



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

NOV 15 2006

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

Mr. Michael Ritchie  
Minnesota Department of Transportation  
Office of Freight & Commercial  
Vehicle Operations  
395 John Ireland Blvd., MS 460  
St. Paul, MN 55155

Ref. No.: 06-0223

Dear Mr. Ritchie:

This is in response to your September 22, 2006 letter regarding labeling and placarding requirements for bulk packagings under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask a series of questions regarding transportation of a liquefied petroleum gas (LPG) storage container that is constructed to the American Society of Mechanical Engineers (ASME) Code and is for permanent installation on consumer premises. You state that the tanks generally have a capacity of 500 or 1,000 gallons and satisfy the conditions of § 173.315(j) for LPG storage containers. You include pictures of these bulk propane storage containers loaded on tank setting trailers and flat bed trucks. Your questions are summarized and answered as follows:

Q1: Does an LPG bulk storage container meet the definition of "portable tank" as defined in § 171.8 or "other bulk packaging" as referenced in §§ 172.331 and 172.514?

A1: An LPG bulk storage container that meets the conditions of § 173.315(j) and is built in compliance with section VIII of the ASME Code is not considered a portable tank as defined in § 171.8. A bulk storage container meeting the conditions set forth in § 173.315(j) is considered a non-specification bulk packaging, or "other bulk packaging" for hazard communication requirements of Part 172.

Q2: Is an LPG bulk storage container subject to labeling requirements for a bulk packaging, other than a cargo tank, portable tank, or tank car, with volumetric capacity of less than 18m<sup>3</sup> (640 cubic feet) as specified in § 172.400(a)(2); or, is it subject to the labeling requirements for portable tanks specified in § 172.400(a)(3)?

A2: The LPG bulk storage container is subject to the labeling requirements for bulk packagings specified in § 172.400(a)(2). See A1.

Q3: Is an LPG bulk storage container required to be labeled if the tank setting trailer is placarded in accordance with Subpart F of Part 172?



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172.400  
172.514

A3: Yes. A bulk packaging, other than a cargo tank, portable tank, or tank car, with a volumetric capacity of less than 18m<sup>3</sup> (640 cubic feet) is required to be labeled in accordance with § 172.400(a)(2) unless the packaging itself is placarded in accordance with Subpart F of Part 172.

Q4: Is an LPG bulk storage container eligible for the placarding exception in § 172.514(c)(1) applicable to portable tanks; or, is it eligible for the exception in § 172.514(c)(3) for a bulk packaging, other than a portable tank, cargo tank, or tank car?

A4: The LPG bulk storage container is eligible for the exception in § 172.514(c)(3) for a bulk packaging, other than a portable tank, cargo tank, or tank car. See A1.

Q5: Are the labeling and placarding requirements different for a 500 gallon LPG bulk storage container than a 1,000 gallon LPG bulk storage container?

A5: No. Provided the volumetric capacity of each LPG bulk storage container is below 18m<sup>3</sup>(640 cubic feet).

Q6: Is the LPG bulk storage container required to be placarded if it is loaded on a tank setting trailer or flat bed truck that is placarded?

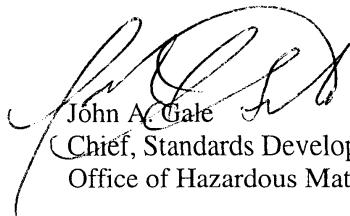
A6: The LPG bulk storage container must be placarded, unless it is labeled on two opposing sides in accordance with § 172.400(a)(2). Placards displayed on a tank setting trailer or flat bed truck do not preclude the requirement to label or placard the bulk packaging.

Q7: Is it permissible to display placards and identification numbers when transporting an empty LPG bulk storage container?

A7: The HMR prohibit the display of labels, placards or identification numbers on a bulk packaging or transport vehicle unless the bulk packaging or transport vehicle contains a material that meets the definition of a hazardous material under the HMR. However, a packaging or transport vehicle that contains a residue of a hazardous material must display the appropriate labels, placards, and identification numbers unless otherwise excepted under § 173.29.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



John A. Gale

Chief, Standards Development  
Office of Hazardous Materials Standards



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

395 John Ireland Blvd.  
St. Paul, MN 55155-1899

Eichenlaub  
§ 172.400  
§ 172.514  
Labeling & Placarding  
06-0223

September 22, 2006

US Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration PHH-10  
Mr. John Gale  
400 Seventh Street S.W.  
Washington, D.C. 20590

RE: Labeling and Placarding requirements for Propane Storage Containers during transportation.

Dear Mr. Gale:

We have received questions from industry and enforcement personnel concerning labeling and placarding of propane storage tanks and the tank setting trailers used for transportation and installation of the tanks. A propane industry representative says these regulations have been interpreted differently in different States, and has requested written clarification.

These tanks are those referenced in 49 CFR 173.315 (j). Photographs of the tanks and the tank setting trailers are included with this letter. Most tanks used in this area are either 500 gallons or 1000 gallons capacity.

A clarification letter from RSPA to Kamps Propane, dated August 26, 1994, indicates these tanks should be marked in accordance with 49 CFR 172.331 for bulk packagings other than portable tanks and cargo tanks. In a letter to Level Propane on December 22, 1999, Ref. No. 99-0262, RSPA references an exception provided in 49 CFR 172.514 (c) allowing labeling instead of placarding on certain bulk packagings.

Labeling

- Are these storage tanks for installation on a consumers premises “portable tanks” as defined in 49 CFR 171.8 or “other bulk packaging” as referenced in 49 CFR §§ 172.331 and 172.514 and other sections?
- While in transportation, are they subject to the labeling requirements of 49 CFR 172.400 (a) (2) for bulk packaging other than portable tanks or cargo tanks or subparagraph (3) for portable tanks?
- Is labeling required on these tanks during transportation, if the trailer is placarded?

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## Placarding

- Are these tanks covered by the placarding exception in 49 CFR 172.514 (c) (1) for portable tanks or by subparagraph (3) for “other bulk packaging”?
- Are the requirements different for a 500-gallon tank and a 1000-gallon tank?
- When transporting these tanks on a tank setting trailer or on a flat bed truck, are placards required on the storage tank if the truck or trailer is displaying the correct placards and ID numbers?
- Must placards and ID numbers be removed when transporting an empty tank setting trailer?

Thank you for your assistance. If you have any questions, you can contact me at the telephone or e-mail address listed below.

Yours truly,



Michael Ritchie  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Office of Freight & Commercial  
Vehicle Operations  
395 John Ireland Blvd., MS 460  
St. Paul, MN 55155  
(651) 215-6326  
[Michael.Ritchie@dot.state.mn.us](mailto:Michael.Ritchie@dot.state.mn.us)