



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

Office of the
Chief Counsel

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BY FACSIMILE

FEB - 2 2004

Russel S. Swanger, Jr., Esq.
Senior Counsel and Director --
Government Affairs
Harsco Corporation
350 Poplar Church Road
P.O. Box 8888
Camp Hill, PA 17001-8888

Re: DOT Specification 4L Cylinder

Dear Mr. Swanger:

This responds to your December 8, 2003 letter concerning California requirements for fuel systems for vehicles powered by liquefied natural gas (LNG).

The fuel system and other components installed in a motor vehicle are subject to requirements of the Department's National Highway Traffic Safety Administration (NHTSA). I understand that NHTSA has not promulgated a Federal motor vehicle safety standard applicable to LNG fuel systems.

Federal hazardous material transportation law, 49 U.S.C. § 5101 et seq., and the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, govern the transportation of hazardous materials in commerce, but they do not apply to the fuel system installed in a motor vehicle. At the same time, the HMR provide that a person may not "mark . . . a packaging or container as meeting the requirements of [the HMR] . . . whether or not it is used or intended to be used for the transportation of a hazardous material, unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired and retested, as appropriate, in accordance with the applicable requirements of [the HMR]." 49 C.F.R. § 171.2(c)

Accordingly, RSPA concludes that your company may mark an LNG fuel tank as having been designed, fabricated, and tested in accordance with the DOT 4L specification for cylinders – if the fuel tank meets the requirements of that specification. Should the motor vehicle fuel tank be

removed and transported in commerce, the fuel tank would be subject to the requirements in the HMR. Therefore, we recommend that you consider marking the fuel tank to clearly indicate that it may not be an authorized container for transporting LNG in commerce.

I hope this information is helpful. If you have further questions, you may contact me at the above address, by telephone at 202-366-4400, or by fax at 202-366-7041.

Sincerely,

A handwritten signature in black ink, reading "Joseph Solomey". The signature is fluid and cursive, with the first name "Joseph" and last name "Solomey" clearly legible.

Joseph Solomey
Assistant Chief Counsel for
Hazardous Material Safety and
Emergency Transportation Law

cc: Mr. Paul M. Horgan
California Highway Patrol