U.S. Department of Transportation
Research and Special Programs Administration

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

DOT-E 10473 (EXTENSION)
ORIGINAL January 10, 1991

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10473 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to August 31, 1996. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

SEP 30 1994

For J. Suzanne Hedgepeth
Allan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Dist: FHWA FRA USCG FAA

EXEMPTION HOLDER	APPLICATION DATE
Progressive Technologies, Inc. Marietta, GA	July 15, 1994

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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DOT-E 10473

1. Progressive Technologies Inc., Omaha, Nebraska is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell a non-DOT specification polyethylene twin-walled 85 gallon (887 pound) capacity drum, as described in paragraph 7 below for use as a salvage drum, lab-pack container and sole use container for shipment of those hazardous materials authorized for shipment in DOT Specification 34 or 35 containers in commerce subject to the requirements specified herein. This exemption provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on an application from Progressive Technologies dated September 21, 1990 and additional information dated December 1, 1990, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Solids and liquids for which a DOT Specification 34 or DOT Specification 35 polyethylene container is authorized in 49 CFR Part 173 and which have no secondary hazards.

4. PROPER SHIPPING NAME (49 CAR 172.101). Specific chemical name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 173 Subparts D, E, F and H, 173.3(c), 173.12, 173.25(c), 178.16, 178.19.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, cargo vessel, rail freight, and cargo-aircraft only.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification reusable rotationally molded, vertical, open-top, twin-walled polyethylene drum of up to 85-gallon (952 pound gross weight) capacity, represented by the Plastic Products & Manufacturing Corporation drawings entitled "Details Container Assembly" submitted with the exemption request. Each drum must be made of linear-low or medium density polyethylene, which has been specifically identified to and accepted in writing by the Associate Administrator for Hazardous Materials Safety. Each drum must be in compliance with the provisions of 49 CFR 178.19 except as follows:

i. 178.19-3 - Does not apply.

ii. 178.19-4 - Does not apply.

iii. 178.19-6(a) - "DOT-E 10473" must be marked in place of the "DOT-34" required by this section. Additionally, the cover or lid must be permanently marked "DOT-E 10473".

b. The minimum polyethylene thickness of any wall at any point for these drums must be 0.135 inches.

c. Drums must be capable of satisfactorily withstanding the drop tests; vibration test; hydrostatic pressure test; and static compression test (performed at 3710 pounds); prescribed in 49 CFR 178.19-7(a).

d. Each drum must posses the chemical and physical properties as reported in the exemption request dated September 21, 1990 to the Associate Administrator for Hazardous Materials Safety.

e. Any changes in design, resin, or process methods must be approved by the OHMS prior to change. Prototype test results for the drop, hydrostatic pressure, static compression and vibration tests required in paragraph 7.c. of this exemption must accompany any request for changes in design, resin, or process method.

f. Reuse of any drum must be in accordance with the applicable requirements of 49 CFR 173.28.

g. Drums with repaired bodies are not authorized.

h. Commodities must be compatible with the polyethylene drum, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

i. Under no circumstance are commodities authorized to be transported within this drum in a manner that may be capable of creating internal pressures within the drum in excess of the test pressure (15 psi) of the drum under conditions considered normal to transport.

j. Air transport of hazardous materials within this container must be in accordance with Section 173.6.

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. 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.

c. Each drum must be plainly marked, in two places 180° apart on the side wall, in letters at least two inches high on a contrasting background, "DOT-E 10473". Additionally, the cover or lid must be permanently marked "DOT-E 10473".

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. A copy of this exemption must be carried aboard each aircraft and vessel used to transport packages covered by this exemption.

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

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. December 31, 1992.

Issued at Washington, D.C.

JAN 10 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, FRA, USCG, FAA.