

**Before the Committee on Transportation and Infrastructure
United States House of Representatives**

For Release on Delivery
Expected at
10:00 a.m. EDT
Thursday
September 10, 2009
CC-2009-096

PHMSA's Process for Granting Special Permits and Approvals for Transporting Hazardous Materials Raises Safety Concerns

**Statement of
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Mr. Chairman, Ranking Member Mica, and Members of the Committee:

We appreciate the opportunity to testify today on safety issues within the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Special Permits and Approvals Program. As you know, special permits and approvals exempt their holders from certain Federal regulations governing the transport of hazardous materials. Currently, there are about 5,500 special permit holders¹ and 118,000 approvals.

On July 28, 2009, we issued a management advisory to PHMSA that outlined a number of concerns. My testimony today will focus on those concerns as well as new ones identified through our ongoing work. Specifically, (1) shortcomings in the processes for reviewing and approving special permits and approvals, (2) concerns with PHMSA's oversight of permit holders' compliance with safety requirements, and (3) long-standing safety issues that remain unaddressed by PHMSA.

In summary, we found that PHMSA grants special permits and approvals without exercising its regulatory authority to review applicants' safety histories and without coordinating with partner safety agencies. Despite these weaknesses, PHMSA does not target individuals and companies that hold special permits and approvals for safety compliance reviews. These issues—along with safety concerns previously raised by our office, the Federal Aviation Administration (FAA), and the National Transportation Safety Board (NTSB)—call into question the effectiveness of PHMSA's process for granting special permits and approvals.

We want to recognize Secretary LaHood and Deputy Secretary Porcari for their leadership in directing PHMSA to formalize an action plan addressing these and other concerns regarding the Special Permits and Approvals Program.

¹ There are now about 1,250 active special permits. The 5,500 referenced above include these plus all party-to permits.

BACKGROUND

PHMSA is the lead agency responsible for regulating the safe transport of hazardous materials, including explosive, poisonous, corrosive, flammable, and radioactive substances.² PHMSA regulates up to 1 million daily movements of hazardous materials, totaling up to 20 percent of all freight tonnage shipped each year in the United States. The FAA, Federal Motor Carrier Safety Administration (FMCSA), and Federal Railroad Administration (FRA) also oversee and enforce regulations for their respective industries.

Many hazardous materials are transported under the terms and conditions of special permits and approvals.³ Special permits and approvals allow a company or individual to transport, package, or ship hazardous materials in a manner that varies from the regulations, provided they meet two key criteria for authorization:

- the company or individual is fit to conduct the activity authorized by the special permit or approval and
- the level of safety the company or individual is proposing is as safe as or safer than requirements from which the company is seeking relief.

Obtaining a special permit or approval allows a company to use technological innovations in transporting hazardous materials—improvements that have emerged since the regulations were first promulgated. Requests for special permits and approvals generally include “new,” “renewals,” and “party-to” applications (a party-to application applies only to special permits and is a request to “piggy-back” on a new or existing permit). New special permits may be authorized for up to 2 years, at which time they may be renewed for a period of up to 4 years.⁴ Emergency special permits must be submitted directly to the affected Operating Administration, which evaluates and confirms the emergency, recommends any conditions for inclusion in the permit, then forwards its review to PHMSA. The exhibit to this statement describes the process requirements for special permit and approval applications.

PHMSA DOES NOT PROVIDE ADEQUATE REVIEWS OF APPLICATIONS FOR SPECIAL PERMITS AND APPROVALS

PHMSA does not review applicants’ incident and enforcement histories—critical factors in assessing fitness—before authorizing special permits and approvals for individuals, businesses, and trade associations. We also found that PHMSA has granted special permits and approvals even though its reviews of requests do not

² Hazardous Materials Regulations, 49 C.F.R. § 171-180 (2009).

³ *Special permits* authorize a holder to vary from specific provisions of the Hazardous Materials Regulations; identify the section(s) from which relief is provided; and include provisions, conditions, and terms that must be followed in order for the special permit to be valid. An *approval* means written consent from PHMSA’s Associate Administrator to perform a function that requires prior consent under the Hazardous Materials Regulations.

