THATCHER COMPANY P.O. B[illegible] 27407 SALT LAKE CITY, UTAH 841[illegible]

(801) 972-4587
FAX (801) 972-4606

P-1374

RSPA - 1998-12617-1

CHEM
177596

February 27, 1998

Administrator
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street S.W. RRS-12
Washington, D.C. 20590-0001

ATTENTION: Ms. Hattie L. Mitchell,
Chief, Exemption and Regulations Termination

RE: Petition for Rulemaking

Dear Ms. Mitchell:

Pursuant to 49 CFR 106.31, Thatcher Company, a chlorine distributor in Salt Lake City, Utah petitions D.O.T. for modification of 49 CFR Part 173 in order to codify the provisions of D.O.T. Exemptions E-104757. That exemption applies to the transportation of chlorine in MC 331 cargo tanks. Affected regulations cited by that exemption are: 49 CFR 173.33 (f) (9),173.33 (h)(4)(ii), 173.33 (h)(5)(i) and 173.315(i)(13).

This petition closely parallels petition P-1334 which seeks to codify exemption E- 9694. Each seeks to authorize the unresricted use of Midland A-713 ML 1" liquid/vapor angle and Midland A-14227-ML pressure relief valves. Thatcher futher seeks unrestricted authorization for Midland A-120-ML excess flow check flow check valves. [Note that the exemption specifies A-120-ML-B. The "A" version of this device dropped by Midland due to no demand. The "B" suffix therefore, held no significance and was removed. See attached drawings.]

This petition proposes that the following modifications be incorporated into the HMR in lieu of the current exemption:

173.33(h):
"...self-closing stop valve or Midland Manufacturing Corp. excess flow check valve-A-120 ML, March 9,1990 (or later) revision, except when..."

173.315 (i)(13):
"...dated April 28,1969 or Midland Manufacturing Corp. Pressure felief valves A-14227-ML, October 7, 1996 (or later) revision."

178.337-9(b)(7)(i):
"...vehicles must conform to Midland Manufacturing Corp. Valve A-713-ML, September 25, 1996 (or later) revision or the standards of the Chlorine Institute...".

The purpose of this petition is to eliminate an exemption as well as its burdensome special provisions and reporting requirements. Thatcher has been completely satisfied with the performance of these devices and know of no incidents or accidents involving their use in over 20,000 load/unload cycles. These devices have demonstrated that they represent a safety improvement, and thus, should be deemed fully approved for chlorine service in the highway mode as they are for rail transportation. The special provisions and reporting requirements are no longer necessary.

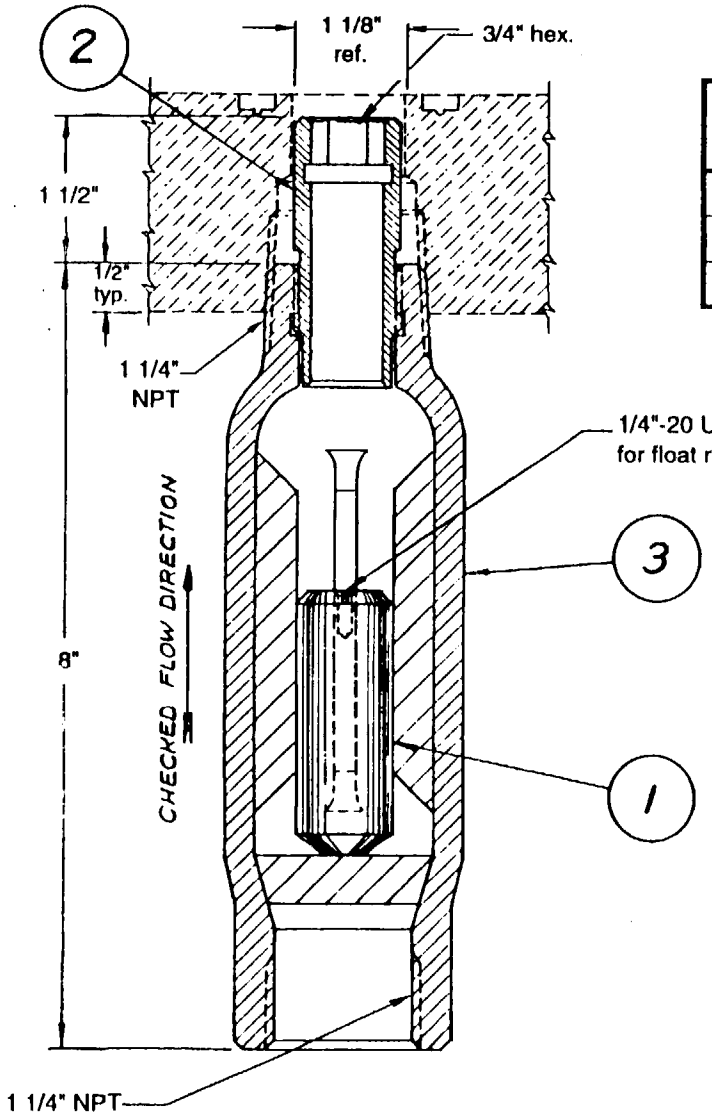
As these devices have been in service for a number of years, this proposal poses little or no impact on the regulated community. It represents a reduction in regulatory burden.

