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

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

AUG 31 2001

DOT-E 12688
(SECOND REVISION)

EXPIRATION DATE: June 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Brenntag West, Inc.
Santa Fe Springs, CA

(See Appendix A to this document for a list of additional grantees)

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 West, Inc. dated June 12, 2001, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): AUG 31 2001

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

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The 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.

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 modifications or changes are made to the package 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.

AUG 31 2001

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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- 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.:

For Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 31 2001
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

PO: DB/AM

AUG 31 2001

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Brenntag Northeast, Inc. Reading, PA	Aug 31, 2001	AUG 31 2001	Jun 30, 2003
Brenntag Southwest, Inc, Longview, TX	Aug 31, 2001	AUG 31 2001	Jun 30, 2003

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety