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U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 14016
(FIRST REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Products and Chemicals, Inc.
Allentown, PA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of Tungsten hexafluoride in DOT Specification 3BN cylinders that have been requalified using external visual inspection in lieu of hydrostatic retest and internal visual inspection. 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.

c. This exemption will not be renewed or extended.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that the requirement to mark the exemption number on the packaging is waived; §172.203(a) in that the requirement to mark the exemption number on the shipping paper is waived; and § 180.209 in that the cylinders are requalified using a method other than hydrostatic retest and internal visual inspection.

5. BASIS: This exemption is based on the application of Air Products and Chemicals, Inc. dated November 22, 2004 and additional information dated November 22, 2004 and February 7, 2005, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Tungsten hexafluoride	2.3	UN2196	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification 3BN cylinders with a marked service pressure of 400 psig.

b. TESTING - In place of the hydrostatic retest and internal visual inspection, each cylinder must be given a complete external visual inspection in conformance with 49 CFR Part 180, Subpart C at the time such periodic requalification becomes due. Cylinders removed from tungsten hexafluoride service must be condemned in accordance with 49 CFR § 180.205, and the cylinder may be rendered incapable of holding pressure.

c. OPERATIONAL CONTROLS -

(1) Cylinders must be in exclusive tungsten hexafluoride service.

(2) Records of the cylinders requalified under this exemption must be maintained by Air Products and made available to the DOT upon request.

(3) Cylinders may be requalified under the terms of this exemption until June 30, 2005.

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. Each cylinder must be marked in accordance with § 180.213 as required for cylinders being requalified using external visual inspection only.

d. The marking requirements of §§ 172.203(a) and 172.301(c) are waived.

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

10. MODAL REQUIREMENTS: There are no modal specific requirements as a condition of 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: Shipments or operations conducted under this exemption 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 exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

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DATE

for Robert A. McGuire
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: CWF/AM