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

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

OCT 2 1997

DOT-E 8396
(FIFTH REVISION)

EXPIRATION DATE: December 31, 1998

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Aztec Peroxides, Inc.
Elyria, Ohio

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain organic peroxide solutions in DOT specification cargo tanks, and provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.225(e).

5. BASIS: This exemption is based on the application of Aztec Peroxides, Inc., dated October 29, 1996, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
The specific chemical name or generic description, as appropriate*	as appropriate	as appropriate	as appropriate

* Organic peroxide solutions composed of organic peroxides and solvents which have been approved under this exemption or under DOT-E 8936. The peroxides and solvents may be combined in any proportions except that the total peroxide content may not exceed 20% by weight. All of these solutions must be at least as stable as those originally approved under this exemption or DOT-E 8936. These solutions are classed as flammable liquids or organic peroxides, as appropriate.

7. PACKAGING AND SAFETY CONTROL MEASURES:

Packaging prescribed is an insulated MC 307 or MC 312 or combination MC 307/MC 312 specification cargo tank conforming with the specifications in the letters dated July 25, 1980 and February 18, 1987, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

8. SPECIAL PROVISIONS:

a. Persons who receive the 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.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

c. The cargo tank must be loaded and unloaded by Aztec Peroxides, Inc. employees who are familiar with the lading and with the proper procedures for its safe handling.

d. After loading, and before transportation, a sample must be taken from the vehicle and analyzed to ensure that the product is within the specifications set forth in this exemption.

e. The total transport time, including loading and unloading may not exceed 48 hours. The temperature of the solution determined immediately after loading may not exceed 30 degrees F.

f. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.

g. Each tank must be reinspected and retested in accordance with 49 CFR 177.824(c), once every 2 years as prescribed for DOT Specification MC 307 or MC 312 cargo tanks. Pneumatic retesting is authorized in lieu of the required hydrostatic test.

h. Each cargo tank must be plainly marked on the right side near the front, in letters at least two inches high on a contrasting background, "DOT-E 8396".

i. Transportation of the organic peroxide under this exemption must be by private carriage only.

j. Motor carriers operating under the terms of this exemption must have a "Satisfactory" or "Conditional" safety rating as prescribed in 49 CFR Part 385.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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. 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.

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. (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.

Issued at Washington, D.C.:

for Ann Mazzullo 10/2/97

Alan I. Roberts (DATE)
Associate Administrator
for Hazardous Materials Safety

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.