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

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

DOT-E 9426
(FOURTH REVISION)

NOV 18 1994

1. North American Packaging Corporation, Danbury, CT, 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. NOTE: Reference to 49 CFR Sections in this exemption are to regulations in effect on September 30, 1991.

2. BASIS. This exemption is based on North American Packaging Corporation's application dated August 31, 1994 submitted in accordance with 49 CFR 107.105 and supplemental letter dated September 14 and 19, 1994.

3. HAZARDOUS MATERIALS (Descriptor and class). Corrosive Liquids, Flammable, n.o.s., Class 8, UN2920, Packing group II; Corrosive Liquids, n.o.s, Class 8, UN1760, Packing group II & III; Corrosive Liquids, Oxidizing, n.o.s., Class 8, UN3093, Packing group II; Flammable Liquids, Corrosive, n.o.s, Class 3, UN2924, Packing group II & III; Flammable Liquids, n.o.s, Class 3, UN1993, Packing group II & III.

4. PROPER SHIPPING NAME (49 CFR 172.101). The specific chemical name or generic description, 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 Rheem Drawing PAC-147 submitted April 4, 1985 and Drawing OH40073 dated 7/20/90 and technical specifications as stated in the petitioner's application. In addition, each drum must:

Expired - No Renewal - Not Active

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 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 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. The drum body must be marked in accordance with 49 CFR 178.19-6 except that "DOT-E 9426" must be marked in place of the "DOT-34" required by that section. Additionally, the cover or lid must be permanently marked "DOT-E 9426".

e. 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.

f. 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.

**g. No new construction of the packaging manufactured under the terms of this exemption is authorized after September 30, 1994. As the holder of this exemption, you may request a renewal to continue the use of the packaging, manufactured prior to September 30, 1994, however, the exemption will not carry an expiration date subsequent to September 30, 1996 since use of the packaging is prohibited**

**after that date. This is consistent with the transitional provisions of 49 CFR Section 171.14 and the implementation of the new packaging requirements adopted under Docket HM-181.**

9. MODAL Requirements. A copy of this exemption must be carried aboard each cargo vessel, used to transport the packages covered by this exemption.

10. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation laws:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

11. REPORTING REQUIREMENTS. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

12. EXPIRATION DATE. September 31, 1996.

Issued at Washington

J. Suzanne Helgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 18 1994
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Attention DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: USCG, FHWA, FRA.