



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 13 1999

Mr. Kent C. Wright
Wright's Trucking & Harvesting
HC.85 Box 163
Bridgeport, NE 69336

Ref. No. 99-0003

Dear Mr. Wright:

This is in response to your letter dated December 24, 1998, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your harvesting operation involving a fuel truck. Specifically, you are requesting clarification on whether your service truck carrying a bulk fuel tank which powers the truck and is also used for offloading diesel fuel into the harvesting equipment is required to be placarded.

It is the opinion of this office that if a fuel tank meets the requirements for all fuel systems under §§ 393.65 and 393.69 of the Federal Motor Carrier Safety Regulations (FMCSR), including marking, and is maintained in accordance with NFPA/ASME standards for fuel systems, and not used as a packaging for hazardous materials, e.g., a cargo tank, then it is subject only to the FMCSR. However, if it does not meet the FMCSR requirements for fuel systems, then the fuel tank would meet the definition of a "cargo tank" (see § 171.8). Under the HMR, a cargo tank is subject to specification packaging, shipping papers, marking, placarding, and emergency response information requirements.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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HC. 85 Box 163
Bridgeport NE. 69336
308-254-2988
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99-0003

Wright's Trucking & Harvesting

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ENGWORTH
171.8

December 24, 1998

Ed T. Mazullo
USDOT-HSPA
400 7th Southwest
Room 8100
Washington DC. 20590-0001

Dear Helen

I spoke with you on December 21 1998 concerning my service truck, which is used to fuel our Harvesting equipment in our operation.

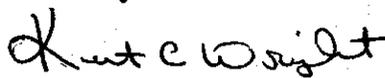
This truck is diesel powered and has a bulk cargo tank which powers the truck and also carries Diesel fuel for the combines.

When we spoke it was my understanding that the vehicle did not have to be placard when it was being driven on the road.

However, did have to be placard when it was off loading the diesel fuel in to the Harvesting equipment.

I would like a letter of interruption for my records stating this.

Sincerely



Kent C. Wright