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XF: HAZ MAT TRAP

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Interoffice Communication

To Distribution
From Tom Grumbles
Date March 27, 1984
Subject SUMMARY NOTES - MEETING WITH TOM CUSHING, MARCH 23

DISCUSSION OF ABERDEEN INCIDENT

- o I expressed our concerns about the potential liabilities and taking proper precautions during any investigations relating to the incident and when writing any subsequent reports. Also the NTSB inspector is apparently going to visit the Ponca City Rail Shop to further inspect the excess flow valve. There may be legal considerations concerning this visit.
- o Cushing was not contacted by Rail Trans. concerning any of the above.
- o Expressed our concern that the railroad not be held to its regulated responsibility to inspect brake systems, etc. The balance of assuring compliance and the "sole" source nature of our ICG Railroad relationship must be understood in these dealings. In general, however, we need to understand what the railroad will do, what Conoco Rail Transportation will do and what Chemicals should do for inspections at loading and unloading.

The ICG railroad basically has stated their practices on inspection and they do not appear to meet the regulated requirements.

- o Some actions were mutually decided upon at the plant meeting with ICG at Aberdeen on 3/22 to assure working order of brake systems.
- o The plant investigation was discussed with Pete Markey

ACTIONS TO BE TAKEN

- 1) Tom Cushing will review the regulations further to establish the railroads responsibility for inspection of railcars carrying hazardous materials.
- 2) He will discuss as best as possible, Chemicals concerns with Rail Transportation.
- 3) He was made a member of the Aberdeen plant investigation team and the report will be addressed to him as the attorney directing the investigation.
- 4) Tom will discuss with Rail what their practices are for inspection and see if contracts exist for ICG plant operations.
- 5) Tom will research further where the NTSB "sits" in the regulatory/compliance scheme of events. This could give us a better idea of our potential liabilities from the NTSB investigation.

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DISCUSSION OF DOT ATTENDANCE REQUIREMENT FOR UNLOADING OF HAZARDOUS MATERIALS

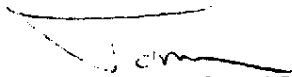
The unloading requirement and the recent FRA inspector guidelines were discussed in terms of the following:

- a. Interpretation of "at least equal to that of a human observer" statement in guidelines.
- b. Comparison of current plant practices with the intent of the guideline.
- c. Impracticality of immediately halting the flow of product if a problem occurs.
- d. Options for compliance with the regulation.

Based on our discussions it would appear that an observation system could be designed to meet the intent of the regulation without requiring additional manpower or camera systems. This would probably consist of fixed point monitors, LEL detectors and a specified observation frequency (probably once an hour) during unloading. Assuming the major problems of concern are uncontrolled leaks or releases during unloading, initial actions taken to respond to the event would not differ significantly if a person or an instrument detected the leak. The major concern is constant monitoring.

ACTIONS TO BE TAKEN

1. Tom Cushing will review the regulations further to determine feasibility of monitoring systems we discussed.
2. He will discuss with other companies, DuPont in particular, what their systems do and if they have responded to the guidelines.


Thomas G. Grumbles

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Distribution:

Gary Draper
File -

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