



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2020

Mr. Rex Railsback
Hazmat Specialist
Railsback Hazmat Safety Professionals LLC
312 Lawrence Avenue
Lawrence, KS 66049-2004

Reference No. 20-0013

Dear Mr. Railsback:

This letter is in response to your February 6, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the internal visual inspection of painted cargo tanks. Specifically, you ask:

- Q1. Does PHMSA's response to question 2, in a previous Letter of Interpretation, dated August 4, 2016, under Reference No. 16-0049, require all painted cargo tanks to have an internal visual inspection in place of the required external visual inspection?
- A1. The answer is no. PHMSA's response to question 2 does not require all painted cargo tanks to have internal visual inspections. In the previous letter of interpretation, PHMSA explained that if the paint or coating precludes the proper external visual inspection of the cargo tank as described in § 180.407(d)(1) then an internal visual inspection of those areas affected by the paint or coating would be required.
- Q2. If the intention is to require internal visual inspections for all painted cargo tanks, then does the regulatory requirement to paint certain cargo tanks, such as in §§ 173.315(a)(2), note 17 and 178.337-1(d), automatically negate the 5-year and 10-year timelines per § 180.407, for uninsulated or unwrapped cargo tanks?

A2. The answer is no. As stated in A1 above, not all painted cargo tanks are required to be inspected internally in lieu of their required external visual inspections. Therefore, paint does not automatically negate the test and inspection schedule specified in § 180.407(c).

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Railsback

20-0013

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, February 6, 2020 3:53 PM
To: Hazmat Interps
Subject: FW: Clarification of Letter 16-0049
Attachments: REX INTERP.docx

Hello Alice and Ikeya,

Below is a request for Letter of Interpretation.

Thanks,

Jonathon, HMIC

From: Rex Railsback [mailto:rex@hazmatgeek.com]
Sent: Thursday, February 6, 2020 2:53 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Clarification of Letter 16-0049

Is your answer to question 2, in Clarification Letter 16-0049, requiring all painted cargo tanks to have internal visual inspections? If this is the case, then the regulatory requirements to paint certain cargo tanks, ref. 173.315(a)(2), note 17 & 178.337-1(d), automatically negates the 5 year and 10 year timelines per 180.407, for uninsulated or unwrapped Cargo Tanks.

I am requesting a written response to this question.

Mailing address is;

Rex Railsback
312 Lawrence Ave
Lawrence, KS 66049

Respectfully

Rex Railsback, HazMat Specialist
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