



U.S. Department  
of Transportation

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

**Pipeline and  
Hazardous Materials  
Safety Administration**

**MAY 31 2005**

DOT-E 12238  
(FOURTH REVISION)

EXPIRATION DATE: April 30, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Eastman Kodak Company  
Rochester, NY
  
2. PURPOSE AND LIMITATION: This exemption authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring, as specified in this exemption is maintained, and provides no relief from any regulations other than as specifically stated.  
  
b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not 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) in that marking the exemption number on the tank cars is waived; and § 174.67 (i) and (j), except as specified herein.

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5. BASIS: This exemption is based on Eastman Kodak Company's application dated May 2, 2005, submitted in accordance with § 107.121.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class	Identification Number	Packing Group
Hazardous materials authorized by §172.101 and Part 173 to be shipped in tank cars	Class 2, 3, 4, 5, 6, 8, & 9	As appropriate	As appropriate

7. PACKAGING:

- a. Prescribed packagings are DOT and AAR specification tank cars authorized by the HMR for shipments of the material identified in the paragraph 6 above.
- b. The marking requirements of 172.302(c) are waived.
- c. The facility operator must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails lined and blocked switches, portable bumper blocks, or other processes or methods that provide an equivalent level of security may be used to satisfy this requirement.
- d. The facility operator shall 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.

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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 shall 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:

- (i) The tank car and facility shutoff valves must be secured in the closed position;
- (ii) No product may be transferred; and
- (iii) The requirements of §174.67(a)(2) and (3) apply.

8. SPECIAL PROVISIONS.

a. The facility operator shall have written safety procedures on file at each location that uses this exemption. The facility operator shall 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. caution sign and wheel blocks), locations of emergency equipment and locations of signaling equipment.

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- (3) Procedures for monitoring the transfer facility (see paragraph 7(d)).
- (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.
- (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 operating under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: None as a requirement of 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 Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq :
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o 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.
  - o 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.

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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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

*Robert A. McGuire*  
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 Robert A. McGuire

**MAY 31 2005**

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(DATE)

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.

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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