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

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

MAR 18 2003

DOT-E 13111

EXPIRATION DATE: January 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Fisher Scientific Chemical Division
Fair Lawn, NJ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of nitric acid in certain UN3H1 plastic jerricans and UN1H1 plastic drums. 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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not 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(f) in that UN3H1 and UN1H1 packages are not authorized as single packages for nitric acid, except as specified herein.

5. BASIS: This exemption is based on the application of Fisher Scientific dated August 13, 2002, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packages must meet the compatibility requirements of § 173.24(e) and the following:

(1) A UN3H1 plastic jerrican with a capacity not exceeding 2.5 liters, fabricated from high density polyethylene with a Teflon lined, screw cap closure. The package must be certified as either:

(i) UN3H1/X1.4/250/**/D/BAM5276-M, or

(ii) UN3H1/X1.3/250/**/D/BAM5276-M

(2) A UN1H1 plastic drum with a nominal capacity of 0.5 liters, fabricated from high density polyethylene with a Teflon lined, screw cap closure. The package must be certified: UN1H1/X1.3/250/**/D/BAM5240-M.

b. OPERATIONAL CONTROLS -

(1) The packages authorized under this exemption are single use only and may not be reused for the transport of hazardous materials.

(2) Shipment is only authorized from the point of entry to a Fisher Scientific Chemical Division warehouse or from a Fisher Scientific Chemical Division warehouse the end user.

(3) The packages may not be used beyond two years from the year of manufacture marked on the package in the required UN markings.

(4) If shipped as a combination package, packagings assembled as for shipment, must be tested in accordance with 49 CFR Part 178, Subpart M, at the Packing Group II performance level.

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. Each package must be marked "DOT-E 13111" as specified in § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, or 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:

- 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.:

MAR 18 2003

Robert A. McGuire
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.

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: DBurger