

**Pollack, Arthur (PHMSA)**

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**From:** Adrienne Gildea <adrienne.gildea@cvsa.org>  
**Sent:** Thursday, May 30, 2024 3:35 PM  
**To:** Kelley, Shane (PHMSA)  
**Cc:** Collin Mooney; Bill Reese  
**Subject:** Letter to PHMSA Requesting Interpretation Regarding PSN Display on Nurse Tanks  
**Attachments:** Letter to PHMSA Requesting Interpretation Regarding PSN Display on Nurse Tanks.pdf

Good afternoon Mr. Kelley,

Attached, please find a letter requesting clarification regarding the requirements for marking the proper shipping name on a nurse tank.

We appreciate your consideration of this request.

Thank you,  
Adrienne



**Adrienne Gildea, CAE**

Deputy Executive Director

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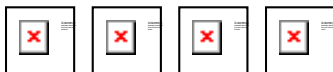
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# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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May 30, 2024

Mr. Shane Kelley  
Director, Standards and Rulemaking Division (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Ave. SE  
Washington, DC 20590

**RE: Clarification of the requirements in § 172.328(b)(1) that the proper shipping name be marked on a nurse tank**

Dear Director Kelley,

The Commercial Vehicle Safety Alliance (CVSA) requests clarification from the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the requirements for marking the proper shipping name on a nurse tank. Currently, § 173.315(m) allows for the use of a cargo tank, commonly known as a nurse tank, to transport anhydrous ammonia for agricultural purposes. Further, § 173.315(m)(1)(vii) requires these tanks be operated in conformance with 49 Code of Federal Regulations Part 172, with the exception that shipping papers are not required and the end of a tank that contains valves, fittings, regulators or gauges need not be marked or placarded. However, § 172.328(b) requires that “except for certain nurse tanks...” the proper shipping name or common name be marked on a nurse tank transporting a Class 2 material. This wording has led to confusion as to whether or not the proper shipping name is required to be marked on a nurse tank. Further, the language “certain nurse tanks” leads to additional confusion regarding whether it should be interpreted that the proper shipping name is required on some nurse tanks but not required on others.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

**Request**

CVSA requests that PHMSA issue guidance on whether § 172.328(b) requires the proper shipping name or common name to be marked on all nurse tanks and clarify the meaning of the term “certain nurse tanks” as used in that section.

**Justification**

As noted above, there is confusion regarding the requirement for nurse tanks transporting anhydrous ammonia to be marked with the proper shipping name, and whether this requirement applies to all nurse tanks or not. CVSA has a cooperative agreement with the Federal Motor Carrier Safety Administration to provide required certification training for state and local law enforcement officers in the proper procedures to conduct roadside inspections of commercial motor vehicles. To ensure the regulations are being enforced correctly and inspectors are receiving accurate training instruction regarding marking requirements for nurse tanks transporting anhydrous ammonia, CVSA is requesting clarification to the questions posed above. PHMSA’s guidance on this matter will ensure CVSA provides the correct guidance to the state and local officials conducting roadside inspections.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our roadways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency’s commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,



Collin B. Mooney, MPA, CAE  
Executive Director  
Commercial Vehicle Safety Alliance