



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

APR 14 2009

Mr. Michael McAvey  
FuelTool, LLC  
175 Rock Rd  
Glen Rock, NJ 07452

Ref. No. 09-0060

Dear Mr. McAvey:

This responds to your March 13, 2009 letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request confirmation that your fuel system is not regulated under the HMR.

According to your letter, the FuelTool© system is intended for use as an aftermarket fuel system installed in a private motor vehicle to dispense fuel from the fuel tank of the motor vehicle to other gasoline-powered motor vehicles and equipment (e.g., ATV, lawnmower). The FuelTool© system is not a storage container or reservoir for gasoline. When not in use, the FuelTool© system is stored in a plastic or metal housing that is permanently and securely installed in the motor vehicle. As part of normal conditions following use, the system may retain some residual gasoline in a quantity of no more than one to three ounces.

Your understanding is correct. Based on the information you provided, the FuelTool© system is not subject to the requirements of the HMR. Transportation of a hazardous material by an individual for non-commercial purposes in a private motor vehicle, including a leased or rented motor vehicle is not subject to the HMR (see § 171.1(d)).

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

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



Der Kinderen  
§ 171.1  
Applicability

March 16, 2009 09-0060

Office of Hazardous Material Standards  
Pipeline and Hazardous Materials Safety Administration  
PHH10  
US Department of Transportation – East Building  
1200 NJ Avenue SE  
Washington, DC 20590-0001

Dear Dirk Der Kinderen:

A short time ago during a conversation questioning whether a product we are developing, called the FuelTool© system, would be considered as transporting hazardous material (gasoline) in commerce and/or "materials in trade". After giving a clear description of the product, we received a verbal answer that, since it is not storage, a container or a reservoir for gasoline, it would not be considered as transporting hazardous material in commerce or material in trade and based on the above is not subject to the CFR 49 Parts 170-180 standards.

This letter is a request for a written interpretation confirming FuelTool© system is once again not considered as transporting hazardous material in commerce and/or materials in trade. To further assist you in this interpretation, we have provided some details below:

- The FuelTool© system is a permanently mounted system that is used to access gasoline from the host vehicle's factory installed gasoline tank and dispense it to other gasoline powered vehicles and equipment.
- The gasoline that would be accessed and dispensed by the FuelTool© system would be the same gasoline contained within the standard factory installed gasoline tank used to provide fuel to the vehicles engine. The FuelTool© system itself is not a storage container or reservoir for a hazardous material or any substance.

- The residual gasoline that could remain in the line leading from the vehicle's main gasoline line to the FuelTool© system (following use of the FuelTool©) would be no more than 1-3 fluid ounces.
- FuelTool© system would be stored, when not in use, in a lockable sturdy plastic or metal housing which would be permanently and securely installed to the vehicle and the gasoline line connections would be equivalent to those used in the original vehicle's factory installed system.
- Attached, you will find a copies of letters from two divisions of the DOT, being National Highway Traffic and Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA), both acknowledging FuelTool© is not in violation of any federal regulation or standard.

Attached on the two pages marked as 1 and 2, you will find the drawings of the version that we are preparing to produce. This version will take the place of the metal version on the attachment marked as 3. Hopefully, this will give you a good understanding of the use of the product.

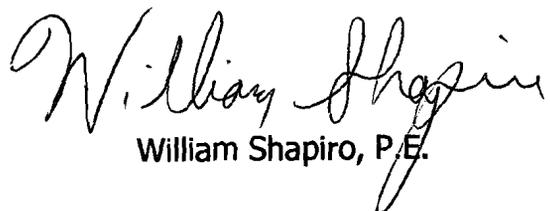
We would appreciate your written confirmation of this interpretation. In summary, that our product is not considered as transporting hazardous materials in commerce or materials of trade and is not subject to CFR 49 parts 170-180 regulations. We are preparing for the production stage now, so your earliest response will be greatly appreciated. For further assistance, I can be reached at any of the below:

Phone – 201-358-0864 Fax – 201-652-4502 Email – [jsmsws@aol.com](mailto:jsmsws@aol.com)

