AUG 28 2000

U.S. Department of Transportation

**Research and Special Programs Administration**

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

DOT-E 9763
(THIRD REVISION)

EXPIRATION DATE: **July 31, 2002**

(FOR RENEWAL, SEE 49 CFR § 107.109)

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

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the use of DOT Specification 3BN cylinders not presently authorized for transportation in commerce of certain Division 2.3 and Class 8 materials. This exemption provides no relief from any Hazardous Materials Regulation (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 §§ 173.302(a) and 173.305.

5. BASIS: This exemption is based on the application of Air Products and Chemicals, Inc. dated March 3, 2000, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Boron triflouride, compressed | 2.3 | UN1008 | N/A |
| Compressed gas, flammable, n.o.s. | 2.1 | UN1954 | N/A |
| Nitrogen trifluoride, compressed | 2.2 | UN2451 | N/A |

AUG 28 2000



| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Silicon tetrafluoride, compressed | 2.3 | UN1859 | N/A |
| Silicon tetrachloride | 8 | UN1818 | II |

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is a DOT Specification 3BN cylinder (§ 178.39)

b. For the transportation of Boron trifluoride, the cylinder:

(1) May not have a nominal water capacity exceeding 120 pounds;

(2) May not have a nominal outside diameter exceeding 9 inches;

(3) Must have a marked service pressure of at least 300 psi;

(4) Must be marked "INHALATION HAZARD" in association with the required labels;

(5) Must conform with the provisions of § 173.40.

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 modifications or changes are made to the package 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. TESTING - Each cylinder must be requalified in accordance with § 173.34(e) as applicable to DOT Specification 3BN cylinders.

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

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. Drivers and masters of cargo vessels must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

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.
- 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 the 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 at Washington, D.C.:

AUG 28 2000

Robert A. McGuire
For Associate Administrator for
Hazardous Materials Safety

(DATE)

AUG 28 2000



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.

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