U.S. Department
of Transportation
**Research and
Special Programs
Administration**

JUL 31 1995

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

DOT-E 11405
(FIRST REVISION)

EXPIRATION DATE: June 15, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Hoechst Celanese Corporation, Charlotte, N.C. (See Appendix A of this exemption)

2. PURPOSE AND LIMITATION: This exemption authorizes the use of alternative temperatures for determining if a material meets the definition of 4.2, Packing Group III when shipped in non-bulk and intermediate bulk quantities. This exemption provides no relief from any regulations other than as specifically stated. (See Appendix A for parties to this exemption.)

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173 Appendix E 3.b. (1)(A) insofar as a single temperature is specified for classifying a material independent of the size of the packages used in transportation. The marking requirements of Part 107, Appendix B to Subpart B, paragraphs (1) and (2) and 172.203(a) and 172.301(c)

5. BASIS: This exemption is based on Hoechst Celanese's application dated January 30, 1995, submitted in accordance with 49 CFR 107.103 and the public process thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description / proper shipping name	Hazard Class/ Division	ID Number	PG
Materials when tested in accordance with 49 CFR Part 173 Appendix E 3.b. (1)(A) meeting the definition of 4.2, PG III / *	4.2	*	III

* As appropriate

7. PACKAGING AND SAFETY CONTROL MEASURES: The following alternative test is authorized for determining if a material meets the definition of 4.2, PG III.

   a. When a material is transported in packages with a volume of 3 cubic meters or less (intermediate bulk container), the material may be tested at 120°C in accordance with the procedures specified in 49 CFR 173 Appendix E 3.b. The material should be classified in Division 4.2, PG III if: the sample spontaneously ignites or the temperature of the sample exceeds 200°C during the 24-hour testing time.

   b. When a material is transported in packages with a volume of 450 liters or less, the material may be tested at 100°C in accordance with the procedures specified in 49 CFR 173 Appendix E 3.b. The material should be classified in Division 4.2, PG III if: the sample spontaneously ignites or the temperature of the sample exceeds 200°C during the 24-hour testing time.

   MARKING: The marking requirements of 49 CFR, Part 107, Appendix B, to Subpart B, Paragraphs (1) and (2) and Sections 172.203(a) and 172.301(c) are waived.

8. SPECIAL PROVISIONS:

   a. This exemption authorizes the use of the alternative tests described in paragraphs 7.a. and 7.b. above for the determination of self-heating materials by any person or class of persons, in addition to the holder of this exemption, subject to the terms specified herein. However, no person may apply the test method authorized by this exemption unless that person maintains a current copy of this exemption and the test method identified in Paragraph 7 above at each facility where the tests are performed for the purpose of determining the hazard class and packing group of a material for transportation in commerce.

   b. A current copy of this exemption must be retained by each person initially offering a material determined to be non-regulated as a 4.2, PG III material under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, passenger carrying aircraft, cargo aircraft only.

10. MODAL REQUIREMENTS: No modal-specific requirements are required 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS: Only as required to renew or revise this exemption.

Issued at Washington, D.C.:

JUL 31 1995

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FHWA, FRA, FAA, USCG

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APPENDIX A

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with 49 CFR 107.111 and the public proceeding thereon or 107.105, as appropriate:

Company Name City/State	Application Date	PTE	Expiration Date	Issue Date
Color Pigments Mfr. Assn. Alexandria, VA	3/24/95	1	6/15/97	7/31/95
L & H Technologies Burlington, NC	5/22/96	2	6/15/97	9-11-96
Benco Charlotte, NC	5/22/96	3	6/15/97	9-11-96

for Marilyn J. Morris

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety