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

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

JUL 1 2003

DOT-E 12123
(FOURTH REVISION)

EXPIRATION DATE: May 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Eastman Chemical Company
Kingsport, TN

(See Appendix A to this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes tank cars, containing hazardous materials in Classes 3, combustible, 6, 8, and 9, in Packing Groups II and III, to be top unlcaded and remain standing with unloading connections attached when no product is being transferred, provided that a minimum level of monitoring, as specified in this exemption, is maintained. This exemption provides no relief from the 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) in that tank cars are not allowed to stand with unloading connections attached after unloading, except as specified herein.

5. BASIS: This exemption is based on the application of Eastman Chemical Company dated May 28, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): Hazardous materials authorized are Class 3, combustible, 6, 8, and 9 liquids in packing groups II and III. The proper shipping description must be as required in the § 172.101 Table, an exemption issued under Subpart B of Part 107, or as specified in § 171.12 or § 171.12a.

7. SAFETY CONTROL MEASURES:

a. Prescribed packagings are DOT and AAR specification tank cars authorized for the materials in the Hazardous Materials Regulations.

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

c. Any manually operated switch, under the proprietary control of the exemption holder, providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device operable only by a representative of the facility. As an alternative, the facility operator must install 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.

d. The facility operator must designate an employee responsible for on-site monitoring of the transfer facility. The employee must monitor the first fifteen (15) minutes of unloading and thereafter must check the process at least every thirty (30) minutes.

e. 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.

f. Safety equipment specified in § 174.67(a)(2) and (3) and the provisions of paragraph 7.c. of this exemption must remain in place until all connections have been removed from the tank car and all closures secured.

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 or a referenced procedure 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(d) and (e)].

(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 or 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 Low Power trip settings for each product transferred.

(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 providing emergency notification of an incident to train crews who are working within the facility, or who have been requested to work within the facility.

(12) 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 1 2003

for Robert A. McGuire (DATE)
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: sdc