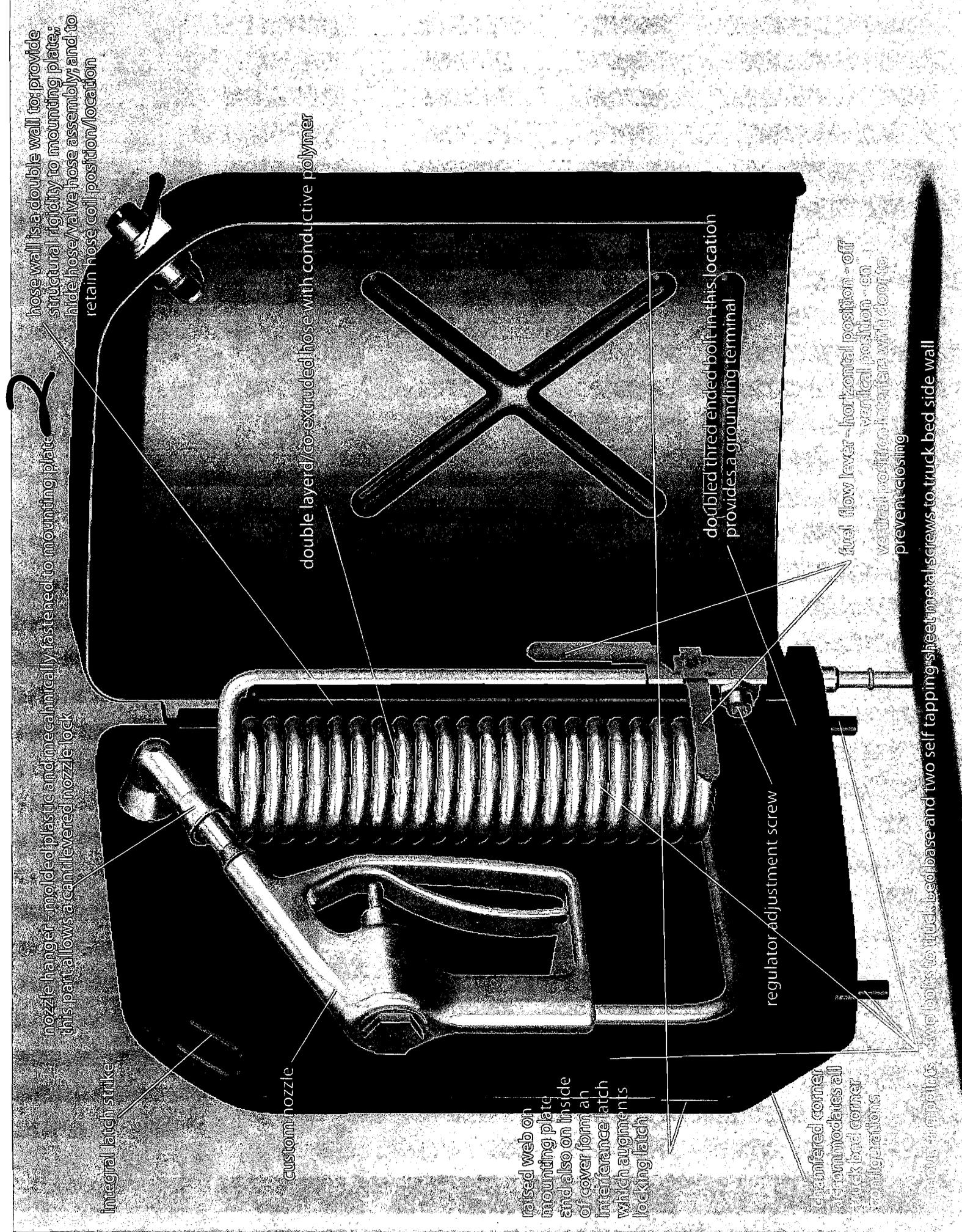


Michael McAvey

Thank you,



William Shapiro, P.E.



