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

JUN 27 2002

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

DOT-E 12292
(FIRST REVISION)

EXPIRATION DATE: **May 31, 2004**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Westway Trading Corporation
New Orleans, LA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain DOT Specification 111A100W1 tank car tanks equipped with defective interior heater coils that have been secured to prevent the release of the non-hazardous products identified in paragraph 6 below. 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 § 179.12 on requirements for interior heater systems.

5. BASIS: This exemption is based on the application of Westway Trading Corporation dated June 11, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Molasses and molasses related products, as non-hazardous material	N/A	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 111A100W1 tank car tanks equipped with defective interior heater coils. Each tank car operating under this exemption shall have the heater coil caps securely tightened in place and tack welded to prevent release of product.

b. MARKING - Each tank car must be stenciled "DOT-E 12292" in numerals and letter at least 4 inches high on a contrasting background near the specification markings.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption 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 exemption and the HMR.

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

c. Prior to use of this exemption on any tank car with defective heater coils, Westway Trading shall have obtained written permission from the tank car owner to weld the heater coil caps in place.

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 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.:

R. Grant

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUN 27 2002
(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: Schoonover/alb