



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

November 04, 2024

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21771

EXPIRATION DATE: 2026-10-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Berlin Packaging LLC
Chicago, IL
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale and use of UN specification packagings for the transport of nitric acid of less than 70% concentration where the glass inner packagings are not packed in tightly-closed, intermediate packagings and cushioned with absorbent material. 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 development of this special permit 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.
 - c. In accordance with 49 CFR 107.107(a) party status may not be granted to a manufacturing permit. These packagings may be used in accordance with 49 CFR 173.22a.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171- 180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.158(e) in that glass inner packagings are not packed in tightly-closed, intermediate packagings and cushioned with absorbent material, as specified herein.
5. BASIS: This special permit is based on the application of Berlin Packaging LLC dated May 14, 2024, submitted in accordance with § 107.105 and the public proceeding

Tracking Number: 2024054586

thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Nitric acid <i>other than red fuming, with at least 65 percent, but not more than 70 percent nitric acid</i>	8	UN2031	II
Nitric acid <i>other than red fuming, with more than 20 percent and less than 65 percent nitric acid</i>	8	UN2031	II
Nitric acid <i>other than red fuming with not more than 20 percent nitric acid</i>	8	UN2031	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Prescribed packagings are as follows:

- (1) Inner packagings: Prescribed inner packagings are 0.5 L or 2.5 L glass bottles coated with a minimum thickness of 0.010 inches of polyvinyl chloride (PVC) as described in Berlin Packaging LLC's application dated May 14, 2024, and on file with the Office of Hazardous Materials Safety (OHMS).
- (2) Outer packagings: UN 4G fiberboard box meeting the Packing Group I performance criteria and as described in Berlin Packaging LLC's application dated May 14, 2024, and on file with OHMS.
- (3) The following packaging configurations are authorized:
 - (i) Six (6) 2.5 L PVC coated bottles placed in expanded polystyrene inserts and further packaged in a UN 4G box.
 - (ii) Four (4) 2.5 L PVC coated bottles placed in expanded polystyrene inserts and further packaged in a UN 4G box.
 - (iii) Six (6) 0.5 L PVC coated bottles placed in expanded polystyrene inserts and further packaged in a UN 4G box.

(iv) Fewer bottles may be used in each of the configurations in the paragraphs above provided void spaces are filled with a cushioning material.

(4) In addition to the requirements of the HMR, the packages must be capable of passing ISTA 3A testing as demonstrated in the test reports on file with OHMS.

b. TESTING: The completed package, assembled as for transportation must be of a design that has been successfully tested in accordance with 49 CFR Part 178 at the Packing Group I level.

c. MARKING: Each package, and overpack if used, must be marked: "DOT-SP 21771".

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a packaging covered by this special permit, may reoffer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.

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

d. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials for a specific manufacturing facility.

e. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.

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.

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 William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-13, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: ae