

July 05, 2019



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16095
(THIRD REVISION)

EXPIRATION DATE: 2021-05-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Clay and Bailey Manufacturing Company
Kansas City, MO
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale and use of manways constructed from ultra-high molecular weight polyethylene (UHMWPE) and stainless steel for installation on certain DOT specification and special permit cargo tank motor vehicles in transporting certain hazardous materials. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. In accordance with 49 CFR 107.107(a) party status may not be granted to a manufacturing permit. These packagings may be used in accordance with 49 CFR 173.22a.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 178.345-1 in that the manhole assemblies are not manufactured in

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accordance with the ASME Code, 180.413 in that the use of the subject manhole assemblies is authorized to replace existing manhole assemblies on certain DOT Specification or special permit cargo tank motor vehicles is not considered to be a modification, and 172.203(a) in that it is not required to mark the special permit number on the shipping papers.

5. BASIS: This special permit is based on the application of Clay & Bailey Manufacturing Company dated January 28, 2019 submitted in accordance with § 107.105, and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Class 8 materials authorized to be transported in a lined MC-412 cargo tank motor vehicle, Class 8 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	8	Various	I, II or III
Class 3 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	3	Various	I, II or III
Class 6.1 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	6.1	Various	I, II or III
Class 9 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	9	Various	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

(1) The grantee of this Special permit is authorized to manufacture, mark and sell manway assemblies made of UHMWPE and stainless steel for installation on DOT Specification MC 312 or DOT 412 cargo tank motor vehicles, or Fiber Reinforced Plastic Cargo Tank Trailers manufactured under Special Permits (9166, 10878, 11903, 12516, 14275, and 14779) either as installations on new tanks or as replacements of manway assemblies on existing tanks. The authorized manway assemblies must conform to the design criteria and drawings in the application on file with the Office of Hazardous Materials Safety Approvals and Permits Division (OHMSAPD).

(2) If a UHMWPE manway is installed as a replacement on an existing DOT Specification MC 312, DOT 412 cargo tank, or Fiber Reinforced Plastic Tank Trailers manufactured under Special Permits (9166, 10878, 11903, 12516, 14275, and 14779) no cutting or welding on the tank shell, heads or manway nozzle flange is permitted. The UHMWPE manway cover or assembly must bolt directly to the original manway flange.

(3) The manway authorized under the terms of this special permit shall not be installed on cargo tank motor vehicle with test pressure greater than 36 psig.

b. TESTING:

(1) Following the installation of the manway assembly on a DOT Specification MC 312 or DOT 412 cargo tank motor vehicle, or Fiber Reinforced Plastic Tank Trailers authorized under Special Permits (9166, 10878, 11903, 12516, 14275, and 14779) the tank must be pressure tested under the hydrostatic pressure test method procedure stated in §§ 180.407(g) (1) (viii) and 180.407(g) (6).

(2) Visual inspection shall be as required by § 180.407(d) and (e).

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c. OPERATIONAL CONTROLS:

(1) The pressure test in paragraph 7.b. must be performed by persons qualified in conformance with § 180.409.

(2) Each manway manufactured under the authority of this Special Permit must be marked "DOT-SP 16095".

(3) Prior to replacing the manway each cargo tank motor vehicle used to transport flammable or toxic lading must be cleaned of residue and purged of vapors so any potential hazard is removed.

(4) The compatibility of each commodity offered for transportation must be based on testing or compatibility information provided by the composite material manufacturer. Test reports must be maintained by the owner and the manufacturer for as long as the cargo tank remains in active operation. Prior to loading a cargo tank, the cargo tank owner must determine that the product being loaded is compatible. Hazardous materials with dissimilar compatibility between the materials of construction of the cargo tank and manway are prohibited. Shippers using cargo tanks authorized under this special permit must comply with compatibility requirements of § 173.24(e).

(5) The manway assembly shall be inspected to the criteria and frequencies shown in C&B Maintenance document 1891, Rev. C on file with the OHMSAPD. A report shall document the results of all inspections and tests. The reports must be maintained by the owner of the tank for as long as the cargo tank remains in active operation.

(6) The manufacturer must be notified of any defects found during the course of inspection and authorize repairs if so warranted based on criteria described in C&B Maintenance document 1891, Rev. C on file with the APD.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this

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special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a packaging covered by this special permit, may reoffer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.

c. Each manway manufactured under the authority of this Special Permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Safety Approvals and Permits Division for a specific manufacturing facility.

d. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.

e. A current copy of this special permit must be maintained by each company utilizing a manway manufactured under this special permit. A current copy of this special permit must be made available to a DOT representative upon request

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a requirement of 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 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.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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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

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LM/TD