



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

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

NOV 4 2004

Mr. Michael D. Alston
Sunoco, Inc.
Neville Island Plant
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Pittsburgh, PA 15225

Ref. No.: 04-0115

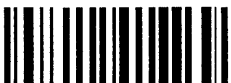
Dear Mr. Alston:

This is in response to your April 19, 2004 letter requesting clarification of the attendance requirements for unloading tank cars containing hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if the procedure described in your letter meets the attendance requirements of § 174.67 and your DOT exemption (DOT-E 12443).

The answer is yes. The arrangement described in your letter satisfies the requirements of § 174.67 and DOT-E 12443.

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.

Under the provisions of DOT-E 12443, authorized tank cars containing hazardous materials may remain standing with unloading connections attached when no product is being transferred, provided:



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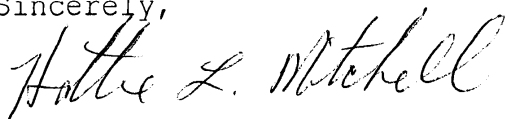
174.67

- (1) The facility operator restricts access to the track.
- (2) An employee is designated to be responsible for on-site monitoring in the absence of the unloader.
- (3) When a signaling system is used it must meet the provisions under Paragraph 7(d) of the exemption.
- (4) In the absence of the unloader, shutoff valves must be closed, no product may be transferred, and the requirements for setting brakes and displaying warning signs under § 174.67(a)(2) and (3) apply.
- (5) Written procedures for employees performing duties under the exemption must be created and maintained in accordance with Paragraph 8 of the exemption.

The term "attendance" is not specifically defined in the hazardous materials regulations. The purpose of the attendance requirement is to ensure that hazardous materials are unloaded safely. In the event of an emergency, the unloader's attendance is required so that the unloading process can be rapidly halted. As indicated above, the continuous monitoring requirement may be satisfied by human monitoring or through the use of electronic equipment (e.g., a closed circuit television device) which enables the monitoring personnel to stop the unloading process immediately.

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

Sincerely,



Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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April 19, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Stevens
§174.67
Definition
04-0115

Dear Mr. Mazzullo:

We are asking for your help in clarifying the attendance requirements, as stated in 49 CFR 174.67, for unloading hazardous materials from tank cars. This regulation focuses primarily on the mechanics of safe unloading. The human aspect of the regulation states that unloading must be performed by a reliable and responsible individual who is properly instructed in unloading hazardous materials. It also mentions "attendance" by the unloader.

Currently, Sunoco is party to DOT Exemption 12443 which authorizes tank cars, containing hazardous materials, to remain standing when no product is being transferred, provided that a minimal level of monitoring, is maintained. The following is a summary/overview of our procedure for Monitoring Railroad Tank Car Unloading when product is being transferred.

"Monitoring is conducted on-site by plant designated personnel. As an explanatory note, the employee designated to monitor the transfer facility is required to meet all regulatory requirements of an unloader except that, after determining that a problem exists, he or she must have the capability of shutting down the unloading facility from a remote location. This shut down requires: the isolation of all tank cars from the unloading facility with a valve at the tank car nozzles (via the Snappy Joe Emergency Shut Off Valves), the isolation of the plant storage tanks from the unloading facility (via the Emergency Shut Off Valves in the propylene liquid / vapor headers), the capability of shutting down all unloading compressors, and the capability of activating the facility's emergency response procedures outlined in the written safety procedures. The employee designated to monitor the transfer facility is the control room operator. The unloader must notify the control room operator that he is unloading a tank car and that he is turning over responsibility to the control room operator if he chooses to leave the unloading facility. The facility is equipped with a camera viewing each station at all times on a monitor designated exclusively for the railroad operation. The control room operator continuously monitors the unloading facility with: 1) four fixed zoom cameras on a four frame monitor (where each camera has an unobstructed aerial view of the nozzles and hose connections at each tank car unloading station), 2) two variable zoom cameras on a separate monitor (each camera has the capability of seeing the entire unloading facility), and 3) twelve hydrocarbon gas detectors strategically located throughout the unloading facility (each alarm will signal the control room operator in the event LPG is detected). If a problem were to occur where the monitoring equipment was not operating, then a qualified unloader must physically attend the unloading station when transferring propylene. The control room operator will be required to keep an hourly inspection log of the unloading facility when hoses are connected to tank cars. Once the tank car is unloaded, the unloader must close the appropriate tank car and facility shut off valves and the requirements of DOT Exemption 12443 apply."

Questions:

- Will you please provide a clear definition of "attendance" as it is intended in 174.67(i)?
- Do our tank car unloading practices meet the provisions and requirements as defined by RSPA and stated in the regulations when product is being unloaded? Will you please tell us if you agree that we are meeting the regulatory requirements for monitoring the unloading operation when product is being transferred?

Sincerely,

Michael D Alston