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

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

NOV - 7 2000

DOT-E 12395
(THIRD REVISION)

EXPIRATION DATE: April 30, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Pennzoil-Quaker State
Houston, TX

(See Appendix A for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation in commerce, to a disposal facility, of certain DOT 2P specification containers charged with a consumer commodity. The containers exceed the authorized pressure. 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 § 172.301(c) in that the outside of each package need not be marked with the exemption number, and § 173.306(a)(3)(ii) in that the DOT 2P specification containers are charged above the authorized pressure.

5. BASIS: This emergency exemption is based on the application of Pennzoil-Quaker State dated October 24, 2000, submitted in accordance with § 107.117, and additional information dated October 26, 2000 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Waste consumer commodity	ORM-D	None	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 27,000 DOT 2P Specification containers manufactured by the U.S. Can Company. The containers are filled with a product called "Snap Fix-A-Flat" to pressures exceeding 160 psig at 130°F. Six DOT 2P containers are overpacked in a strong fiberboard box. Approximately 155 boxes are shrink-wrapped on a pallet. Approximately four truckload shipments are authorized.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes transportation to the Depressurized Technologies International's disposal facility warehouse in Morgan Hill, California from the following facilities:

RemTec International, Holland Ohio;

Pandora Manufacturing, Pandora, Ohio; and

Warehousing Specialists, Inc., St. Louis, Missouri.

(2) No other cargo is authorized aboard the motor vehicles used to transport the packages authorized by this exemption.

(3) DOT 2Q containers must be transported in refrigerated motor vehicles. The temperature in the cargo area must be maintained at 80°F or lower.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

b. The marking requirements of 49 CFR 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current 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. 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

NOV - 7 2000

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(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.

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: CWFREEMAN