



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

AUG 18 2000

Mr. Samuel R. Martillotta  
Mansour, Gavin, Gerlock & Manos Co., L.P.A.  
55 Public Square  
Cleveland, Ohio 44113

Ref. No. 00-0231

Dear Mr. Martillotta:

This responds to your recent letter concerning the Hazardous Materials Registration Program. Specifically, you ask whether separately incorporated, wholly owned subsidiaries of a company are required to register as separate entities.

The answer is yes. The registration and fee requirements established in 49 CFR Part 107, Subpart G, apply to any person who offers for transportation or transports hazardous materials subject to the applicability criteria in § 107.601. The definition of "person" includes a firm, co-partnership, corporation, company, association, or joint-stock association (see 49 CFR 171.8). Separately incorporated subsidiaries of a parent company must register individually. Thus, for the scenario described in your letter, Companies A, B, C, D, and E must each file a registration statement and pay the appropriate registration fee. Each company should use the Small Business Administration size criteria in 13 CFR 121.201 applicable to its own revenues or number of employees and not the aggregate figure for all affiliates to determine if it may register as a small business.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



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107.601

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August 10, 2000

Gorsky  
S 107.601  
Registration  
00-0231

Mr. Edward Mazzullo  
Director - Office of Hazardous Materials Standards  
U.S. DOT - R.S.P.A. - D.H.M. - 10  
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Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

This is to request an official interpretation from the Department of Transportation with respect to a question under the Hazardous Materials Registration Program. We are in receipt of the revised requirements effective July 1, 2000, which are a part of the Instructions and Form DOT F 5800.2 for Registration Year 2000 - 20001.

Specifically, we would like the Department of Transportation's interpretation of the requirement to register imposed in the following situation. Company A is a privately held corporation that manufactures valves and fittings for sale to industry. Company B, Company C, Company D, Company E, etc., are wholly owned subsidiaries of Company A. Companies B through E are wholly owned subsidiaries of Company A. Each is incorporated separately and is wholly owned by Company A. Companies B through E each manufacture a component of the product manufactured and sold by Company A. Companies B through E do not sell products or components to any entity other than their parent, Company A. The component parts manufactured by Companies B through E, in and of themselves, would not be usable by anyone other than Company A for use in its assembly of the manufactured product line.

Companies A through E are also under one single ERISA plan, and one single medical/hospital benefits plan. Although Companies B through E have their own individual tax identification numbers, Companies A through E file a single consolidated tax return.

Our question is whether it is necessary for Companies B through E to each register separately from Company A, or whether it would be sufficient under the regulations for Company A to register on behalf of itself and its subsidiaries.

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Furthermore, in the event it is the DOT's position that Companies B through E must each file a registration statement, would each Company follow the SBA criteria regarding the "Small Business" characterization?

If you need any further information in order to respond to this request, do not hesitate to contact me. We appreciate your attention to this request for an official interpretation and look forward to hearing from you.

Very truly yours,



Samuel R. Martillotta

SRM/tb