



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

MAR 22 2002

Mr. Richard C. Willard  
Keehn Service Corporation  
99 North 11<sup>th</sup> Avenue  
Coatesville, PA 19320

Ref. No. 02-0005

Dear Mr. Willard:

This is in response to your January 8, 2002 letter concerning emergency discharge control equipment for compressed gases in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, your letter involved requirements in § 173.315(n) requiring the remote shut-off to close the internal valve and to shut down the motive and auxiliary power equipment upon activation.

You describe cargo tank motor vehicles (CTMVs) that are used for both metered and non-metered deliveries, and suggest that the emergency discharge control requirements in § 173.315(n) require such CTMVs to be equipped with both passive and off-truck remote means of shut down. You are correct that the HMR do not specifically address this issue. However, it was never our intention to require a CTMV to meet both requirements. If a CTMV operating in both metered and non-metered delivery service is equipped with a passive means of shut down that meets the requirements in § 173.315(n)(2) and functions for both types of deliveries, then it need not also be equipped with an off-truck remote means of shut down. However, if the passive means of shutdown only functions for non-metered deliveries, then the CTMV must also be equipped with an off-truck remote shutdown system.

As you note in your letter, the decision to require the remote shut-off to close the internal valve and shut down the motive power and auxiliary equipment was arrived at through a lengthy negotiated rulemaking. In a negotiated rulemaking, representatives of interests affected by a regulation work together to analyze safety issues and identify potential solutions. The process gives parties the opportunity to find creative solutions, improve the information data base for decisions, produce more acceptable rules, enhance compliance, and reduce the likelihood of court challenges. This negotiated rulemaking committee included representatives from businesses that transport and deliver propane, anhydrous ammonia, and other liquefied compressed gases; manufacturers and operators of cargo tanks and vehicle components; and state and local public safety and emergency response agencies.

There are several important safety benefits associated with an off-truck remote shut-off capability. In the event of an unintentional release, the qualified person will be able to quickly close the internal self-closing stop valve, thereby minimizing the amount of product released.



020005

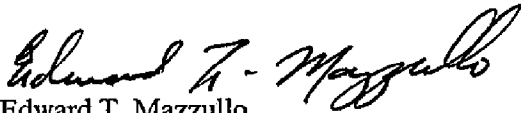
173.315(n)

The requirement to have the remote shut off the motive and auxiliary power equipment is to eliminate a possible ignition source, not only from a hot engine, but also from an active electrical system that could trigger a spark. A remote shut-off allows the person to avoid approaching the vehicle during an incident when it may be enveloped in vapors of released product or engulfed in flames if there is a fire at the point of release.

If you would like to obtain more information on the events that transpired during the negotiated rulemaking, including equipment costs and other concerns you outline in your letter, please consult our docket on-line (<http://dms.dot.gov/>) and search under docket RSPA-1997-2718. You will find over 200 documents that include summaries of the negotiated rulemaking, comments from the regulated community, internal correspondence, and published rulemaking notices. Most of the discussion concerning the negotiated rulemaking starts with document RSPA-1997-2718-181. In addition, if you would like to propose a change to the HMR, you may submit a petition for rulemaking following guidelines outlined in § 106.15.

I hope this satisfies your request.

Sincerely,



Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



SERVICE CORPORATION

Johnsen  
§173.315 (n)  
Cargo Tanks  
02-0005

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December 5, 2001

Mr. Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards  
United States Department of Transportation  
Research and Special Programs Administration  
400 Seventh Street, Southwest  
Washington, DC 20590

**RE: Request for Clarification and Interpretation – Emergency Discharge Control Equipment for Compressed Gases 49CFR-173.315 (n)**

Dear Mr. Mazzullo,

We have certain customers who are having difficulty complying with the new emergency discharge control retrofit requirements for cargo tanks in liquefied compressed gas service (**49CFR Part 173.315 (n)**). These regulations become effective at the time of the CTMV's first required pressure retest after July 1<sup>st</sup>, 2001, specifically cargo tank motor vehicles greater than 3500 water gallon capacity that are in **both metered and non-metered delivery service**.

Our customers are operating propane (LPG) and anhydrous ammonia transports that bulk unload by pumping through a 20 foot 2" delivery hose to the customers storage tank, and also by pumping through a 2" meter connected to a hose reel which contains 150 +/- feet of 1" ID liquid hose at a flow rate of **less than** 100 gallons per minute. In accordance with the parameters as shown in the table in this same section, it would appear that both a passive **and** off truck remote means of shut down are required for each of these CTMV, as one or the other are required during various types of unloading.

We are in agreement with the passive system requirement for the bulk unloading of non-metered product, but we take exception to **one** of the requirements necessary for compliance with the off-truck remote systems required for metered product delivery in larger vessels. Specifically, we object to the requirement that this system, if activated, must also shut down all motive and auxiliary power equipment upon activation. Our objection is based on the following:

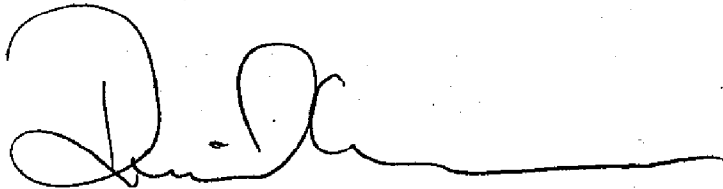
1. Generally, power equipment (truck tractors) are diesel powered and, therefore, do not provide a significant source of ignition. The truck tractor, in most cases, is about 20 feet from a potential product discharge source.
2. If an interface must exist between the tractor and the trailer to both close the internal valve and shut down the tractor engine, tractor trailer assemblies will

essentially have to be "married" in order to properly function. This could possibly exclude or limit the use of Owner-Operators who will have to justify the added expense of \$1500 to \$2000 per tractor for the necessary equipment. It also limits tractor trailer combinations, especially early in the retrofit program.

3. The question must be asked "Do we really want the tractor disabled during an incident?" Would it be better to give the driver the added capability of moving the rig to a safer location? If the engine is shut down and it takes a *thoughtful* restart to get it moving, does this limit the drivers options?
4. Was it the intention of the Regneg group that this part of the regulations are to be interpreted this way?

By eliminating the requirement for shutting down the tractor engine, we think that this will not dilute the requirements of the new regulations, not deter from the safety enhancements proposed, and also give the carriers some needed flexibility on the compliance side. We ask for your timely response to this request. If you or any of your staff have any questions or comments, please feel free to contact me at the number shown above or at my email address [rcwillard@aol.com](mailto:rcwillard@aol.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard C. Willard', with a long horizontal flourish extending to the right.

Richard C. Willard  
President

*Msword\DOT-letter-request for ruling-remote systems-12-01*