hose wall is a double wall to provide structural rigidity to mounting plate; hide hose valve hose assembly; and to retain hose coil position/location

nozzle hanger - molded plastic and mechanically fastened to mounting plate; this part allows a cantilevered nozzle lock

integral latch/strike

custom nozzle

double layer/co-extruded hose with conductive polymer

raised web on mounting plate and also on inside of cover form an interference latch which augments locking latch

doubled threaded bolt in this location provides a grounding terminal

regulator adjustment screw

chamfered corners accommodate all truck bed corner configurations

fuel flow lever - horizontal position - off vertical position - on vertical position interferes with door to prevent closing

two bolts to truck bed base and two self tapping sheet metal screws to truck bed side wall

# Fuel-Tool<sup>®</sup>

## System

Products

Advantages

How It Works

Available For

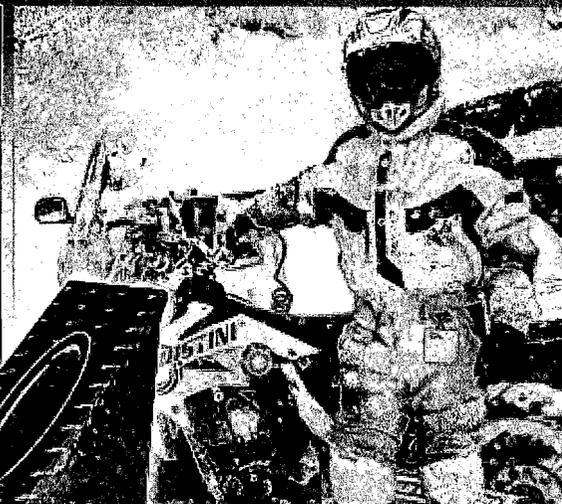
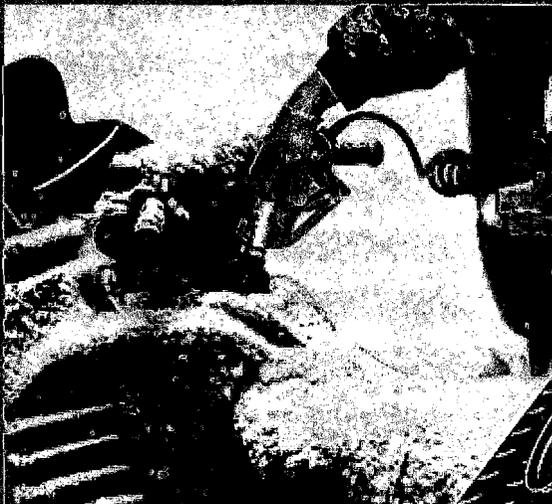
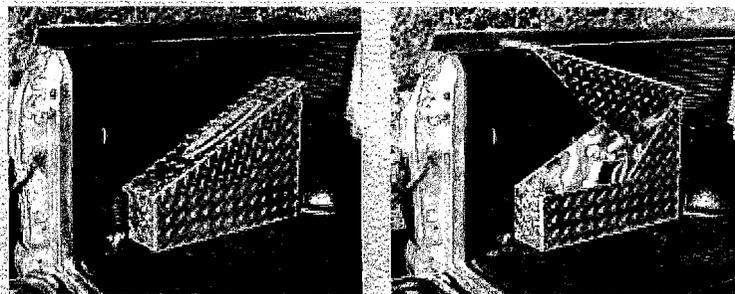
Buy Now

Installation

### The Fuel-Tool<sup>®</sup> System Provides

- **Convenience:**  
Access gasoline directly from your vehicle's gas tank anytime, anyplace & transfers it directly to gasoline powered engines.
- **Performance:**  
Ends poor engine performance due from octane break-down & clogged fuel lines from old unfiltered gas.
- **Safety:**  
Eliminate the danger of siphoning gas.  
  
Reduce the inhalation of gas vapors.  
  
Avoids gas contact to the skin.
- **Environment:**  
Eliminate gas spills & evaporation from gas can use.

- *Entire system installs in under one hour!*
- *Does not void factory warranty!*



U-FiLLC • 175 Rock Rd • Glen Rock NJ • 07452 | Phone: 201-652-4500 • Fax: 201-652-4502