AUG 16 1994

U.S. Department of Transportation

Research and Special Programs Administration

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

DOT-E 8812
(THIRD REVISION)

1. The Protectoseal Company, Bensenville, Illinois, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations specified in paragraph 5 below to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation of certain Class 3 materials described in paragraph 3 below in commerce subject to the requirements specified herein. This exemption authorizes the manufacture, marking and sale of a non-DOT specification metal drum of five-gallon capacity and comparable to DOT Specification 51, for shipment of certain Class 3 materials, and provides no relief from any regulation other than as specifically stated. NOTE: Reference to 49 CFR Sections in this exemption are to regulations in effect on September 30, 1991.

2. BASIS. This exemption is based on The Protectoseal Company's application dated April 26, 1994, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Gasoline, gasohol, alcohol, isopropanol, hexane, methyl ethyl ketone, butyl acetate, xylene, acetone, toluene, methyl alcohol, methyl propyl ketone, isopropyl acetate, ethyl ether, naphtha, turpentine, butyl alcohol and ethyl alcohol classed as Class 3 materials.

4. PROPER SHIPPING NAME (49 CFR 172.101). Flammable liquid; or the specific chemical name or generic commodity description, as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.119; 178.89.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification steel drum having a capacity of five gallons, complying with specification DOT-51, except for 49 CFR 178.89-3(a) and 178.89-7(c) and, instead, it is required that: the material of construction is terne plate (lead-coated cold-rolled steel); the closure, instead of a screw thread type, is a spring-loaded valve held in the normally closed position by the spring force. The closure and other details of the drum must be as shown on Drawing 8465D, furnished with petitioner's application.

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8. SPECIAL PROVISONS.

a. Offerors for transportation of the 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. 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.

c. 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.

d. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

e. NO NEW CONSTRUCTION OF THE PACKAGING MANUFACTURED UNDER THE TERMS OF THIS EXEMPTION IS AUTHORIZED AFTER SEPTEMBER 30, 1994. AS THE HOLDER OF THIS EXEMPTION, YOU MAY REQUEST A RENEWAL TO CONTINUE THE USE OF THE PACKAING MANUFACTURED PRIOR TO SEPTEMBER 30, 1994. HOWEVER, THE EXEMPTION WILL NOT CARRY AN EXPIRATION DATE SUBSEQUENT TO SEPTEMBER 30, 1996 SINCE USE OF THE PACKAGING IS PROHIBITED AFTER THAT DATE. THIS IS CONSISTENT WITH THE TRANSITIONAL PROVISIONS OF 49 CFR SECTION 171.14 AND THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181.

f. During transportation, drums must be retained in a bin or well; or be tied down securely with appropriate strapping on the vehicle.

9. 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. (49 CFR 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

0. EXPIRATION DATE. June 15, 1996.

Issued at Washington, D.C.:

AUG 16 1994

DATE

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

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 Program.

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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