



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

OCT 13 2004

DOT-E 12589
(SECOND REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Products & Chemicals, Inc.
Allentown, PA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of tungsten hexafluoride in certain DOT 3BN specification cylinders that previously contained hydrogen fluoride. 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 § 173.163 in that the cylinders have been removed from hydrogen fluoride service and put into another service rather than being rendered unfit for any regulated service.
5. BASIS: This exemption is based on the application of Air Products & Chemicals, Inc. dated July 6, 2004, 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	Identi- fication Number	Packing Group
Tungsten hexafluoride	2.3	UN2196	Hazard Zone B

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT 3BN specification cylinders that have previously been in hydrogen fluoride service.

b. TESTING -

(1) Prior to being changed to tungsten hexafluoride service, each DOT 3BN specification cylinder must be inspected and tested in accordance with the requirements of § 180.205(e).

(2) Each cylinder must be reinspected and hydrostatically tested at least every five years in accordance with § 180.205(c) as prescribed for DOT 3BN specification cylinders.

c. OPERATIONAL CONTROLS -

(1) Each cylinder must be in conformance with § 173.338.

(2) Each cylinder must be in dedicated tungsten hexafluoride service.

d. MARKING - In addition to the specification markings, each cylinder must be plainly and durably marked "DOT-E 12589" as specified in § 172.301(c).

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 modification or change is made to the package or its contents 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.

c. Transportation of Division 2.3 (gases which are poisonous by inhalation) is not authorized aboard cargo vessel unless specifically authorized in the Hazardous Materials Table (§ 172.101).

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:

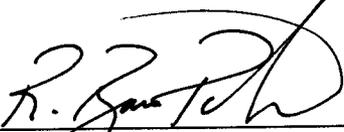
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required 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 this 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.:



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(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.

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: CWF/dl