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

APR 27 1999

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

DOT-E 11795
(FIRST REVISION)

EXPIRATION DATE: March 31, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Wellman, Incorporated
Darlington, South Carolina

2. PURPOSE AND LIMITATION: This exemption authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring, as specified in this exemption is maintained. This exemption provides no relief from any regulations other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302 (c), § 174.67 (i) and (j).

5. BASIS. This exemption is based on Wellman, Incorporated's application of April 7, 1999, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/Division**	**Identification number**	**Packing Group**
Environmentally hazardous substance, liquid, n.o.s.	9	UN3082	III

For the N.O.S. entries above, the requirements of § 172.203(k) must be met.

7. SAFETY CONTROL MEASURES:

a. Packagings prescribed are DOT specification tank cars authorized for the material specified meeting all DOT specification requirements.

b. Any manually operated switch, under the proprietary control of the exemption holder, providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device operable only by a representative of the facility.

c. The facility operator must install a bi-directional derail in an effective location (at least 50 feet when possible) from the end of the equipment to be protected by the caution sign. The person performing the unloading operation must lock the device in the derailing position with an effective locking device operable only by a representative of the facility.

d. The facility operator must designate an employee responsible for on-site monitoring of the transfer facility in the absence of the unloader. The designated employee must be made familiar with the nature and properties of the product contained in the tank car, procedures to be followed in the event of an emergency; and, in the event of an emergency, have the ability and authority to take responsive actions.

e. When a signalling system is used (including a monitoring system or a sensing device), the system must be capable of alerting the designated employee in the event of an emergency and providing immediate notification of any monitoring system malfunction. If the monitoring system does not have self-monitoring capability, the designated employee must check the monitoring system hourly for proper operation. (For recommendations on the selection, installation and maintenance of signalling systems see NFPA 72 - Installation, Maintenance and Use of Protective Signalling Systems.)

f. In the absence of the unloader:

(i) the tank car and facility shut off valves must be secured in the closed position;

(ii) no product may be transferred; and

(iii) the requirements of § 174.67(a)(2) and (3) apply.

g. The transfer facility shut off valve must be located as close as practicable to the point of connection between the transfer system and the tank car and in a manner that will minimize the release of product in the event of hose rupture or separation. The facility operator must take appropriate steps to prevent rupture of transfer hoses due to product expansion (i.e. liquid expansion chambers or hoses with an increased minimum burst pressure rating.)

8. SPECIAL PROVISIONS.

a. The facility operator must have written safety procedures on file at each location that uses this exemption. The facility operator must instruct each employee performing any function under this exemption on the contents of these procedures and ensure compliance with them. The written procedures must contain at least the following:

(i) A physical description of the facility including the address and hours of operation.

(ii) A drawing of the transfer facility showing natural and manmade barriers, locations of protective equipment (i.e. derail and caution sign), locations of emergency equipment and locations of signalling equipment.

(iii) Procedures for monitoring the transfer facility [see paragraphs 7(a) and (b)].

(iv) Information on the contents of the tank car including:

(a) chemical or common name of the product
(b) health and physical hazards involved in handling the product
(c) emergency and first aid procedures

(v) Procedures for securing the transfer facility and protective equipment including derail, switch locks, tank car brakes, caution sign and wheel blocks.

(vi) Equipment available for employee safety and procedures for using the equipment.

(vii) Procedures and limitations for movement of tank cars in the vicinity of the transfer facility.

(viii) Testing and maintenance of system components including signalling systems.

(ix) Training requirements for designated employees responsible for monitoring the transfer facility.

(x) Procedural steps in the event of an emergency, including names and phone numbers of key personnel and public agencies to contact.

(xi) Procedures for reviewing incidents to determine whether the written procedures require revision or modification to prevent future occurrences and amending those procedures when the review necessitates changes.

b. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving the tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

c. The marking requirements of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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 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 emplyee", 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 the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS. The holder of this exemption is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety 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 also inform the AAHMS, the writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.:

April 27, 1999
(DATE)

FOR Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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