

Safety Documentation Evaluations
September 3, 2009

Prepared by PHMSA Offices of Hazardous Materials Technology (PHH-20)
and Special Permits and Approvals (PHH-30)

Attached are three forms, the *Special Permit Evaluation Form for New Applications*, the *Special Permit Evaluation Form for Applications to Modify an Existing Special Permit*, and the *Special Permit Evaluation Form for Applications to Renew an Existing Special Permit*. PHMSA Office of Hazardous Materials Safety (OHMS) developed the forms as part of a comprehensive review of its special permits processes. As a starting point, OHMS used the original evaluation forms that have been utilized for many years. The revised and new forms were a result of the contributions from the staff members responsible for evaluating applications for special permits, including the Office of Hazardous Materials Technology (PHH-20) and the Office of Hazardous Materials Special Permits and Approvals (PHH-30). The Office of Chief Counsel and the Office of Hazardous Materials Standards also provided input to the development of the forms.

In the review of an application for special permit, the project officer must perform a technical evaluation of the information provided by the applicant, and then make a determination as to whether the applicant has justified an equivalent level of safety. The purpose of the evaluation form is to guide the project officer through a comprehensive evaluation process and to provide documentation of that process.

The new evaluation forms include questions that serve to document information on many areas including: the hazardous materials to be shipped; packaging; testing; hazard communication; operational controls; shipping experience; safety assessment; comments to the docket; potential for regulatory incorporation; and overall evaluation and recommendation of the project officer.

The forms represent an improvement over the previous versions used to date. Greater emphasis is placed on documenting the safety assessment of each *element* of the proposed special permit (e.g. packaging). The enhanced documentation increases the level of specific justification for the equal level of safety determination.

PHMSA OFFICE OF HAZARDOUS MATERIALS SAFETY

SPECIAL PERMIT EVALUATION FORM
FOR NEW APPLICATIONS

(Revised as of September 3, 2009)

Note to the Project Officer: All sections and questions must be completed. If the question is not applicable or your answer is "No" to a specific question, enter "N/A" or "No" as appropriate.

PART 1 APPLICANT

1A. Special Permit Number:

Application Number:

Project Officer/Office:

1B. Date of Application:

1C. Name of Applicant:

Title:

Company Name:

Address:

Phone Number:

E-mail address (optional):

1D. U.S. Agent for foreign applicant or Consultant Name:

Company name:

Address:

Phone Number:

E-mail address (optional):

1E. Regulation(s) from which variance is requested:

- 1F. Summary of requested variance from the Hazardous Materials Regulations (HMR):
- 1G. Has PHMSA previously granted similar special permits? If not, does the special permit application involve issues not addressed through the HMR or previous special permits? If yes, describe the issues.
- 1H. Modes of Transportation Requested:
- 1 Motor Vehicle ()
 - 2 Rail Freight ()
 - 3 Cargo Vessel ()
 - 4 Cargo Aircraft ()
 - 5 Passenger Aircraft ()
- 1I. Is the applicant requesting emergency processing?

PART 2 PRE-DOCKETING REVIEW

- () Application contains sufficient information to support docketing.
- () Application is incomplete or unnecessary and should be returned for the following reason(s).

PART 3 HAZARDOUS MATERIALS

3A. Hazardous materials covered by the application:

Proper Shipping Name/ Hazardous Materials Description <i>(include technical name if not the same as the proper shipping name)</i>	ID Number	Hazard Class/ Division (Subsidiary Hazard Class/Div.)	Packing Group	Authorized by Air in the HMR (Y/N) Pass, Air Y/N Cargo Air Y/N No air requested (N/A)

3B. Does the hazardous material meet the definition for a Class I material in § 173.50?

- Has it been tested, classed, and approved under § 173.56?
- Is stabilization required? If so, what type?

3C. Does the material pose risks in transportation other than the risks associated with its hazard class/division that warrant special consideration or assessment? (e.g., detonation risk; flammable or toxic gases produced upon contact with water; material can initiate or enhance a fire; article or device contains an ignition source)

PART 4 PACKAGING

4A. Is the applicant requesting a variance from the packaging requirements of the HMR? (If No - Go to Part 5)

4B. Type of packaging variance requested:

___ Non-authorized specification packaging

___ Quantity or size variation (e.g., for combination packagings, variation in number or size of inner packagings)

___ Non-specification package. List the most comparable specification package, if applicable. _____

Variations from authorized packaging:

- Change in material(s) of construction
- Increase in authorized pressure
- Alternative testing criteria (Parts 178 or 179)

4C. Packaging integrity:

If the packaging is comparable to an authorized specification packaging, does the evaluation of design criteria and test results demonstrate that the packagings are equivalent? Explain.