⁴ The 4-year renewal period was authorized under SAFETEA-LU, Pub. L. No. 109-59 (2005).

always demonstrate that applicants will provide a level of safety equal to the regulations from which they seek relief. In addition, PHMSA does not sufficiently coordinate with other agencies that are involved in overseeing the transport of hazardous materials before issuing a special permit or approval.

PHMSA Does Not Consider Applicants' Safety Histories When Determining Fitness for Special Permits and Approvals

Hazardous Materials Regulations provide PHMSA the authority to review an applicant's safety history when assessing the applicant's fitness for a special permit or approval.⁵ PHMSA's reviews, however, solely examine the safety of the requested action, process, or package—not the applicant's prior incidents or enforcement violations. According to PHMSA officials, applicants' incident and compliance histories have no bearing on their ability to safely carry hazardous materials—a safety issue we highlighted in our July 2009 management advisory. Specifically, we found that PHMSA had granted 1 company a special permit to operate bulk explosives vehicles,⁶ despite the fact that over the last 10 years the company had 53 incidents—12 of which were serious with 9 of those involving vehicle rollovers—and 22 violations issued by PHMSA's or FMCSA's enforcement office.⁷

In addition, our ongoing review found no instances where PHMSA considered applicants' safety histories. However, our assessment of 99 non-emergency special permits found that 26 of those holders (26 percent) had at least 5 incidents or violations over the 10-year period preceding PHMSA's grant of the permit. For 8 (about 31 percent) of these 26 permits, each applicant had at least 100 incidents, some of which were serious. For example, 1 company was granted a special permit in September 2004 despite having 321 prior incidents and 5 prior enforcement violations. Further, the company's permit was renewed 2 years later despite having an additional 26 incidents and 5 enforcement violations.

We also found that PHMSA granted special permits to 12 trade associations—effectively a “blanket authorization” for about 5,000 member companies. PHMSA granted these permits without verifying member companies' fitness to carry out the terms and conditions of the permit. PHMSA also did not determine whether permits were needed or used, whether companies actually existed or provided accurate

⁵ 49 C.F.R. § 107.113f(5) (2009). The regulations state that the Associate Administrator may grant an application upon finding that, among other things, the applicant is fit to conduct the activity authorized by the exemption or special permit. This assessment may be based on information in the application, prior compliance history of the applicant, and other information available to the Associate Administrator.

⁶ Permit holders are authorized to transport certain explosives, oxidizers, corrosive and combustible liquids, and blasting caps on the same truck.

⁷ An incident generally involves the unintentional release of a hazardous substance or discovery of an undeclared hazardous material. PHMSA defines serious incidents as those incidents involving fatalities, serious injuries, closure of a major transportation artery, evacuations of 25 or more people, and hazardous materials releases of greater than 119 gallons or 882 pounds.

information about themselves, or whether they were even aware that they had a permit to abide by. For example, we visited 18 companies that were members of 7 of the 12 associations and found that:

- 3 of the 4 companies using an association-granted permit had compliance issues, including deficiencies with shipping papers, training requirements, certificates of registration, and security plans. In fact, at two facilities, the companies were unaware that a special permit applied to the function they were performing and so they were not meeting the terms and conditions of that permit. One of the companies explained they were recently made aware of the applicable permit after the trade association warned them of a possible investigation into permit compliance by DOT Office of Inspector General auditors.
- 4 companies did not reside at the address provided by their association (currently, the terms of the permit do not require trade associations to notify PHMSA of any changes with its member companies); and
- 10 had no reason to use their industry association's permit because they did not perform the activity for which the permit was granted.

Finally, PHMSA also granted approvals to applicants without examining their safety histories. Of the 56 approvals that we reviewed,⁸ 5 were granted to applicants with prior safety incidents and violations, ranging from 6 incidents and 1 violation to 178 incidents and 23 violations.

