



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

DEC 02 2009

Mr. Mike Shamulka  
Momentive Performance Materials  
260 Hudson River Road  
Waterford, NY 12188

Ref. No. 09-0258

Dear Mr. Shamulka:

This is in response to your electronic transmission to Mr. Shane Kelley requesting clarification regarding the transportation of chlorosilanes. Specifically, you ask whether a corrections document will be published in the *Federal Register* before the end of this year that will correct an error of omission in the final rule, HM-215J, PHMSA 2007-0065, "Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the UN Recommendations, International Maritime Dangerous Goods Code and International Civil Aviation Organization's Technical Instructions Recommendations," published in the *Federal Register* on January 14, 2009.

The answer is yes. A corrections document will be published in the *Federal Register* before January 1, 2010. In the January 14, 2009 final rule, we added a new packaging section, § 173.206, to the HMR to harmonize with new packaging requirements for water-reactive chlorosilanes as adopted in the fifteenth revised edition of the UN Recommendations. We inadvertently omitted the authorization to use cylinders for these materials. Prior to the publication of the final rule, cylinders were authorized for use in transporting these materials under §§ 173.201 and 173.202.

We are correcting § 173.206(c) by reinstating the authorization to use certain cylinders for transport of these materials. For PG I liquids, we are reinstating specification or UN standard cylinders, as prescribed for any compressed gas, except Specification 3HT and those prescribed for acetylene. For PG II liquids, we are reinstating specification cylinders, as prescribed for any compressed gas, except Specification 8 and 3HT cylinders. We are also

noting in the preamble of the corrections document that aluminum cylinders should not be used for the transport of these materials due to safety concerns related to the incompatibility of aluminum and water-reactive chlorosilanes. We may adopt revisions to the packaging provisions prohibiting the use of aluminum cylinders for these materials in a future rulemaking.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell", with a long horizontal flourish extending to the right.

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

§ 173.206

McIntyre  
§173.206(c)  
§173.201  
§173.202  
Cylinders  
09-0258

**Ref No 09-0258**

**From:** Shamulka, Mike [mailto:mike.shamulka1@momentive.com]  
**Sent:** Monday, November 09, 2009 9:17 AM  
**To:** Kelley, Shane (PHMSA)  
**Cc:** Hiley, Raymond D  
**Subject:** AUTHORIZATION OF CYLINDERS FOR CHLOROSILANE SHIPMENTS  
**Importance:** High

Shane:

This email is to follow upon our phone conversation on 11/04/09 concerning the recent IMDG and U.S.DOT deletion of specification cylinders for shipment of Chlorosilanes. Our Company's concern is that the U.S.DOT may not be able to publish before December 31, 2009 the correction authorizing the use of specification cylinders, as currently allowed under Sections 173.201 and .202 of Title 49 CFR for Chlorosilanes. Without such a correction, beginning in January, 2010, Chlorosilane transportation in specification cylinders will no longer be expressly recognized by the rules. Do you know if the U.S.DOT intends to publish a notice in the Federal Register authorizing the use of specification cylinders for Chlorosilane transportation, and if so, will that occur prior to the end of this year? Otherwise, our Company will need to start the process of applying for a Special Permit. Also, we would appreciate any suggestions on other potential ways of addressing this issue in the short term, e.g., a letter of approval from a Competent authority.

Thank you for your attention to this matter.

Mike Shamulka  
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