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

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

NOV 21 1989

DOT-E 10175
(FIRST REVISION)

1. Philips Container, Cleveland, Ohio, 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 corrosive liquids and flammable liquids described in paragraph 3 below in commerce 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 Philips Container Company's applications dated April 28 and July 31, 1989, and supplemental information dated May 25, 1989, 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 Transportation (OHMT) 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, rail freight, and cargo vessel.

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 18832-7-D and 19488-9-D with a release date of April 27, 1989 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 psi for five minutes.

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

8. SPECIAL PROVISIONS.

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

b. The drum body must be marked in accordance with 49 CFR 178.19-6 except that "DOT-E 10175" must be marked in place of the "DOT-34" required by that section. Additionally, the cover or lid must be permanently marked "DOT-E 10175".

c. Each drum body and cover or lid manufactured in accordance with the requirements of this exemption must be permanently marked in a manner which identifies the manufacturer and the physical location (city and state) of the facility at which it is manufactured.

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.

9. REPORTING REQUIREMENTS. Any incident involving loss of package contents or packaging failure must be reported to the Office of Hazardous Materials Transportation as soon as practicable.

10. EXPIRATION DATE. June 30, 1991.

Issued at Washington, D.C.:

NOV

Alan I. Roberts (DATE)
Director
Office of Hazardous Materials Transportation

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