

## § 179.8

for Tank Cars (IBR, see §171.7 of this subchapter), apply.

(9) Qualification requirements of personnel performing non-destructive inspections and tests.

(10) Procedures for evaluating the inspection and test technique employed, including the accessibility of the area and the sensitivity and reliability of the inspection and test technique and minimum detectable crack length.

(11) Procedures for the periodic calibration and measurement of inspection and test equipment.

(12) A system for the maintenance of records, inspections, tests, and the interpretation of inspection and test results.

(c) Each tank car facility shall ensure that only personnel qualified for each non-destructive inspection and test perform that particular operation.

(d) 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.

(e) Each tank car facility shall train its employees in accordance with subpart H of part 172 of this subchapter on the program and procedures specified in paragraph (b) of this section to ensure quality.

(f) No tank car facility may manufacture, repair, inspect, test, qualify or maintain tank cars subject to requirements of this subchapter, unless it is operating in conformance with a quality assurance program and written procedures required by paragraphs (a) and (b) of this section.

[Amdt. 179-50, 60 FR 49076, Sept. 21, 1995, as amended by Amdt. 179-50, 61 FR 33255, June 26, 1996; 68 FR 48571, Aug. 14, 2003; 68 FR 75759, Dec. 31, 2003]

### **§ 179.8 Limitation on actions by states, local governments, and Indian tribes.**

Sections 5125 and 20106 of Title 49, United States Code, limit the authority of states, political subdivisions of states, and Indian tribes to impose requirements on the transportation of hazardous materials in commerce. A state, local, or Indian tribe requirement on the transportation of hazardous materials by rail may be pre-

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empted under either 49 U.S.C. 5125 or 20106, or both.

(a) Section 171.1(f) of this subchapter describes the circumstances under which 49 U.S.C. 5125 preempts a requirement of a state, political subdivision of a state, or Indian tribe.

(b) Under the Federal Railroad Safety Act (49 U.S.C. 20106), administered by the Federal Railroad Administration (see 49 CFR parts 200-244), laws, regulations and orders related to railroad safety, including security, shall be nationally uniform to the extent practicable. A state may adopt, or continue in force, a law, regulation, or order covering the same subject matter as a DOT regulation or order applicable to railroad safety and security (including the requirements in this subpart) only when an additional or more stringent state law, regulation, or order is necessary to eliminate or reduce an essentially local safety or security hazard; is not incompatible with a law, regulation, or order of the United States Government; and does not unreasonably burden interstate commerce.

[74 FR 1801, Jan. 13, 2009]

### **Subpart B—General Design Requirements**

#### **§ 179.10 Tank mounting.**

(a) The manner in which tanks are attached to the car structure shall be approved. The use of rivets to secure anchors to tanks prohibited.

(b) [Reserved]

#### **§ 179.11 Welding certification.**

(a) Welding procedures, welders and fabricators shall be approved.

(b) [Reserved]

#### **§ 179.12 Interior heater systems.**

(a) Interior heater systems shall be of approved design and materials. If a tank is divided into compartments, a separate system shall be provided for each compartment.

(b) Each interior heater system shall be hydrostatically tested at not less than 13.79 bar (200 psig) and shall hold the pressure for 10 minutes without leakage or evidence of distress.

[Amdt. 179-52, 61 FR 28678, June 5, 1996, as amended by 66 FR 45390, Aug. 28, 2001]