U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 1 0 2004

DOT-E 13356

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Bayshore Vinyl Compounds
Tennent, NJ

2. PURPOSE AND LIMITATION:

a. 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 the Hazardous Materials Regulation (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 § 172.302(c) in that marking the exemption number on tank cars is waived; and § 174.67(i) and (j), except as specified herein.

5. BASIS: This exemption is based on Bayshore Vinyl Compounds, Inc.'s application of November 24, 2002, submitted in accordance with § 107.105 and public proceeding thereon.

MAR 1 0 2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 9 materials authorized by § 172.101 and Part 173 to be shipped in tank cars	9	As appro-priate	As appro-priate

7. SAFETY CONTROL MEASURES:

a. Prescribed packagings are DOT specification tank cars authorized for the hazardous material specified meeting all DOT specification requirements.

b. All unloading hoses must be disconnected and all pipefittings must be capped.

c. Unloading adapter fittings are allowed to remain on the tank car.

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. In the absence of the unloader:

(1) the tank car and facility shutoff valves must be secured in the closed position;

(2) no product may be transferred; and

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

f. Pressure inside the tank car must be relieved when no product is being transferred.

8. SPECIAL PROVISIONS:

a. Monitoring must be done once on each 8-hours shift.

b. The marking requirements in § 172.302(c) are waived.

c. A current copy of this exemption must be maintained at each facility unloading rail cars under the terms of this exemption.

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.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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.:

MAR 1 0 2004

(DATE)

for Robert A. McGuire
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.

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.

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