

October 25, 2005



U.S. Department
of Transportation

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

**Pipeline and
Hazardous
Materials Safety
Administration**

DOT-SP 8230
(TENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of Packing Group I and II nitric acids in certain combination packagings. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit 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), (f), (g) and (h) in that certain inner and intermediate packagings are not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of EMD Chemicals, Inc. dated February 3, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Nitric acid, <i>other than red fuming, with more than 70 percent nitric acid.</i>	8	UN2031	I
Nitric acid, <i>other than red fuming, with not more than 70 percent nitric acid.</i>	8	UN2031	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

- a. The following combination packagings are authorized:

Inner packaging:

A plastic ("fluorinated ethylene-propylene" [FEP] polymers, "perfluoroalkoxy" [PFA] polymers or similar materials) bottle with lined screw closure meeting the compatibility requirements of § 173.24(e) and having a net capacity not greater than 2.5 liters (0.66 gallon) each. The wall thickness of the bottle must not be less than 0.020".

Intermediate packaging:

- 1.) A tightly closed rigid-foam plastic receptacle each containing one inner packaging; or
- 2.) A plastic bag containing one inner packaging and placed inside a heavy-wall polypropylene bag lined with polypropylene absorbent material of sufficient capacity to completely absorb the liquid contents of each inner package. Both bags must be tightly sealed with either plastic tape, a wire tie or a cable tie.

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Outer packaging: Specification 4G fiberboard box.

- b. The completed package must meet the testing requirements at the Packing Group I or II performance level, as appropriate.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this special permit who receives a package covered by this special permit 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 special permit and the HMR.

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

- c. MARKING - Each package must be marked "DOT-SP 8230" as specified in § 172.301(c).

- d. Packagings permanently marked 'DOT-E 8230', prior to October 1, 2006 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2006 must be marked 'DOT-SP 8230'.

- e. Shipping papers displaying 'DOT-E 8230' may continue to be used until October 1, 2006, provided the special permit remains valid.

- 9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo only aircraft (See Paragraph 10.b.).

10. MODAL REQUIREMENTS:

- a. A current copy of this special permit must be carried aboard each cargo vessel and cargo-only aircraft used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.

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- b. When offered for transportation or transported by cargo-only aircraft, inner packagings for nitric acids in Packing Group I may not exceed 1 liter (0.3 gallon) net capacity per package.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this

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exemption must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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

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

PO: AM

