



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 24 2009

Mr. Drew Blewett
Hoyt and Blewett PLLC
P.O. Box 2807
Great Falls, MT 59403

Ref. No. 08-0171

Dear Mr. Blewett:

This responds to your June 24, 2008 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to fuel tanks permanently mounted on a motor vehicle. Specifically, you ask if four 119-gallon tanks permanently mounted on the bed of a truck and connected together with permanently mounted fuel lines meets the definition for a non-bulk packaging in § 171.8 of the HMR.

The answer is no. For purposes of the HMR, the fuel tank configuration described in your letter is considered a single bulk packaging with a capacity of 476 gallons. The unit does not meet the definition of "non-bulk packaging" due to its overall capacity. Please note that, under the HMR, the fuel tank configuration described in your letter meets the definition for a cargo tank and must meet all applicable HMR requirements if used to transport hazardous materials. See § 171.8 for the definition of "cargo tank."

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

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

Edmonson
§ 171.8
Definitions
08-0171

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Tuesday, June 24, 2008 1:54 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Request for Written Letter of Interpretation 49 CFR 171.8 (non-bulk packaging)

Attachments: 306798-R1-12-15_013.jpg; 306798-R1-13-16A_014.jpg



306798-R1-12-15_013.jpg (864 K...)
306798-R1-13-16A_014.jpg (992 ...)

This guy would like an officical interp.

Thanks Rob

-----Original Message-----

From: Drew Blewett [mailto:dblewett@hoytandblewett.com]
Sent: Tuesday, June 24, 2008 2:14 PM
To: INFOCNTR <PHMSA>
Subject: re: Request for Written Letter of Interpretation 49 CFR 171.8 (non-bulk packaging)

To Whom it May Concern:

My name is Drew Blewett. I am an attorney at the law firm of Hoyt and Blewett PLLC in Great Falls, MT. I am writing to request a written letter of interpretation pertaining to 49 CFR 171.8, specifically "non-bulk packaging."

The owner of a 1992 Hino truck mounted four 119-gallon fuel tanks side by side on a metal frame to the bed of the truck. He then connected each tank together, both at the top and the bottom, by the use of fuel hoses that were permanently connected to the tanks. The fuel line at the top allowed all containers to be used at the same time and drained by the operator through a single nozzle at the end of the fuel line. Although there were four separate compartments, they could not be separately removed from the fuel truck as they were all connected by a single line at the top and a single line at the bottom, which allowed access to all of the tanks at the same time.

It is my position that by permanently mounting the containers side by side to the bed of the Hino truck and then connecting the fuel tanks together with a permanently mounted fuel line, at both the top and the bottom, the owner created one continuous 476-gallon container which does not meet the definition of "non-bulk packaging" under 49 CFR 171.8. I have attached two photos of the fuel tanks in question to assist in your determination. Please send the letter of interpretation to the address listed below. Your attention to this matter would be greatly appreciated. Thank you.

Drew Blewett
Hoyt and Blewett PLLC
P.O. Box 2807
Great Falls, MT 59403