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

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

JUL 28 2003

DOT-E 12238
(SECOND REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Eastman Kodak Company
Rochester, New York

2. PURPOSE AND LIMITATION:

a. This exemption authorizes tank cars containing hazardous materials identified in paragraph 6, to remain standing with the unloading connection attached when no product is being transferred, providing that a minimum level of monitoring, as specified in this exemption, is maintained. This exemption provides no relief from any Hazardous Materials Regulation (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 §§ 172.302(c) and 174.67(i)and (j).

5. BASIS: This exemption is based on Eastman Kodak Company's application dated May 5, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JUL 28 2003

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Acetic acid glacial or acetic acid solution, *with more than 80 percent acid, by mass*	8	UN2789	II
Acetic acid solution, *with more than 10 percent but not more than 80 percent acid, by mass*	8	UN2790	II
Potassium hydroxide, solution	8	UN1814	II

7. SAFETY CONTROL MEASURES:

a. Packagings prescribed are DOT and AAR specification tank cars authorized by the HMR for shipment of the materials identified in paragraph 6 above.

b. The marking requirements of § 172.302(c) are waived.

c. The facility operator must protect the unloading operations by either:

(1) Lining any manually operated switch, under the proprietary control of the exemption holder that provides access to the track on which the equipment is located, against movement to that track and locking with an effective locking device operable only by a representative of the facility; or

(2) installing a bi-directional derail in an effective location (at least 50 feet when possible) from the end of the equipment to be protected by the caution sign. The person performing the unloading operation must lock the device in the derailing position with an effective locking device operable only by a representative of the facility.

d. The facility operator must designate an employee responsible for on-site monitoring of the transfer facility in the absence of the unloader. The designated employee must be made familiar with the nature and properties of the product contained in the tank car, procedures to be followed in the event of an emergency; and, in the event of an emergency, have the ability and authority to take responsive actions.

e. When a signaling system is used (including a monitoring system or a sensing device), the system must be capable of alerting the designated employee in the event of an emergency and providing immediate notification of any monitoring system malfunction. If the monitoring system does not have self-monitoring capability, the designated employee must check the monitoring system hourly for proper operation. (For recommendations on the selection, installation and maintenance of signaling systems see NFPA 72 - Installation, Maintenance and Use of Protective Signaling Systems.)

f. In the absence of the unloader:

(1) the tank car and facility shut-off valves must be secured in the closed position;

(2) no product may be transferred; and

(3) the requirements of § 174.67(a)(2) and (3) apply.

8. SPECIAL PROVISIONS.

a. The facility operator must have written safety procedures on file at each location that uses this exemption. The facility operator must instruct each employee performing any function under this exemption on the contents of these procedures and ensure compliance with them. The written procedures must contain at least the following:

(1) A physical description of the facility including the address and hours of operation.

(2) A drawing of the transfer facility showing natural and manmade barriers, locations of protective equipment (i.e. derail and caution sign), locations of emergency equipment and locations of signaling equipment.

(3) Procedures for monitoring the transfer facility [see paragraphs 7(a) and (b)].

(4) Information on the contents of the tank car including:

(i) chemical or common name of the product
(ii) health and physical hazards involved in handling the product
(iii) emergency and first aid procedures

(5) Procedures for securing the transfer facility and protective equipment including derail, switch locks, tank car brakes, caution sign and wheel blocks.

(6) Equipment available for employee safety and procedures for using the equipment.

(7) Procedures and limitations for movement of tank cars in the vicinity of the transfer facility.

(8) Testing and maintenance of system components including signaling systems.

(9) Training requirements for designated employees responsible for monitoring the transfer facility.

(10) Procedural steps in the event of an emergency, including names and phone numbers of key personnel and public agencies to contact.

(11) Procedures for reviewing incidents to determine whether the written procedures require revision or modification to prevent future occurrences and amending those procedures when the review necessitates changes.

b. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving the tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

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 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. (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 28 2003

for 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.

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