U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 2 3 2004

DOT-E 13305
(FIRST REVISION)

EXPIRATION DATE: December 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Matheson Tri Gas
East Rutherford, NJ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-way transportation for disposal of certain DOT 5A drums containing dichlorosilane trichlorosilane and silicon tetrachloride for cleaning and final disposition. 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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 171.14 in that the transitional period for use of DOT specification packages expired October 1, 1999 and 49 CFR § 173.304 in that DOT 5A drums are not authorized.

5. BASIS: This exemption is based on the application of Matheson Tri Gas dated February 17, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Dichlorosilane	2.3	UN2189	N/A
Silicon tetrachloride	8	UN1818	PG II
Trichlorosilane	4.3	UN1295	PG I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - DOT 5A drums.

b. OPERATIONAL CONTROLS -

1. Drums must have been filled prior to October 1, 1996.

2. One-way, one-time transportation is only authorized between the originating Matheson Tri Gas location and

i) Matheson Tri Gas, LaPorte, TX;

ii) another Matheson Tri Gas facility; or

iii) an approved cleaning facility.

3) Transportation is for cleaning and final disposition of the drums only.

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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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:

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

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUN 2 3 2004
(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: DB:dl