U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 17 2000

DOT-E 12462

EXPIRATION DATE: May 20, 2000

1. GRANTEE: Rinchem Company, Inc.
Albuquerque, NM

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of approximately 10 gallons of sulfuric acid in an intermediate bulk container (IBC) that has developed a leak around one of the seams. 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 § 173.24 in that the IBC has developed a leak around one of the seams.

5. BASIS: This emergency exemption is based on the application of Rinchem Company, Inc., dated May 2, 2000, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Sulfuric acid	8	UN1830	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification 31H1 IBC, which is an authorized bulk package for sulfuric acid. The IBC has developed a leak around one of the seams and will be transported in an enclosed van with a layer of plastic placed under the IBC during transport, to a location which can safely remove the residue of sulfuric acid.

b. OPERATIONAL CONTROLS - Emergency response personnel will monitor the transportation of the IBC in order to respond to an incident, should it occur.

c. The IBC is located in Dallas, TX and will be transported to a facility approximately 30 miles from Dallas, which will then empty the residual amount of sulfuric acid.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport the leaking IBC 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.:

J. Suzanne Hollopeth

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

MAY 17 2000
(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.

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM