



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

AUG 11 2004

DOT-E 12003
(FIFTH REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Degussa Corporation
Parsippany, New Jersey
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of hydrogen peroxide aqueous solutions in concentrations exceeding 72 percent but not exceeding 92 percent by weight in DOT Specification IM 101 steel portable tanks. 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 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 § 172.102(c)(7)(ii) Special Provision T37 in that the concentration of hydrogen peroxide solutions in water exceeds 72 percent hydrogen peroxide by weight and the total venting capacity of pressure relief devices over 72 percent but less than 92 percent is not specified.
5. BASIS: This exemption is based on the application of the Degussa Corporation dated August 2, 2004, 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
Hydrogen peroxide aqueous solution, stabilized or Hydrogen peroxide aqueous solutions, with more than 60 percent hydrogen peroxide	5.1	UN2015	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are six (6) DOT Specification IM 101 steel portable tanks which are lined with either PE, PVDC or PTFE plastic materials and have a capacity of 17,500 liters (4625 U.S. gallons). Tanks bearing owners serial numbers DWAU 000020-1 and DWAU 000030-4 conform to C-CAM International drawing number RE-301, REV D, dated September 3, 1998, details of manhole and nozzles on C-CAM International drawing number RE-301, Rev. D, and Nissin Gulf Coast drawing number 98-2769-AA-1, Rev.2, dated December 23, 1998 and other data and specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Tanks bearing owners serial numbers DWAU 000125-5, DWAU 000138-4, DWAU 000150-6 and DWAU 000158-0 conform to Degussa Isocontainer Modification Assembly Drawing 00-3401-AA-1 dated 12/21/00 and other data and specifications on file with the OHMEA.

b. TESTING -

(1) Periodic testing and inspection of these portable tanks must be conducted in accordance with requirements of § 173.32b.

(2) The lining must be inspected and tested at intervals recommended by the lining manufacturer or installer but the interval may not exceed 2.5 years. The inspection and testing must be done using equipment and procedures prescribed by the lining manufacturer or installer. Degraded or defective areas of the liner

must be removed and the portable tank shell below the defect must be inspected. If the minimum thickness of the tank shell is below that specified on the identification plate, the portable tank must be removed from service.

c. OPERATIONAL CONTROLS - Before offering for transportation the hazardous material described in paragraph 6. above, samples must be taken in accordance with ISO 7161 and tests must be performed to determine that the concentration does not exceed 92 percent by weight, that the material specification is met and that the rate of decomposition does not exceed that which is normal.

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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by 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:

o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o 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.

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 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 the exemption has expired or is otherwise no longer in effect.

- 12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire

 Robert A. McGuire

AUG 11 2004
 (DATE)

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Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, 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: PTO/AM