

October 31, 2005



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 12325
(SIXTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:

This special permit authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing with unloading connections attached, provided that a minimum level of monitoring, as specified in this special permit, is maintained and that specially designed hoses, capable of preventing a catastrophic uncontrolled release of product, are utilized. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 174.67(i) and (j), in that, with a minimum level of monitoring, a car may be allowed to stand with the unloading connections attached whether or not product is flowing out of the car; and that marking requirements of § 172.302(c) are waived.
5. BASIS: This special permit is based on the application of Air Liquide America, L.P. dated Jul 26, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|--|-------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Hazardous materials as specified in § 172.101 Table authorized in railroad tank cars | As appropriate | As appropriate | As appropriate |

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packagings must be DOT or non-DOT specification tank cars authorized for the material specified and meeting all DOT specification requirements.
- b. Hoses used for the unloading operation must be: constructed by Smart Hose Technologies, Inc. (models: Lifeline 1, 2, or 3); equipped with cable connected wedges, plungers or flapper valves located at each end of the hose; and marked with the name of the manufacturer, the location (city and state) of the facility at which it is manufactured, and the date of manufacture.
- c. Each facility operator unloading tank cars must install a bi-directional derail in an effective location (at least 50 feet when possible) from the end of the equipment to be protected by the caution sign. The person performing the unloading operation must lock the device in the derailing position with an effective locking device operable only by a representative of the facility.
- d. Each facility operator must designate an employee or employees responsible for on-site monitoring of the transfer facility. The designated employee(s) must be made familiar with the nature and properties of the product contained in a tank car being unloaded on site, procedures to be followed in the event of an emergency, and, in the event of an emergency, have the ability and authority to take responsive actions. The transfer facility must be inspected by one of the designated employees at least hourly and a log must be maintained documenting the times and dates of inspection. If more than one employee is "designated," during each shift or

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other period when the plant is operating and during any other time when a tank car containing a hazardous material is connected to the unloading facility, the special permit holder must notify which of the designated employees is responsible for on-site monitoring of the transfer facility.

e. When the car containing hazardous materials is connected to an unloading apparatus:

(i) If product is being transferred, the provisions of subparagraph d., above, must be followed.

(ii) If no product is being transferred from the tank, the tank car and facility shut off valves must be secured in the closed position;

(iii) The designated employee must be on site at the facility; and

(iv) The requirements of § 174.67(a)(2) and (3) apply.

f. Prior to each use, each hose must be inspected to ensure that it is of sound quality, without obvious defects detectable through visual observation.

g. Hoses must be tested in accordance with the written procedures, time-frames and acceptance criteria established and provided by the hose manufacturer and on file with the Office of Hazardous Materials Special Permits and Approvals.

h. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving a tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

i. The marking requirements of § 172.302(c) are waived.

j. A current copy of this special permit must be maintained at each facility where this special permit is utilized. A current copy of this special permit must be made available to a DOT representative upon request.

8. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
9. MODAL REQUIREMENTS: None as a requirement of this special permit.
10. 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.

No person may use or apply this special permit, including display of its number, when the 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.

11. 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

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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.:

A handwritten signature in blue ink, appearing to read "R. Ryan Parker". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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: sln