



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

OCT 12 2005

Mr. Allan McCallum  
232 23<sup>rd</sup> Ave  
Seaside Park, N.J. 08752

Ref. No: 05-0194


Dear Mr. McCallum:

This responds to your letter of August 4, 2005, and subsequent telephone conversation with a member of my staff regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your 27-gallon gasoline transfer tank, which is used for refueling your boat, is subject to the requirements of the HMR when owned by private individuals.

As specified in § 171.1, the HMR govern the safe transportation of hazardous materials in intrastate, interstate and foreign commerce. "In commerce" excludes from regulation the transportation of hazardous materials in a private vehicle where the material is for personal use. Thus, in the situation you describe in your letter, your gasoline transfer tank used for refueling your boat is not subject to the requirements of the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



050194

171.1

Hi, I have a 27gal gasoline transfer tank I have been using for 5 years to put gas in my boat and just recently I have been advised I need a fuel transportation certificate to operate my gravity feed tank. If this is true why do they sell them? Can you please advise on this. Also please advise on the use of aluminum fuel tanks with 12 volt pumps. Thank you, Al.

I recieve a call from Dirk at HAZMAT and was advised to fax you a copy of my letter and also he gave me an answer to my question I then asked if I could have it in writing then he directed me to this fax. His reply cited the HAZMAT rules and reqs DOT interp 100-185 a letter dated Oct 19, 1998 ref No:98-0244 where the transportation of fuel and propane gas are the rules when done for personal use and no certifications are needed. I would like a print out of this advise from you.

Thank You  
Allan McCallum  
232 23rd ave  
Seaside Park NJ  
08752  
732-232-1949  
Fax 732-793-4859

Reterford  
§171.1  
Applicability  
05-0194

ATT: DOT

From: Allan McCallum

Ref: Fuel Transfer Question

Please Respond, Thanks

202-366-3012