



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 13, 2021

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

Reference No. 21-0051

Dear Mr. Railsback:

This letter is in response to your May 10, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to nurse tanks.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether a nurse tank meeting the requirements of § 173.315(m) is subject to the emergency control requirements found in § 173.315(n).
- A1. The answer is no. The standalone requirements of paragraph (m) allows for the use of a cargo tank commonly known as “nurse tank” when operated by a private motor carrier as an implement of husbandry transporting anhydrous ammonia exclusively for agricultural purposes to be excepted from Part 178- Specification Packages, but must meet requirements of § 173.315(m)(1)(i) through (vii) to be qualified and defined as a nurse tank.
- Q2. You ask whether the nurse tank requirements in § 173.315(m) are standalone provisions or if nurse tanks are subject to other requirements in § 173.315.
- A2. See answer A1.
- Q3. You ask will a nurse tank also meet the definition of a cargo tank motor vehicle and/or a motor vehicle per § 171.8 since a nurse tank, per § 173.315(m), is a cargo tank.
- A3. The answer is no. A nurse tank would not meet the definition of a cargo tank motor vehicle and/ or motor vehicle in accordance with either definition in § 171.8.

Q4. You ask whether two nurse tanks mounted side-by-side on a farm wagon, with only three inches of clearance between the inboard sides of each tank and not visible during transportation, would require the non-visible inboard sides of each cargo tank to also have placards and markings if the farm wagon is properly placarded and marked on each outboard side and each end.

A4. The answer is yes. PHMSA's Letter of Interpretation (Ref. No. 10-0120), specifically, answers this question.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Request for Written Letter of Interpretation/Clarification
Date: Monday, May 10, 2021 1:59:37 PM
Attachments: [image006.emz](#)
[image008.png](#)
[image009.png](#)
[image001.emz](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good afternoon Alice,

Please see the request for a letter of interpretation below. Please contact our office with any questions.

Thank you,

Sarah (HMIC)

From: Rex Railsback [mailto:rex@hazmatgeek.com]
Sent: Monday, May 10, 2021 10:07 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Written Letter of Interpretation/Clarification

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.

To whom it may concern,

I have the following questions ref. the HMRs as they relate to nurse tanks. I am requesting a written letter of interpretation/clarification. My contact information is below

Q1 – Is a nurse tank meeting the requirements of 173.315(m), subject to the emergency control requirements of 173.315(n)?

Q2 – Do the nurse tank requirement in 173.315(m), standalone or are nurse tanks subject to other paragraphs within 173.315?

Q3 – Since a nurse tank, per 173.315(m), is a cargo tank, will a nurse tank also meet the definition of a cargo tank motor vehicle and/or a motor vehicle per 171.8?

Q4 – If I have two nurse tanks, mounted side by side, on a farm wagon, with only 3 inches of clearance between the inboard sides of each tank, not visible during transportation, do the non-visible (inboard) sides of each nurse tank need to meet the placarding and marking requires, if the farm wagon is properly marked and placarded on each side and each end?

Respectfully

Rex Railsback, HazMat/DOT Specialist
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