



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

SEP 06 2013

Mr. Guy Dalton
Head of Transport Compliance Safety
Linde Gas North America LLC
130 Briar Hill
Painesville, Ohio 44077

Ref. No.: 13-0128

Dear Mr. Dalton:

This responds to your June 7, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of cargo tanks permanently affixed inside delivery trucks. In your letter you state that your company, Linde Gas North America LLC (Linde), transports medical grade oxygen (refrigerated liquid) in cargo tanks inside the cargo compartments of home healthcare delivery vehicles. You state that the cargo tanks are not visible from the exterior of the vehicle, and that the cargo tanks are permanently affixed in the front of the cargo box and are accessed by a side door. You state that the controls for discharge of the product as well as all other required gauges, valves, and pressure relief devices are visible when opening the side door. Further, you state that the opposing sides and ends of the cargo tanks cannot be accessed once installed permanently in the vehicles. Your questions are paraphrased and answered below.

Q1: Where must the required identification (ID) number markings be affixed to a cargo tank containing a gas that is permanently installed within the enclosed cargo body of a transport vehicle?

A1: In accordance with § 172.328(a)(3), for a cargo tank transported on or in a transport vehicle, if the ID number marking on the cargo tank would not normally be visible during transportation, the transport vehicle must be marked on each side and each end with the identification number specified for the material in the Hazardous Materials Table (HMT; § 172.101).

However, an exception is provided by § 172.328(a)(3)(ii) in that when a cargo tank is permanently installed within an enclosed cargo body of a transport vehicle, the ID number marking need only be displayed on each side and end of a cargo tank that is visible when the cargo tank is accessed. In your scenario, you may take advantage of this exception and mark the required ID number on each side and end of the cargo tank that is visible when the cargo tank is accessed.

Q2: Where must the required proper shipping name or common name marking be affixed to a cargo tank containing a gas that is permanently installed within the enclosed cargo body of a transport vehicle?

A2: In accordance with § 172.328(b), except for certain nurse tanks which must be marked as prescribed in § 173.315(m), each cargo tank transporting a Class 2 (gas) material 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 HMT; or (2) an appropriate common name for the material (e.g., "Refrigerant Gas").

Q3: In our scenario, does the authorization for marking the ID number only on the surface of the cargo tank that is normally accessed applicable to the proper shipping name marking requirement?

A3: The answer is no, please see A2.

Q4: In our scenario, if the answer to Q3 is no, what would be the appropriate regulatory requirements?

A4: Please see A2.

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

Sincerely,



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

June 7, 2013

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Nickels
§ 172.328
Marking of Cargo Tanks
13-0128

Request for Interpretation

Dear Sir or Madame,

Linde Gas North America LLC (Linde) is requesting interpretation and guidance regarding the marking of cargo tanks that are permanently affixed inside the cargo box of a delivery truck.

Background

Linde transports medical grade Oxygen, refrigerated liquid inside the cargo compartment of home healthcare delivery vehicles. The cargo tank is not visible from the exterior of the vehicle. The cargo tank is permanently affixed in the front of the box and is accessed by a side door. The controls for discharge of the product as well as all other required gauges, valves and pressure relief devices are visible when opening this side door.

The cargo tank is only marked on one end with the proper shipping name and UN Id number. The opposite end and one side is not visible at any time as they are up against the inside of the vehicle. One side of the cargo may, or may not be visible when entering the rear of the cargo box depending on tank orientation and other cargo that may be transported.

49CFR172.328(a)(3)(ii) specifies that the tank only be marked with the UN ID number on the side from which the tank is accessed if installed within an enclosed cargo body.

49CFR172.328(b) requires the proper shipping name be marked on each side and each end of a cargo tank containing compressed gases.

The opposing sides and ends of the cargo tank cannot be accessed once installed permanently in the vehicle. Determining that there are any markings would take extraordinary measures, that meaning that just standing and looking at the tank from the point of normal access would not allow a determination to be made if the cargo tank is marked in any manner on other than the side the individual is facing.

Question 1


Is it to be determined that the allowance for marking the UN ID number only on the surface of the tank that is normally accessed also applies to the proper shipping name?

Question 2

If the allowance does not extend to the proper shipping name, what would be the required orientation of the shipping name to meet regulatory requirements?

A written response at your earliest convenience is appreciated.

Sincerely

A handwritten signature in black ink that reads "Guy Dalton". The signature is written in a cursive style with a large, sweeping "G" and "D".

Guy Dalton
Head of Transport Compliance/Safety
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