U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 2 3 1999

Mr. Carlton W. Hendrix
DOT Compliance Manager
LaRoche Industries Inc.
1100 Johnson Ferry Road, NE
Atlanta, Georgia 30342

Ref. No. 99-0217

Dear Mr. Hendrix:

This responds to your letter of August 3, 1999, requesting clarification of the attendance requirements for unloading tank cars under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of requirements for monitoring unloading operations with remote cameras and for leaving unloading connections attached to a tank car when no product is being transferred.

Section 174.67(i) of the HMR requires a tank car to be continuously attended throughout the entire period of unloading and while the tank car is connected to an unloading device. This requirement can be met by human attendance or by use of signaling systems, such as sensors, alarms, and electronic surveillance equipment. Human monitoring must be performed by the person responsible for the unloading operation. The attendant may monitor unloading from on-site or from a remote location within the plant. In either location, the attendant must be knowledgeable about the product, have the ability to identify conditions requiring action, and have the capability and authority to halt the flow of product immediately.

In your letter, you describe a remote monitoring arrangement that involves five different cameras, including one focused on the tank car unloading process, flashing to the same monitor so that each camera's field of view appears on the monitor once every 1.5 minutes. This arrangement does not conform to the requirements for monitoring the unloading of a tank car outlined above. Observing an unloading operation once every 1.5 minutes is not continuous monitoring.

You also describe an arrangement where two cameras, located at each end of four tank cars coupled together, are positioned so that two cars are visible in each camera's field of view. Provided the two cameras allow the attendant a continuous, unobstructed view of each tank car and its unloading connections, this arrangement would satisfy the attendance requirements of § 174.67(i).

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Finally, you ask whether a facility may leave unloading connections attached to a tank car when no product is being transferred as long as the tank car is attended by a qualified person or by remote monitoring devices. The answer is no. Section 174.67(j) requires all unloading connections to be disconnected if the unloading operation is discontinued for any reason. However, numerous facilities hold an exemption from the regulations to permit a tank car to remain attached to unloading connections when no product is being transferred. Currently, the Research and Special Programs Administration (RSPA) has issued about 80 exemptions that authorize the use of video cameras, process control gauges, flow gauges, and monitors to observe tank cars with unloading connections attached when no product is being transferred. Under a notice of proposed rulemaking (NPRM) published under Docket HM-212 (57 FR 42466), RSPA proposed to amend the tank car unloading requirements to remove obsolete or unnecessary provisions and to allow tank cars to remain standing with unloading connections attached when no product is being transferred. We are in the process of drafting the final rule for this rulemaking. A copy of the NPRM is enclosed.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

Enclosure

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Gorsky
§ 174.67
99-0217

August 3, 1999

Mr. Ed Mazzullo
Office of Hazardous Materials Standards
U. S. Department of Transportation
400 Seventh Street
Washington, D.C. 20590

Dear Mr. Mazzullo,

I have recently observed several facilities where Anhydrous Ammonia tank car unloading operations are being monitored by remote cameras. While observing these monitoring arrangements, several questions have come to mind.

One facility has five different cameras strategically placed through out the facility. Each one of these cameras is focused on a single aspect of the facility's operations, including the Anhydrous Ammonia tank car unloading process. Each of the five camera's field of view is flashed to the same monitor. It takes approximately 1.5 minutes for all of the five camera's field of view to cycle and appear on that single monitor. Will this arrangement meet the requirements of continuous monitoring?

Another facility has four (4) Anhydrous Ammonia tank cars coupled together and each tank car is connected to an unloading station. There are two cameras, located at each end of the four (4) tank cars, positioned so that two of these cars are visible from each camera's field of view. Obviously the tank car closest to the camera's position has a clearer picture of the unloading connections than the tank car farther away. Will this arrangement meet the remote monitoring requirements?

The above facility has been leaving all four (4) Anhydrous Ammonia tank cars connected to the unloading stations even though only two of them were in the process of unloading. Apparently this situation has been observed by a FRA inspector and is considered to be acceptable. Bureau of Explosives, Tariff No. BOE-6000-S, Appendix B to Part 209, states "174.67 (j) Discontinued unloading without disconnecting all unloading connections, tightening valves, and applying closures to all openings. (Note: If the car is attended, this subsection does not apply.)". Is it acceptable to leave the unloading connections attached to a tank car, as long as it is attended, either by a qualified person or by remote monitoring devices?

We would appreciate your assistance in clarifying the regulations relative to the observations noted. I again would like to express my appreciation for the efforts of the RSPA personnel in the successful completion of the HM225 Negotiated Rulemaking. I think we all learned something from the experience.

Sincerely,

Carlton W. Hendrix

Carlton (Carl) W. Hendrix
DOT Compliance Manager