



188428

September 30, 1998

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

RSPA - 1998 - 12614 - 1

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

RE: Petition for Rulemaking

Dear Ms. Mitchell:

Pursuant to 49 CFR 106.31, Midland Manufacturing Corporation, a leading manufacturer of valves and fittings for the rail tank car industry petitions the D.O.T. for modification of 49 CFR Part 179 in order to codify the provisions of D.O.T. Exemption E-12150. That exemption applies to the transportation of Hydrogen Chloride, Refrigerated Liquid in tank cars. The affected regulation cited by that exemption is 49 CFR 179.102-17. [The administrative requirements contained in 172.203(a) and 172.302(c) are also exempted.]

This petition seeks to authorize the unrestricted use of combination-style pressure relief valves that utilize frangible discs constructed of Hastelloy C. This material was selected by Midland's customer - a shipper of this product - due to its superior corrosion resistance in Hydrogen Chloride, Refrigerated Liquid service (due to presence of Hydrogen Fluoride). Midland's interest in this matter is safety.

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

179.102-17:

Safety relief valves must be trimmed with monel or other approved material and equipped with a frangible disc of silver, polytetra-fluoroethylene coated monel, **hastelloy C** or tantalum. Each safety relief device shall have the space between the frangible disc and the relief valve vented with a suitable auxiliary valve. The discharge from each safety relief valve must be directed outside the protective housing.

MIDLAND MANUFACTURING CORP. | A BEVERLY RESOURCES COMPANY

The purpose of this petition is to eliminate an exemption as well as to present a safety improvement. Our intent is to improve frangible disc/commodity compatibility. Absence of Hastelloy C in the referenced regulation may be an oversight. We would point out that paragraph (e) requires loading and unloading valves in this service to be trimmed in, among other things, Hastelloy C. Therefore, product compatibility has been recognized and is not at issue.

Midland's customers have been completely satisfied with the performance of the devices that are currently in service and know of no incidents or accidents involving their use. Continued use of these devices under the terms of the exemption will represent an unnecessary administrative burden on Midland, our customer(s) and RSPA.

Thank you for your consideration of this matter. Due to the short term nature of our exemption (expires January 31, 1999) we would appreciate your most expeditious handling.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. Fredbeck", followed by a horizontal line.

For your file:

APPLICANT: Midland Manufacturing Corporation
7733 Gross Point Road
Skokie, IL 60077

CONTACT: Donald W. Fredbeck, Director - Quality Assurance
Phone: (847) 677-0333 Extension 172
Fax: (847) 677-1038

MODE: Rail (Tank Cars)

ATTACHMENT: Copy of E-12150



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

DOT-E 12150

SEP 29 1998

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

EXPIRATION DATE: January 31, 1999

1. GRANTEE: Midland Manufacturing Corporation
Skokie, Illinois
2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of certain DOT specification tank cars equipped with a pressure relief device that contains a frangible disk constructed of an alternative material. This exemption provides no relief from any regulations other than as specifically stated.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.203(a) marking exemption number on the shipping paper, 172.302(c) marking the exemption number on the package and 179.102-17.
5. BASIS. This emergency exemption is based on Midland Manufacturing Corporation's application of August 6, 1998, submitted in accordance with 49 CFR 107.117 and a determination that the exemption is necessary to prevent significant injury to persons or property.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
Hydrogen chloride, refrigerated liquid	2.3	UN 2186	N/A

7. SAFETY CONTROL MEASURES: Packagings authorized are DOT specification tank cars authorized in 49 CFR Part 173 for the hazardous material identified in paragraph 6 above, except that the combination pressure relief device is equipped with a frangible disk constructed of Hastelloy C.

8. SPECIAL PROVISIONS.

- a. The marking requirements of 49 CFR 172.203(a) and 172.302(c) is waived.
- b. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.
- c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.10. MODAL REQUIREMENTS. Not 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:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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. 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.

(49 CFR 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 at Washington, D.C.:



Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

SEP 29 1998

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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