



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUN 25 2015

Mr. Michael Polinski  
Maryland Department of Environment  
1800 Washington Blvd, Suite 105  
Baltimore, MD 21230

Ref. No. 15-0078

Dear Mr. Polinski:

This responds to your April 23, 2015 email requesting clarification of the marking requirements for a cargo tank under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You indicate that a cargo tank is marked with the company name on each side and the company name happens to contain the proper shipping name (PSN) of the material being transported. Each end is marked with "propane." Specifically, you ask whether use of the company name containing the PSN satisfies the requirement to mark a cargo tank transporting a Class 2 material with the PSN or an appropriate common name for the material under § 172.328(b).

The answer is no. Section 172.328(b) states that each cargo tank transporting Class 2 material must be marked on each side and each end with the proper shipping name specified in the § 172.101 table or an appropriate common name of the material. In addition, § 172.304 marking requirements provide that markings must be located away from any other marking (such as advertising) that could *substantially reduce its effectiveness* (emphasis added). The scenario discussed is unique in that the required marking is part of another marking (i.e., advertising). Under this scenario, the "located away from" condition cannot be achieved. Therefore, it is the opinion of this Office that the company name marking cannot be used to satisfy the PSN marking even though the name may indeed contain the required PSN as part of the name.

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

Sincerely,

Dirk Der Kinderen  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division

Ciccarone  
§172.328(b)  
Cargo Tanks  
15-0078

**Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Thursday, April 23, 2015 4:27 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation of 172.328(b)  
**Attachments:** Propane Interp 4.22.2015.docx

Dear Shante and Alice,

Attached is a formal letter of interpretation. Mr. Polinski spoke with myself in regards to his question.

Thanks,  
Shelby

**From:** Micheal Polinski -MDE- [<mailto:michael.polinski@maryland.gov>]  
**Sent:** Thursday, April 23, 2015 9:36 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Interpretation of 172.328(b)

To whom it may concern

I am requesting a formal letter of interpretation of Haz Mat Regulation 172.328(b) regarding the scenario and question described in the attachment of this email.

My address is as follows:  
Maryland Dept of Environment  
1800 Washington Blvd, ste 105  
Baltimore MD, 21230

Phone #: 410-808-0571

Michael Polinski

To whom it may concern

Subject: Propane Marking on 331 Cargo Tanks

I was presented with the following scenario regarding the marking requirements for gasses in 331 cargo tanks. Specifically dealing with Propane.

Scenario:

A truck tractor transport loaded with Liquefied Petroleum Gas that is marked with the company name: "Manning Propane" on three sides. (Left, Right, & Rear). The company had put the propane marking on the front side as required by 172.328(b). On the rear side the company put the company name and the word propane. The company is using the word propane that is associated with their company name "Manning Propane" as the marking for the left & right sides. The company did not put the propane marking on the left & right sides as they feel that they have met the requirements of 172.328(b) with the company name.

Regulation: § 172.328 Cargo tanks.

(b) Required markings: Gases. Except for certain nurse tanks which must be marked as specified in §173.315(m) of this subchapter, each cargo tank transporting a Class 2 material subject to this subchapter must be marked, in lettering no less than 50 mm (2.0 inches), on each side and each end with—(1) The proper shipping name specified for the gas in the § 172.101 table; or(2) An appropriate common name for the material (e.g., "Refrigerant Gas").

Question:

Can the company "Manning Propane" use the company name on the sides of the cargo tank to meet the marking requirements for gases in cargo tanks as stated in 172.328(b)?

A Formal Letter of Interpretation of 172.328(b) is requested so further confusion regarding this part of the regulations can be settled.