U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 3630 (PTE)
FOURTH REVISION November 3, 1995

In accordance with 49 CFR 107.111 of the Department of Transportation (DOT) Hazardous Materials Regulations the party(ies) listed below is granted the status of party to DOT-E 3630. The expiration date of the exemption for the party(ies) is September 30, 1996.

This party status applies to the party(ies) listed below based on the application(s) submitted in accordance with 49 CFR 107.111 and the public proceeding thereon. All terms of the exemption remain unchanged. This authorization forms part of the exemption and must be attached to it.

for Marilyn J. Morris
Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

FEB 22 1996
(DATE)

Dist: FHWA

EXEMPTION HOLDER	APPLICATION DATE
Mallinckrodt Baker, Inc. Phillipsburg, NJ	December 4, 1995

U.S. Department
of Transportation

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NOV 3 - 1995

400 Seventh Street, S.W.
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DOT-E 3630
(FOURTH REVISION)

1. Mallinckrodt, Incorporated, Paris, Kentucky is hereby granted an exemption from certain provision of this Department's Hazardous Materials Regulations to offer packages of a corrosive liquid for transportation in commerce in the manner described below subject to the limitations and special requirements specified herein. This exemption authorizes the use of a DOT 33A polystyrene case to contain four 5-pint glass bottles of nitric acid, and provides no relief from any regulation other than as specifically stated. **NOTE: Reference to 49 CFR Sections in this exemption are to regulations in effect on September 30, 1991.**

2. BASIS. This exemption is based on Mallinckrodt Chemical, Incorporated's application dated July 14, 1994, submitted in accordance with 49 CFR 107.105 and supplemental letter dated February 9, 1995.

3. HAZARDOUS MATERIALS (Descriptor and class). Nitric acid other than red fuming with more than 70 percent nitric acid, Class 8, UN2031 or Nitric acid other than red fuming, with not more than 70 percent nitric acid, Class 8 UN2032.

4. PROPER SHIPPING NAME (49 CFR 172.101). Nitric acid.

5. REGULATION AFFECTED. 49 CFR 177.839(a) and (b).

6. MODE OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

a. Packaging is DOT Specification 33A polystyrene case with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside case.

b. Packages must be palletized and may be stacked up to 6 tiers high.

8. SPECIAL PROVISION.

a. **No new construction of the packaging identified in Paragraph 7 of this exemption is authorized after September 30, 1994. As the holder of this exemption, you may request a renewal to continue the use of the packaging, manufactured prior to September 30, 1994, however, the exemption will not carry an expiration date subsequent to September 30, 1996 since use of the packaging is prohibited after that date. This is consistent with the transitional provisions of 49 CFR Section 171.14 and the implementation of the new packaging requirements adopted under Docket HM-181.**

b. Each palletized unit must be marked "DOT-E 3630."

c. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

9. 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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.

10. 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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

11. EXPIRATION DATE. **September 30, 1996.**

Issued at Washington, D.C.:

J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

NOV 3 - 1995
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 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.

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