



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 22 2002

Ms. Sarah R. Maguffee
Husch & Eppenberger, LLC
235 East High Street
P.O. Box 1251
Jefferson City, MO 65102-1251

Ref. No. 02-0071

Dear Ms. Maguffee:

This responds to your February 27, 2002 letter concerning attendance requirements for rail car unloading under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the attendance requirements apply to a tank car undergoing a steaming process that is not attached to an unloading process. You further state that the manway opening is slightly ajar during the steaming process. You enclosed a previous letter of clarification (Ref. No. 99-0301; dated February 18, 2000) that you suggest permits you to perform an unattended steaming operation with the manway open, provided the steaming process is not connected to or part of the unloading process.

The February 18, 2000 letter addresses the rail car attendance requirements as they apply to a steaming process during which vapors are vented through a valve that is connected via closed pipe to a permitted air pollution control device. In addition, on November 15, 2001, we issued a letter of clarification to Koch Materials Company (Ref. No. 01-0269) concerning attendance requirements for a steaming process that is conducted with the manway slightly open to relieve any potential pressure. Both letters stated that attendance is not required when a tank car is connected to a steaming device that is not interconnected with or part of the unloading process or if the steaming process is conducted with all valves and manways closed. This statement apparently has resulted in some confusion as to the applicability of the attendance requirements to certain steaming operations.

We are withdrawing letter Ref. No. 01-0269, which we issued on November 15, 2001. In that letter, we erroneously affirmed with an interpretation that would allow a tank car, undergoing a steaming process before unloading, to have an open manway without being attended. We apologize for the error and subsequent confusion this may have caused.

The attendance requirements set forth in § 174.67(i) apply to a steaming operation that is connected to or part of the unloading process. Further, the attendance requirements apply when manways or valves are open to relieve pressure, either to the atmosphere or a pollution control device, during heating of a material in preparation for unloading, even if the steaming process is not connected to or part of the unloading process itself. Thus, the steaming process you describe is subject to the attendance requirements in § 174.67(i).

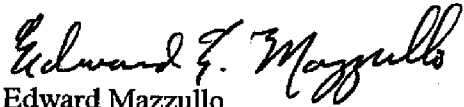


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I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,


Edward Mazzullo
Director, Office of Hazardous Materials Standards

Husch & Eppenberger, LLC

Attorneys and Counselors at Law

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February 27, 2002

Via Facsimile and U.S. Mail

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards (DHM-10)
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Johnsen
§174.67
Tank Car Unloading
02-0071

Re: Request for Interpretation Regarding Tank Car Unloading

Dear Mr. Allan:

On February 18, 2000, your office issued a clarification of the attendance requirements for tank car unloading in 49 C.F.R. 174.67. The clarification (copy enclosed) addresses application of the attendance requirements to a tank car steaming process. We represent a company that receives hazardous materials by tank car. Prior to initiation of the unloading process, certain tank cars delivered to the company undergo a steaming process. The February 2000 clarification indicates that the attendance requirements in 49 C.F.R. 174.67 do not apply to the tank cars while they are undergoing the steaming process used by our client. We respectfully request confirmation of our understanding that 49 C.F.R. 174.67, as clarified by the February 2000 letter, does not apply to tank cars during the steaming process described below.

Our client uses steam to warm certain tank cars in preparation for unloading. During this process, which precedes unloading, a steam hose is attached to a coil on the interior of the tank car. The coil is not in contact with the product in the tank car, and the steam hose is the only physical connection between the tank car and the plant. During the steaming process, the manway cover on the top of the tank car is slightly ajar to prevent potential pressure buildup in the tank car. We do not believe that the attendance requirements in 49 C.F.R. 174.67 apply to this process. The February 2000 clarification of the attendance requirements confirms our understanding.

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Thomas G. Allan
Senior Transportation Regulations Specialist
February 27, 2002
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Section 174.67 states, in relevant part:

(i) Tank cars may not be allowed to stand with unloading connections attached after unloading is completed. Throughout the entire period of unloading, and while [the] car is connected to [the] unloading device, the car must be attended by the unloader.

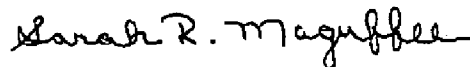
(j) If necessary to discontinue unloading a tank car for any reason, all unloading connections must be disconnected. All valves must first be tightly closed, and the closures of all other openings securely applied.

During the steaming process described above, no unloading connection is established, and the tank car is not connected to any unloading device. The only physical connection between the tank car and the plant is the steam hose, which is not in contact with the product and is not considered an unloading connection or device. All valves on the tank car that are used to offload the product remain closed during steaming. Under these circumstances, it is our understanding that the attendance requirements in Sections 174.67(i) and (j) do not apply.

The clarification issued in February 2000 supports our understanding. The clarification states that attendance is not required when a tank car is connected to a steaming device that is not interconnected with, or part of, the unloading process. The steam hose used by our client is not interconnected with, or part of, the unloading process. Under the February 2000 clarification, the attendance requirements do not apply during our client's steaming process, therefore.

We would appreciate your prompt response to this request for clarification of the attendance requirements in 49 C.F.R. 174.67. If you have any questions about this request or require additional information, please contact me. Thank you for your assistance in this matter.

Sincerely,



Sarah R. Maguffee

Enclosure

cc: Laurel S. Burchell, w/enclosure
Christine Zavada, w/enclosure