U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8735
(FIFTH REVISION)

SEP 26 1991

1. Letica Corporation, Rochester, Michigan, 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 shipment of liquid hazardous materials in 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 Letica Corporation's applications dated May 14, and June 12, 1991, submitted in accordance with 49 CFR 107.105 and 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, classed as flammable liquids, with flashpoints above 20°F, for which packaging requirements of 49 CFR 173.119(b) are applicable and which do not meet the definition of any other DOT hazard class or the criteria of 49 CFR 173.3a. Only those commodities which will not react with polyethylene and result in container failure are authorized. The specific gravity of the commodity must be no more than 1.3, and vapor pressure may not exceed 18 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, Part 173, Subpart D and 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 container without overpack, having a rated capacity of five gallons. The removable head may have an opening closed with a Rieke fitting. Vented closures are authorized where such closures are authorized in Part 173 for the DOT specification 34 polyethylene drum. In addition, each container must:

a. Be constructed of polyethylene with a minimum thickness of 0.090 inch measured at any point.

b. Be qualified in accordance with the tests prescribed in 49 CFR 178.19-7, except: (i) that the requirements for hydrostatic pressure shall be five psi for five minutes; and (ii) each package used for the shipment of commodities having a specific gravity in excess of 1.2 must be capable of withstanding a drop test from a height of 48 inches. Results of tests to be as specified in Letica Corporation's letter of October 12, 1981, and test reports dated September 30, 1981.

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 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. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

c. A copy of this exemption must be carried aboard each vessel used to transport packages covered by this exemption.

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.

e. The drum body must be marked in accordance with 49 CFR 178.19-6 except that "DOT-E 8735" must be marked in place of the "DOT-34" required by that section. Additionally, the cover or lid must be permanently marked "DOT-E 8735". Removable heads with vented closures must be marked "KEEP THIS END UP".

f. 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 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.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reporting to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. May 31, 1993.

Issued at Washington, D.C.

SEP 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.