



RAILCAR LOADING AND UNLOADING USERS

We are very pleased to advise you that the DOT-RSPA's exemption to GPSS for relaxed attendance requirements for Railcar Unloading, has extended for the foreseeable future with one MAJOR procedural change.

As you are aware, the U.S. Department of Transportation-Federal Railroad Administration has issued Exemption 12325-N – which provides that the use of a GPSS Technologies hose assembly will exempt the user from 49 CFR 173-177-Railcar Unloading Attendance Requirements. This regulation normally provides that rail tank car unloading operations must be performed by a reliable person who has been properly instructed in unloading hazardous materials and attended by the unloader until unloading is completed. Section 177.834 requires that a cargo tank motor vehicle be attended by a qualified person (usually the driver) at all times while it is to ensure the safe loading or unloading of hazardous materials being loaded or unloaded. The purpose of the attendance requirement in section 174.67 is to ensure the safe loading or unloading of hazardous materials and that, in the event of an emergency; such processes can be quickly halted. **The ISSUED EXEMPTION (March 26, 2003) provides that the attendance requirements in the above regulations are relaxed if the rail car operator is using a GPSS hose assembly.**

Since the GPSS is being used in a process that is under DOT jurisdiction, but the actual hose is not used in transportation, GPSS is not under DOT jurisdiction – **ONLY THE ACTUAL USER OF THE HOSE IS UNDER THE JURISDICTION AND EXEMPTION.** The basis of this change results from the guidelines that define the Department of Transportation's jurisdiction. Specifically, the DOT has jurisdiction of "transportation in commerce" for purposes of applying the hazardous materials regulations, and it begins when a carrier takes possession of a hazardous material and the continues until the carrier delivers the package containing the hazardous material to its destination. **The DOT wants to make certain that the parties that are using the exemption are under their jurisdiction and they are following their standard exemption filing process.**

The enclosed form makes you, the user, a **"Party To" Exemption 12325-N.** GPSS will assist and coordinate all activities so long as you fill out the enclosed form and forward it back to GPSS USA , attention Andrew Abrams. We will file a copy via fax and send you a confirmation of this filing by mail. If you do not fill it out **you will not be covered.**

Please make sure to send the enclosed form to my attention. Thank you and enjoy the safety and regulatory benefits of our LifeGuard Safety system.

Regards,
Andy Abrams

Global Passive Safety Systems Ltd.
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Application for Party to Exemption 12325-N
(Railcar Exemption under 49 CFR 174.67 (i) and (j))

Date:

Associate Administrator for Hazardous Materials
Safety, Research and Special Programs Administration
US Department of Transportation
400 7th Street SW Washington,
DC 20590-0001
Attn.: J. Suzanne Hedgepath DHM-1
Director, Office of Hazardous Materials,
Exemptions and Approvals

Applicants Name: Company

Address:

City:

State:

Zip Code

Responsible Party:

Telephone Number:

Fax Number:

E-Mail Address:

49 CFR-107.105(b)- Confidential Information- No confidential treatment is requested.

49 CFR 107.105(C) – Description of Exemption Proposal

The Associate Administrator,

Our company, _____, desires to be a party to exemption 12325-N. My company is eligible for this status as we offload, load and transfer (circle the applicable) from railcars. Furthermore, our company is using or planning to use the GPSS Safety System at our facility located at

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Since GPSS is assisting in the administration of this application, please forward all necessary correspondence to:

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Thank you for your assistance in this matter.

Sincerely,