U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 2 2005

John J. Blum, PhD
Director, Technical Services
United States Can Company
1125 Gasket Drive
Elgin, IL 60120

Dear Dr. Blum:

This is in response to your October 7, 2004 application for exemption (14009-N) requesting the manufacture, mark, sale, and use of a non-DOT specification container similar to a DOT 2Q container except that the minimum wall thickness would be less than that required in 49 CFR 178.33a.

In accordance with 49 CFR 107.113(e) and (g), your application is denied for the following reason(s):

> Your application does not demonstrate an equal level of safety to that required by the Hazardous Materials Regulations. Specifically, the reduction of wall thickness for a DOT-2Q container with no other compensating safety considerations reduces the safety factor of the container. Currently the 2Q specification, from which you sought relief, establishes a safety factor of 1.6. Your proposal lowers the safety factor to 1.4 and did not address damage resistance for a thinner wall.

If you have any questions, please do not hesitate to contact Cheryl West Freeman at (202) 366-4545.

Sincerely,

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety