APR 25 2000

U.S. Department
of Transportation
Research and
Special Programs
Administration

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

ATTENTION EXEMPTION HOLDER(S)

Enclosed is the 8th Revision of DOT-E 10870. Please note the modification(s) to Paragraph(s) 1 & 5 (correction to Spelling of Company) and/or Appendix A.

Sincerely,

for Ann Mazzullo

R. Ryan Posten
Exemptions Program Officer
Office of Hazardous Materials
Exemptions and Approvals

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

APR 25 2000

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

DOT-E 10870
(EIGHTH REVISION)

EXPIRATION DATE: **March 31, 2002**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Andersen Products, Inc.
   Haw River, NC

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the transportation in commerce of ethylene oxide packaged in glass ampoules within a fiberboard box with a flammable gas (Division 2.1) label instead of both poison gas (Division 2.3) and flammable gas labels. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

   b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR, §§ 172.101, 172.400(a) to the extent that the Division 2.3 label is not required, 172.504, 173.323, 174.81, 176.83 and 177.848.

5. BASIS: This exemption is based on the application of Andersen Products, Inc. dated March 23, 2000, submitted in accordance with § 107.109 and additional information dated April 20, 2000.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Ethylene oxide mixtures | 2.3 | UN1040 | N/A |

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is the combination of glass ampoule and fiberboard box. Inner glass ampoules must:

(1) Contain no more than 0.68 fluid ounces (20 milliliters) per glass ampoule;

(2) After filling, be 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).

b. Ampoules containing ethylene oxide mixtures must be well-cushioned within the fiberboard boxes. Glass ampoules are separated from one another and the box sidewalls and no more than 60 fluid ounces of ethylene oxide mixtures are authorized per completed combination package. The completed packages must be capable of withstanding packing group I performance tests.

8. SPECIAL PROVISIONS:

a. Packages need not be labeled poison gas (Division 2.3) but must be marked "INHALATION HAZARD" in association with the flammable gas (Division 2.1) label.

b. Transportation of authorized packages must conform to segregation and placarding requirements for (flammable gas) Division 2.1, §§ 174.81, 176.83, 177.848 and 172.504, Table 2.

c. A person who is not a holder of this exemption who receives a package covered by this exemption 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 exemption and the HMR.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable.

(Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

APR 25 2000

(DATE)

For Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, 400 7th Street, S.W., Washington, DC 20590, Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM(00)