PHMSA Has Granted Special Permits and Approvals Without Support for an Equal Level of Safety and Has Overlooked Incomplete Applications

PHMSA has granted special permits and approvals without sufficient data and analyses to confirm that the applicants' proposed level of safety is at least equal to what is called for in the Hazardous Materials Regulations. We reviewed 99 non-emergency special permits and found that for nearly 65 percent (8 new, 37 renewals, and 19 party-to status)⁹ PHMSA's evaluations¹⁰ were either incomplete, lacking evidence to support that the applicant demonstrated an equal level of safety, or simply nonexistent. Of particular concern is the lack of supporting documentation for renewal and party-to permits, which are based on evaluations PHMSA may have performed several years earlier when assessing the original (new) special permit application. According to PHMSA officials, some of this information was lost when the Office of Hazardous Materials Safety migrated to a new information system and

⁸ We sampled a total of 68 approvals, 12 of which were denied, reducing our sample to 56.

⁹ We sampled 62 new special permits, of which 16 were granted emergency status and 6 were denied, reducing our sample to 40 new special permits. We also reviewed a sample of 39 renewals, 1 of which was denied, reducing our sample to 38 renewals. Our sample also included 21 party-to permits.

¹⁰ PHMSA's evaluations are generally performed by chemists, general and mechanical engineers, physicists, and physical science experts in PHMSA's Hazardous Materials Technology Office.

decided to transfer the most current special permit but not the historical records. Despite this lack of original information, PHMSA opted to renew permits or grant party-to status without conducting a new evaluation. Further, there was still information missing for the eight new permits—information needed to support an equal level of safety.

Evidence of an equal level of safety to support emergency special permits and approvals was similarly lacking:

- PHMSA’s evaluations for 8 of the 16 (50 percent) emergency special permit applications we reviewed were either incomplete, not reviewed by PHMSA’s technical staff, lacked a conclusion that an equal level of safety was demonstrated, or were not performed.
- Each of the 56 approval applications we reviewed lacked evaluation documentation by PHMSA to indicate how an equal level of safety was reached.

In addition, PHMSA is not holding applicants accountable for providing required information, as it has granted new permits and renewals to applicants who did not:

- provide relevant shipping and incident experience,
- demonstrate that a special permit achieves a level of safety at least equal to that required by regulation, and
- certify—for renewals—that the original application remains accurate and complete.

Within the 99 non-emergency permits we reviewed, we sampled 40 applications for new permits and 38 applications for renewals. The table below shows that for most of these, required information was either not provided by applicants or not validated by PHMSA.

<i>Table. Insufficient Information on Special Permit Applications</i>				
Permit Type	Shipping/Incident Experience Missing	Shipping/Incident Experience Not Validated by PHMSA	Equal Level of Safety Not Supported	Accuracy and Completion of Original Application Not Supported
<i>New</i>	18	19	5	N/A
<i>Renewal</i>	1	37	N/A	7
<i>Total Problems Found</i>	19	56	5	7

Note: We did not examine what applicants provided for the 21 party-to permits since they generally provide limited information, given that they receive their permit based on PHMSA’s evaluation of the original permit holder’s application.

We also looked at applications for emergency permits, which require applicants to provide specific support to justify emergency processing. However, 3 of the 16 applicants (or about 19 percent) we reviewed who were granted emergency permits did not provide such support.

PHMSA Grants Special Permits and Approvals With Little or No Input from Partner Safety Agencies

While PHMSA is not required to coordinate with Operating Administrations before authorizing a non-emergency special permit or approval, the exchange of information among safety stakeholders, especially those with oversight and enforcement responsibilities, is fundamental to safety. According to officials we spoke with, coordination between PHMSA and FAA, FRA, and FMCSA mainly consists of informal e-mails and phone conversations.

