



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

JAN 14 2000

Mr. Jeff Atkinson  
It's A Gas, LLC Propane Cylinders  
6651 Highway 185  
Beaufort, MO 63013

Ref. No. 00-0004

Dear Mr. Atkinson:

This is in response to your letter dated December 28, 1999, requesting clarification on whether a final rule, Docket No. HM-225A, published in the Federal Register on May 24, 1999, apply to your company's cylinder exchange operation. You state that your company transports propane cylinders to retailers for sale to individuals. You ask whether, beginning January 1, 2000, your drivers must carry on each motor vehicle written emergency shut-down procedures as prescribed in § 177.840(l).

The answer is no. The requirements, as adopted in 49 CFR 177.840(l), apply to the unloading of liquefied compressed gases from certain MC 330, MC 331 and certain nonspecification cargo tank motor vehicles. See § 173.315(n). These requirements do not apply to cylinders.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

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



000004

177.840

Ref. No. 00-0004

**It's A Gas, LLC**

Propane Cylinders

Betts  
§ 177-840 (b)

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MR. EDWARD MAZZULLO  
DIRECTOR OHMS  
DEPT. OF TRANSPORTATION  
400 7th STREET, S.W.  
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12/28/99

Dear Mr. Mazzullo;

Per a conversation with one of your staff members, I am requesting an interpretive letter regarding section HM225-A which will require, beginning Jan. 1, 2000, "a copy of written emergency shut down procedures must be on/in every delivery vehicle (sic propane delivery trucks). See attached

I am a distributor for Blue Rhino, Inc of Winston-Salem - N.C. We operate a propane cylinder exchange service which provides 20 pound propane cylinders to retailers for sale to individual customers. They are largely used as the fuel for outdoor, gas fueled barbecue grills.

All of our filling is done at our production facility in Beaufort, MO, though we service the entire St. Louis Metropolitan area, Western Illinois counties near St. Louis and Western Missouri counties as distant as 100 miles.

In all cases, we carry no hoses on the delivery trucks and fill no tanks from the trucks. As such, it would appear that we are exempt from this portion of Federal regulation HM225-A. However, we have been stopped by D.O.T. and required to produce other non-applicable materials at least a dozen times this year. (As such, we carry seven "exemption letters" in each truck to avoid these 3 to 5 hour delays.

Regards,  
Jeff Atkinson

**Propane Cylinder Exchange Service**