



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

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 17 2010

Mr. Joseph J. Evans
Hazardous Materials Program Manager
Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N, FMCSA-ESC
Glen Burnie, MD 21061

Reference No. 10-0027

Dear Mr. Evans,

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the registration requirements for offerers and transporters of hazardous materials. Specifically, you ask whether a cargo tank Authorized Inspector and Authorized Inspection Agency are required to register under 49 CFR Part 107, Subpart F, of the HMR. We apologize for the delay in responding and any inconvenience this may have caused.

You attached a copy of American Society for Testing and Materials (ASME) Form U-1A, Manufacturer's Data Report for Pressure Vessels (7/01). You also attached a December 17, 2009 response from this office to Mr. Donald Lampshire, Reference No. 09-0203, stating that the holder of a Department of Transportation (DOT) cargo tank registration number must also meet the knowledge and ability requirements prescribed in the HMR to perform an authorized inspector's designated functions.

The answer is yes. An authorized inspector and an authorized inspection agency, as these terms are defined in § 171.8, are each required to register with the DOT as prescribed in § 107.502. As stated in the December 2009 response, this section prohibits any person from engaging in the manufacture, assembly, certification, inspection, or repair of a cargo tank or cargo tank motor vehicle manufactured under the terms of a DOT specification or a special permit unless the person is registered with the DOT in accordance with the provisions of 49 CFR Part 107, Subpart F.

I hope this satisfies your request.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



US Department
Of Transportation
Federal Motor Carrier
Safety Administration

Edmonson
§ 171.8
§ 107.501
Registration
10-0027

Eastern Service Center
802 Cromwell Park Drive,
Suite N
Glen Burnie, MD 21061

In Reply Refer To:
FMCSA-ESC-

February 4, 2010

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of HM Standards
Mr. Ed Mazzullo, Director
East Building, 2nd Floor
Mail Stop: E27-303
1200 New Jersey Ave., SE 20590

Dear Mr. Mazzullo:

With this letter I am requesting an interpretation of the applicability of the Hazardous Materials Regulations as indicated in the below listed question.

Background:

49 CFR §107.501 states that:

(a) This subpart establishes a registration procedure for persons who are engaged in the manufacture, assembly, inspection and testing, certification, or repair of a cargo tank or a cargo tank motor vehicle manufactured in accordance with a DOT specification under subchapter C of this chapter or under terms of a special permit issued under this part.

(b) Persons engaged to continuing qualification and maintenance of cargo tanks and cargo tank motor vehicles must be familiar with the requirements set forth in part 180, subpart E of this chapter.

49 CFR §107.502 General registration requirements also states that:

(b) No person may engage in the manufacture, assembly, certification, inspection or repair of a cargo tank or cargo tank motor vehicle manufactured under the terms of a DOT specification under subchapter C of this chapter or a special permit issued under this part unless the person is registered with the Department in accordance with the provisions of this subpart. A person employed as an inspector or design certifying engineer is considered to be registered if the person's employer is registered.

49 CFR §171.8 Definitions and abbreviations.

Authorized Inspection Agency means: (1) A jurisdiction which has adopted and administers one or more sections of the ASME Boiler and Pressure Vessel Code as a legal requirement and has a representative serving as a member of the ASME Conference Committee; or (2) an insurance company which has been licensed or registered by the appropriate authority of a State of the United States or a Province of Canada to underwrite boiler and pressure vessel insurance in such State or Province.

Authorized Inspector means an Inspector who is currently commissioned by the National Board of Boiler and Pressure Vessel Inspectors and employed as an Inspector by an Authorized Inspection Agency.

Authorized Inspectors (AI's) certify that a specific cargo tank has been manufactured in accordance with the ASME Code Section VIII, Division 1. They are engaged in the quality control and inspection of the cargo tank as it moves through the manufacturing process. Once the construction of an ASME tank is completed the AI is required to sign the U-1A, Report. AI's are also required to approve certain types of repairs on ASME, DOT specification cargo tanks as required by the ASME.

Question:

Is an Authorized Inspector (AI) and Authorized Inspection Agency as defined in 171.8 subject to the registration procedure in Subpart F - Registration for Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers and Design Certifying Engineers, 107.501?

I can be reached at joseph.evans@dot.gov or 443 865 9929. I appreciate your quick response in this matter.

Sincerely yours



Joseph J. Evaris
Hazardous Materials Program Manager

Attachments:

Form U-1A Manufacture's Data Report for Pressure Vessels
US DOT PHMSA interpretation No. 09-0203.

Copy to:

US DOT FMCSA HMPPM Midwest Service Center
Iowa State Programs Manager