



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR | 7 1998

Mr. Richard J. Lloyd
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501

Dear Mr. Lloyd:

This is in response to your letter of March 6, 1998, requesting clarification of marking requirements for portable tanks in § 172.326(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You question whether the marking of the owner's name on a leased IM101 portable tank intended for export shipment satisfies § 172.326(b).

The answer is no. The name of the owner or of the lessee, if applicable, must be displayed on a portable tank that contains a hazardous material (§172.326(b)). If a portable tank is leased, the lessee's name must be marked on the tank. A leased tank makes the marking of the lessee's name an applicable requirement.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,

Delmet F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Contract
File 172-326
SO: 230

Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Telephone (610) 481-4911

6 March 1998

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards (DHM-10)
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Mazzullo:

This letter will confirm an interpretation we received from your office on 6 March 1998 concerning the marking of the owner's or lessee's name on portable tanks (49 CFR 172.326(b)).

We asked for clarification as to whether the marking of the owner's name on a leased IM101 portable tank intended for export shipment satisfies the referenced regulation. We were advised that the name of the lessee, instead, must be displayed on a leased portable tank.

Apparently, the phrase "if applicable" in 172.326(b) refers to portable tanks under lease and, in situations involving leasing a tank, the rule requires the lessee's name to be marked on the portable tank.

Please let us know if there is any additional clarification.

Very truly yours,


Richard J. Lloyd
Manager, Transportation Regulations
and Safety