



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

JUL 11 2006

Mr. Doug Lumry  
Manager of Rail Logistics  
Musket Corporation  
P.O. Box 26210  
Oklahoma City, OK 73126

Ref. No. 06-0114

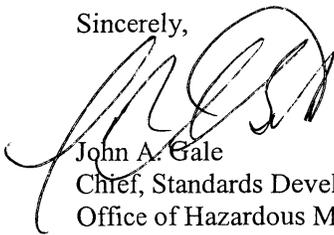
Dear Mr. Lumry:

This responds to your letter of May 9, 2006, requesting clarification of requirements for unloading hazardous materials from rail tank cars under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask about requirements for opening manhole covers in accordance with § 174.67 of the HMR.

Rail tank car unloading operations conducted by consignee personnel after the tank car has been delivered to the consignee generally are not subject to regulation under the HMR because such operations occur after transportation has been completed. Thus, the requirements in § 174.67 do not apply to rail tank car unloading operations performed by consignee personnel after delivery of the tank car. The requirements in § 174.67 apply to transloading operations only. Transloading is the transfer of a hazardous material 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 (see § 171.8).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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

174.67



060114



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Doug Lumry

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Referford  
§174.67  
Tank Car Unloading  
86-0114

Tuesday, May 09, 2006

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
PHH-10  
400 7th St., S.W.  
Washington, DC 20590-0001

**Re: Interpretation of 49 CFR 174.67**

Dear Mr. Mazzullo,

We request your help in clarifying the requirement for removing the manhole cover, as stated in 49 CFR 174.67, for unloading hazardous materials from tank cars. The language in (b) and (c) of this regulation appears to require manhole covers to be opened for the unloading process. As you must know, this requirement conflicts with many unloading processes conducted by receivers of tank cars. For example, pneumatic unloading of tank cars cannot be accomplished with the manhole cover open. Additionally, operations required to contain or control vapors cannot be conducted properly with the manhole cover open. There are also operations that vent through vapor valves instead of through the manhole opening. Moreover, the language requiring manhole covers to be opened during this process also conflicts with regulations from other regulatory bodies, such as the EPA.

As you can imagine, this language has an impact on a large number of receivers of tank cars. For this reason, we request that you please clarify the intent and application of sections (b) and (c) of 49 CFR 174.67 in relation to the apparent requirement that manhole covers be opened for the commodity unloading process.

Please feel free to contact me should you have any questions. Thank you for your assistance and we eagerly await your response on this issue.

Best regards,

Doug Lumry  
Manager of Rail Logistics