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

MAY 15 2000

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

DOT-E 11058
(THIRD REVISION)

EXPIRATION DATE: April 30, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Spex Certiprep, Inc.
Metuchen, NJ

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

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of dilute nitric acid in combination packagings consisting of plastic bottles packed in plastic bags, further packed with vermiculite or water absorbent cellulose wadding in a UN 4G corrugated fiberboard box. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.158 in that a non-authorized combination package is authorized.

5. BASIS: This exemption is based on the application of Spex Industries, Inc. dated April 17, 2000, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Nitric acid (See Paragraph 7.c)	8	UN2031	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a combination packaging consisting of low density polyethylene bottles of not over 2.5 liter (0.66 gal.) capacity each that are tightened, taped, shrink wrapped closed, and placed in a plastic bag, and cushioned with vermiculite or water absorbent cellulose wadding (Custom Wrap™, Water Absorbent CW37) in a UN 4G fiberboard box. The polyethylene bottles must meet the compatibility requirements of § 173.24(e).

b. TESTING - Packagings, assembled as for shipment, must be tested in accordance with 49 CFR Part 178, Subpart M, at the Packing Group II level for combination packagings with a fiberboard box outer packaging.

c. The concentration of nitric acid shipped under the terms of this exemption may not exceed 10 percent.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receive 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 - In addition to the packaging markings required by § 178.503, each package must be plainly and durably marked "DOT-E 11058."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: No modal-specific requirements are required 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.

- o Registration required by § 107.601 et seq., when applicable.

No person may use or apply to 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.

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.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

MAY 15 2000
(DATE)

FOR Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

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.

PO: DBURGER/alb