U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

FEB 25 2005

DOT-E 14117
(FIRST REVISION)

EXPIRATION DATE: April 14, 2005

1. GRANTEE: MGP Ingredients, Inc.
Atchison, KS

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain Class 3 hazardous materials in 65 DOT Specification 111A100W1 tank cars which are overdue for periodic inspection of the reclosing pressure relief devices. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this emergency exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 171.2(c), 173.31(a)(3), 180.509(h)(2), in that a tank car overdue for periodic inspection of the reclosing pressure relief device may not be filled with a hazardous material and transported, except as provided herein, and § 173.302(c) in that the packaging need not be marked with the exemption number.

5. BASIS: This emergency exemption is based on the application of MGP Ingredients, Inc., dated January 11, 2005, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Alcoholic beverages	3	UN3065	II
Alcohols, n.o.s.	3	UN1987	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are 65 DOT Specification 111A100W1 tank cars built by Union Tank Car Company in 1994. The tank cars have the following reporting marks (all NATX):
38355-357, 38359, 38365-367, 38369, 37371, 38375, 38378, 38383, 38387, 38389, 38391-392, 38394-395, 38398, 38400, 38403, 38405, 38408-410, 38412, 38418, 38421-423, 38425-426, 38428-430, 38432, 38438, 38440, 38443, 38448, 38451, 38457, 38460-461, 38463-464, 38467, 38469, 38471, 38473-474, 38477-478, 38480, 38484, 38490, 38491,-492, 38494-495, 38498, 38501, 38505, 38506, 38507. The tank cars are operating under AAR Certificate of Construction Number A-947046 and Number F-947057, both dated October 4, 1994.

b. TESTING - The tank cars identified above must receive scheduled maintenance in accordance with Subpart F of Part 180 and/or DOT-E 12095, and the owner's specific requirements before the expiration of this exemption.

8. SPECIAL PROVISIONS:

a. 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.

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

c. The marking requirements of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None 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 law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption 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

exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

FEB 25 2005
(DATE)

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DL