



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 24, 2026

Mr. Tom Forbes
Chief, Motor Carrier Enforcement
Public Utilities Commission of Ohio
180 E Broad Street
Columbus, OH 43215

Reference No. 26-0018

Dear Mr. Forbes:

This letter is in response to your January 28, 2026 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cargo tank registration requirements for inspectors and testers as provided in 49 CFR Part 107, Subpart F. Because your two questions raise intertwined issues, we address them together. Specifically, you ask whether persons inspecting and testing nurse tanks—as specified in § 173.315(m)(2) due to missing or illegible American Society of Mechanical Engineers (ASME) plates—are subject to the registration requirements of 49 CFR Part 107, Subpart F, given the nurse tanks are not manufactured to a U.S. Department of Transportation (U.S. DOT) specification or under a U.S. DOT special permit (SP).

Yes. As specified in § 173.315(m)(2)(iv), each nurse tank with a missing or illegible ASME plate must be inspected and tested by a person meeting the requirements of § 180.409(d) of the HMR. While § 180.409(d) provides an exception for a portion of the pressure test, its opening sentence preconditions that exception on meeting § 180.409(a)—the baseline rule requiring inspectors to be registered, and meet the requirements of “Registered Inspector.” As defined in § 171.8, a Registered Inspector means a person registered with the U.S. DOT in accordance with 49 CFR Part 107, Subpart F, and that meets certain knowledge and ability requirements. Therefore, persons inspecting and testing nurse tanks as specified in § 173.315(m)(2) must be registered with the U.S. DOT.

In conjunction—though not addressed in your email—PHMSA notes that The Fertilizer Institute (TFI) submitted a comment to this incoming request through our interpretation letter 30-day review process. TFI requested further clarification about when a company has multiple facilities where these functions are performed, and whether a separate registration number is required for each facility.

Yes, as stated in 49 CFR 107.502(e), upon the Department’s determination that a company’s registration statement contains all the information required, a separate registration number will

be assigned for each place of business identified by the applicant. Applicants are required to identify where they intend to do business, providing a street address for each facility per 49 CFR 107.503(a)(2) and including a statement as to whether a facility is conducting mobile inspections per 49 CFR 107.503(a)(3). The Department assigns separate registration numbers to each facility or place of business. In addition, to maintain an accurate and complete registration statement as required by 49 CFR Part 107, Subpart F, registrants should ensure that all physical facilities conducting inspection and testing are properly identified. Entities should review their facility listings and request any necessary registration numbers as required under 49 CFR 107.504. The Federal Motor Carrier Safety Administration (FMCSA) has made detailed cargo tank facility registration resources available at <https://www.fmcsa.dot.gov/carrier-safety/hazardous-materials-safety/cargo-tank-registration-and-resources>.

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 "Matthew Nickels". The signature is fluid and cursive, with a stylized "Z" at the end of the last name.

Matthew Nickels
Acting Director, Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Baker, Yul \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Written Interpretation Request
Date: Wednesday, January 28, 2026 3:49:37 PM
Attachments: [image001.png](#)

Good afternoon,

Please see the following request for interpretation. Let us know if you need anything else.

Best,

Aminah

From: tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>
Sent: Wednesday, January 28, 2026 1:37 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Written Interpretation Request

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.

PHMSA Staff:

Please clarify the requirements reference to the following situation and if cargo tank registration required by 107 Subpart F

An agriculture cooperative is testing anhydrous ammonia nurse tanks owned by them. The nurse tanks are ASME tanks that require testing under 173.315(m) for missing or illegible ASME plates.

107.501(a) establishes registration procedures and states in part that anyone that does inspection and testing of a cargo tank or cargo tank motor vehicle manufactured in accordance with a **DOT specification** under subchapter C of this chapter or under a **special permit** issue under this part is required to register.

173.315(m)(2) details when test are required and what test must be performed if tanks have missing or illegible ASME plates. It specially states external visual by 180.407(d), thickness by 180.407(i), and pressure by 180.407(g).

180.407(a)(3) states A person witnessing or performing a test or inspection specified in this section must meet the minimum qualifications prescribed in [§180.409](#)

180.409(a)(1) states inspectors and testers must be registered with FMCSA in accordance with Part 107, subpart F of this chapter.

Q-1 Since these tanks are not manufactured under in accordance with a DOT Specification or under a Special Permit is registration required by 107 subpart F required?

Q-2 Does 180.409 make registration required even though they are not a DOT Specification cargo tank or built under a Special Permit?

Thank you for clarification of this matter.

Respectfully,



Tom Forbes
Chief, Motor Carrier Enforcement
180 E Broad Street
Columbus, Ohio 43215
D: 614.644.0296 C: 614.519.2811
tom.forbes@puco.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

The State of Ohio is an Equal Opportunity Employer and provider of ADA services.