



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

NOV 16 2006

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

Mr. James T. Osterhaus
LPG Section Manager, Safety Division
Railroad Commission of Texas
1701 North Congress Avenue
Austin, TX 78711-2967

Ref. No. 06-0235

Dear Mr. Osterhaus:

This responds to your letter dated October 18, 2006, regarding the NON-ODORIZED or NOT-ODORIZED marking on packagings containing unodorized Liquefied Petroleum Gas (LPG) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

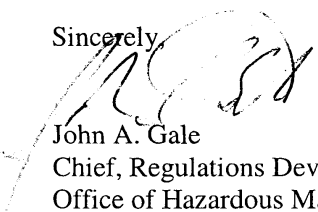
Under the HMR, a NON-ODORIZED or NOT-ODORIZED marking is required to be displayed on certain cylinders, portable tanks, cargo tanks, and tank cars and multi-unit tank car tanks containing LPG that is shipped unodorized in transportation in commerce (see §§ 172.301, 172.326, 172.328, and 172.330, respectively).

You are correct that as of October 1, 2006, the NON-ODORIZED or NOT-ODORIZED marking may appear on a tank car or multi-unit tank car tank used for both unodorized and odorized LPG, as specified in §172.330. Although the requirements for marking a cargo tank do not specify that the marking may be displayed on a cargo tank used for both unodorized and odorized LPG, such display is not prohibited in accordance with the prohibited marking in §172.303. Thus, the NON-ODORIZED or NOT-ODORIZED marking may appear on a cargo tank used for both unodorized and odorized LPG.

As a result of interest from the regulated community in prescribing requirements for display of the NON-ODORIZED or NOT-ODORIZED marking on a cargo tank used for both unodorized and odorized LPG, we intend to revisit this issue in a future rulemaking in order to specify similar requirements currently allowed for tank cars and multi-unit tank car tanks for certain cylinders, cargo tanks, and portable tanks.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,


John A. Gale
Chief, Regulations Development
Office of Hazardous Materials Standards



060235

172.303
172.328

ELIZABETH A. JONES, CHAIRMAN
MICHAEL L. WILLIAMS, COMMISSIONER
VICTOR G. CARRILLO, COMMISSIONER



*Engram
172.328
Marking of Cargo Tank
06-0235*

MARY L. MCDANIEL, P.E.
DIVISION DIRECTOR

RAILROAD COMMISSION OF TEXAS

SAFETY DIVISION

October 18, 2006

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Safety
400 7th St., S.W.
Washington, DC 20590

RE: Formal Letter of Interpretation For HM-206B

To Whom It May Concern:

The Railroad Commission of Texas regulates the LP-Gas wholesale/retail market in Texas. The Commission has adopted Title 49 CFR and enforces those parts relevant to the transportation of LP-Gas on highways & public roadways. In August 2006, I contacted DOT and was told LP-Gas cargo tanks transporting Non-Odorized LP-Gas must be marked "Non-Odorized" or "Not Odorized" beginning October 1, 2006. I was also told, if the product in a cargo tank were odorized, it would be a violation of 49 CFR for it to be marked "Non-Odorized" or "Not Odorized."

The DOT representative told me only railroad tank cars marked "Non-Odorized" or "Not Odorized" are permitted to transport LP-Gas that is odorized.

Yesterday, a DOT representative told me there is an internal DOT memorandum that has interpreted HM-206B to allow cargo tanks transporting LP-Gas on highways to be marked "Non-Odorized" or "Not odorized" although the LP-Gas in the cargo tanks is odorized.

I'm requesting a formal interpretation of HM-206B as it relates to "Non-Odorized" marking requirements on cargo tanks transporting LP-Gas on public roadways. Specifically, Section IV, Paragraph A of HM-206B:

IV. Marking Requirements

A. NON-ODORIZED Marking on Certain Cylinders, Portable Tanks, Cargo Tanks, and Tank Cars Containing Liquefied Petroleum Gases (Sec. 172.301; 172.326; 172.328; and 172.330)

Sincerely,

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