

December 14, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14450

EXPIRATION DATE: June 30, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes additional time for retrofitting IBCs or DOT 57 portable tanks to meet the valving requirements of DOT-SP 12412 which authorizes the unloading of IBCs without removal from the transport vehicle. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: DOT-SP 12412, in that the date for retrofitting provided in paragraph 8.b. is extended and § 172.302(c) in that the marking requirements are waived.
5. BASIS: This emergency special permit is based on the application of Nalco Energy Services LP dated December 4, 2006 submitted in accordance with § 107.105 and the public proceeding thereon.

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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
All liquid materials authorized to be shipped in metal, rigid plastic and composite UN IBCs or DOT Specification 57 portable tanks.	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - As authorized in DOT-SP 12412.
- b. OPERATIONAL CONTROLS - As authorized in DOT-SP 12412.

8. SPECIAL PROVISIONS:

- a. IBCs or DOT 57 portable tanks that are required to conform to the outlet requirements in paragraph 7.a.(2) of DOT-SP 12412 must be retrofitted by July 1, 2007.
- b. Not later than January 31, 2007, the holder of the emergency special permit must submit a plan for retrofitting the IBCs or DOT 57 portable tanks used under the terms of DOT-SP 12412. The plan must include the following:
 - (i) The total number of IBCs or DOT 57 portable tanks to be retrofitted.
 - (ii) The retrofit schedule for the IBCs or DOT 57 portable tanks (i.e. retrofits per month or per week).
 - (ii) The source(s) of the valves used for the retrofit.
- c. Every 30 days after submission of the retrofit plan, a progress report must be submitted to the Office of Hazardous Materials Special Permits and Approvals documenting progress made in retrofitting the IBCs or DOT 57 portable tanks.
- d. Failure to meet the reporting requirements of this special permit may result in the immediate suspension of the

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holder's authorization to use this special permit.

e. 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 modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

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

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(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.:



Robert A. McGuire
Associate Administrator
For Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, Department of Transportation, 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. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: BURGER