



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

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

SEP 26 2000

Mr. Stephen Cansler  
SJC Compliance Education  
806 Voyager Dr.  
Houston, TX 77062

Ref. No. 00-0002

Dear Mr. Cansler:

This is in response to your letter requesting a clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to trailers equipped with permanently mounted diesel powered generators. Specifically, you inquire whether your client's generators that conform to the modal conditions specified in § 173.220(b)(4) for highway transportation are excepted from all other requirements of the HMR as provided in § 173.220(e)(1).

You state that these diesel powered generators, equipped with permanently mounted bulk fuel tanks ranging in capacity from 100-500 gallons, are used to produce temporary electrical power for facilities during emergencies. It is your understanding that § 173.220 places no limit on the fuel tank's capacity provided the fuel is used for operation of the generators and is not considered cargo.

You are correct in your understanding that, if the appropriate requirements in § 173.220 for fuel tanks are met, mechanical equipment containing an internal combustion engine equipped with a fuel tank meeting the definition of a bulk packaging may be transported under the exceptions specified in § 173.220(e)(1). As defined in § 171.8 of the HMR, a fuel tank means "a tank, other than a cargo tank, used to transport flammable or combustible liquid, or compressed gas for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached, or for the operation of other equipment on the transport vehicle". Fuel systems that meet the requirements under §§ 393.65 and 393.67 of the Federal Motor Carrier Safety Administration's Federal Motor Carrier Safety Regulations (FMCSR) and are not used as packaging for hazardous materials are subject only to the FMCSR. If the fuel tank does not meet the FMCSR requirements for fuel systems, the fuel tank is subject to the HMR when transported in commerce.

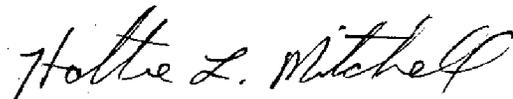


000002

173.220

Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

# SJC

Stevens  
§ 173.220

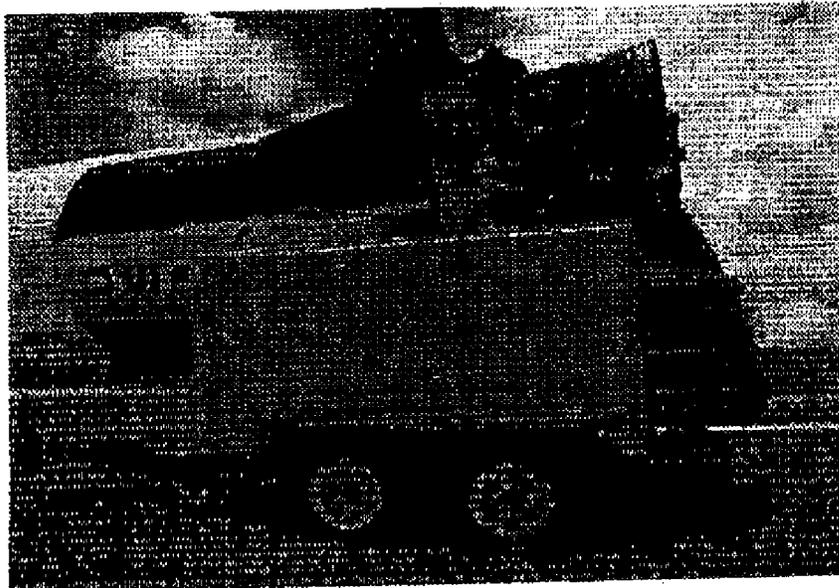
## COMPLIANCE EDUCATION Ref. No. 00-0002.

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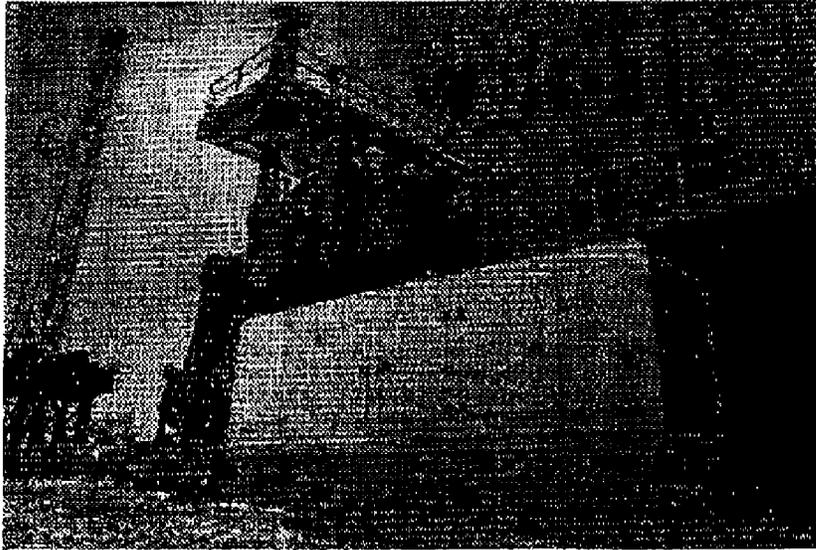
713-826-3067

DATE: December 30, 1999  
TO: Edward Mazullo- DHM-10  
FROM: Stephen Cansler  
RE: 173.220  
PAGES: 2

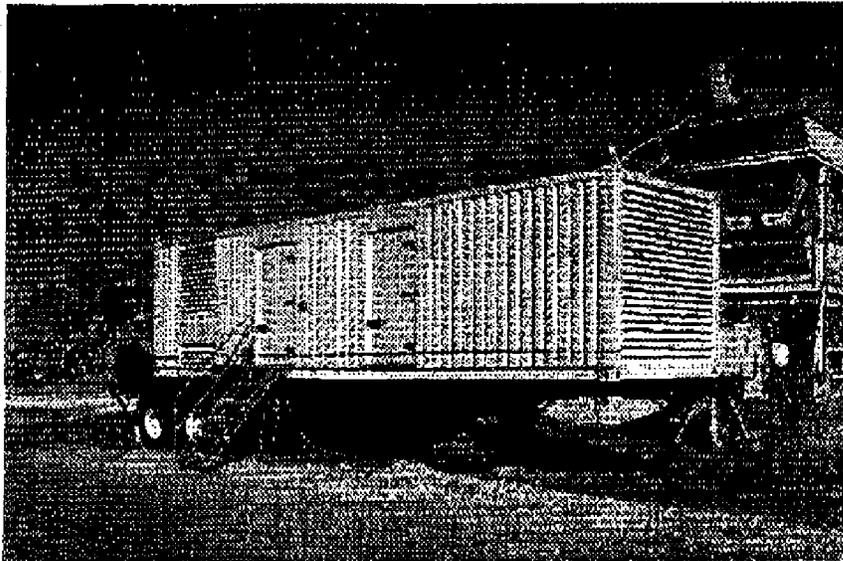
On December 29, 1999 I called your office and talk to a member of your staff, Susan Gorsky, in reference to the changes to 173.220 via 215c. It was both our opinions that my client's generators which they produce for resale, as well as, their rental fleet would meet Modal Exception of 173.220(4)(i) and would therefore fall under Exceptions 173.220(e)(1) & (2). Following are pictures and fuel tank capacities ( Diesel) of the generators. Please review and let us know if this correct.



The fuel capacity is 120 gallons and the tank mounted under the generator.



The fuel capacity is 500 gallons and the tank mounted under the generator.



The fuel capacity is 750 gallons and the tank mounted in the front of the trailer.