



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 27 2009

Mr. David Fulbright
White River Distributors
P.O. Box 2037
Batesville, AR 72501

Ref. No. 08-0306

Dear Mr. Fulbright:

This responds to your December 18, 2008 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the installation of multifunction wireless transmitter/receiver systems with redundant backup controls for a specification MC 331 cargo tank motor vehicle in metered delivery service hauling liquefied compressed gas. Your questions are paraphrased and answered below.

Q1: Is it permissible to certify the remote shut down system as being in compliance with the HMR if a redundant backup control is added to the vehicle?

A1: The answer is yes, if the emergency discharge control system for cargo tank motor vehicles in liquefied compressed gas service meets the performance standard established in § 173.315(n)(3).

Q2: If the transmitter is lost or malfunctions and the truck can be operated with the redundant controls, is it permissible for a second person, who is in hands reach of the controls, to operate and unload the vehicle?

A2: Yes.

Q3: Is it the owner's responsibility to obtain all certifications and operate the cargo tank motor vehicle in conformance with the hazmat regulations?

A3: The owner of a cargo tank motor vehicle must retain the certification documents required under the HMR throughout his or her ownership of the specification cargo tank motor vehicle and for one year thereafter (§ 180.417(a)(1)). In addition, a motor carrier who is not the owner

of a cargo tank motor vehicle (e.g., a lessee) must obtain a copy of the vehicle certification report and related documents and retain them at its principal place of business for as long as the cargo tank motor vehicle is used by that carrier and for one year thereafter (§ 180.417(a)(2)).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Nickels
§ 173.315(n)(3)
Cargo Tanks
08-0306

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Friday, December 19, 2008 1:36 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: questions

From: Dflpg@aol.com [mailto:Dflpg@aol.com]
Sent: Thursday, December 18, 2008 8:15 PM
To: INFOCNTR <PHMSA>
Subject: questions

December 18, 2008

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10
Department of Transportation, East Building
Office of Hazardous Materials Safety
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: 49 CFR 173.315 (n) (3) Emergency discharge control

We have been asked to install redundant back up controls for a MC 331 truck in meter delivery service hauling liquefied compressed gas equipped with a multifunction wireless transmitter/receiver system.

1. Will we be able to certify the remote shut down system as being in compliance if a redundant PTO & throttle is added to the vehicle.(This could let the qualified person operate the unloading if the transmitter is lost or the battery goes dead).
2. We have been told that if the transmitter is lost or malfunctions the truck can be operated with the redundant controls if a second person is in hands reach of the controls during unloading. True or False. This has been discussed in early reg-neg meetings but I do not read it in the regulations as written.
- 3.I understand that is the owners responsibility to obtain all certifications and operate the cargo tank motor vehicle in conformance with the hazmat regulations. True or False.

Thanking you, we are,

Very truly yours,

White River Distributors, Inc.

David Fulbright

David Fulbright

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12/22/2008

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