This exemption has served the purpose for which it was intended to provide for the safe transportation of chlorine. Our concern for safety out weighed all economic concerns in our decision to standardize on Midland devices. Our experience under the exemption has shown this to have been appropriate decision. We ask that his exemption be incorporated into the regulations to authorize the unrestricted use of the Midland A-120-ML, A-14227-ML and A-713-ML.

Thank you for your consideration of this matter.

Very truly yours,

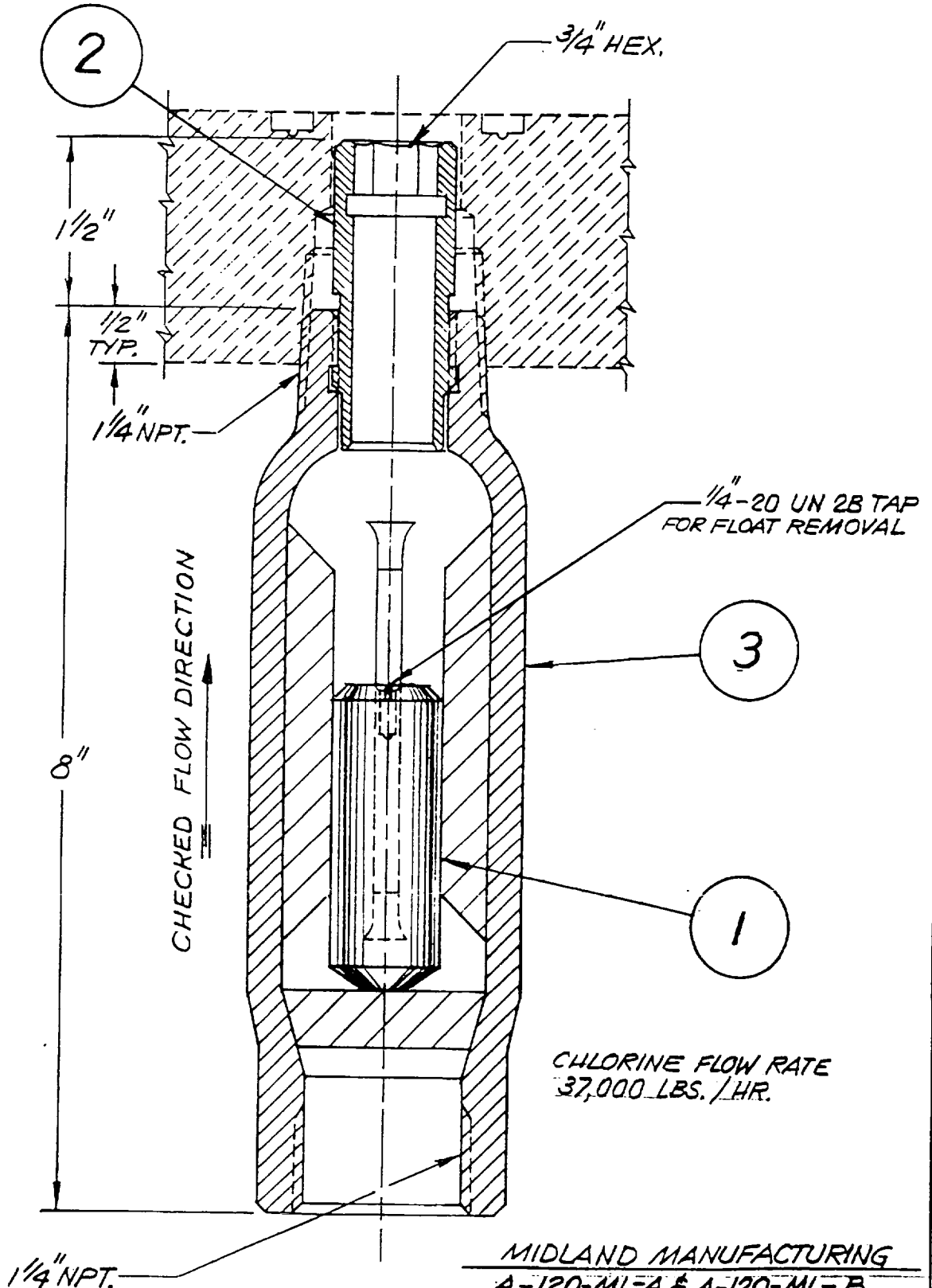
Craig N. Thatcher
President



ITEM NO.	QTY.	PART NAME	A-120-CS		A-120-SS		A-120-ML	
			MATERIAL	PART NO.	MATERIAL	PART NO.	MATERIAL	PART NO.
1	1	FLOAT	STEEL	120-1-CS	STAINLESS	120-1-SS	MONEL	120-1-ML
2	1	SEAT	STEEL	120-2-CS	STAINLESS	120-2-SS	MONEL	120-2-ML
3	1	BODY	STEEL	120-3-CS	STAINLESS	120-3-SS	MONEL	120-3-ML

Maximum flow rate is 32,000 pounds of water per hour .

ITEM NO.	QTY. REQD	PART NAME	A-120-ML-A		A-120-ML-B		
			PT. NO.	MATERIAL	PT. NO.	MATERIAL	MATERIAL SPEC.
1	1	FLOAT	120-1-ML	MONEL	120-1-ML	MONEL	ASTM-B 164 (CLASS B) R-405
2	1	SEAT	120-2-ML	MONEL	120-2-ML	MONEL	ASTM-B 164 (CLASS B) R-405
3	1	BODY	120-3-CS	STEEL	120-3-ML	MONEL	ASTM-A 494 GR M-35-1 OR GR M-30 C



MIDLAND MANUFACTURING

A-120-ML-A & A-120-ML-B

MONEL EXCESS FLOW CHECK VALVE

DRAWN 3-9-90 DV.

DX SYSTEMS COMPANY

P.O. Box 848
Rancho Cucamonga, California 91729
(909) 357-3771
FAX (909) 357-3775

June 6,1997

JUN 09 1997

Mr. Jerry Portis
Midland Manufacturing Corp.
7733 Gross Point Road
Skokie, IL 60077

Dear Jerry,

DX Systems Company has used the 1" Midland angle valve #A713ML for nine years on our fleet of MC 331 chlorine cargo transports.

This valve has proven to be a very dependable valve with no down time. Normally a set of 4 angle valves per transport are opened approximately 600 times and closed 600 times annually. After a year, these valves are bench tested and put right back in service.

To the best of my knowledge we have experienced no valve failures and no leakage from any of our Midland angle valves.

If I can be of further assistance please call.

Best Regards,

Chris Haupt

Chris Haupt
Manager

ALL PURE CHEMICAL COMPANY