Based on our review of 99 non-emergency special permits, we found no evidence that PHMSA coordinated with the affected Operating Administration in granting 36 of 40 (90 percent) new permits, all 38 renewals, and 19 of 21 (about 90 percent) party-to permits we sampled. Coordination with partner safety agencies prior to granting renewal and party-to permits is especially critical so they can ensure these applicants are still fit to conduct the authorized activity and that their proposed level of safety meets or exceeds the safety level required by the Hazardous Materials Regulations. Authorizing special permits that have not been fully vetted could ultimately lead to unsafe transportation of hazardous materials. Twelve of the 36 new permits that were not coordinated allowed transport by air (passenger and/or cargo), a particularly vulnerable transportation method if an incident were to occur.

FAA has also expressed dissatisfaction that PHMSA does not provide sufficient and consistent documentation upon which FAA can base its evaluation of the special permit or approval terms and conditions. For example, in 2008, PHMSA coordinated an emergency special permit application to transport by cargo aircraft several hazardous materials contained in spacecraft parts and components. The items included lithium batteries in a package that exceeded size parameters and a poisonous gas contained in pipes, which is normally prohibited by the Hazardous Materials Regulations for shipment by air. According to FAA, the request did not provide any additional safety measures for the pilots, and PHMSA did not include an explanation of how an equal level of safety would be met.

This example also illustrates the importance of coordination for emergency special permits, which is required by regulations.¹¹ Unlike non-emergency special permits, emergency special permits must be submitted directly to the affected Operating Administration, which evaluates and confirms the emergency, recommends any conditions for inclusion in the permit, then forwards its review to PHMSA. However,

¹¹ 49 C.F.R. § 107.117(d) (2009).

in 13 of the 16 emergency applications we reviewed, the applications went directly to PHMSA and were not coordinated with the affected Operating Administration. PHMSA also failed to publish 11 emergency permits in the Federal Register within 90 days of issuance as required by law for public safety and stakeholder notification.

The lack of coordination between PHMSA and FMCSA is also disconcerting, given that special permits for use of “bulk explosive” vehicles continue to be approved despite their number of serious incidents and violations—a key issue highlighted in our July management advisory to PHMSA. For the period October 2005 to July 2008, bulk explosives vehicles have experienced 14 serious incidents, 11 of which involved vehicle rollovers.

We also reviewed 56 approvals and found that none were coordinated with the affected Operating Administration. According to PHMSA, most approvals (e.g., explosive classifications, fireworks classifications, and retesters of cylinders) are mode-neutral and do not require coordination. We agree that not every approval needs to be coordinated, but certain approvals should be, especially those that provide exceptions from regulatory requirements or prohibitions, such as authorizations to transport lithium batteries in quantities greater than 77 pounds (anything under this weight does not require PHMSA approval). Our work underscores the importance of PHMSA and the affected Operating Administration jointly developing and implementing a Memorandum of Agreement on the type of approval requests that will be coordinated. This would provide each agency with an opportunity to share their knowledge about the party seeking an alternative method of compliance to the requirements in the Hazardous Materials Regulations.

PHMSA DOES NOT CONDUCT REGULAR COMPLIANCE REVIEWS OF INDIVIDUALS AND COMPANIES THAT HAVE BEEN GRANTED SPECIAL PERMITS AND APPROVALS

PHMSA’s risk-based oversight approach considers three priority factors when selecting individuals and companies that transport hazardous materials for safety compliance reviews: accident investigations, third-party complaint investigations, and fitness inspections.¹² Conducting compliance reviews of special permit and approval holders is not considered a priority, even though PHMSA states it holds companies with special permits and approvals to a higher standard of compliance than non-permit holders. PHMSA contends that this does not need to be incorporated in its risk-based oversight criteria because special permit holders have demonstrated better compliance over the last 10 years than non-permit holders.

