



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 30 1999

Mr. Frank B. Postma, P.G.
Project Manager
Corporate Environmental Advisors, Inc.
127 Hartwell Street
West Boylston, MA 01583

Ref. No. 99-0244

Dear Mr. Postma:

This responds to your letter dated August 25, 1999, requesting clarification of the incident reporting requirements in § 171.16 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a carrier is required to file an incident report in accordance with § 171.16 for a release from a motor vehicle fuel tank or from a motor vehicle's hydraulic, cooling, or lubrication systems.

The answer is no. A hazardous materials carrier must file DOT Form F 5800.1 within 30 days of an unintentional release of hazardous materials from a package, including a tank, or if any of the circumstances set forth in § 171.15 occurs. A motor vehicle fuel tank that meets the requirements for all fuel systems under §§ 393.65 and 393.69 of the Federal Motor Carrier Safety Regulations, including marking, is maintained in accordance with NFPA/ASME standards for fuel systems, and is not used as a packaging for hazardous materials is not subject to the requirements of the HMR. Similarly, a motor vehicle's hydraulic, cooling, and lubrication systems are not packaging for hazardous materials and, thus, are not subject to the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



990244

171.16



CORPORATE ENVIRONMENTAL ADVISORS, INC.

Gorsky
§ 171.16
99-0294

August 25, 1999

USDOT/RSPA (DHM 10)
400 7th Street, Southwest
Washington, D.C. 205090-0001

ATTN: Mr. Edward Mazzullo, Director for office of Hazardous Materials Standards

RE: Official Interpretation of Regulation 49 CFR 171.16

Dear Mr. Mazzullo,

Corporate Environmental Advisors, Inc. (CEA) requests an official interpretation of the United States Department of Transportation (USDOT) regulation 49 CFR 171.16 as it pertains to the following scenario. Is a carrier of hazardous materials required to submit a detailed incident report on Form F5800.1 in duplicate as required by the aforementioned regulation if a release occurred from the fuel tanks used for propulsion of the vehicle and not from the mobile bulk storage tank. It is our understanding that tanks used for propulsion are exempt under the Federal Materials Transportation Law (49 U.S.C. 5101 et seq.) and 49 CFR 171-180. Additionally, would this exemption also include other materials used in the operation of the vehicle (i.e. hydraulic systems, cooling systems, lubrication systems, etc.).

Thank you for your attention to our request.

Sincerely,
Corporate Environmental Advisors, Inc.

Frank B. Postma, P.G.
Project Manager