U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 9 2004

DOT-E 13268

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Ciba Specialty Chemicals
McIntosh, Alabama

2. PURPOSE AND LIMITATION:

a. This exemption authorizes, at the Ciba Specialty Chemicals facility in McIntosh, AL, the use of video cameras and monitors to observe the loading and unloading operations of hazardous materials specified in paragraph 6, from a remote control station in place of personnel remaining within 7.62 meters (25 feet) of cargo tank motor vehicles. 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 § 177.834(i)(3) in that the loading or unloading of a cargo tank without the attendance of a qualified person within 25 feet of the cargo tank is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Ciba Specialty Chemicals dated June 23, 2003, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Alcohols, n.o.s.	3	UN1987	I
Alkyphenols, solid, n.o.s.	8	UN2430	III
Environmentally hazardous substance, solid, n.o.s.	9	UN3077	III
Methyl Acrylate, stabilized	3	UN1919	II
Waste flammable liquids, n.o.s.	3	UN1993	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The hazardous material must be transported in an authorized DOT Specification cargo tank motor vehicle.

b. OPERATIONAL CONTROLS -

(1) Each cargo tank must be loaded or unloaded by qualified persons who are familiar with the product and with the proper procedures for its safe handling.

(2) The provisions of § 177.834(i) must be complied with, except that paragraph (3) is replaced with the following:

"A designated Production Operator must observe all loading operations by means of a video monitor located in the remote control station. The loading system must be equipped with the following:

(i) The video camera must have a motorized zoom lens, and must be capable of panning and zooming from the remote control station. The camera must be mounted so as to provide an unobstructed view of all equipment involved in loading or unloading operations of the

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cargo tank. This must include all valves, hoses, domes, and safety relief devices. In addition, the view capability must include the entire containment area.

(ii) Upon loss of video, loading or unloading operations must be immediately terminated. Shut-off valves operable from the remote control station must be provided.

(iii) In the event of a remote system failure, the Production Operator must immediately resume attending loading or unloading operations from within 7.62 meters (25-feet) of the cargo tank.

(iv) A containment area must be provided capable of holding the contents of as many cargo tank motor vehicles as might be loaded or unloaded at the facility at any single time."

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be conspicuously displayed at the remote control station at the McIntosh, Alabama facility.

b. The Production Operator must visually inspect each cargo tank motor vehicle after it is loaded, prior to departure.

c. Written procedures for training of the Production Operators, for their adherence to standard operating procedures, and for inspection and maintenance of video equipment and of the shut-off valve/remote control system must be on file with the Office of Hazardous Materials Exemptions and Approvals prior to operating under the terms of this exemption. Ciba Specialty Chemicals must continuously maintain a current list of qualified Production Operators. A copy of this list must be available for inspection during normal working hours.

d. This exemption applies only to loading or unloading operations at the Ciba Specialty Chemicals facility at McIntosh, Alabama.

e. No marking of the number of this exemption on cargo tank motor vehicles is required.

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.:

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(DATE)

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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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: PTOlson