



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

JUN 28 2004

DOT-E 9874
(FIFTH REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Chemical Company
Midland, Michigan
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of video cameras and monitors or instrumentation and signaling systems such as sensors, alarms, and electronic surveillance equipment, to observe the loading and/or unloading operations of hazardous materials from Production Control Centers in lieu of personnel remaining within 25 feet of the cargo tanks. 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 § 172.203(a) and § 172.302(c) in that marking the exemption number on the shipping papers and on tank cars is waived and § 177.834(i)(3) in that the use of video cameras is not authorized except as specified herein.
5. BASIS: This exemption is based on the application of Dow Chemical Company dated March 25, 2004, submitted in accordance with § 107.109 and additional applications dated April 13 and May 24, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous Materials in various hazardous classes or divisions	2.1, 2.2 2.3, 3, 4.2, 5.1, 5.2, 6.1 8, 9 Combustible liquids	As appropriate	N/A N/A N/A I, II, III II, III I, II, III II I, II, III I, II, III III III

7. SAFETY CONTROL MEASURES: Production Control Centers must be manned during all loading/unloading operations. Each loading and/or unloading system must be equipped with the following:

a. Video camera(s) that provide an unobstructed view of all loading/unloading valves, hoses, domes, and safety relief devices.

Upon loss of video, loading/unloading operations must be immediately terminated.

b. A positive means for pump shut-off must be provided.

c. Each loading/unloading location must be provided with a means other than visual, for determining the liquid level in the cargo tank.

d. For cargo tanks equipped with bottom discharge valves or for loading/unloading stations located more than 100 feet from the Production Control Center, a means to prevent loss of contents from the cargo tank must be provided at the cargo tank discharge valve.

e. Each loading/unloading station must be provided with a remotely operated fire control system that is compatible with the material being loaded.

f. Each loading/unloading station must be provided with a containment system that has capacity that is large enough to contain the entire contents of the largest cargo tank that is loaded/unloaded at that station.

g. If instrumentation or signaling systems are used to meet the attendance requirement, the system must provide a surveillance capability at least equal to that of a human observer.

(1) The system must be designed to automatically shut off the loading or unloading process if grounding is lost, if the high level probe is tripped, or if any emergency stop is pressed at any location in the scale area.

(2) The system must be designed to provide immediate notification of a malfunction to a person responsible for loading or unloading; if not, the system must be checked at least once an hour to assure proper functioning.

(3) In the event of a system malfunction, human observation of the loading or unloading operation must be instituted immediately.

8. SPECIAL PROVISIONS.

a. A current copy of this exemption must be conspicuously posted at each Production Control Center operating under this exemption.

b. Each cargo tank must be visually inspected prior to shipment to insure that it has not been damaged during loading.

- c. Dow Chemical must maintain a list of qualified person(s) as described in § 177.834(i)(4) to be in charge of the loading/unloading operation. A current copy of this list must be available for inspection during normal working hours.
- d. Before loading/unloading Dow Chemical must enter into a written agreement with each carrier specifying the person who must be responsible for moving the cargo tank in case of an emergency. A copy of each agreement must be available for inspection during normal working hours. A sample copy of the written agreement must be on file with OHMEA.
- e. Dow Chemical must provide to OHMEA a current listing of those facilities operating under this exemption.
- f. The marking requirements in §§ 172.203(a) and 172.302(c) are waived.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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.
 - 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 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.

12. REPORTING REQUIREMENTS: Dow Chemical must report any incident involving loss of contents or damage to cargo tanks loaded/unloaded in accordance with the provisions herein 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.:

for 

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 28 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: AM