

November 30, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 11900
(SIXTH REVISION)

EXPIRATION DATE: October 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Osmose, Inc.
Buffalo, New York
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of small quantities of a wood preservative (MITC-FUME™) containing methyl isothiocyanate, a Division 6.1 Packing Group I Hazard Zone B material, to be shipped in accordance with the small quantity exceptions under § 173.4. 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. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.4(a)(1)(iii) in that the small quantity exception only authorizes one gram of a Division 6.1 PG I Hazard Zone B material per inner receptacle, except as specified herein and § 173.4(a)(10) in that the package need not be marked with a statement indicating compliance with § 173.4.

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5. BASIS: This special permit is based on the application of Osrose, Inc. dated November 28, 2006 submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Not applicable in accordance with the § 173.4 Small quantity exceptions. The active ingredient in the wood preservative (MITC-FUME™) is methyl isothiocyanate (UN2477) which is toxic and flammable)	N/A	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - In accordance with § 173.4 and as described in the application for special permit under "Description of Packaging". Packaging includes: (1) aluminum vials (inner receptacles) with crimped caps; (2) sealed steel canisters (secondary packaging) containing up to 18 vials per canister, and (3) a fiberboard box (outer packaging) containing up to 15 canisters. The maximum quantity of material per vial is limited to 30 grams (1 ounce). The gross mass of the completed package may not exceed 15 kilograms (33 pounds).

b. TESTING - In accordance with § 173.4.

c. MARKING - The outside of each package must be plainly and durably marked "DOT-SP 11900", however the package need not be marked in conformance with § 173.4(a)(10).

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 modifications or

changes are made to the package 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. Packagings permanently marked 'DOT-E 11900', 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 11900'.

d. Shipping papers displaying 'DOT-E 11900' 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 must be carried aboard each 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. 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/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: KFW/sln