

January 12, 2007



U.S. Department  
of Transportation

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

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 14464

EXPIRATION DATE: February 28, 2007

1. GRANTEE: Agmark Foods  
Nashville, TN
2. PURPOSE AND LIMITATION:
  - a. This emergency special permit authorizes the transportation in commerce of Ethyl alcohol solution in certain ISO portable tanks that do not meet Portable Tank Code T2 of 49 CFR §172.102. This special permit provides no relief from the Hazardous Materials Regulations other than as specifically stated herein.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
  - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §172.102 Portable Tank Code T2 and §178.275(d)(3) in that the portable tanks have two bottom outlet shut-off devices and not three, as required; and §172.302(c) in that the marking requirements are waived.
5. BASIS: This emergency special permit is based on the application of Agmark Foods dated January 11, 2007, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

January 12, 2007

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Ethyl alcohol solutions	3	UN1170	III

7. SAFETY CONTROL MEASURES: PACKAGING - Prescribed packagings are 14 ISO portable tanks that are equipped with two bottom outlet shut off devices in lieu of three as required in 49 CFR §172.102 Portable Tank Code T2 and §178.275(d)(3). The portable tanks meet the provisions of Portable Tank Code T3. Portable tanks having the following serial numbers are authorized under this special permit:

AGMU 580 719  
 AGMU 580 470  
 AGMU 580 706  
 AGMU 580 729  
 AGMU 580 474  
 AGMU 580 721  
 AGMU 580 705  
 AGMU 580 715  
 AGMU 580 702  
 AGMU 580 718  
 AGMU 580 722  
 AGMU 580 731  
 AGMU 580 712  
 AGMU 580 471

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING - The marking requirements in § 172.302(c) are

**January 12, 2007**

waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
11. 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 this 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.

12. 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 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.:



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for Bob Richard  
Deputy Associate Administrator  
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm)  
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PO: Freeman