Our visits to 27 companies indicate otherwise. Sixteen of these companies (59 percent) held 91 special permits. We found that all 16 were not complying with

¹² Fitness inspections are usually referred from PHMSA’s Office of Special Permits and Approvals to its Office of Hazardous Materials Enforcement (OHME).

various terms and conditions of 56 (62 percent) of the permits, such as training, shipping, and signage requirements. For example, one company failed to post a required sign on a vehicle that read “Warning, trailer may contain chemical vapor. Do not enter until vapors have dissipated.” Officials from five companies were unaware of which special permits applied to their location, and two facility officials seemed confused as to what a special permit was and made several calls to their corporate office or manager to obtain clarification on their permit use.

We are particularly concerned about these weaknesses with regard to the many companies whose operations depend on special permits and approvals and those companies operating multiple permits, approvals, or both. For example, we identified 16 companies that each had 20 or more special permits, 7 companies that each had 30 or more special permits, and 1 company that had 65 special permits.¹³ Omission of the priority factor, “holder of special permit and approval” from PHMSA’s risk-based oversight criteria means it cannot increase oversight for those companies that may not be providing an equal or higher level of safety as specified by the terms of the permit and the Hazardous Materials Regulations.

LONG-STANDING SAFETY CONCERNS HAVE LARGELY GONE UNADDRESSED BY PHMSA

Safety concerns associated with bulk explosive trucks were raised to PHMSA more than 2 years ago but have only recently received attention. Although PHMSA formed an advisory group primarily comprised of industry representatives, the group did not produce actionable solutions to these vulnerabilities. Our recent management advisory to PHMSA brought this issue to the attention of the highest levels of the Department. In response to our advisory, PHMSA developed an action plan addressing our concerns related to specialized bulk explosive truck operations, as well as other issues found with the special permits program in general. We intend to monitor PHMSA’s progress on this issue as this is not the first time identified safety concerns have gone largely unaddressed.

Safety Concerns Associated With Certain Bulk Explosives Special Permits Have Only Recently Received Attention

In June 2007, PHMSA’s Chief of the Office of Hazardous Materials Enforcement (OHME), Central Region, sent a letter to the Director of the Special Permits and Approvals Office citing specific problems and risks associated with vehicles traveling under two special permits. The letter described the results of a PHMSA investigation of a rollover incident where the vehicle’s tanks had ruptured and the different hazardous materials had mixed, creating the potential for a catastrophic event. As a precaution, the local fire department evacuated all areas within a 1.5-mile radius of the incident—1 mile beyond the emergency response handbook requirement.

¹³ We excluded the Department of Defense as a holder of special permits in our analysis.

The two special permits in question—11579 and 12677—allow permit holders to transport certain explosives, oxidizers, corrosive and combustible liquids, and blasting caps all on the same truck. While this practice is prohibited by the Hazardous Materials Regulations, permit holders are exempted from these requirements if they can show that their method of transport meets or exceeds the level of safety specified in the regulations and that they are fit to conduct the activity authorized by the permit.

OHME made a series of recommendations, one of which requires all operators of vehicles with multi-hazard special permit authorizations to receive additional safety training that specifically addresses vehicle susceptibility to rollovers.

In May 2008, nearly a year after receiving OHME's letter, PHMSA formed an advisory group, comprised of DOT and industry representatives, which met and discussed several issues. These included vehicle rollover prevention, training for drivers of these vehicles, improved battery protection or relocation, and ways to minimize circumstances that would cause a fire in a rollover spill. We first raised our concerns about the number of incidents and violations associated with these special permits in January 2009. At that time, PHMSA officials told us that the advisory group was looking into this matter. In March 2009, the group met again, and the Institute of Makers of Explosives representatives presented recommendations for the increased safety of the vehicles operated under the special permits. At both meetings, OHME's recommendations were not pursued and no clear course of action was determined except that another meeting in the near future would be beneficial.

Long-Standing Safety Concerns Regarding Special Permits To Ship Lithium Batteries Have Not Been Addressed

In 1999, a pallet of lithium batteries caught fire while being handled between flights at Los Angeles International Airport. Following this incident, FAA raised safety concerns involving life-threatening accidents with the air transport of bulk shipments of lithium batteries. Further, the NTSB's investigation of this incident revealed that these batteries presented an unacceptable safety risk to aircraft and passengers. The NTSB made a series of recommendations, including that packages containing lithium batteries be identified and shipped as hazardous materials when shipped on aircraft.

