U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUN 21 1995

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

DOT-E 11446
(SECOND REVISION)

EXPIRATION DATE: September 30, 1995

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Foster Wheeler Environmental Corporation
Lyndhurst, NJ

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of sulfuric acid, fuming, greater than or equal to 30 percent free sulphur trioxide, in damaged non-DOT specification lined steel drums which are overpacked in a twin-walled 85 gallon polyethylene drum manufactured under DOT-E 10473, or a 360 gallon polyethylene container manufactured under DOT-E 10230.

3. REGULATORY SYSTEM AFFECTED:

49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED:

49 CFR 173.227(b) insofar as the requirements for the inner drum and the thickness of the outer drum.

5. BASIS: This emergency exemption is based on Foster Wheeler Environmental Corporation's application dated March 24, 1995 and additional information dated March 30, April 26, May 19, and May 23, 1995, and June 9, 1995 submitted in accordance with 49 CFR 107.113, and a determination that the exemption is necessary for the protection of life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description - proper shipping name	Hazard Class/ Division	ID Number	PG
Sulfuric acid, fuming greater than or equal to 30 percent free sulphur trioxide.	8	UN1831	I, Hazard Zone B

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7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification lined steel drum having a capacity of not over 55 gallons overpacked in a:

i. double walled polyethylene drum manufactured under DOT-E 10473; or

ii. a 95 gallon polyethylene salvage drum further overpacked in a polyethylene container manufactured under DOT-E 10230.

b. MARKING - In addition to being marked DOT-E 10473 or DOT-E 10230, each outer drum must be marked "DOT-E 11446".

8. SPECIAL PROVISIONS:

a. 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.

b. Transportation is authorized only between the BROS CERCLA Site in Bridgeport, NJ and Environmental Waste Resources, Inc. in Waterbury, CT; Clean Harbors Environmental Services, Bristol, CT or Environmental Enterprises, Inc., Cincinnati, OH on exclusive use motor vehicles.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

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

b. All motor carriers transporting the material authorized under this exemption must be EPA licensed hazardous waste haulers.

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

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.:

JUN 21 1995

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

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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