



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

September 23, 2022

R.G. Ashton  
Director of Quality Assurance and Regulatory Compliance  
TMC Engineering Services Inc.  
2335 Wadsworth Street  
Houston, TX 77015

Reference No. 22-0082

Dear Mr. Ashton:

This letter is in response to your August 15, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to tank car facility procedures and recordkeeping. You describe a scenario in which certain documents (e.g., quality assurance program policies and procedures, AAR approvals, tank car owner's acceptance criteria, engineering drawings, etc.) are maintained in an electronic database at the tank car facility. Furthermore, you state that the electronic database is easily accessible to employees at designated computers throughout the tank car facility. You ask whether these documents—which are maintained in the specified electronic database format—meet the requirements of § 179.7(b)(5) and (d).

The answer is yes. Although the provisions in § 179.7 refer to written procedures, they are not so restrictive that the procedures must be provided in paper form—rather the reference to written procedures is to ensure a permanent record for use of the procedures. A tank car facility may maintain the documents required by § 179.7 in an electronic or paper format. Please note that whichever format is implemented, the tank car facility is responsible for ensuring that the documents are both stored properly and accessible for use by employees—ensuring work on the tank car conforms to the specification, AAR approval, and owner's acceptance criteria.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

Patrick

22-0082

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Subject:** FW: Mr. Shane Kelly Request Letter of Interpretation (179.7)  
**Date:** Monday, August 15, 2022 4:32:25 PM  
**Attachments:** [081522-80 Request LOI.pdf](#)

---

Hello Alice,  
Please see the request for an LOI below. Thank you.  
Rachel (HMIC)

---

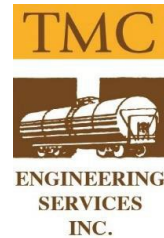
**From:** R.G. Ashton <[rg\\_ashton@tmces.com](mailto:rg_ashton@tmces.com)>  
**Sent:** Monday, August 15, 2022 9:58 AM  
**To:** PHMSA HM InfoCenter <[PHMSAHMInfoCenter@dot.gov](mailto:PHMSAHMInfoCenter@dot.gov)>  
**Subject:** Mr. Shane Kelly Request Letter of Interpretation (179.7)

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

**R.G. Ashton**  
Director of Quality Assurance and Regulatory Compliance  
TMC Engineering Services Inc.  
2335 Wadsworth Street  
Houston, TX 77015  
Office: 281-452-1541 Ext 21  
Mobil: 281-900-9212  
Fax: 281-452-5269  
Website: [www.tmces.com](http://www.tmces.com)

# TMC ENGINEERING SERVICES INC.

# Memo



File No. 081422-80

Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Request Letter of Interpretation: HMR 49 CFR Parts 171-180, 179.7 (12)(d)

Mr. Kelly,

TMC Engineering Service Inc. (TMC) request a letter of interpretation regarding the applicability of Part 179 of the Hazardous Materials Regulations [HMR 49 CFR Parts 171-180] specifically 179.7 (12)(d) which in part states, each tank car facility *shall 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. TMC provide employees; physical, paper-based printed work orders (job-traveler) including forms to sign-off completed task(s), also included are instructions, the title and identification of the procedure to use per the inspection and test plan. Additionally, the Quality Assurance Department controls and maintains *electronic/digitized* formatted procedures, reports, and forms on the TMC's NAS [Network-Attached Storage] share drive. The NAS drive contains the TMC QAP manual policies and procedures, AAR approvals, tank car owner's acceptance criteria, engineering drawings, relevant and essential documents for specific task(s). All employees can easily obtain and read this information from available computers located at designated work cell locations. Except, to the extent that 179.7 (12)(5) neither mentions nor impart the use of digitized electronic written procedures. Notwithstanding, our question than is whether today's widely adopted technologies such as digitized electronic written procedures (as mentioned above) in compliance with 179.7 (12)(5)?

Please contact me if you have any further questions.

Respectfully Submitted

A handwritten signature in black ink that reads 'R. G. Ashton'.

**R.G. Ashton**  
Director of Quality Assurance and Regulatory Compliance  
TMC Engineering Services Inc.  
2335 Wadsworth Street  
Houston, TX 77015  
Office: 281-452-1541 Ext 21  
Mobil: 281-900-9212  
Fax: 281-452-5269  
Website: [www.tmc.es.com](http://www.tmc.es.com)