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

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

DOT-E 12664
(SECOND REVISION)

MAR 28 2003

EXPIRATION DATE: February 28, 2005

1. GRANTEE: Myers Container Corporation
Huntington Park, CA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, marking, sale and use of UN standard steel drums that do not conform to the marking provisions of Part 178 for the transportation in commerce of the materials authorized in paragraph 6 of this exemption. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that marking the exemption number on the shipping paper is not required; § 172.301(c) in that marking the exemption number on the drum is not required; §§ 178.3(c) and 178.503(a) in that each drum represented as manufactured to meet a UN standard does not bear all of the required marks.

5. BASIS: This exemption is based on the application of Myers Container Corporation dated March 21, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Hazardous Materials authorized in UN Standard steel drums by the HMR	Various	Various	Various

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Packagings authorized are UN Standard non-bulk steel drums meeting the packing group performance level marked on each drum. Each drum bears two separate UN standard markings. Each separate marking string on the side of the drum does not contain all of the marks required by § 178.503(a).

b. MARKING: Each drum is durably marked on the side with the following information except that each design type, performance level, wall thickness, and year of manufacture may vary:

Durable side markings example

UN 1A2/Y1.2/100/01
1A2/X420/S/01
USA/M4036

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

d. The marking requirements of §§ 172.203(a) and 172.301(c) are waived.

e. New construction is not authorized after July 31, 2001 for the drum markings specified under this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only.

10. MODAL REQUIREMENTS: None, other than as required by the HMR.

11. 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 law, 49 U.S.C. 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by § 107.601 et seq., when applicable.

    Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

    No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. 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. (Sections 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.:

Ann Mazzullo

Robert A. McGuire
for Associate Administrator
for Hazardous Materials Safety

MAR 28 2003
(DATE)

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

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln