



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

July 17, 2013

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

DOT-SP 15871
(FIRST REVISION)

EXPIRATION DATE: October 31, 2013

1. GRANTEE: Shell Chemical LP
Deer Park, TX
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce of certain 111A100W3 railcars containing Phenol equipped with vent valves that were modified (to include a steam jacket) at a non-registered facility. 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. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 171.2(g) in that the railcars are not authorized, except as provided herein.
5. BASIS: This emergency special permit is based on the application of Shell Chemical LP dated June 24, 2013, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Phenol, molten	6.1	UN2312	II

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - The tank car must be a DOT specification tank car approved for the commodity.
- b. TESTING - The grantee must develop a procedure to inspect the non-conforming valves prior to every loads. The procedure must identify the inspection and test method and the acceptance criteria. The results of each inspection must be recorded and submitted in an update to the Federal Railroad Administration
- c. OPERATIONAL CONTROLS - The grantee must develop a list of all tank cars equipped with the non-conforming valves. The list must identify the date on which the non-conforming valve was applied to each tank car. Priority for removal must be given to those tank cars with the oldest non-complying valves.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.
- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

July 17, 2013

c. The grantee must, prior to use of any of the affected cars, provide a list of the affected cars to the Federal Railroad Administration at the address in Section 10. The list must identify the date on which the non-conforming valve was applied to each tank car, the result of the inspection required in 7b, the date the non-conforming valve was removed. This list must be updated and submitted to the FRA every week until the project is complete and the Special Permit expires.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail Freight.

10. MODAL REQUIREMENTS: The applicant must notify the Federal Railroad Administration of any unusual incident or incidents known to it that occur during the movement of cars built under this special permit. FRA may be contacted at:

Federal Railroad Administration
Hazardous Materials Division
RRS-12/Mail Stop 25
1200 New Jersey Avenue, SE
Washington, DC 20590
ATTN: Karl Alexy, Staff Director
202-493-6245, FAX: 202-493-6478
Karl.Alexy@dot.gov

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.

July 17, 2013

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 Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

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

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: ALEX:YG