MAY 28

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

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

DOT-E 12078

EXPIRATION DATE: June 30, 1998 or upon completion of the shipment, whichever occurs first.

1. GRANTEE: The Valspar Corporation
Minneapolis, MN

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of certain non-DOT specification steel 55 gallon drums containing a waste flammable liquid for disposal. This exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.203(c) in that the use of a non-DOT specification steel drum is authorized; and the marking requirement in § 172.301(c).

5. BASIS: This emergency exemption is based on the application of the Valspar Corporation dated May 15, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary in order to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Waste Resin Solution	3	UN1866	III

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are 80 non-DOT specification 55 gallon steel drums with the following specifications:

- 7/16 inch gasket of high density sponge rubber
- 12 gauge bolt ring
- 1.1 mm top and bottom
- 0.8 mm side wall

b. OPERATIONAL CONTROLS:

(1) The drums will be transported by motor vehicles owned and operated by Phillips Service Corporation, the waste disposal facility contracted by Valspar Corporation to dispose of the drums.

(2) The shipment will originate in Garland, Texas and terminate in Detroit, Michigan.

8. SPECIAL PROVISIONS:

a. The shipper using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

b. The marking requirement of § 173.301(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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. Section 5101 et seq:

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

- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

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.

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. (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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

MAY 28 1998

(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, Department of Transportation, Washington, D.C. 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.

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