



**JUL 7 2003**

DOT-E 12705  
(THIRD REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Brenntag Mid-South, Inc.  
Henderson, KY
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of nitric acid in drums that do not meet the minimum thickness requirements. 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(b)(1)(i) in that a drum containing a hazardous material that is below the minimum wall thickness is not authorized, except as specified herein; and the marking requirement specified in § 172.203(a).
5. BASIS: This exemption is based on the application of Brenntag Mid-South, Inc. dated June 11, 2003 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Nitric Acid Solution <i>other than red fuming, with not more than 70% nitric acid</i>	8	UN2031	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are UN1A1 drums with capacities between 115 to 210 liters marked and meeting the packing group I or II performance level. The drums must have a minimum thickness of not less than 1.35 mm. New construction is not authorized after May 1, 2001 for the drums described in this exemption.

b. OPERATIONAL CONTROLS - The drums under the exemption must remain in dedicated nitric acid service.

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 modification or change is made to the package or its contents 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 the exemption number on the shipping paper as specified in § 172.203(a) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current 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. 5101 et seq:

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

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



*dm* Robert A. McGivere  
Associate Administrator for  
Hazardous Materials Safety

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(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.

PO: KFW/ALB