U.S. Department
of Transportation

Research and
Special Programs
Administration

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

MAR 15 1991

DOT-E 10488

1. Fien Plastic Can Corporation, Dunellen, New Jersey, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of the corrosive liquids and flammable liquids described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the manufacture, marking, and sale of non-DOT specification five-gallon capacity removable head polyethylene drums, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Fein Plastic Can Corporation's application dated September 27, 1990, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Corrosive liquids, classed as corrosive materials, for which a DOT Specification 34 polyethylene container is prescribed in 49 CFR Part 173; and flammable liquids with flash point above 20°F, classed as flammable liquids, for which the packaging requirements of 49 CFR 173.119(b) are applicable and which are specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment. Only those materials which will not react with polyethylene and result in container failure are authorized as prescribed in §173.24(d). The specific gravity of a material may not be more than 1.5, and the vapor pressure may not exceed 16 psia at 130°F.

4. PROPER SHIPPING NAME (49 CFR 172.101). Corrosive liquid, n.o.s.; Flammable liquid, n.o.s; or the specific chemical name, as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.119; Part 173, Subpart F; 178.19.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification removable head, molded polyethylene drum without overpack, having a rated capacity not exceeding 5 gallons. Each drum must be in full conformance with DOT Specification 34 except that the drum design has a removable head and the hydrostatic test pressure is 5 psig. Additionally, each drum must be manufactured in accordance with Wentworth Mould and Die Drawing Nos 20497-13-D and 17750-1-D having a release date of September 24, 1990 and technical specifications as stated in the petitioner's application. In addition, each drum must:

a. Be constructed of polyethylene with a minimum thickness of 0.070 inch, measured at any point.

b. Be qualified in accordance with the tests prescribed in 49 CFR 178.19-7, except that the requirements for hydrostatic pressure shall be five psig for five minutes.

c. Be marked "NRC", for non-reusable container.

d. A tubular gasket is used to seal the pail and cover, and the closure in the cover shall meet the requirements of Section 178.19-4 (a), (b), and (c).

8. SPECIAL PROVISIONS.

a. Offerors for transportation of hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. The drum body must be marked in accordance with 49 CFR 178.19-6 except that "DOT-E 10488" must be marked in place of the "DOT-34" required by that section. Additionally, the cover or lid must be permanently marked "DOT-E 10488".

c. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

d. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

e. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; the special packaging requirements of 49 CFR 173.3a for certain poisonous materials; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

f. The net weight limitation and inside packaging requirements contained in 49 CFR Part 173, Subpart F and Section 173.119(b) apply to the packaging authorized under this exemption.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. January 31, 1993.

Issued at Washington, D.C.:

MAR 15 1991

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, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA.