



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 05 2013

Mr. Ed Kaiser
Inspection & Permitting Unit
Regulatory & Response Section
Pesticide & Fertilizer Management Division
Minnesota Department of Agriculture
625 Robert Street North, 2nd Floor
Orville Freeman Office Building
St. Paul, MN 55155

Reference No.12-0203

Dear Mr. Kaiser:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations applicable to the transportation of compressed gases in nurse tanks. Specifically, you ask questions pertaining to § 173.315(m)(3)(iii), as revised in the final rule, "Hazardous Materials: Incorporation of Certain Cargo Tank Special Permits into Regulations," under Docket Number 2010-0017 (HM-245), published on February 1, 2011 [76 FR 5483]. Your questions are paraphrased and answered as follows:

- Q1. What is the definition of "rural roads" as used in § 173.315(m)(3)(iii)?
- A1. The HMR do not define rural roads. Generally, these vehicles are not designed for use on the interstate system. They are intended to be used on local roads, near farms, etc. In accordance with § 173.315(m)(3)(iv), these vehicles must be restricted to rural roads in areas within 50 miles of the fertilizer distribution points.
- Q2. What specific type of roads cannot be used by field trucks?
- A2. See the response to Q1. Section 173.315(m)(3)(iv) provides for field truck mounted nurse tanks to be restricted to rural roads in areas within 50 miles of the fertilizer distribution point where the nurse tank is loaded.
- Q3. What does the statement in § 173.315(m)(3)(iv) mean that specifies the field truck must have low annual over-the-road mileage? What parameters are used to determine this?
- A3. Again, these vehicles are primarily used in off-road driving in hilly terrain. They are not designed or intended to be used as transport vehicles in the transportation of hazardous materials.

- Q4. What does it mean and does the HMR provide for requirements regarding the statement in § 173.315(m)(3)(iv) that specifies stiffer suspension (e.g., additional springs or airbags) rear axle ratio that provides greater low end torque (assuming that the field truck must have a switch that switches the rear differentials from the high end torque of road travel to the low end torque for traveling in the field), the braking system, and tires?
- A4. The HMR do not prescribe specific definitions for these terms. These vehicles are set up for off-road use in hilly areas and not for general highway use.
- Q5. Are nurse tanks loaded on a "DOT specification farm truck unit" intended to be loaded from a retail facility? What is the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) interpretation of where a field truck unit can be loaded regarding retail or terminal, and is the 50-mile limitation a factor in determining where a field truck unit can be loaded?
- A5. The HMR do not define whether it is a retail or terminal distributor of the ammonia. The unit can be loaded within 50 miles of the fertilizer distribution point.
- Q6. Is the 50 mile limitation a factor in determining where a field truck unit can be loaded? (See § 173.315(m)(3)(iii)), noting the 50 mile limitation.)
- A6. Yes, see above.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,



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

McIntyre
§ 173.315 (m)(3)(iii)
Nurse Tanks

12-0203

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, September 14, 2012 2:17 PM
To: Drakeford, Carolyn (PHMSA)
Subject: RE: 173.315(m)(3)

Carolyn,

We received the following request for a formal letter of interpretation. Please note, it's about HM-245, Joan's rule from 2011, and Amelia Samaras was the PHC contact.
Thanks

Information Request to PHMSA

Reference Regulation (HMR): PHMSA Number Docket-2010-0017 (HM-245) Federal Register dated February 1, 2011.

Requesting clarification or interpretation relating to the following questions:

Questions relating to § 173.315(m)(3)(iii), which states, "The tank is restricted to rural roads in areas within 50 miles of the fertilizer distribution point where the nurse tank is loaded"

Question #1:
What is considered "rural roads"?

Question #2:
What specific types of roads cannot be used by field truck?

Question #3:
What does it mean that the field truck must have low annual over-the-road mileage? What parameters are used to determine this?

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Questions relating to § 173.315(m)(3)(iv), which states, "For the purposes of this section, a field truck means a vehicle on which a nurse tank is mounted that is designed to withstand off-road driving on hilly terrain. Specifically, the vehicle must be outfitted with stiffer suspension (for example, additional springs or airbags) than would be necessary for a comparable on-road vehicle, a rear axle ratio that provides greater low end torque, and a braking system and tires designed to ensure stability in hilly terrain. The field truck must have low annual over-the-road mileage and be used exclusively for agricultural purposes."

Questions:
Question #1:
Are there specific specifications or regulations relating/referenced to the following? What does this specific exactly mean - specific specification?
(a) "stiffer suspension - additional spring or airbags";

(b) rear axle ration that provides greater low end torque - assuming that the field truck must has a switch that switches the rear differentials from high (high end torque of road travel) to low speed (low end torque for traveling in the field);

(c) Braking system; and

(4 Tires

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Question relating to the intended location for loading the nurse tank(s) positioned on a DOT specification farm truck unit.

Background to this question:
The farm truck unit I am referring to originated from the former DOT SP-10950 special permit. Based on the language in the recently revised HMR and information obtained from a operator of such a farm truck unit, it appears that the nurse tanks on a farm truck unit are intended to be loaded from a local retail outlet/storage facility for tendering nurse tanks/application units out at a farmer customer field location. In fact, that is how field truck units are being used, based on information obtain from a firm that uses farm truck units.

It also appears that it was NOT intended for the nurse tanks positioned on such a farm truck unit to be loaded at a wholesale terminal storage facility. DOT specification MC-331 cargo transports tanks are equipped with an internal sparge tube that allow for the loading at a wholesale terminal storage facility. Wholesale terminal storage facilities only load transport tanks with a liquid line, rather than with both liquid and vapor lines.

Question #1: What is PHMSA's interpretation of where a field truck unit can be loaded? Retail or Terminal?

Question #2: Is the 50 mile limitation a factor in determining where a field truck unit can be loaded?

(see 173.315(m)(3)(iii)noting the 50 mile limitation)

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Closing remarks:

Have consulted with Minnesota DOT Haz-Mat Specialist, Mike Ritchie (Telephone; 651-366-3697, email: michael.ritchie@state.mn.us) and Regional Federal DOT Haz-Mat Specialist, Michael Mannikko (Telephone 608-469-5478, email: michael.mannikko@dot.gov). Mr. Mannikko recommended that this electronic submission be done to obtain a prompt response by the most appropriate staff at PHMSA.

Sincerely,

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