

May 18, 2007



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 10695
(THIRTEENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of ethylene oxide packaged in aluminum cartridges within a UN4G fiberboard box. For domestic transportation only, this special permit also authorizes packages to be transported with a flammable gas (Division 2.1) label instead of both poison gas (Division 2.3) and flammable gas labels. 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. The safety analyses did not consider the hazards and risks associated with other uses not associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.101, 172.505(a), 173.323, 174.81, 176.84, 177.848 and 172.504 in that the placarding requirements are modified in paragraph 8.d. of this special permit, except as specified herein.
5. BASIS: This special permit is based on the application of 3M Company dated July 25, 2005, 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
Ethylene oxide or Ethylene oxide with nitrogen up to a total pressure of 1MP (10 bar) at 50 degrees C	2.3	UN1040	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is is an aluminum cartridge that contains no more than 200g (7.05 ounces) of ethylene oxide as described in the application on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). Prescribed packaging is now authorized in 49 CFR 173.323(b) (1).

b. TESTING:

(1) As filled, each aluminum cartridge has a burst pressure no less than 1.86 MPa (270 psig) and 10 times its charged pressure at 21.1°C. (70°F.); and

(2) After filling, is leak tested in a hot water bath at a temperature and for a period sufficient to achieve the vapor pressure of ethylene oxide at 55°C (130°F).

c. OPERATIONAL CONTROLS -

(1) Cartridges containing ethylene oxide are packed in groups of twelve (12) in UN4G fiberboard boxes, marked as meeting Packaging Group I performance requirements, that are fitted with styrofoam units at each end to rigidly hold and separate the cartridges from each other and box sidewalls.

(2) Return shipments must be prepared and offered by a recognized 3M Service Representative or a 3M-authorized Environmental Contractor, using a 3M designated motor carrier in accordance with the 3M Steri-Gas Cartridge Return Procedures on file with OHMSPA.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. For domestic transportation only, packages need not be labeled Division 2.3 (poison gas) but must be marked "INHALATION HAZARD" in association with the Division 2.1 (flammable gas) label.

d. For domestic transportation only, transportation of authorized packages may conform to segregation and placarding requirements for Division 2.1 (flammable gas) materials. Otherwise, transportation of authorized packages must conform to segregation and placarding requirements for Division 2.3 (poison gas) and Division 2.1 (flammable gas) materials. (See §§ 174.81, 176.83, 176.84, 177.848 and 172.504, Table 2).

e. Packagings permanently marked 'DOT-E 10695', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 10695'.

f. Shipping papers displaying 'DOT-E 10695' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel and motor vehicle 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. Section 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 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: 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

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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 Photo reproductions and legible reductions of this special permit are permitted. Any alternation of this special permit is prohibited.

PO: SS/sln