

September 5, 2008



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety Administration

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

DOT-SP 14574  
(THIRD REVISION)

**EXPIRATION DATE: December 31, 2009**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: KMG Electronic Chemicals  
(Former Grantee: Air Products and Chemicals)  
Houston, TX
  
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of certain lined DOT Specification MC 312 and DOT 412 cargo tanks which are not subject to the internal visual inspections required in §§ 180.407(c), (e) and (f) for use in transporting certain Class 8 hazardous materials. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - 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 § 180.407(c), (e) and (f) in that periodic internal visual inspection is required, except as specified herein.

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5. BASIS: This special permit is based on the application of KMG Electronic Chemicals dated April 17, 2008 and additional information dated June 18, 2008, and July 1, 8, 29, and 31, 2008, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Nitric acid <i>other than red fuming, with more than 70 percent nitric acid</i>	8	UN2031	II
Sulfuric acid <i>with more than 51 percent acid</i>	8	UN1830	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are:

(1) Twenty-three PVDF-Kynar and Teflon® lined DOT Specification MC 312 and DOT 412 cargo tank motor vehicles identified as APCI Numbers 51AA65, 51A067, 51A678, 51A988, 51A788, 51A989, 51A366, 51A065, 51A066, 51A078, 51A691, 51A929, 51A789, 51A790, 51A855, 51A906, 51A907, 51A928, 51A853, 51A854, 51A743, 51A265, 51A263. Cargo tanks range in capacity from 3500 to 5000 gallons.

(2) Each cargo tanker must be lined with either 60 mil thick PVDF or a minimum of 80 mil thick Teflon®.

(3) Each cargo tanker must be dedicated to service.

(4) Other cargo tank motor vehicles used under this special permit must be identified in writing to and acknowledged in writing by the Office of Hazardous Materials Special Permits and Approvals (OHMSPA), prior to the first use.

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b. TESTING -

(1) Each cargo tank must be tested and inspected as specified for DOT Specification MC 312 and DOT 412 cargo tank motor vehicles in § 180.605 (c) except that the internal visual inspection is waived. In lieu of opening the tanks for internal inspection, APCI lining inspection procedures on file with OHMSPA must be followed. The procedures are summarized as follows:

(i) The cargo tanker must be tested for trace metals pre-load and post-load. The Inductively Coupled Plasma Mass Spectroscopy (ICP-MS) will be used as the instrument for testing.

(ii) If the after filling contamination levels are 50 ppb or greater than the corresponding values before filling, a defect in the lining is indicated. The cargo tank is removed from service and sent to a DOT-certified inspection and repair facility.

(iii) A paper copy of these tests must be kept on file for five years and an electronic copy kept on file for the life of the cargo tank.

(2) All sulfuric and nitric PVDF and Teflon<sup>®</sup> lined cargo tanks must undergo annual external and leakage test. Every five years, in conjunction with the external and leakage test, a hydrostatic test (pressure test) must be conducted.

(3) Written inspection and repair reports must be maintained. The periodic test and inspection records must be maintained until the next inspection or test is completed. Repair records must be maintained during the period the unit is in service and for one year thereafter. The records must be made available for inspection by a representative of the Department upon request.

c. OPERATIONAL CONTROLS -

(1) The special permit holder must maintain records of product contamination for each shipment, as described above. The analysis of product contamination must be completed before the cargo tank is refilled and/or within 15 days after lading is unloaded, whichever occurs first.

(2) Cargo tanks must be inspected by DOT-certified inspection and repair facilities.

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 or its contents 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.

c. Each cargo tank motor vehicle must be plainly and durably marked on the right-side near the front "DOT-SP 14574" in accordance with the provisions of § 172.302(b) and (c).

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

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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.:



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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.

PO: BMoore