CRCPD. Any additional or special conditions necessary for safe transport must be included in the approval. Note: This special permit is not required in order to transport radioactively contaminated household wastes, since according to DOT Letter of Interpretation Ref. No. 04-0197, dated October 8, 2004, radioactively contaminated household wastes are not regulated in transport by DOT under its hazardous materials regulations.

f. SHIPMENT APPROVAL FORM DISTRIBUTION: Copies of the shipment approval form must be provided, in advance of the shipment, by the issuing official to the following:

(1) The Office of the Executive Director, CRCPD, Frankfort, KY;

(2) The facility where the radioactive material was discovered;

(3) The facility from which the waste was shipped prior to detection;

(4) The facility to which the waste will be shipped for identification and/or treatment;

(5) The State Radiation Control Official(s) having authority over the shipment during transit (if applicable). Note: Transit states may opt out of the notification process upon consultation and agreement with emergency response organizations and when documentation is on file with CRCPD.

(6) The State Radiation Control Official having authority over the facility receiving the shipment (after detection);

(7) The State Radiation Control Official having authority over the facility or company from which the shipment originated (before detection).

g. SHIPMENT APPROVAL FOR CARRIERS: A person at the facility where the radioactive material was discovered must provide a copy of the shipment approval and special permit

to the operator of the vehicle used for highway shipments and to the railroad management or dispatch office for rail freight shipments.

h. IDENTIFICATION AND DISPOSITION OF RADIOACTIVE MATERIAL TRANSPORTED UNDER THIS SPECIAL PERMIT: Once the radionuclides in the waste are identified and disposition is arranged, the person responsible for the identification must complete the identification and disposition portion of the shipment approval form and provide the completed form to:

(1) The Office of the Executive Director, CRCPD;

(2) The state official at the state of origin (prior to detection);

(3) The state official issuing the shipment approval; and

(4) The state official of the state where identification and disposition occurred, if different from paragraph 7.h.(2) in this permit.

Completed records must be maintained by the State Radiation Control Official for a period of three years from the date of issuance.

8. SPECIAL PROVISIONS:

a. Shipment Approval Assigned Number: One Radiation Control Official in each State must assign and maintain a list of shipment approval numbers for all shipment approvals issued by that state under DOT-SP 11406. The nine figures in the shipment approval number should be determined as follows: the first two characters are the abbreviation of the state of origin (where the radioactive material was detected); the third and fourth characters must be the abbreviation of the state of destination (where the radioactive material will be dispositioned); the fifth and sixth characters must be the last two digits of the year of issue; the seventh, eighth and ninth characters must be the sequential number of the shipment approved for that year between those states. For example PA-NJ-00-002 would be the second shipment from Pennsylvania to New Jersey that was approved by the official during 2000.

b. Additional modifying symbols may be added to the U.S. postal designation for the state of origin only, in order to distinguish among multiple originating state offices if necessary, if written permission is first obtained from the

CRCPD. In these cases each originating state office must assign its own sequential numbers (the seventh, eighth and ninth characters in paragraph 8.a.) for each year, starting with 01.

c. Each state radioactive material official approving shipments must have a copy of this special permit and access to the current Hazardous Materials Regulations (Title 49 of the Code of Federal Regulations, Parts 100-185). This official should also provide a copy of this special permit and their implementing instructions to all managers of landfill, incineration or other waste processing facilities within their state that have installed radiation monitoring systems.

d. The CRCPD must provide a listing of all of the State Radioactive Material Control Officials operating under the terms of this special permit to OHMSPA. The listing must be updated within 90 days when there is a change in any of the State Radioactive Material Control Officials.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight and motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of the shipment approval document and special permit must be carried in the cab of the motor vehicle in accordance with 49 CFR 177.817. For shipments by rail freight, the railroad management will provide train crews with the identity of the rail car and its position in the train.

b. Each carrier must ensure that the shipment described on the shipment approval document is transported over the most appropriate route without unnecessary or avoidable delay.

c. The shipment approval form and other provisions of this special permit satisfy: the Emergency Information and Training requirements of 49 CFR Part 172, Subpart G and Subpart H, and the modal Class 7 material requirements of Part 174, Subpart K and Part 177, Subpart B.

d. The special permit number and "Radioactive" must be conspicuously marked on two opposing sides of the conveyance for both rail and highway transport.

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:

- All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- 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.

- 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.

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 permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: In addition to the reporting requirements of §§ 171.15, 171.16, and 174.750 or 177.854, a carrier must report, as soon as practicable, any incident involving a shipment in transportation under this special permit to the Associate Administrator for Hazardous Materials Safety by calling the National Response Center at 1-800-424-8802. A call must also be made to the state official signing

the shipment approval as identified in paragraph 7.e. These telephonic notices should identify that the shipment is under DOT-SP 11406 and the nine-digit shipment approval identification number.

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 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/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: JLW/TG