



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 13 2007

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

Mr. Jeff Reutter
Manager – Sales Administration/Marketing
Hissong Kenworth-GMC, Inc.
2890 Brecksville Rd.
P.O. Box 457
Richfield, OH 44286

Ref. No. 06-0265

Dear Mr. Reutter:

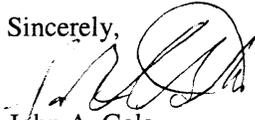
This responds to your November 27, 2006 letter requesting clarification on what constitutes a “cargo heater” under § 177.834(l)(1) of the Hazardous Materials Regulations (49 CFR Parts 171-180).

According to your letter, your question relates to a diesel powered mechanical refrigeration unit installed on an insulated van body mounted on a truck chassis. The refrigeration unit is a split condenser/evaporator design with the diesel engine and condenser installed on the exterior and the evaporator installed on the interior of the insulated van body. System capabilities can maintain temperatures inside the insulated van body from -20 degrees to +85 degrees Fahrenheit. The refrigeration unit uses the truck chassis fuel tanks for its fuel source. There are in-cab controls to monitor and adjust temperature inside the insulated van body or to activate or inactivate the refrigeration unit. You ask if a mechanical refrigeration unit as described constitutes a “cargo heater.”

Section 177.834(l)(1) states that when transporting Class 1 (explosive) materials, a motor vehicle equipped with a cargo heater of any type may transport Class 1 (explosive) materials only if the cargo heater is rendered inoperable by: (i) draining or removing the cargo heater fuel tank; and (ii) disconnecting the heater’s power source. Based on your description and supporting product specifications and photograph, it is the opinion of this Office that your mechanical refrigeration unit does not constitute a “cargo heater” as that term is used in § 177.834(l)(1) of the HMR.

I hope this answers your inquiry.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060265

177.834(1)



GMC
MEDIUM DUTY TRUCKS

Boothe
§177.834
Definitions
06-0265

Hissong Kenworth – GMC, Inc.
2890 Brecksville Rd.
P.O. Box 457
Richfield, OH 44286

November 27, 2006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Dear Mr Mazzullo,

Please clarify the following regulation under CFR 49 Title 177.834:

(1) *When transporting Class 1 (explosive) materials.* A motor vehicle equipped with a cargo heater of any type may transport Class 1 (explosive) materials only if the cargo heater is rendered inoperable by: (i) Draining or removing the cargo heater fuel tank; and (ii) disconnecting the heater's power source.

Application involves a diesel powered mechanical refrigeration unit installed on an insulated van body mounted on a truck chassis. The refrigeration unit is a split condenser / evaporator design with the diesel engine and condenser installed on the exterior and the evaporator installed on the interior of the insulated van body. System capabilities can maintain temperatures inside the insulated van body from -20 degrees to +85 degrees Fahrenheit. The refrigeration unit uses the truck chassis fuel tanks for its fuel source. There are in cab controls to monitor and adjust temperature inside the insulated van body or to activate or inactivate the refrigeration unit.

Does a mechanical refrigeration unit as described above constitute a "cargo heater" or does the regulation refer to a combustion or catalytic type heater only?

If you need additional information, please contact me at your convenience. Thank you for your assistance.

Respectfully,

Jeff Reutter
Manager - Sales Administration/Marketing
Hissong Kenworth - GMC, Inc.
Ph: 800-362-7490
Fax: 330-659-4481
Cell: 330-714-5464

Franchised Dealer of Kenworth Trucks and GMC Medium-Duty Trucks
Richfield (330) 659-4123 - Watts (800) 362-7490 - Fax (330)-659-4481