



US Department
of Transportation
Federal Highway
Administration

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97 FEB 20 PM 3: 00

OFFICE OF CHIEF COUNSEL

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

FEB. 4 1997

Refer to: HCS-10

Mr. M. A. Williams,
Manager, Facilities Services Department
Pacific Northwest National Laboratory
P.O. Box 999
Richland, Washington 99352

Dear Mr. Williams:

Thank you for your November 7, 1996, letter to Mr. Neil Thomas of my staff concerning the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to your company. Specifically, you asked if Battelle Memorial Institute (Battelle) which, under a contract with the United States Department of Energy (DOE), operates the DOE's Pacific Northwest National Laboratory (the Laboratory) is considered a motor carrier engaged in interstate commerce.

You indicated that deliveries from a variety of places across the United States, addressed to specific individuals working in various buildings located throughout the laboratory complex arrive by for-hire motor carriers at a central distribution point, the Sixth Street Warehouse. The deliveries which include parts, equipment, office supplies, non-hazardous and hazardous materials are then distributed to other buildings by means of commercial motor vehicles operated by Battelle on a public road (for distances not greater than 1 mile from the central distribution point).

In addition, you indicated that Battelle requires its drivers assigned to the Laboratory to maintain commercial driver's licenses. However, Battelle has not filed a Motor Carrier Identification Report for its operation at the Laboratory because company officials do not believe they are "conducting operations in interstate commerce." You requested clarification from the Federal Highway Administration (FHWA).

Based upon the information you provided, Battelle's operation from the Sixth Street Warehouse is not subject to the FMCSRs. Since you indicated that the Laboratory is government-owned and run by you, a contractor to the government, your transportation is in intrastate commerce, not interstate commerce.

With regard to the need for submitting a Motor Carrier Identification Report (MCS-150), please note that Battelle Memorial Institute is listed in the FHWA's database as a motor carrier with its physical address in Columbus, Ohio. A review of the FHWA's database shows the Columbus, Ohio facility has been assigned a United States Department of Transportation

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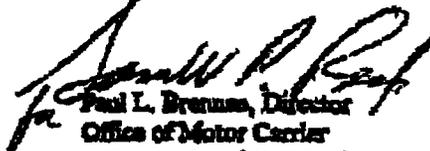
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(USDOT) census number carrier 103330 with a "conditional" safety rating based upon a September 16, 1996, review of their safety compliance. (See enclosed teletype information printout.)

The Battelle Pacific Northwest Laboratory of Richland, Washington, is also listed in the FHWA database. Our records show Battelle Pacific Northwest Laboratory is a shipper of hazardous materials identified by USDOT census number shipper 414506. The FHWA database indicates that an FHWA telephone interview with Battelle Pacific Northwest Laboratory on October 3, 1996, resulted in an update of the physical and mailing addresses in the FHWA database. (See enclosed teletype information printout.)

I hope this information is helpful.

Sincerely yours,


Paul L. Brennan, Director
Office of Motor Carrier
Research and Standards

2 Enclosures

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2 Enclosures

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