



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 14 2008

Mr. Rob Latham
LIST Company, Inc.
106 Prosperity Blvd.
Piedmont, SC 29673

Ref. No. 07-0061

Dear Mr. Latham:

This is in response to your letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to an electrical generator containing propane installed on commercial trucks. You state that the generator provides power to charge the truck's batteries and power the electrical system of the truck when the truck's engine is not running. I apologize for the delay in responding and any inconvenience it may have caused.

A fuel tank meeting the requirements in the Federal Motor Carrier Safety Regulations (FMCSR) for fuel systems and used only for supplying fuel for the operation of a motor vehicle or its auxiliary equipment is not subject to regulation under the HMR with respect to its use on the vehicle. See FMCSR requirements at 49 CFR 393.65, and 393.69 for liquefied petroleum gas systems. Such tanks must conform to all applicable marking requirements and be maintained in accordance with NFPA/ASME standards for fuel systems.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

3/21/07

INFOCNTR <PHMSA>

From: roblatham@listcompanyinc.com
Sent: Thursday, March 15, 2007 2:35 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

MCIntyre
§ 173.6
§ 173.220
MOT
07-0061

Below is the result of your feedback form. It was submitted by Rob Latham (roblatham@listcompanyinc.com) on Thursday, March 15, 2007 at 14:35:15.

Email: roblatham@listcompanyinc.com

Name: Rob Latham

Category: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Organization: LIST Company Inc.

Street: 106 Prosperity Blvd.

City: Piedmont

State: South Carolina

Zip Code: 29673

Phone: 864-325-8866

Fax: 864-467-0320

Comments: Hello,

I called in to your hotline at 1-800-467-4992 and was told to request a formal guidance determination on this question. My question is as follows.

We are considering installing a small electrical generator on commercial trucks. The purpose of the generator is to provide power to charge the truck's batteries and power the electrical system of the truck when the truck engine is turned off. The generator will be powered by propane. The propane will be stored in a 40 pound DOT approved tank. After reading the regulations regarding Hazardous materials as they relate to Materials of trade it appears the propane tank would not be considered hazardous material for the following reasons:

- 1. It is used "to support the operation or maintenance of a motor vehicle or auxiliary equipment". (49 CFR 171.8)
- 2. The cylinder containing the propane weighs less than 100 kg. (49 CFR 173.6)

Therefore we conclude that this equipment can be installed and would not be considered hazardous material.

Please confirm via a written guidance. Thank You.

Rob Latham
LIST Company Inc.