If the packaging is not comparable to an authorized specification packaging, does the evaluation of design criteria and test results demonstrate an appropriate integrity level? Explain.

In the case of a pressurized packaging, is the packaging designed to adequately contain any pressure that might develop in conditions normally encountered during transportation without damage to the packaging? Explain.

4D. If intended for air transportation, does the packaging meet the performance requirements in § 173.27?

PART 5 TESTING

- 5A. Is the applicant seeking a variance from testing or inspection requirements? (If No – go to Part 6)
- 5B. Is the applicant seeking a variance from testing/inspection requirements at the time of manufacture (Parts 178 or 179)? Describe any testing/inspection alternatives or justification for waiving the required procedure.
- 5C. Is the applicant seeking a variance from periodic requalification (Part 180) or other testing requirements (e.g., hot water bath testing)? Describe any testing/inspection alternatives or justification for waiving the required procedure.

PART 6 HAZARD COMMUNICATION

- 6A. Is the applicant seeking a variance from the hazard communication requirements in Part 172? (If No - go to Part 7)
- 6B. Indicate hazard communication requirements for which variance is sought. (e.g., shipping papers, labeling, placarding requirements, etc.)
- 6C. What measures are proposed or are appropriate to ensure that the hazards associated with the shipment are communicated to transport workers and emergency response personnel?

PART 7 OPERATIONAL CONTROLS

- 7A. Are special handling measures needed (e.g. refrigeration, stowage and/or segregation, mode-specific operational controls)? If so, specify.
- 7B. Should there be any limitations on the use of the special permit if granted (e.g., time frame, number of shipments, etc.)? If so, specify.

PART 8 SHIPPING EXPERIENCE

- 8A. Does the application include information concerning shipping experience with the requested packaging and/or operations or a similar material, package, or operation? If so, summarize.

- 8B. If the special permit is granted, what special data collection and reporting requirements are needed to document shipping experience and safety performance?

PART 9 SAFETY ASSESSMENT

- 9A. 49 CFR § 107.105(d) prescribes requirements for justification of a special permit through comparisons with established levels of safety in the Hazardous Materials Regulations. Has the applicant demonstrated that the measures proposed for the special permit would achieve an equivalent level of safety as the HMR? Explain.

- 9B. Does this special permit application address a public safety issue of an unusual nature (e.g. man-made or natural disaster)? What are the benefits to the public of granting this special permit? What measures are proposed to mitigate any risks associated with transportation operations under the special permit?

- 9C. Will the special permit be used for a one-time movement of hazardous materials or a number of movements over an extended time frame? Does the number of planned movements affect the safety analysis? If so, explain (e.g., safety factors and corresponding safety controls for a one-time movement may differ from those for multiple movements).

PART 10 DOCKET COMMENTS/OTHER INFORMATION

10A. Date checked:

10B. Comments: __ (If Yes, summarize)

10C. Has CONFIDENTIAL or PROPRIETARY information (49 CFR 107.5) been considered in this application?

PART 11 REGULATORY REVISIONS

Does this special permit suggest a need for possible regulatory changes? Explain.

PART 12 OVERALL EVALUATION & RECOMMENDATION

Note to the Project Officer: All statements that are based on proprietary or confidential material submitted by the applicant must be contained in brackets and preceded and followed by asterisks.

12A. Summarize the applicant's request. Identify similarities to and differences from the HMR requirements. Note whether the agency has issued similar special permits in the past. If the special permit application addresses issues not previously handled through the HMR or previous special permits, discuss possible impacts of granting the special permit,

12B. Summarize evidence provided by the applicant (i.e. tests results, design criteria, failure modes and effects analysis and risk analysis) that demonstrates that the special permit would achieve an equivalent level of safety as provided under the HMR. For special permits addressing an unusual public safety issue, summarize the reason the special permit is necessary and the benefits that would result from granting the special permit.

12C. Provide technical conclusions and recommendations to grant or deny the special permit (e.g. based on your technical review and evaluation, explain why you agree or disagree with the applicant's rationale supporting an equivalent level of safety).

Project Officer/Date:

Office: PHH-

Office of Hazardous Materials Technology (OHMT) or
Office of Hazardous Materials Special Permits and Approvals (OHMSPA)

Reviewer/Date:

Office Director/Date:

PHMSA OFFICE OF HAZARDOUS MATERIALS SAFETY

SPECIAL PERMIT EVALUATION FORM
FOR APPLICATIONS TO MODIFY AN EXISTING SPECIAL PERMIT

(Revised as of September 3, 2009)

Note to the Project Officer: All sections and questions must be completed. If the question is not applicable or your answer is "No" to a specific question, enter "N/A" or "No" as appropriate.

