U.S. Department
of Transportation

Research and
Special Programs
Administration

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

DOT-E 9937

NOV 18 1988

1. Van Leer Verpackungen GMBH, Koln, West Germany (U.S. Agent: Meridian Traffic Service, Inc., Quincy, MA), 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 of the flammable solids, oxidizers, and Class B poisons, solid, 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 fiber drum, not exceeding 100 liter capacity, for shipment of those hazardous materials authorized in DOT-21C fiber drums, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Van Leer Verpackungen GMBH's application dated February 17, 1988, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Those hazardous materials authorized to be shipped in DOT Specification 21C fiber drums.

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

5. REGULATION AFFECTED. 49 CFR Part 173, Subparts E, F and H; 178.224.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification "Clima-Pak" fiber drum having capacities betwen 40 and 100 liters (10.5 to 26.4 US gallons). Each drum is designed and manufactured in accordance with the specifications and drawing included in the petitioner's application of February 17, 1988 on file with the Office of Hazardous Materials Transportation (OHMT) and the design has satisfactorily withstood the performance tests specified in United Nations Recommendations on the Transport of Dangerous Goods for a 1G fiber drum. Authorized net weight is not to exceed 100 kilograms (220 pounds). Drums must be used with an inner, flat bottom bag of polyethylene film having a minimum thickness of 0.1 mm (0.004 inch), closed by means of a quick-action plastic closure. In addition, samples of each type and diameter of fiber drum must satisfactorily withstand the sidewall drop test specified in 49 CFR 178.224-2(b)(3).

a. The tests described above must be made at each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every four months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants.

b. Each drum must be marked as specified in 49 CFR 178.224-4 except that "DOT-E 9937" must be substituted for "DOT-21C".

8. SPECIAL PROVISIONS.

a. Shippers may use the packaging(s) covered by this exemption pursuant to 49 CFR 173.22a.

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

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. Each packaging manufactured in accordance with the requirements of this exemption must be marked in a manner which identifies the physical location (city and state) of the facility at which it is manufactured.

e. The weight limitations and inside packaging requirements contained in 49 CFR Part 173, Subparts E, F and H for DOT Specification 21C fiber drums apply to packagings authorized under this exemption.

9. REPORTING REQUIREMENTS. Any incident involving loss of contents of the package must be reported to the Office of Hazardous Materials Transportation (OHMT) as soon as practicable.

10. EXPIRATION DATE. May 31, 1990.

Issued at Washington, D.C.

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Alan I. Roberts, Director
Office of Hazardous Materials
Transportation

(DATE)

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: USCG, FHWA, FRA