

April 15, 2016



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16602

EXPIRATION DATE: March 31, 2018

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Hydrite Chemical Co.
Brookfield, WI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of nitric acid with concentrations up to 50% in UN 3H1 jerricans and UN 1H1 plastic drums. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.158(b), (e) and (f) in that nitric acid is not authorized to be transported in 1H1 and 3H1 plastic single packagings, except as specified herein.
5. BASIS: This special permit is based on the application of Hydrite Chemical Co. dated October 23, 2015 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	Identification Number	Packing Group
Nitric acid <i>other than red fuming, with more than 20 percent and less than 65 percent nitric acid*</i>	8	UN2031	II

*The concentration of nitric acid may not exceed 50%.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are UN 3H1 jerricans and UN 1H1 plastic drums and must conform to the following:

- (1) The concentration of nitric acid in UN 3H1 jerricans may not exceed 40%.
- (2) Each drum and jerrican must be permanently marked "ONE TIME USE ONLY" in a readily visible place in lettering no less than 12 mm in height.
- (3) Drums and jerricans shall not be used more than two years from the date of manufacture.

b. OPERATIONAL CONTROLS -

- (1) Packages of nitric acid with concentrations exceeding 40% but not exceeding 50% must be maintained in a temperature-controlled environment of no greater than 80 °F during filling, storage and shipment.
- (2) The Bill of Lading must indicate the acceptable temperature storage range for the trailer's temperature control.
- (3) The driver's initial Bill of Lading must indicate an understanding of the temperature control requirements.

(4) Packages must be shipped by private carrier or contract carrier under exclusive use.

(5) The product labels must indicate the acceptable temperature storage range.

(6) The packages must be emptied and the packagings disposed of no more than six months after the initial fill date.

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 modification or change is 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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

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.

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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 this 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 special permit 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 special permit 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 special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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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: BenMOORE