U.S. Department
of Transportation

Research and
Special Programs
Administration

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

DOT-E 8609 (EXTENSION)
FIRST REVISION February 5, 1990

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 8609 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to January 31, 1993. 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 and the public proceeding thereon. This extension constitutes a necessary part of this exemption and must be attached to it.

L. Suzanne Hedgspeth
Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

FEB 19 1991
(DATE)

Dist: FHWA

EXEMPTION HOLDER	APPLICATION DATE
Van Leer Containers, Inc. Chicago, IL	December 21, 1990

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8609
(FIRST REVISION) FEB 5 1990

1. Van Leer Containers, Inc., Illinois, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell a removable head steel drum to be used for consolidating authorized packages of Poison B materials for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes packages required to bear POISON labels to be placed in drums meeting the provisions specified in paragraph 7 below and transported in the same vehicle with foodstuff, feed or any other edible material, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Natico, Inc.'s application dated January 12, 1989, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon and Van Leer Containers, Inc.'s supplemental correspondence dated January 8, 1990.

3. HAZARDOUS MATERIALS (Descriptor and class). Liquid and solid hazardous materials required to bear the POISON label, classed as appropriate.

4. PROPER SHIPPING NAME (49 CFR 172.101). Specific or generic proper shipping name listed in 49 CFR 172.101.

5. REGULATION AFFECTED. 49 CFR 177.841(e), 178.118.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

a. A removable head metal drum manufactured to comply with the requirements of a DOT Specification 17H except;

i. the body and heads of the drum must be 16 gauge steel,

ii. the maximum actual capacity may not exceed 65 gallons, and

iii. a plywood cushioning disc not less than 1/2 inch thick must be placed in the bottom of the drum.

b. Each drum in comformance with paragraph a. above must be marked and labeled in accordance with the applicable requirements of Section 173.25 for each hazardous materials package placed therein. In addition, each drum must be marked "DOT-E 8609" in letters at least one inch high on the sidewall of the drum.

c. Each drum in comformance with paragraph a above, including the plywood cushioning disc, must be visually inspected for damage or defects before use under this exemption. No damaged or defective drum or disc may be used under this exemption. When any leakage of an inner package occurs, the plywood cushioning disc must be replaced.

d. Drums in comformance with paragraph a. above may be transported in the same vehicle which contains foodstuff, feed or any other edible material. However, they may not be loaded on, below or adjacent to any other package in the vehicle which contains foodstuff, feed or any other edible material.

e. Each package placed within a drum authorized by this exemption must be in comformance with the requirements of 49 CFR Parts 171-178.

f. Each package shall be placed in the drum in such a manner that there will be no excessive movement within the drum and the cover of the drum must be securely fastened.

g. The provisions of 49 CFR 173.21 apply to the placement of packages within a drum authorized by this exemption.

h. Whenever the drum is opened during transportation, it and all packages therein must be inspected for evidence of leakage. Any leakage of an inner package must be treated as a reportable incident and a carrier official must be immediately notified.

8. SPECIAL PROVISIONS.

a. Shippers may offer and carriers may transport packages authorized by this exemption pursuant to 49 CFR 173.22a.

b. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

9. REPORTING REQUIREMENTS. Any incident involving loss of contents of package or packaging failure must be reported to the Office of Hazardous Materials Transportation as soon as practicable.

10. EXPIRATION DATE. January 31, 1991.

Issued at Washington, D.C.:

for Donald R. Smith

FEB 5 1990

Alan I. Roberts
Director
Office of Hazardous Materials
Transportation

(DATE)

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA.