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

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

JUL 7 2003

DOT-E 11374
(FOURTH REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Mallinckrodt Baker, Inc.
Phillipsburg, New Jersey

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of nitric acid of up to 72% concentration in combination packagings with teflon inner packagings. This exemption provides no relief from the Hazardous Materials Regulations (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 §§ 173.158(e) and (g), except as provided herein.

5. BASIS: This exemption is based on the application of Mallinckrodt Baker, Inc. dated June 23, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous materials description	Hazard Class/ Division	ID Number	Packing Group
Nitric acid *other than red fuming with more than 70 percent nitric acid.*	8	UN2031	I and II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a combination packaging with up to 6 inner teflon bottles of up to 2.5 liters. For shipments by cargo aircraft or cargo vessel, inner packagings are limited to a maximum capacity of 1 liter. Inner packagings are individually packed in polyethylene bags tied with a twist band, and securely cushioned in an outer UN4G fiberboard box. For air shipments, inner bottles must be individually packed in tightly closed metal packagings before being placed in the outer UN4G box. Inner teflon bottles have a nominal wall thickness of 0.036 inch.

b. TESTING - The completed packaging must be tested in accordance with 49 CFR, Subpart M of Part 178, as appropriate for UN4G boxes, at the Packing Group I or II level, as appropriate for the specific nitric acid concentration. The drop test must be performed at a reduced temperature, as specified in § 178.603(c).

8. SPECIAL PROVISIONS:

a. 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.

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

c. MARKING - In addition to the markings required by § 178.503 for UN4G boxes, each outer packaging must be marked "DOT-E 11374," on a contrasting background.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft 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 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.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Ann Mazzullo

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JUL 7 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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