U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 1 4 2004

DOT-E 13303
(FIRST REVISION)

EXPIRATION DATE: February 28, 2006

1. GRANTEE: Koch Materials Company
Wichita, Kansas

2. PURPOSE AND LIMITATION:

a. This exemption authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing throughout the steam-heating period when no product is flowing, using an alternative monitoring system and provides no relief from the Hazardous Materials Regulations (HMR)other than as specifically stated.

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 § 172.203(a) in that marking the exemption number on the shipping paper is waived; § 172.302(c) in that the marking requirements are waived; and § 174.67 (c)(2) and (i).

5. BASIS: This exemption is based on the application of AllTranstek L.L.C., on behalf of Koch Materials Company, dated September 19, 2003, and submitted in accordance with 49 CFR 107.105 and the public proceeding thereon. An additional letter from AllTranstek was submitted on May 5, 2004.

6. HAZARDOUS MATERIALS (49 CFR § 172.101)

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Elevated temperature liquid, n.o.s. (Asphalt)	9	UN3257	III

7. SAFETY CONTROL MEASURES:

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

b. OPERATIONAL CONTROLS - Koch Materials Company must oversee the implementation of the exemption on a site-by-site basis through corporate management approval of an "Exemption Compliance Manual." An example of an "Exemption Compliance Manual" for the Dubuque, Iowa facility is on file at the Office of Hazardous Materials Safety. Each facility that uses this exemption must have a corporate approved, site-specific, "Exemption Compliance Manual" on file for employee use and for inspection by an authorized representative of the Department of Transportation.

c. MONITORING: Based on the steam-heating time vs. temperature data, contained in the exemption application, the following tables show the levels of monitoring necessary to achieve an equivalent level of safety and to protect workers from the risks associated with hot asphalt and steam.

Table I
Summer Monitoring Levels
(April - September)

Time Period	Monitoring Level
Up to 12-hours of steaming	Once
After 12-hours of steaming	Every hour
During pumping and product flowing phase (unloading)	Continuous

Table II
Winter Monitoring Levels
(October - March)

Time Period	Monitoring Level
Up to 16-hours of steaming	Once
After 16-hours of steaming	Every hour
During pumping and product flowing phase (unloading)	Continuous

8. SPECIAL PROVISIONS:

(a) At each facility unloading tank cars under this exemption, the facility operator shall have written safety procedures on file at each location that uses this exemption, similar to the "Exemption Compliance Manual" for the Dubuque, Iowa facility. Each facility operator must designate an employee responsible for monitoring the tank car being unloaded. Each facility shall instruct each employee performing any function under this exemption on the requirements in the exemption compliance manual and ensure compliance with them. The employee must have the ability and authority to take responsive actions.

(b) A current copy of this exemption must be maintained at each unloading facility. A current copy of this exemption must be made available to a DOT representative upon request.

(c) The requirement in § 172.203(a) to mark the exemption number on the shipping papers is waived.

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

(e) Emergency response information must be readily available at each unloading site.

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 laws, 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 the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 14 2004
(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: FRA/am