U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 2 8 2004

DOT-E 13716

EXPIRATION DATE: September 30, 2004

1. GRANTEE: The Valspar Corporation
Minneapolis, MN

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of approximately 1,600 DOT specification drums containing Paint related material. The pails are palletized and shrink-wrapped but the individual pails have not been marked with the proper shipping name and identification number in accordance with the Hazardous Materials Regulations (HMR). This exemption provides no relief from the 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 Part 172, Subpart D, except for § 172.301(a)(3), in that each drum must be marked with the proper shipping name and identification number, except as provided herein.

5. BASIS: This emergency exemption is based on the application of The Valspar Corporation dated July 27, 2004 submitted in accordance with § 107.117 and a determination that it is necessary in order to preclude significant economic loss.

JUL 2 8 2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Paint related material	3	UN1263	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are UN standard, five (5) gallon drums as authorized for Paint related material. There are 1,600 drums that have been loaded on 40 pallets and shrink-wrapped.

b. OPERATIONAL CONTROLS - The proper shipping name, identification number and Class 3 FLAMMABLE LIQUID label must be applied to each shrink-wrapped pallet prior to transport.

c. The shipment will be made in two semi-trailers by a dedicated, contract carrier with a satisfactory safety rating from the Valspar Corporation at High Point, NC to the Valspar Corporation at Montebello, CA.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

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.

- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

- 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.:

JUL 2 8 2004
(DATE)

Robert A. McGuire
for 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.

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: AM