U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 1 6 2004

DOT-E 13502

EXPIRATION DATE: August 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Matheson Tri-Gas Incorporated
East Rutherford, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain non-DOT specification foreign cylinders containing tungsten hexafluoride. 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 § 173.338 in that the use of non-DOT specification cylinders is not authorized, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Matheson Tri-Gas Incorporated dated March 16, 2004, submitted in accordance with § 107.117 and determination that is necessary to prevent significant economic loss.

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 - Packagings prescribed are:

(1) Non-DOT specification foreign stainless steel welded cylinders that are designed, manufactured, and tested in conformance with the High Pressure Gas Control Law of Japan. The cylinders are authorized for export under DOT-E 12580 and must be in conformance with Kanto Koatsu Yoki Mfg. Co. Ltd. drawing GHS-CIF_3-95036 and design criteria on file with the Office of Hazardous Materials Exemptions and Approvals. The valve outlet must be capped or plugged.

(2) Cylinders must have a maximum service pressure of 252.4 psi (1.74 MPa) and a minimum design burst pressure of 1528.7 psi (10.54 MPa).

b. OPERATIONAL CONTROLS -

(1) Cylinders must be in dedicated tungsten hexafluoride service

(2) Cylinders must be shipped in a strong outside packaging complying with the provisions of § 173.40(d).

(3) The shipping paper must identify the cylinders with the exemption number DOT-E 13502" and must carry the following certification: "This cylinder has [These cylinders have] been retested and refilled in accordance with DOT requirements.

(4) This exemption is limited to a maximum of three shipments. Each shipment is limited to a maximum of 10 cylinders.

(5) Transport must be between the port of entry and the Matheson Tri-Gas facility in Longmont, Colorado by private carriage or dedicated shipment by a contract carrier.

(6) Emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the cylinders are not fitted with pressure relief devices and provide appropriate guidance for exposure to fire.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. The outside of each package must be plainly and durably marked "DOT-E 13502"and "For Import Only".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel (see restriction in paragraph 8.c).

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:

- 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.:

APR 16 2004

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.

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