PART 1 APPLICANT

1A. Special Permit Number:

Application Number:

Project Officer/Office:

1B. Date of Application:

1C. Name of Applicant:

Title:

Company Name:

Address:

Phone Number:

E-mail address (optional):

1D. U.S. Agent for foreign applicant or Consultant Name:

Company name:

Address:

Phone Number:

E-mail address (optional):

1E. Summary of authorizations granted by the existing special permit, including the regulations from which the granted is exempted:

1F. New regulation(s) from which variance from the HMR is requested, if any:

1G. Summary of requested modification to the special permit:

1H. Does the request for modification involve new issues not addressed through the HMR or previous special permits? If yes, describe the issues.

1H. New Modes of Transportation Requested, if any:

- | | |
|--------------------------|----------------------|
| 1 Motor Vehicle () | 2 Rail Freight () |
| 3 Cargo Vessel () | 4 Cargo Aircraft () |
| 5 Passenger Aircraft () | |

1I. Is the applicant requesting emergency processing?

PART 2 PRE-DOCKETING REVIEW

- () Application contains sufficient information to support docketing.
- () Application is incomplete or unnecessary and should be returned for the following reason(s).

PART 3 HAZARDOUS MATERIALS

3A. NEW Hazardous materials covered by the application: (If NONE – go to Part 4)

Proper Shipping Name/ Hazardous Materials Description <i>(include technical name if not the same as the proper shipping name)</i>	ID Number	Hazard Class/ Division (Subsidiary Hazard Class/Div.)	Packing Group	Authorized by Air in the HMR (Y/N) Pass, Air Y/N Cargo Air Y/N No air requested (N/A)

3B. Does the hazardous material meet the definition for a Class I material in § 173.50?

- Has it been tested, classed, and approved under § 173.56?
- Is stabilization required? If so, what type?

3C. Does the material pose risks in transportation other than the risks associated with its hazard class/division that warrant special consideration or assessment? (e.g., flammable or toxic gases produced upon contact with water; material can initiate or enhance a fire; article or device contains an ignition source; detonation risk)

PART 4 PACKAGING

- 4A. Is the applicant requesting a change to the packaging currently authorized in the special permit? (If No – Go to Part 5)
- 4B. Does the applicant request a change to the existing packaging? Describe the change(s) (e.g. variation in size, pressure)
- 4C. Does the applicant request the addition of a new packaging(s)? What is the requested variance from the packaging requirements of the HMR?

___ Non-authorized specification packaging

___ Quantity or size variation (e.g., for combination packagings, variation in number or size of inner packagings)

___ Non-specification package. List the most comparable specification package, if applicable. _____

Variations from authorized packaging:

- Change in material(s) of construction
- Increase in authorized pressure
- Alternative testing criteria (Parts 178 or 179)

- 4D. For new packagings or significant changes to existing packagings:

If the packaging is comparable to an authorized specification packaging or a packaging currently authorized in the special permit, does the evaluation of design criteria and test results demonstrate that the packagings are equivalent? Explain.

If the packaging is not comparable to an authorized specification packaging or a packaging currently authorized in the special permit, does the evaluation of design criteria and test results demonstrate an appropriate integrity level? Explain.

In the case of a pressurized packaging, is the packaging designed to adequately contain any pressure that might develop in conditions normally encountered during transportation without damage to the packaging? Explain.

- 4D. If intended for air transportation, does the packaging meet the performance requirements in § 173.27?

PART 5 TESTING

- 5A. Is the applicant seeking a variance from testing or inspection requirements that was not previously authorized in the special permit? (If No – go to Part 6)
- 5B. Is the applicant seeking a variance from testing/inspection requirements at the time of manufacture (Parts 178 or 179)? Describe any testing/inspection alternatives or justification for waiving the required procedure.
- 5C. Is the applicant seeking a variance from periodic requalification (Part 180) or other testing requirements (e.g., hot water bath testing)? Describe any testing/inspection alternatives or justification for waiving the required procedure.

PART 6 HAZARD COMMUNICATION

- 6A. Is the applicant seeking a variance from the hazard communication requirements in Part 172 that was not previously authorized in the special permit? (If No - go to Part 7)
- 6B. Indicate hazard communication requirements for which variance is sought. (e.g., shipping papers, labeling, placarding requirements, etc.)
- 6C. What measures are proposed or are appropriate to ensure that the hazards associated with the shipment are communicated to transport workers and emergency response personnel?