During our 2003 through 2004 review of FAA's Hazardous Materials Safety Program, two serious incidents involving the shipment of lithium batteries occurred. In one of these incidents, which occurred in August 2004, a shipment of lithium batteries caught fire on a ramp of a major all-cargo carrier at Memphis International Airport. According to the shipping documents, the battery package was shipped under a PHMSA approval; however the materials were not packaged according to the terms of the approval, and the approval was never coordinated with FAA. Our November 2004 report ultimately concluded that discussions between FAA and PHMSA (known as the Research and Special Programs Administration at the time) on the safe

transport of lithium batteries and other issues on rules governing air shipments of hazardous materials had been ongoing for 5 years without any effective resolution.¹⁴

We reported that serious efforts to resolve these issues were only undertaken after the August 2004 incident; high-level Departmental attention; and issuance of FAA's technical report, which concluded that lithium batteries pose a unique threat in the cargo compartment of an aircraft because lithium fires cannot be extinguished by FAA's certified fire suppressant system. We made a number of recommendations to address these unique safety requirements. The Assistant Secretary for Transportation Policy concurred, stating that the Department "anticipate[s] having a process formalized by February 2005" to resolve such disputes between Operating Administrations. However, the Department has yet to implement such a policy.

In December 2004, the Department issued an interim final rule on the safe handling and shipping of lithium batteries by air. This rule was finalized in August 2007 and subsequently amended in January 2009. Both amendments mandated additional safety requirements to address FAA's concerns and the NTSB's safety recommendations. However, not all of FAA's and NTSB's concerns have been resolved. Currently, PHMSA, in consultation with FAA, is proposing changes to the January 2009 rule to include that all lithium batteries be designed to withstand normal transportation conditions and packaged to both reduce potential damage that could lead to a catastrophic incident and minimize the consequences of an incident. At the core of the current debate is the Air Line Pilots Association's perspective that shipment of lithium batteries by air should be strictly prohibited until new regulations are in place to ensure the safe transport of hazardous materials. The Department must be vigilant in resolving this issue, as incidents involving shipments of lithium batteries continue to occur, with eight incidents in 2008—two of which were life-threatening—and six so far in 2009. The most recent of these include a burnt lithium battery package discovered on an aircraft at Honolulu International Airport on June 18, 2009, and another package that caught fire on a flight to St. Paul International Airport on August 14, 2009.

OIG Management Advisory Presses PHMSA To Immediately Address Safety Concerns

On July 28, 2009, we issued a management advisory to PHMSA outlining concerns with weaknesses we have identified thus far with the special permit process. In short, our work shows that immediate attention is needed to prevent unsafe packaging and transport of explosives and explosive components traveling under Department of Transportation Special Permit Numbers 8554, 11579, and 12677.

¹⁴ OIG Report Number SC-2005-015, "New Approaches Needed in Managing FAA's Hazardous Materials Program," November 19, 2004. OIG reports are available on our website: www.oig.dot.gov.

PHMSA's August 6, 2009, response to our advisory outlines its plans to address these identified issues:

- Special permits issued to trade associations – permits to be issued to member companies only, not to the associations.
- Safety documentation evaluations – revise policy and procedures to ensure that an “equivalent level of safety” determination is met and fully supported.
- Applicant fitness – revise policy and procedures to ensure that fitness determinations are well-founded and fully supported.
- Formally develop standard operating policies and procedures for the special permits program.

PHMSA's planned actions addressed some, but not all, of OHME's June 2007 recommendations. One such action is to develop a pilot project for installing electronic stability control systems on bulk explosive vehicles to prevent rollovers. However, PHMSA still needs to address OHME's remaining safety concerns. We will continue to monitor PHMSA's progress as it begins establishing implementation priorities in these areas and means to measure effectiveness.

