



U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

**JUL 20 2004**

DOT-E 13441  
(FIRST REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Eastman Kodak Company  
HSE - Hazmat Transportation Services  
Rochester, NY
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of the hazardous materials specified in Paragraph 6 across public roads, from one part of a plant to another, as essentially not subject to the hazard communication requirements in Part 172. 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 subparts C, D, E, F, & G of Part 172 in that hazard communication requirements are waived except as specified herein.
5. BASIS: This exemption is based on the application of Eastman Kodak Company, dated December 26, 2003 and supplemental information, dated February 11, 2004, and March 10, 2004, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/Hazardous Materials Description	Hazard Class/Division	Identification Number	Packing Group
Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III
Paint including paint, lacquer, enamel, stain, shellac, solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	UN1263	II, III
Adhesives containing a flammable liquid	3	UN1133	II, III
Batteries, dry, containing potassium hydroxide solid	8	UN3028	III
Lithium battery	9	UN3090	II
Petroleum Gases liquefied	2.1	UN1075	N/A
Aerosols	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Prescribed packagings must be in accordance with the requirements of the Hazardous Materials Regulations, as appropriate.

(1) Non-bulk packages containing the hazardous materials specified in paragraph 6 must not exceed the following weight limitations:

Class 9 (environmentally hazardous substances, solid, n.o.s.) - 200 pounds;

Class 3 (paint, adhesives) - 200 pounds;

Class 8 and Class 9 (batteries) - 50 pounds; and

Cylinders and aerosols of Division 2.1 and Division 2.2 - 200 pounds.

(2) Bulk packages containing solid Class 9 materials must not exceed 39,000 pounds in weight.

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(3) The aggregate gross weight of all materials on a motor vehicle must not exceed 7,200 pounds in non-bulk packagings and 39,000 pounds in bulk packagings.

(4) Each package must have a label affixed to the outside of the package describing the material contained in the package.

(5) In lieu of shipping papers, the grantee must prepare an internal tracking document that identifies the general types of hazardous materials being transported.

(6) Bulk packages must be marked with the identification number as required in § 172.331.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the transport of packages containing wastes of the hazardous materials from "Kings Landing" to "Kodak Park" via two public roads (Maplewood Drive and Lake Avenue) of about 100 feet each in Rochester, New York. Packages must be filled and packed by employees of Eastman Kodak Company.

(2) The frequency of shipments for non-bulk packages must not exceed the following:

Class 9 (environmentally hazardous substances, solid, n.o.s.) - 2 per week;

Class 3 (paint, adhesives) - 8 per year;

Class 8 and Class 9 (batteries) - 4 per year; and

Cylinders and aerosols of Division 2.1 and Division 2.2 - 4 per year.

(3) The frequency of bulk shipments of solid Class 9 material must not exceed 13 per year.

(4) Not more than one transport vehicle containing the materials authorized by this exemption may be operated at any time.

(5) The vehicle operator must have the ability to contact the Eastman Kodak Company emergency response team in the event of an emergency, e.g. by telephone, radio, etc.

(6) Eastman Kodak's hazmat emergency response team must be on duty during transport.

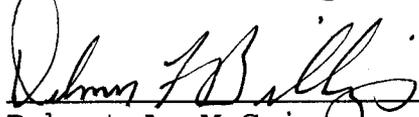
8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS:
- a. Materials covered under this exemption must be transported by vehicles operated by Eastman Kodak Company.
  - b. 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:
- 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.

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.:

  
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601 Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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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.

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