

March 27, 2019



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 16606  
(FIRST REVISION)

**EXPIRATION DATE: 2023-02-28**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: 5-State Helicopters Inc.  
Certificate Number: Part 133 - LDUL599B  
Fate, TX
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce in the U.S. only of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft. Such transportation is in support of construction operations when the use of cranes or other lifting devices is impracticable or unavailable or when aircraft is the only means of transportation, without being subject to certain hazard communication requirements, quantity limitations, packaging and loading and storage requirements. 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 the development of this special permit only considered the hazards and risks associated with the 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.

Tracking Number: 2019026038

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4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Hazardous Materials Table Column (9B) in that the maximum net quantity may be exceeded; Subpart C of Part 172 in that the shipping paper requirements are waived; §§ 172.301(c) and 172.302(c) in that each package need not be marked with the special permit number; and § 175.30 in that an alternative inspection method is authorized.
5. BASIS: This special permit is based on the application of 5-State Helicopters Inc. dated February 25, 2019 and submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Refrigerating machines, containing non-flammable, non-toxic, liquefied gas or ammonia solution (UN2672)	2.2	UN2857	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Prescribed packagings must comply with Subpart B of Part 173 and § 173.306(e).

b. OPERATIONAL CONTROLS:

(1) Prior to attaching the refrigerating machines to an aircraft, each refrigerating machine must be inspected by a trained and qualified person for leaks, corroded or abraded areas, dents, distortions, weld defects or other conditions that may render the refrigerating machines unsafe for transportation.

(2) Materials transported by external load must comply with the safety controls specified in this special permit.

(3) Alternative pilot-in-command notification procedures for 49 CFR Part 175.33, may be established

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subject to the written approval of the cognizant FAA Regional Hazardous Materials Division Manager.

(4) Crew notification must be conducted prior to each external load operation conducted under the terms of this special permit. The crew must be notified of the type and quantities of hazardous materials to be transported under the terms of this special permit.

(5) The public must be excluded by local authorities and emergency responders must be notified in advance of each external load operation conducted under the terms of this special permit.

(6) The safe operation weight limit of the aircraft may not be exceeded.

(7) Each external load operation conducted under the terms of this special permit is only authorized in support of construction operations when the use of cranes or other lifting devices is impracticable or unavailable or when aircraft is the only means of transportation.

8. SPECIAL PROVISIONS:

a. The requirements for shipping papers in Subpart C of Part 172 are waived.

b. Each package must be properly marked and labeled for the hazardous materials contained within.

c. The marking requirements in 49 CFR 172.301(c) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rotorcraft External Load Operations.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit.

a. Authorized aircraft. Aircraft used under this special permit must be authorized as part of an FAA 14 CFR Part 133 Operating Certificate.

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- b. Operations manual. FAA 14 CFR Part 133 operations must be conducted in accordance with conditions and limitations specified in the certificate holder's FAA-approved Rotorcraft Load Combination Flight Manual (RLCFM) and Hazardous Material Safety Mitigation Plan.
- c. Authorized persons aboard aircraft. No person may be carried on the aircraft other than as authorized by 14 CFR 133.35.
- d. Operations under the terms of this special permit must be conducted in accordance with the Congested Area Plan approved by the FAA.
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 "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 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 [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: Andrew Eckenrode