



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

August 26, 2020

Jay G. Standish  
Vice President of Quality Assurance  
Rescar  
1101 West 31<sup>st</sup> Street, Suite #250  
Downers Grove, IL 60515

Reference No. 20-0023R

Dear Mr. Standish:

This letter retracts and replaces our May 6, 2020, response to your September 26, 2019, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to rail tank cars. Specifically, you request clarification on the training requirements for the visual inspection of rail tank cars under § 180.509(d).

Your questions are paraphrased and summarized below.

- Q1. You ask whether it is required that the visual inspection of service equipment, in accordance with § 180.509(d)(3), be performed by a certified nondestructive test (NDT) technician using a procedure that has been approved by an NDT Level III technician.
- A1. The answer is no. The HMR does not specifically require the level of certification described in your letter (i.e., use of a certified NDT technician using a procedure that has been approved by an NDT Level III technician) for the visual inspection of service equipment for indications of corrosion and other conditions that may make the tank car unsafe for transportation, as required by § 180.509(d). Should a tank car owner choose to require the use of personnel with specific qualifications to carry out the activities in § 180.509(d), a tank car facility would need to incorporate such an instruction into its quality assurance program (QAP). The HMR provides performance standards for tank car owners to establish the minimum acceptable framework for an owner's qualification program for tank cars and components. Tank car owners must develop written procedures (work instructions) for use by tank car facility employees and identify where and how to inspect the tank car, and the acceptance criteria for such inspections (see § 180.501(b)). It is a tank car facility's responsibility to incorporate the owner's qualification program in its QAP, as required under § 179.7(a)(2), (b)(3), (b)(5), and (d). These references specify:

- The QAP must have a means to detect any nonconformity in the manufacturing, repair, inspection, testing, and qualification or maintenance program of the tank car;
- The QAP elements must include procedures to ensure that the latest applicable drawings, design calculations, specifications, and instructions are used in manufacture, inspection, testing, and repair;
- The QAP elements must have a description of the manufacturing, repair, inspection, testing, and qualification or maintenance program, including the acceptance criteria, so that an inspector can identify the characteristics of the tank car and the elements to inspect, examine, and test at each point; and
- Each tank car facility must provide written procedures to its employees to ensure that the work on the tank car conforms to the specification, AAR approval, and owner's acceptance criteria.

Accordingly, while a certified NDT technician is not required under the HMR to perform the function of visual inspection of service equipment, any specific requirements for level of qualification (or any desired certification) beyond function specific training as required by the HMR (see A2 below) of personnel performing visual inspection functions or developing visual inspection procedures may be specified in the owner's qualification program, which must be incorporated into the tank car facility's QAP. The tank car owner's qualification program may draw on, for example, the Association of American Railroad's Manual of Standards and Recommended Practices, Section C—Part III, Specifications for Tank Cars, Specification M-1002, (AAR Specifications for Tank Cars) in developing the minimum acceptable framework for an owner's qualification program for tank cars and components.

- Q2. If an individual receives, as a minimum, function specific training as specified in § 172.704(a)(2) for the visual inspection of service equipment, including gaskets, for indications of corrosion and other conditions that may make the tank car unsafe for transportation, you ask whether this training meets the intent of § 180.509(d)(3).
- A2. The answer is yes. With respect to performance of a visual inspection required under § 180.509(d), the referenced citation is the minimum requirement under the HMR to ensure proper training in performance of this function. As stated in answer A1, the tank car owner's qualification program must include written procedures (work instructions) for use by tank car facility employees and must identify where to inspect, how to inspect, and the acceptance criteria. The tank car owner's qualification program also may establish the degree of qualification and any desired certification for employees.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division