

May 25, 2007



U.S. Department  
of Transportation

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

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 12858  
(THIRD REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of certain Division 2.3 materials in DOT 105J400W tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. 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. 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: 49 CFR § 172.203(a) in that marking the special permit number on the shipping paper is waived; § 173.31(c)(1) and § 179.13 in that the maximum gross weight on rail may not be greater than 263,000 pounds except as provided herein.
5. BASIS: This special permit is based on the application of Union Carbide Corporation dated July 15, 2005, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identification Number	Packing Group
Ethylene Oxide	2.3	UN1040	N/A

7. SAFETY CONTROL MEASURES:a. PACKAGING:

(i) Prescribed packagings are DOT Specification 105J400W tank cars constructed of TC-128 Gr B (norm) steel constructed under Certificate of Construction numbers F-967031, L-007024, and L-017025.

(ii) Each tank car must meet the Association of American Railroads (AAR) Standard S-259, dated January 5, 1995, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head thickness 0.781" TC-128 Gr (norm.) Shell thickness 0.719" TC-128 Gr (norm.) ½" thick full head shield
Controlling Longitudinal Loadings	Miner TF-880 "premium" draft gear
Structural Worthiness	UTL-ZBG stub sills having a 1,000 mile fatigue design per S-259, factored up by 1.09.
Track Worthiness	ASF Super Service Ride Control "advanced" trucks
Pressure Relief Device	Reclosing pressure relief device Midland A-1079 75 psi
Service Equipment Protection	Each car has a protective housing conforming to 49 CFR 179.100-12(c)
Maintenance Program Development	Ethylene Oxide Maintenance Plan, see attachment

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

b. MARKING - Each tank car operating under the terms of this special permit must be marked "DOT-SP 12858" 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 at each facility where the package is offered or reoffered for transportation.

c. Each tank car may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes must be agreed to, in writing, by participating railroads. The written acceptance must be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this special permit prior to the first offering on each route.

d. The shipping paper additional information requirement of § 172.203(a) is waived.

e. The applicant must file a copy of their complete maintenance program (see Appendix U of the Association of American Railroads Manual of Standards and Recommended Practices, M-1002, dated January, 1996) for any car operating under the terms of this special permit. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this special permit.

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f. Packages permanently marked 'DOT-E 12858', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packages marked on or after October 1, 2007 must be marked 'DOT-SP 12858'.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration  
Hazardous Materials Division  
RRS-12, Mail Stop 25  
1120 Vermont Avenue, N.W.  
Washington, D.C. 20590  
(202) 493-6229 or 493-6248

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 the special permit has expired or is otherwise no longer in effect.

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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 Bob Richard  
Deputy Associate Administrator  
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials 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](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: AM