U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 29 1999

DOT-E 12352

EXPIRATION DATE: October 31, 1999 or upon completion of one import shipment.

1. GRANTEE: Elf Atomchem North America, Inc.
Philadelphia, PA

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the one-time use of labels for a Division 2.3 material, in conformance with the International Maritime Dangerous Goods Code (IMDG), instead of the "POISON INHALATION HAZARD" or "POISON GAS" label required by the Department of Transportation (DOT) under final rule HM-206, effective October 1, 1999. The IMDG labels are authorized for one import shipment of Boron trifluoride, compressed, a Division 2.3 material, contained in non-DOT specification, spherical pressure vessels authorized under DOT-E 11722. 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 § 171.12(b)(8) in that the use of IMDG labels is authorized for non-DOT specification pressure vessels containing a Division 2.3 material, instead of labels required under final rule HM-206 (effective on October 1, 1999); § 172.203(a) in that the shipping paper does not bear the notation "DOT-E" followed by exemption number "12352"; and § 172.302(c) in that each packaging is not marked with the exemption number "DOT-E 12352".

5. BASIS: This emergency exemption is based on the application of Elf Atochem North America, Inc. dated September 21, 1999, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Boron trifluoride, compressed	2.3	UN1008	PIH - Zone B

7. SAFETY CONTROL MEASURES:

PACKAGING - Packagings authorized are non-DOT specification spherical pressure vessels in conformance with the provisions in DOT-E 11722.

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

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

10. 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.

- 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.

SEP 29 1999

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.

11. 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.:

SEP 29 1999

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

Dist: USCG, FHWA, FRA
PO: am