2185 N California Bl. Suite 500, Walnut Creek, CA. 94596

June 30, 1997

Ms. Hattie L. Mitchell
Chief, Exemption and Regulations Termination
Office of Hazardous Materials Standards
400 Seventh Street SW
Washington, DC 20590

Dear Ms. Mitchell:

Re: Docket Unit P-1334

In response to your letter of June 13th, we feel that it would be better not to require that the Midland valves have a specific retest frequency. This is based on the following:

1. For many years, up to about 1995, paragraph 173.33(f)(9) stated that chlorine cargo tank angle valves (made to drawing 104-5) "must also be tested as above once every five loadings or once a week whichever occurs first". The Special Permit E-9694 for the Midland valves stated that the Midland angle valves must be retested once every 12 months with no restriction on the number of times.

2. The frequency with which the chlorine angle valves on tank cars must be retested are a matter of company policy. The Chlorine Institute sent out a survey to all the tank car shippers in 1988. Approximately 40% of the respondents stated that they change their angle valves on every trip and some up to six months. Virtually all users of tank cars are now leaving the Midland valves in place for two years, which coincides with the required tank car tank and safety valve retest interval.

3. There was a petition granted within the last few years that removed any requirement in the regulations to retest the drawing 104-5 valve. (See 178.337-9(6)(7)(ii)(B).

4. We recently received the attached letter from DX Systems Company which states that the Midland valves are opened and closed 600 times annually. The valves are then tested and put right back into service. There is no reference to doing maintenance on the valves. The user states that they have never had leaks through the Midland valve.

5. To put the Midland valve on the same competitive basis as the drawing 104-5 valve, it is requested that no restriction be placed on the frequency of retesting the Midland A-713-ML 1" angle valve.

Sincerely,

Bruce Williams
Director of Transportation

DX SYSTEMS COMPANY

P.O. Box 848
Rancho Cucamonga, California 91729
(909) 357-3771
FAX (909) 357-3775

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