CONCLUSION

Regulating and monitoring the movement of hazardous materials is a critical part of ensuring the safety of the Nation's transportation system, and it is PHMSA's role to properly assess all risks before allowing applicants to participate in commerce under special permits and approvals. However, a number of longstanding and new issues call into question the effectiveness of PHMSA's Special Permits and Approvals Program. The sheer number of active special permits and approvals alone—many dating back 10 years or more—underscores the need to reexamine the strategy for adopting special permits and approvals into the Hazardous Materials Regulations to keep the current regulatory framework in sync with today's operating environment. As PHMSA addresses these areas, it must re-focus its approach to proactively identify safety risks, work with partner safety agencies to resolve safety and practicality matters, and set targeted oversight priorities.

This concludes my statement, Mr. Chairman. I would be happy to answer any questions that you or other Members of the Committee may have.

EXHIBIT. PROCESS REQUIREMENTS FOR SPECIAL PERMIT AND APPROVAL APPLICATIONS

Table A. Process Requirements for Special Permit Applicants and PHMSA	
What Applicants Must Provide	How PHMSA Processes the Request
<i>New Permits</i>	
<ul style="list-style-type: none"> • identification/agent information • citation of regulation relieved from • proposed mode of transport • all supporting documents (e.g., test results and drawings) • demonstration of equal level of safety • all relevant shipping and incident experience 	<ul style="list-style-type: none"> • enter application into HMIS^a • submit to Technical Office if needed^b • 30-day period: determine conformity to requirements and accept or reject • evaluate equivalent level of safety • assess fitness of applicant to conduct the activity authorized • publish notice in Fed. Register • 15-day period: out for comments • draft permit with justification
<i>Renewal Permits</i>	
<ul style="list-style-type: none"> • identification/agent information • permit number for renewal • certification that original application remains accurate and complete • all relevant shipping and incident experience 	<ul style="list-style-type: none"> • 15-day period: determine completeness/conformity • verify timely receipt and enter into HMIS • draft authorization letter for signature
<i>Party-To Permits</i>	
<ul style="list-style-type: none"> • identification/agent information • permit number seeking to join • demonstration of equal level of safety 	<ul style="list-style-type: none"> • 30-day period: determine completeness/conformity • evaluate equivalent level of safety • assess fitness of applicant to conduct the activity authorized • verify “party-to” status not previously granted • draft authorization letter for signature
<i>Emergency Permits</i>	
<ul style="list-style-type: none"> • facts showing necessity to prevent injury, support national security, or prevent economic loss • the application to the DOT modal official for the initial mode of transportation to be utilized. 	<ul style="list-style-type: none"> • determine necessity to prevent injury, support national security, or prevent economic loss • publish in Fed. Register within 90 days

^a Hazardous Materials Information System (HMIS)

^b If non-technical, the application is assigned to a non-technical Special Permit Specialist.

Table B. Process Requirements for Approval Applicants and PHMSA	
What Applicants Must Provide	How PHMSA Processes the Request
<i>New Approvals</i>	
<ul style="list-style-type: none"> • identification/agent information • section of regulation under which application is made • description of the activity for which the approval is required • proposed mode of transit • all supporting documents (e.g., any additional information specified in the section containing the approval, test results, drawings, and any required reports) <p>Examples include classifications of explosives and fireworks, cylinder retesters, and manufacturers of cylinders</p> <p><i>For an approval that provides exceptions to the regulations, additional information is required:</i></p> <ul style="list-style-type: none"> • demonstration of equal level of safety • identification of any increased risk to safety or property 	<ul style="list-style-type: none"> • enter application into NetFYI Information Management System • submit to Technical Office if needed • evaluate equivalent level of safety • assess fitness of applicant to conduct the activity authorized • draft authorization letter
<i>Renewal Approvals</i>	
<ul style="list-style-type: none"> • identification/agent information • for approvals with expiration dates: renewals must be filed in same manner as original application • approval number for renewal 	<ul style="list-style-type: none"> • determine completeness • draft authorization letter for signature