

August 7, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14790
(SECOND REVISION)

EXPIRATION DATE: March 31, 2011

1. GRANTEE: Cargill, Incorporated and its affiliated companies
(on file with the Office of Hazardous Materials
Special Permits and Approvals)
Minneapolis, MN
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of Seed cake, which is not mechanically extruded, commercially known as Dried Distillers Grains, in non sift-proof freight containers. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - 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 § 173.241 in that the use of a non sift-proof intermodal freight container is not authorized except as specified herein, § 176.83 in that alternative stowage is authorized, § 172.302(c) in that the marking requirements are waived, and Subpart F of Part 172 in that the placarding requirements are waived.

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5. BASIS: This special permit is based on the application of Cargill, Incorporated and its affiliated companies dated March 20, 2009, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated June 10, 2009.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Seed cake	4.2	UN1386	III

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Packaging prescribed is non-DOT specification, non-sift proof, intermodal freight containers.
- b. OPERATIONAL CONTROLS -
- (1) Freight containers must be inspected for cleanliness and be as dry as is practicable prior to loading.
- (2) Prior to loading, the temperature of the material must be below 55°C (131°F).
- (3) The material will be kept as dry as is practicable. The material will not be loaded, unloaded, or handled during periods of rain, sleet, or snow.
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 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 of § 172.302(c) are waived.

d. In lieu of placards, the intermodal freight container must be marked on each side with the 4-digit identification numbers on an orange and black panel; the proper shipping name and CA Approval Number in accordance with the drawing on file with the Office of Hazardous Materials Special Permits and Approvals.

e. Vessel stowage and segregation requirements are as follows:

(1) "Separated from" substances and articles for which toxicity is indicated by a label of Division 6.1, packing groups I or II, or Division 2.3;

(2) "Separated by a complete compartment or hold from" Division 6.2 (infectious substances);

(3) "Separated from" materials labeled as Class 7; or

(4) "Away from" substances or articles labeled as Class 8 or Division 6.1, packaging group III.

Additionally, the freight container may be stowed in accordance with other goods for which Stowage Category A is specified and must be stowed "away from" all sources of heat (e.g., heated pipes, machinery space bulkheads). The stowage and segregation terms are as defined in §§ 176.83 and 172.101 and IMDG Code Sections 7.1.1.2 and 7.2.2.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo vessel, and rail freight.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle and cargo vessel 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

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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.:



for Theodore L. Willke
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, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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
Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MOOREBE/sln