



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 18 2017

Michael Daum
Compliance & Quality Manager
SeaFair USA LLC
1090 King Georges Post Road Suite 403
Edison, NJ 08837

Reference No. 17-0045

Dear Mr. Daum:

This letter is in response to your April 19, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for the use of portable tanks. Specifically, you ask if a specification portable tank filled with a non-regulated material needs to be filled in accordance with the requirements of § 173.32(f)(5).

The answer is no. A material that is not defined as a "hazardous material" in accordance with the HMR is not subject to the requirements of the HMR, including the requirements for loading of portable tanks in § 173.32(f)(5).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division