PART 7 OPERATIONAL CONTROLS

- 7A. Are special handling measures needed as a result of the changes requested in the application for modification (e.g. refrigeration, stowage and/or segregation, mode-specific operational controls)? If so, specify.
- 7B. Should there be any new limitations on the use of the special permit (e.g., time frame, number of shipments, etc.)? If so, specify.

PART 8 SHIPPING EXPERIENCE

Summarize the shipping history provided with the application, including incidents involving shipments made under the special permit. Does the shipping history indicate safety issues that should be addressed? Explain.

PART 9 SAFETY ASSESSMENT

- 9A. 49 CFR § 107.105(d) prescribes requirements for justification of a special permit through comparisons with established levels of safety in the Hazardous Materials Regulations. Has the applicant demonstrated that the new measures proposed for the special permit would achieve an equivalent level of safety as the HMR? Explain.
- 9B. Does this special permit application for modification address a public safety issue of an unusual nature (e.g. man-made or natural disaster)? What are the benefits to the public of granting this modification request? What measures are proposed to mitigate any new risks associated with transportation operations under the special permit?

- 9C. Does the application for modification propose changes to the use of the special permit such as a change from one-time movement to an extended time frame? Does the number of planned movements affect the safety analysis? If so, explain (e.g., safety factors and corresponding safety controls for a one-time movement may differ from those for multiple movements).

PART 10 DOCKET COMMENTS/OTHER INFORMATION

- 10A. Date checked:
- 10B. Comments: ___ (If Yes, summarize)
- 10C. Has CONFIDENTIAL or PROPRIETARY information (49 CFR 107.5) been considered in this application?

PART 11 REGULATORY REVISIONS

Does this request for modification suggest a need for possible regulatory changes? Explain.

PART 12 OVERALL EVALUATION & RECOMMENDATION

Note to the Project Officer: All statements that are based on proprietary or confidential material submitted by the applicant must be contained in brackets and preceded and followed by asterisks.

- 12A. Summarize the applicant's request for modification. Identify similarities to and differences from the requirements of the existing special permit. If the special permit application for modification addresses issues not previously handled through the HMR or previous special permits, discuss possible impacts of granting the request for modification.

12B. Summarize evidence provided by the applicant (i.e. tests results, design criteria, failure modes and effects analysis and risk analysis) that demonstrates that the request for modification would result in a special permit that would continue to achieve an equivalent level of safety as provided under the HMR. For special permits addressing an unusual public safety issue, summarize the reason the modification is necessary and the benefits that would result from granting the modification request.

12C. Provide technical conclusions and recommendations to grant or deny the modification to the special permit (e.g. based on your technical review and evaluation, explain why you agree or disagree with the applicant's rationale supporting an equivalent level of safety).

Project Officer/Date:

Office: PHH-

Office of Hazardous Materials Technology (OHMT) or
Office of Hazardous Materials Special Permits and Approvals (OHMSPA)

Reviewer/Date:

Office Director/Date:

PHMSA OFFICE OF HAZARDOUS MATERIALS SAFETY
SPECIAL PERMIT EVALUATION FORM
FOR APPLICATIONS TO RENEW AN EXISTING SPECIAL PERMIT
(Revised as of September 3, 2009)

Note to the Project Officer: All sections and questions must be completed. If the question is not applicable or your answer is "No" to a specific question, enter "N/A" or "No" as appropriate.

PART 1 APPLICANT

1A. Special Permit Number:
Application Number:
Project Officer/Office:

1B. Date of Application:

1C. Name of Applicant:
Title:
Company Name:
Address:

Phone Number:
E-mail address (optional):

1D. U.S. Agent for foreign applicant or Consultant Name:

Company name:
Address:
Phone Number:
E-mail address (optional):

1E. Summary of authorizations granted by the existing special permit, including the regulations from which the grantee is exempted:

1F. Modes of Transportation Requested, if any:

- 1 Motor Vehicle () 2 Rail Freight ()
3 Cargo Vessel () 4 Cargo Aircraft ()
5 Passenger Aircraft ()

1G. Does the available data indicate that the applicant is fit to conduct the activity authorized by the special permit? If yes, describe the issues.

1H. Summarize the shipping history provided with the application, including incidents involving shipments made under the special permit. Does the shipping history indicate safety issues that should be addressed? Explain?

Project Officer/Date:

Office: PHH-

Office of Hazardous Materials Special Permits and Approvals (OHMSPA)

Reviewer/Date:

Office Director/Date: