



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAY 29 2009

Mr. Thomas Allen
Kasi Infrared Corporation
P.O. Box 895
Claremont, NH 15275

Ref. No. 09-0078

Dear Mr. Allen:

This responds to your March 20, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your company builds chassis mounted infrared asphalt repair equipment. The equipment consists of an infrared asphalt re-claiming box and a six-foot-by-eight-foot rear-mounted infrared chamber for heating asphalt pavement for in-place restoration. The entire system is fueled by propane from two 420-pound multi-valve vapor draw tanks. You ask if the permanently attached propane fuel tanks for the asphalt re-claiming system are eligible for the exception for mechanical equipment in § 173.220.

The answer is no. The provisions of § 173.220 do not apply to the situation you describe. Rather, the requirements of this section apply only to the transportation *as cargo* of internal combustion engines, self-propelled vehicles, mechanical equipment containing internal combustion engines, and battery-powered vehicles and equipment.

A fuel tank meeting the requirements in the Federal Motor Carrier Safety Regulations (FMCSR) for fuel systems and used only for supplying fuel for the operation of a motor vehicle or its auxiliary equipment is not subject to regulation under the HMR with respect to its use on the vehicle (see FMCSR requirements at 49 CFR 393.65 and 393.69). Such tanks must conform to all applicable marking requirements and must be maintained in accordance "Standards for the Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association (NFPA).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this Office or the Federal Motor Carrier Safety Administration.

Sincerely,

for Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

March 20, 2009

Office of Hazmat Standards
Attention PHH-10
East Building
1200 N.J. Avenue SE
Washington, DC 20590

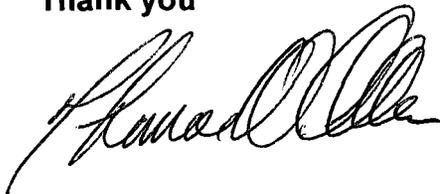
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3173.220
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Applicability/
Placarding
09-0078

Request for Interpretation of 173.220

We have been building chassis mounted Infrared Asphalt Repair equipment for 12 years. Prior to us building this equipment it was built by Power-Ray Corp for 20 years. (KASI purchased the remainder of Power-Ray) The equipment consists of an infrared asphalt re-claiming box and a six (6) foot by eight (8) foot rear mounted infrared chamber for heating asphalt pavement for in place restoration. This entire system is fueled by propane vapor from two four hundred twenty (420) pound multi valve vapor draw tanks. These tanks are permanently affixed to a one quarter (1/4) inch thick steel diamond plate deck which is fixed to the chassis frame. The tank fasteners are four three eighth (3/8) inch thick welded steel pads per tank bolted to the deck with five eighth (5/8) diameter hardened steel bolts. All of the piping is permanently affixed stainless steel continuous tubing with Swage Lock fittings. I have included photos of the mounted tank bases, the vapor piping, and the complete chassis mounted system.

Over the years both Power-Ray and KASI have periodically been asked by customers if placarding and hazmat certification was required on this equipment. In each instance we called you folks and were referred to this regulation as the fit for this equipment and that no placarding was required. The key points we were referred to were that this is a self propelled system with permanently affixed tanks and the propane vapor was utilized solely for the operation of the system. We would like to have an interpretation to make certain we are correct in the way we configure and present this system.

Thank you



Thomas W. Allen
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