



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

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

MAR 31 2009

Mr. Calvin Faulkner  
American President Lines  
1111 Broadway  
Oakland, CA 94607

Ref. No. 09-0028

Dear Mr. Faulkner:

This responds to your February 3, 2009 request for clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to vessel shipments of cargo tank motor vehicles transporting diesel fuel. Specifically, you ask how to class and ship a cargo tank motor vehicle loaded with 3,000 gallons of diesel fuel (UN 1202, Class 3) and equipped with a gasoline engine and 80-gallon fuel tank that is not drained and purged. It is your understanding that the shipment should be classed and described based on the contents of the cargo tank motor vehicle.

Your understanding is correct. For vessel transportation, the cargo tank motor vehicle containing diesel fuel must be described as "UN 1201, Diesel Fuel, Class 3, PG III." Note, however, that the cargo tank motor vehicle is subject to the requirements in § 176.905 of the HMR, including limits on the amount of fuel that may be contained in the fuel tank.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Tuesday, February 03, 2009 2:40 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Request for clarification

Booth  
§172.101  
§176.905 (i)(5)  
Applicability  
09-0028

**From:** HAZMATPALC [mailto:HAZMATPALC@APL.COM]  
**Sent:** Tuesday, February 03, 2009 12:59 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Request for clarification

Good morning:

Hopefully your office can assist in clarifying the below.

Per 49CFR, part 176.905, unless gasoline fueled vehicles have had their fuel tanks emptied and engine run until it stalls for lack of fuel, it would be regulated per 172.100 table as a UN3166, vehicle, flammable liquid powered, Class 9. If the fuel source is diesel, and the fuel tank contains less than 110 gallons of diesel, it is excepted and is not regulated for vessel transport as a hazardous material (176.905(i)(2)).

If the vehicle in question is a "military refuel truck", (cargo tank motor vehicle) which has a 3000 gallon diesel fuel tank mounted onto the chassis, my understanding is it would simply be classed and shipped as a UN1202, Diesel fuel, Class 3.

- Question: If the above is correct, but the fuel source for the cargo tank motor vehicles engine is gasoline and has an 80 gallon gasoline fuel tank, which would not be drained or purged, would the cargo tank motor vehicle be classed and shipped as a UN1202, due to the bulk 30000 gallon capacity tank and then the vehicle classed as a UN3166 for vessel transport? My understanding is that the UN1202, being a bulk tank, would supersede the requirement to class the gasoline powered vehicle itself as a UN3166. Therefore, I believe that this cargo tank motor vehicle would simply be classed and shipped on a vessel as UN1202, Diesel Fuel, Class 3 and no requirement exists for the additional classification and shipping papers for the vehicle as a UN3166?

Your understanding in providing clarification is appreciated.

Best regards,

Calvin Faulkner  
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2/3/2009