



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JUN 9 2004

DOT-E 12379
(SECOND REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Western Farm Service
Walnut Grove, CA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes certain unloading attachments to remain attached to tank cars when no unloading is being conducted. 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 tank cars is waived; and § 174.67(i) and (j).
5. BASIS: This exemption is based on the application of Western Farm Service dated March 26, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Phosphoric acid	8	UN1805	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT specification tank cars authorized for the material listed in paragraph 6. The tank cars are equipped with a bottom outlet flange adapter plate and a protective cap. The piping and cap must be manufactured and installed in accordance with the drawing provided in the application dated October 15, 1999.

b. OPERATIONAL CONTROLS - The cap must be secured to the unloading pipe by a locking device capable of preventing a release of contents during periods when no unloading operations are being conducted.

c. MARKING - The marking requirements in §§ 172.203(a) and 172.302(c) are waived.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility conducting operations under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: No additional requirements other than as required in the HMR.

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 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.:



Fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 9 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/sdc