



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

SEP 24 2007

1200 New Jersey Ave., S.E.
Washington, DC 20590

Mr. James J. Bolds
Managing Consultant
Bolds & Associates, LLC
PO Box 846
Montgomery, TX 77356-0846

Ref. No. 07-0136

Dear Mr. Bolds:

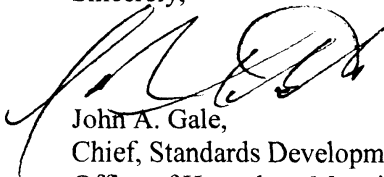
This is in response to your July 6, 2007 letter concerning the applicability of the Hazardous Materials Regulations (HMR: 49 CFR 171-180) to tank car unloading. In your letter, you present the following scenario:

You state that railroad tank cars are unloaded into fixed storage tanks at a terminal. After unloading, the tank cars are disconnected and prepared for return transit as residue cars. Tank trucks are then loaded from the fixed storage tanks. You state that this specific unloading rack operation is not a transloading operation as defined in the HMR because the tank cars are unloaded into fixed storage tanks rather than non-bulk or bulk packaging, and, therefore is not subject to the tank car unloading requirements specified in § 174.67. You ask whether your interpretation is correct.

The answer is yes. As defined in § 171.8, transloading means the transfer of a hazardous material by any person from one bulk packaging to another bulk packaging, from a bulk packaging to a non-bulk packaging, or from a non-bulk packaging to a bulk packaging for the purpose of continuing the movement of the hazardous material in commerce. The material in your scenario is being transferred from a bulk packaging to fixed storage tanks. Fixed storage tanks do not meet the definition of non-bulk or bulk packaging nor does this operation meet the definition of transloading. Therefore the rack operation you described is not generally subject to the tank car loading requirements (e.g., attendance) specified in section 174.67. However, the requirements of Section 173.31(g) would still require protection of the operation while tank cars are connected and product is being unloaded.

I hope this information is helpful.

Sincerely,



John A. Gale,
Chief, Standards Development
Office of Hazardous Materials Standards



070136

174.67
171.8
173.31(g)



BOLDS & Associates, LLC
Rail Car Equipment Consulting

725 First Avenue South
SuiteC
Nitro, WV 25143

Send all correspondence to:
PO Box 846
Montgomery, TX 77356-0846

Foster
\$174.67
Tank Car Unloading
07-0136

VIA EMAIL

July 6, 2007

Mr. John Gale, Chief Standards Development
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U. S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor (PHH)
Washington, DC 20590-0001

RE: Clarification of 49 CFR 174.67

Dear Mr. Gale:

I am a consultant specializing in railroad tank cars and transportation of Hazardous Materials. One of my clients is requesting a clarification of 49 CFR 174.67. Please, bear with me while I describe the situation and the conclusions drawn.

1. The physical location is a terminal, where tank cars are unloaded into fixed storage tanks, after unloading, the tank cars are disconnected and prepared for return transit as residue cars. Tank trucks are then loaded from the fixed storage tanks.
2. 49 CFR 174.67 states that this section applies to transloading:

→§ 174.67 *Tank car unloading.*

For transloading operations, the following rules must be observed:

3. 49 CFR 171.8 defines transloading as:

49 CFR 171.8 – definitions

Transloading means the transfer of a hazardous material by any person from one bulk packaging to another bulk packaging, from a bulk packaging to a non-bulk packaging, or from a non-bulk packaging to a bulk packaging for the purpose of continuing the movement of the hazardous material in commerce.

www.boldsassociates.com

Voice: (936) 582-6865
Fax: (936) 582-1479

Mobile: (936) 697-0727
jjbolds@boldsassociates.com