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Dockets Management System
U.S. Department of Transportation
400 Seventh Street, SW
Nassif Building, Room PL-401
Washington, DC 20590-001

**RE: Hazardous Materials: Enhancing Rail Transportation Security for Toxic Inhalation
Hazard Materials
Docket Number RSPA-04-18730 - 32**

Dear Sir:

Albemarle Corporation is a manufacturer and shipper of specialty chemicals. In 2003, Albemarle served customers in more than 40 countries, generating revenue of more than \$1 billion. We appreciate the opportunity to provide comments on this notice.

Although DOT/DHS are focusing on the additional security considerations for rail transportation of TIH materials, we would like DOT/DHS to be mindful of the potential precedent setting implications these requirements could have on other modes or other hazard classes. Additional restrictions on rail transportation could also drive a shift in the various modes used for TIH materials.

Rail transportation of TIH materials is probably the mode least vulnerable to effective terrorist attack. Although we realize that more can be done to improve security of the rail transportation system, this mode today has many security advantages over other modes. Germany now requires all TIH materials to be shipped by rail for increased control and fewer required shipments versus other modes. Unnecessary restrictions on rail transportation of TIH materials will be detrimental to US manufacturing capabilities that are vital to the American economy.

This study focuses on ways to further control and restrict the transportation of TIH materials. Absent from the study is discussion on how the infra-structure might be changed to reduce the risk of transport of TIH materials. Changes such as relocation of storage and switching yards, new rail tracks buffered from likely terrorist targets, and creative means for industry to invest in technology to eliminate the transportation and/or use of TIH are absent and could be more effective in addressing the vulnerabilities of the current system. Industry will need incentives and support to make such major changes.

We must avoid regulations that drive manufacturing offshore, causing a loss of high-paying American jobs and hurting the US economy.

Specific comments on the items requested are:

Enhanced Security Plans

There are already DOT and USCG security regulations in place. Many industry groups have also developed further standards. Albemarle has security plans in place for storage of rail cars

containing TIH materials at our plant sites. Albemarle's carriers are required to have security plans for rail transportation of all hazardous materials. Although sharing of "best practices" for shippers and transporters is sound practice, we believe resources should be spent on more critical security needs. If DOT/DHS decides to develop a plan, it must not conflict with existing regulations. Most importantly, we are opposed to the unnecessary submission of security plans. Control of confidential security information is of the utmost importance. DOT/DHS can review this information during site inspections.

Identification of Materials and Hazard Communication

Albemarle Corporation believes that the need of emergency responders for placards and other markings outweighs the potential security benefit gained from removal of safety markings. We understand that TSA, the Association of American Railroads (AAR) and the Emergency Response Community are currently conducting a study concerning whether there are any viable alternatives to placards. We suggest that DOT/DHS refrain from making a decision until the studies mentioned above are available for consideration.

Temporary Storage of TIH Materials in Rail Car

DOT/DHS should not specify the amount of TIH materials or the length of time that TIH materials could be stored at a temporary storage facility. Albemarle Corporation requests that DOT/DHS remain flexible. Such rigid constraints are prescriptive and unnecessary. DOT/DHS should focus on the security plans for these sites and their location. Decisions of this nature should be managed independently on a site-specific basis and be based on the potential threat and vulnerabilities. Each storage facility needs to determine how attractive a target it is and how easy it would be to create an incident. A security benefit would not be gained by prescribing a 'one-size fits all' time frame or quantity limitation.

We do not recommend that DOT/DHS prohibit temporary storage of TIH materials under certain conditions. The safest storage location for TIH materials could vary greatly depending on the nature of the threat and the geographic location of the storage facility. The risk could be inadvertently transferred to another mode of transportation or delivery of critical materials in a timely manner could be hindered.

DOT/DHS requirements for expedited handling of TIH rail cars could unfavorably impact the shipments of other commodities. Expedited shipping of TIH rail cars might be necessary under some threat conditions, but not under others.

In general, it would be best to locate temporary storage facilities out of heavily populated areas.

Tank Car Integrity

Albemarle Corporation is not an expert in tank car design, but we urge DOT/DHS to carefully consider changing the design of tank cars in an attempt to provide additional protection. Design changes need to be risk-based and the impact of changing tank car design parameters (tank thickness) needs to be compared to other transport related variables (number of trips required to move a given volume of material). For example, if tank wall thickness is increased, the cargo payload would decrease, which increases the number of shipments required.

Communications and Tracking

AAR is developing a Positive Train control System. Currently, the location of rail cars is monitored using AEI tags. The information is not continuous but 'Car Location Messages' are available to help track rail cars. The AEI data is limited to installed reader locations, which provides a general location for each rail car.

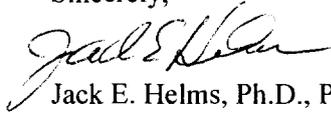
Additional notification in the event that TIH shipments are not delivered within specified time periods is unnecessary. Due to the nature of rail transportation, transit times and arrival times at locations fluctuate. It may be very difficult to regulate these time periods. We believe that these issues can be best resolved between the shipper and rail carrier.

It is unlikely that a rail car could be stolen and moved to another location for evil intent due to the fixed nature of the rail system. It is reasonable to assume that a terrorist attack would take place when a rail car arrived at a specific location, rather than thinking that terrorists would steal a rail car and move it to a target location.

However, the security of such tracking systems should be examined. Providing potential terrorists with inadvertent access to a tracking system would increase the vulnerability of the rail transportation system.

Thank you for the opportunity to submit our comments. Please contact me by phone at 225-388-7752 or by email at jack_helms@albemarle.com if you have any questions.

Sincerely,



Jack E. Helms, Ph.D., P.E.
Advisor, Transportation Equipment

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