U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP 23 1999

Mr. David H. Coburn
Steptoe & Johnson, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Ref. No. 99-0152

Dear Mr. Coburn:

This is in response to your June 10, 1999, letter concerning liquefied gas loading in tank car tanks per the Hazardous Materials Regulations (HMR; 49 CFR, Parts 171-180). Specifically, you asked about the requirements in § 173.314(e) concerning the methods for verification of tank car content.

As per § 173.314(e), the amount of liquefied gas loaded into a tank may be determined by either measurement or calculation. If the measurement option is used, the weight must be checked after disconnecting the loading lines by the use of proper scales. Calculation by using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant is allowed for liquefied petroleum gas, methylacetylene and propadiene mixtures, stabilized, dimethylamine, monomethylamine, and trimethylamine only. If this option is used, then the computation must be checked by determination of specific gravity of product after loading. Since anhydrous ammonia is not listed, the method involving outage tables and specific gravities is not an option.

I hope this satisfies your request.

Sincerely,

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

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June 10, 1999

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards
Room 8102
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20591

Re: Request for Confirmation of Hotline Opinion

Dear Mr. Mazzullo:

Pursuant to § 107.14(b) of the regulations of the Research and Special Programs Administration, I hereby request your confirmation of the views offered to me by the RSPA hotline on May 28, 1999 with respect to section 173.314(e) of the Hazardous Materials Regulations. This regulation provides in its opening sentence that the amount of a liquefied gas loaded into a tank may be determined "either by measurement or calculation of the weight." Based on these plain terms, our view is that the amount of any liquefied gas, including anhydrous ammonia, can be verified either by measurement or calculation of its weight. In our view, the regulation's third sentence, which discusses the manner in which the weight of certain specifically listed liquefied gases is to be calculated, merely defines the method in which the amount of those listed liquefied gases are to be calculated and does not limit the calculation option provided to other liquefied gases by the regulation's first sentence. Further, we view the regulation as allowing the calculation of the weight of anhydrous ammonia loaded into a tank by the use of outage tables and specific gravities.

These views are consistent with those offered to me by the RSPA hotline, which opined based on a preliminary review of the regulation that the amount of any liquefied gas can be determined by calculation under this regulation. We request your confirmation that RSPA interprets the regulation in the manner reported by the hotline and described above.

Your reply to this request at the earliest convenience would be greatly appreciated. Of course, please let me know if you have any questions.

Thank you in advance for your prompt attention to this matter.

Sincerely,

David H. Coburn