U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8390 (PTE)
SECOND REVISION October 13, 1994

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 8390. 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 E. 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

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DOT-E 8390
(SECOND REVISION)

1. Mallinckrodt, Inc., Paris, Kentucky, is hereby granted an exemption from those provisions of this Department's Hazardous Materials Regulations specified in paragraph 5 below to offer packages prescribed herein of a corrosive material for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the shipment of 95%-98% sulfuric acid in DOT-2E polyethylene bottles overpacked in DOT-12A80 fiberboard boxes, and provides no relief from any regulation other than as specifically stated. Each of the following is hereby granted the status of a party to this exemption. **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, Inc.'s application dated July 14, 1994, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Sulfuric acid, 95% to 98%, a class 8 material, UN1830.

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

5. REGULATION AFFECTED. 49 CFR 173.272, 178.24a, 178.210.

6. MODE OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is DOT Specification 12A80 fiberboard box, with inside packagings consisting of DOT Specification 2E polyethylene bottles having minimum wall thickness of 0.030-inch and screw cap closure with capacities of either one-gallon or 6.5--pints. Each Specification 12A80 box may contain 4 one-gallon or 6 or 4 6.5--pints Specification 2E polyethylene bottles. Package, closed as for shipment and with inside DOT-2E polyethylene bottles (4 one-gallon and 6 and 4 6.5--pints) filled with water, must be capable of satisfactorily withstanding the performance tests prescribed in 49 CFR 178.210-10.

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8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modification 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. **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.**

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 laws:

- 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 unless a regulation has been amended making the exemption no longer necessary.

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.

10. EXPIRATION DATE. July 31, 1996.

Issued at Washington, D.C.:

OCT 13 1994

(DATE)

Alan I. Roberts
Associate administrator
for Hazardous Materials Safety

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