U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

APR 6 2001

DOT-E 12678

EXPIRATION DATE: May 15, 2001

1. GRANTEE: Cominco American Incorporated
Spokane, WA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way, one-time transportation in commerce of a DOT Specification MC 331 cargo tank containing residue of sulfur dioxide liquid for purging and scrapping. 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 § 172.101, Special Provision B14 in that the insulation system has been removed; § 172.302(c) in that the cargo tank is not marked with the exemption number; and § 173.315(a), Table Note 24 in that the DOT Specification MC-331 cargo tank motor vehicle does not meet the required minimum thickness.

5. BASIS: This emergency exemption is based on the application of Cominco American Incorporated dated March 26, 2001, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

APR 6 2001

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Sulfur dioxide	2.3	UN1079	N/A

7. SAFETY CONTROL MEASURES: Packaging prescribed is an uninsulated carbon steel DOT Specification MC-331 cargo tank motor vehicle with a measured wall thickness less than specified in § 173.315(a), Table Note 24. The cargo tank serial number is R-3962A, as shown on Appendix B of exemption DOT-E 11253.

8. SPECIAL PROVISIONS:

a. Transportation is authorized for a one-way, one-time shipment of approximately 10 miles within Omaha, NE. Upon completion of this trip the cargo tank motor vehicle will be scrapped.

b. A copy of this exemption must be maintained at the facility where the package is offered for transportation.

c. The marking requirement specified in § 172.302(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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

APR 6 2001

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

PO: PTOLson