

September 27, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12995
(FIFTH REVISION)

EXPIRATION DATE: March 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Dow Chemical Company
Midland, MI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain DOT 2Q specification, non-refillable containers containing polyurethane foam or foam components that will be tested by other means in lieu of subjecting each container to a hot water bath. 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 § 173.306(a)(3)(v) in that each container will be tested as specified herein in lieu of the required hot water bath test.
5. BASIS: This special permit is based on the application of The Dow Chemical Company dated April 13, 2006 submitted in accordance with § 107.109 and additional information dated September 26, 2006.

September 27, 2006

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aerosols	2.2	UN1950	N/A
Aerosols, flammable	2.1	UN1950	N/A
Consumer commodity, as appropriate	ORM-D	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-refillable, DOT Specification 2Q inside container containing polyurethane foam or foam components. Each container must meet all requirements of § 173.306(a) (3) except for the hot water bath test requirements specified in § 173.306(a) (3) (v).

b. TESTING -

(1) One container out of each lot of 2,000 containers must be subjected to a test performed in a hot water bath after the pressure within the can comes to ambient equilibrium and/or after completion of the reaction of the contents. The temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at 55°C (131°F). If the container shows evidence of leakage, distortion or other defect, the entire lot must be rejected. Additionally, if the pressure in the container exceeds 180 psig at 55°C (131°F), the entire lot must be rejected.

(2) A second container in each lot of 2,000 containers must be weighed. Dow must document the required weight specification for the container in the company's quality control procedures. Failure of any container to meet the weight specification is evidence of leakage. If there is any evidence of leakage, distortion or other defect the entire lot must be rejected.

September 27, 2006

(3) Each container not tested in paragraph 7.b.(1) and (2) above must be visually inspected. The operator must carefully inspect the valve, crimp, and seam areas of the completed containers following addition of the blowing agent (gas). Any container with evidence of leakage must not be shipped.

c. OPERATIONAL CONTROLS -

(1) Prescribed containers may be shipped under the limited quantity provisions of § 173.306(a).

(2) Filling Conditions -

(a) The container must not be liquid full at any temperature up to and including 55°C (131°F).

(b) The pressure in the completed container as prepared for shipment may not exceed the following:

(i) 6.9 bar (101 psig) at 21.1°C (70°F); or

(ii) 12.2 bar (180 psig) at 55°C (131°F).

(3) Each container must be packed in strong outside packagings as prescribed in § 173.301(a)(9).

(4) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-SP 12995".

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 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.

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 container must be marked "DOT-SP 12995" as specified in § 172.301(c).

September 27, 2006

- d. Transportation of Division 2.1 materials (flammable gasses) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).
- e. Containers filled with a material meeting the definition of a "Consumer commodity" in § 171.8 may be reclassified as ORM-D and shipped as "Consumer commodity" in accordance with § 173.306(h).
- f. Packagings permanently marked 'DOT-E 12995', 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. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 12995'.
- g. Shipping papers displaying 'DOT-E 12995' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or aircraft. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.
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.

September 27, 2006

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 Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

September 27, 2006

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

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

PO: CWF/kah