

May 6, 2009



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 14846  
(FIRST REVISION)

EXPIRATION DATE: August 31, 2009

1. GRANTEE: The United States Environmental Protection Agency  
Region 6  
Dallas, TX
2. PURPOSE AND LIMITATION:
  - a. This emergency special permit authorizes the one-time, one-way transportation in commerce of approximately 24,249 gallons of Hydrogen fluoride, anhydrous in MC 338 cargo tanks which are not authorized for that 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. 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 § 173.243(b) in that MC 338 cargo tanks are not authorized for transportation of Hydrogen fluoride, anhydrous, except as provided herein and § 173.302(c) in that the marking requirements are waived.

**May 6, 2009**

5. BASIS: This emergency special permit is based on the applications of The United States Environmental Protection Agency (EPA), Region 6 dated April 24, 2009 and May 5, 2009, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper shipping name</b>	<b>Hazard Class/ Division</b>	<b>Identi- fication Number</b>	<b>Packing Group</b>
Hydrogen fluoride, anhydrous	8	UN1052	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT specification MC 338 cargo tanks originally authorized under DOT-SP 3121. The drawings, photographs, the product specification sheet from the manufacturer, Process Engineering, and certification that the valves and components are compatible with the material to be transported under the terms of this special permit are on file with the Office of Hazardous Materials Special Permits and Approvals.

b. OPERATIONAL CONTROLS - The MC 338 cargo tanks are owned and operated by Jack B. Kelley Transport, Amarillo, Texas.

(1) The one-time, one-way transportation will originate at Norphlet Chemical, Inc., Norphlet Union County, Arkansas, and will end at the Veolia Incinerator in Port Arthur, Texas, a distance of approximately 320 miles.

(2) All loading and transportation operations must be under the direction of EPA Region 6, including any prescribed safety controls or limitations.

(3) The driver of the motor vehicle must be specifically trained in the hazards associated with the hazardous materials being transported and be knowledgeable in the appropriate emergency response procedures.

(4) The driver of the motor vehicle must have the capability to contact the plant and appropriate emergency response organizations in the event of an accident or an emergency involving the hazardous materials being transported.

(5) The marking required by § 172.302(c) is waived, however, the current marking "DOT-SP 3121" must be obscured.

8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at the 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 the 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.

**May 6, 2009**

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 Theodore L. Willke  
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.

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](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.

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