

March 7, 2006



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 12661
(THIRD REVISION)

EXPIRATION DATE: December 31, 2009

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: United Parcel Service (UPS)
Atlanta, Georgia
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the return shipment by motor vehicle of hazardous materials that have been accepted by the United Parcel Service, transported, and subsequently determined to be non-compliant with the Hazardous Materials Regulation's shipping paper, marking or labeling requirements. This special permit authorizes the transportation of such packages only from the point of discovery back to the offeror. 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.
 - c. No party status will be granted for this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.202 and 172.203(c), (k) and (m) in that an incorrect shipping paper may be identified on an addendum, §§ 172.301 and 172.400 in that either proper marks or labels are required but not both, and § 172.302(c) in that the special permit number need not be marked on the package.

5. BASIS: This special permit is based on the United Parcel Service's application of December 21, 2005, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Only the following categories of hazardous materials are authorized:

Hazardous Materials Description¹	Hazard Class/ Division	Identification Number	Packing Group
Explosives ²	1.4	As appropriate	II
Flammable gases	2.1	As appropriate	N/A
Nonflammable gases	2.2	As appropriate	N/A
Flammable liquids	3	As appropriate	I, II, III
Flammable solids ^{3,4}	4.1	As appropriate	II, III
Dangerous When Wet materials	4.3	As appropriate	II, III
Oxidizers	5.1	As appropriate	II, III
Organic peroxides ^{3,4}	5.2	As appropriate	II
Toxic materials	6.1	As appropriate	II, III
Corrosive materials	8	As appropriate	I, II, III
Miscellaneous hazard materials	9	As appropriate	II, III

- 1 - A material having a subsidiary hazard that is not identified above may not be transported under the terms of this special permit.
- 2 - Only materials in compatibility groups C, D, E, and S are authorized.
- 3 - Excludes Type A, B and C materials.
- 4 - Excludes materials which require temperature control.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging must be a combination packaging authorized by the HMR. Each package may not exceed a maximum gross weight of 32 kg (70 pounds).

b. OPERATIONAL CONTROLS -

(1) Each shipment made under this special permit must be accompanied by an addendum which-

(i) Identifies any areas of non-compliance such as shipping papers, markings, and labels; and

(ii) Has the special permit number "DOT-E 12661" noted on it and references the original shipping paper.

(2) Transportation is only authorized in UPS vehicles from the point of discovery back to the offeror.

(3) Transportation by UPS is authorized only up to 150 miles from the point of discovery.

(4) Each package must have at least a proper marking or a proper label to be transported under the terms of this special permit. An undeclared package (i.e., a package with no marks or labels) may not be transported under the terms of this special permit.

8. SPECIAL PROVISIONS:

a. A material meeting the definition of a material poisonous by inhalation (see 49 CFR § 173.132(a)(1)(ii)) may not be transported under the terms of this special permit.

b. UPS must develop and implement a quality assurance program for customers who offer packages of hazardous materials incorrectly to ensure corrective actions are taken.

c. UPS must develop and implement a quality assurance program for drivers who accept packages of hazardous materials incorrectly to ensure corrective actions are taken.

- d. UPS must utilize a driver checklist (on file with the Office of Hazardous Materials Special Permits and Approvals) for initial acceptance of packages for highway transportation.
- e. This special permit does not relieve UPS from carrier responsibility.
- f. A current copy of this special permit must be maintained at each facility where this special permit is utilized.
- g. Packagings permanently marked 'DOT-E 12661', 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 12661'.
- h. Shipping papers displaying 'DOT-E 12661' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit and the addendum identifying errors must be carried on board each motor vehicle used to transport the hazardous materials 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. 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 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 Robert A. McGuire
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/exemptions> Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: AM