

February 6, 2008



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 14038
(FIRST REVISION)

EXPIRATION DATE: January 31, 2012

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Chemical Company
Midland, Michigan
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the use of DOT specification 111S100W6 tank cars having a maximum gross weight on rail at 286,000 pounds for the transportation of Class 8 materials. This special permit provides no relief from the Hazardous Materials Regulations (HMR) 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.
 - 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 § 172.203(a) in that marking the special permit number on the shipping paper is waived; and §§ 173.26 and 179.13 in that the authorized maximum gross weight on rail is 286,000 pounds.
5. BASIS: This special permit is based on the application submitted by the Dow Chemical Company dated February 5, 2008, submitted in accordance with 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Acrylic acid, stabilized	8	UN2218	II
Class 8 materials authorized by the HMR for use in DOT Class 111 tank cars	8	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:a. PACKAGING:

i. Packagings prescribed are DOT 111S tank cars having a tank test pressure of 100 psig.

ii. The packagings prescribed under this special permit consist of DOT 111S100W6 specification tank cars which exceed the requirements of 49 CFR Part 179, Subpart D, and meet the Association of American Railroad's Manual of Standards and Recommended Practices, Manual C-111, Section 2.5. In summary, the construction of these tank cars would include:

1. Puncture Resistance: ASTM A240 / A240M Type 316L tank heads and tank shell conforming to Association of American Railroad's Manual of Standards and Recommended Practices, Manual C-III, Section 2.5.2.4.
2. Head Protection: Head protection in accordance with the Association of American Railroad's Manual of Standards and Recommended Practices, Manual C-III, Section 2.5.2.4.
3. Controlling Longitudinal Loadings: Cardwell Westinghouse mark 325 or Minor TF-880 draft gears to attenuate the rail yard and in-train compressive and axial forces on the tank car structure.

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4. Structural-worthiness: Stub-sill designed and built to a million-mile fatigue life, calculated by applying an overall load factor of 1.09 to those designs approved for gross rail loads at 263,000 pounds.
5. Track-worthiness: Trucks are variable-dampened type: Barker S-2-E, or alternative S-2-HD or ASF Motion Control, to improve ride quality and overall truck performance.
6. Pressure Relief Device: Re-closing pressure relief device designed and tested in accordance with 49 CFR 179.15.
7. Service Equipment Protection: Top fitting protection designed to the Association of American Railroad's Manual of Standards and Recommended Practices, Manual C-III, Appendix E, Paragraph 10.2.

iii. Each tank car may be loaded to a maximum gross weight on rail of 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized in § 173.24b.

- b. MARKING: Each tank car operating under the terms of this special permit must be marked "DOT-SP 14038" in four-inch letters and numerals on a contrasting background above the DOT specification number.

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 by the grantee and be made available to a DOT representative upon request.

c. Each tank car must meet the Association of American Railroads Manual of Standards and Recommended Practices, Manual C-11, Specification S-286, effective January 1,

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2004, and Manual C-111, Section 2.5, dated October, 2003, and may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. A rail carrier may impose more stringent operating and design requirements. The grantee and the railroads must ensure that transit routes are capable of supporting 286,000 gross rail loads and the written, signed documents attesting to this fact be made available to a DOT representative upon request.

d. The additional information requirement for shipping papers in § 172.203(a) is waived.

e. The grantee must make available its complete maintenance and qualification program to the Federal Railroad Administration upon request (see the Association of American Railroads' Manual of Standards and Recommended Practices, Manual C-111, Recommended Practice RP-263). The maintenance program must incorporate any additional structurally significant components that may be adversely affected by the increase rail load to ensure the continual fitness-for-service of the component based on the inspection method or the inspection interval specified in the maintenance program.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration must be notified within 72 hours of the occurrence if any unusual incident occurs during a movement by contacting the:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, 3rd Floor
1120 Vermont Avenue, N.W.
Washington, D.C. 20590
ATTN: William S. Schoonover, Staff Director
(202) 493-6229 or 493-6309

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.

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- 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.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

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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: FRA/sln