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

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

DOT-E 10438 (EXTENSION)
ORIGINAL June 26, 1991

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10438 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to September 30, 1994. 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.

FEB 26 1993
(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
Vulcan Emballages, Inc. Lachine, Quebec, Canada (U.S. AGENT: Mac-Lyn Associated, Inc. Hudson, OH)	February 19, 1993

JUN 26 1991

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DOT-E 10438

1. Vulcan Packaging Inc. Toronto, Ontario, Canada(U.S. Agent: Mac Lynn Associates Inc., Hudson, OH) 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 Vulcan Packaging Incorporated's application dated July 13, 1990, and supplemental information dated September 17, 1990 , October 1, 1990,and April 22,1991, 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 1.2, and the vapor pressure may not exceed 16 psia at 100°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 and rail freight.

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 for five minutes. Additionally, each drum must be manufactured in accordance with Vulcan Packaging Incorporated's Drawing number 2005 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. 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 packaging, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering is made.

b. The drum body must be marked in accordance with 49 CFR 178.19-6 except that "DOT-E 10438" must be marked in place of the "DOT-34" required by that section. Additionally, the cover or lid must be permanently marked "DOT-E 10438".

c. Each drum body 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.

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 packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. October 3, 1992.

Issued at Washington, D.C.

JUN 26 1991
(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 Branch.

Dist: USCG, FHWA, FRA