



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

SEP 19 2014

Mr. Michael Major
Manager – Regulatory Compliance
Kohler Company
444 Highland Drive
Kohler, Wisconsin 53044

Ref. No. 14-0023

Dear Mr. Major:

This responds to your January 30, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to definitions. Your company builds a propane fueled, towable generator, permanently mounted to a trailer. The generator's propane tank is integrated into the unit and supplies propane fuel exclusively for the operation of the unit's internal combustion engine. You ask whether the propane tanks meet the definition of a fuel tank as defined in 49 CFR § 171.8.

From your description of the generator unit, the answer is yes. As defined in 49 CFR § 171.8, a fuel tank means "a tank, other than a cargo tank, used to transport flammable or combustible liquid, or compressed gas for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached, or for the operation of other equipment on the transport vehicle." Fuel systems that meet the requirements under 49 CFR §§ 393.65 and 393.67 of the Federal Motor Carrier Safety Regulations (FMCSRs) and are not used as packaging for hazardous materials are subject only to the FMCSRs. As prescribed in 49 CFR § 393.69(a), a fuel system that uses liquefied petroleum gas as a fuel for the operation of a motor vehicle or for the operation of auxiliary equipment installed on, or used in connection with, a motor vehicle must conform to the "Standards for the Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association (NFPA), Battery March Park, Quincy, MA 02269.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

KOHLER.

January 30, 2014

Stevens
§ 171.8 -
Definitions
14-0023

Dear Hazardous Material Information Center:

I hope all is well. Kohler Power Systems ("KPS") is a subsidiary of Kohler Co. and manufacturer of a diverse line of generators including industrial towable generator units which are transported by highway.

Current towable generator units comprise a gasoline or diesel internal combustion engine ("ICE"), alternator and liquid fuel tank(s) permanently mounted to a trailer. The permanently mounted liquid fuel tanks supply fuel for the operation of the towable generator ICE. The liquid fuel tanks are regulated as *fuel tanks* per 49CFR171.8 rather than *cargo tanks*.

KPS is developing and introducing propane fueled, towable generator ("PFTG") units. KPS' PFTG units are similar to existing towable generators with the exception of fuel type. PFTG units comprise an ICE configured for operation on propane, alternator and propane fuel tank(s) permanently mounted to a trailer. The PFTG unit's propane fuel tanks similarly supply propane fuel exclusively for the operation of the PFTG unit's ICE.

KPS' PFTG line will offer similar electrical output as current towable generators but reduce pollutant and greenhouse gas emissions. Fueling and operation of the PFTG units is similar to conventional liquid fuel portable generator units. PFTG units will be fueled at central fueling facilities; a transport vehicle will tow the PFTG unit to a work site using a DOT approved trailer; the PFTG unit will then be disconnected from the transport vehicle and operated on a stationary basis to provide electric power for tools and other site specific equipment. The PFTG unit fuel tanks will not be used to fill other propane containers or to fuel external engines or equipment.

As the PFTG is a new product category, PHMSA has not addressed PFTG propane fuel tank classification in prior guidance letters. Kohler therefore requests confirmation of the following point:

- Similar to existing diesel and gasoline towable generators, PFTG unit's propane fuel tanks are *fuel tanks* (rather than *cargo or portable tanks*) per 49CFR171.8.

Kohler Co. appreciates your attention to this matter. I am available on the contact information below to resolve any questions or outstanding issues.

Sincerely,



Michael Major
Manager – Regulatory Compliance
michael.major@kohler.com
Tel: 920 917 9152

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, January 31, 2014 4:34 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Interpretation Request - 49CFR171.8.
Attachments: PHMSA_Letter_fuel_storage.pdf

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Major Michael [<mailto:Michael.Major@kohler.com>]
Sent: Thursday, January 30, 2014 6:22 PM
To: PHMSA HM InfoCenter
Cc: Dykstra Adam
Subject: Interpretation Request - 49CFR171.8.

Greetings,

Please find Kohler Co.'s 49CFR171.8. request attached to this message. I am available to discuss at your convenience.

Best,
Mike

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