



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 20 2013

Mr. John Anderson
Airgas SAFECOR
P.O. Box 20067
Cheyenne, WY 82003

Reference No. 12-0244

Dear Mr. Anderson:

This is in response to your October 29, 2012 e-mail requesting clarification applicable to a previous letter of interpretation dated June 5, 2006 pertaining to markings on cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

- Q1. In your e-mail, you ask if the Pipeline and Hazardous Materials Safety Administration (PHMSA) can confirm the validity of a letter of interpretation (06-0093) that specifies that a cylinder owner may stamp a star on a cylinder after it has been manufactured.
- A1. The letter of interpretation you cited (06-0093) is accurate. A cylinder owner may mark a star on the cylinder if it complies with the provisions of § 180.209(b), and consent of the testing agency that performed the most recent test is obtained.
- Q2. You also ask if the filler of the cylinder is not the owner, is the filler required to obtain and/or maintain any documentation that the cylinder qualifies for the star marking.
- A2. The filler of the cylinder who is not the owner is not required to have documentation showing that the cylinder qualifies for the star stamp. Rather, recordkeeping requirements apply to the requalifier of the cylinder, who must retain records in accordance with §§ 180.209(a) and 180.215. However, there are additional provisions that apply to the filler. If the filler of the cylinder with a star marking is not the owner, the cylinder could only be filled with a hazardous material with the consent of the cylinder owner as required by § 173.301(e). Additionally, a cylinder cannot be filled and offered in transportation unless it was requalified and marked as required by the HMR, as stated in § 180.205(c). So although, there is no

documentation or records requirement under the HMR in such a scenario for the filler, if the filler of the cylinder is concerned about the validity of the star marking on a cylinder, PHMSA recommends that the filler request documentation from the cylinder owner verifying that the cylinder qualifies for the star stamp in accordance with § 180.209(b).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

Andrews
\$180.209
Cylinders
12-0244

Drakeford, Carolyn (PHMSA)

From: Foster, Glenn (PHMSA)
Sent: Wednesday, October 31, 2012 11:28 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Billings, Delmer (PHMSA); Kelley, Shane (PHMSA); Pfund, Duane (PHMSA); Supko, Ben (PHMSA)
Subject: FW: Airgas request for clarification regarding Letter of Interpretation 06-0093
Attachments: DOT Interpretation 06-0093.pdf

Carolyn,

Please have this checked in as a formal request for a letter or interpretation.

Thanks,
Glenn

From: John Anderson (SAFECOR) [<mailto:John.Anderson.SAFECOR@Airgas.com>]
Sent: Monday, October 29, 2012 9:57 PM
To: Foster, Glenn (PHMSA)
Subject: Airgas request for clarification regarding Letter of Interpretation 06-0093

Good evening,

Per our recent conversations earlier in October, Airgas is requested further clarification regarding the above mentioned Letter of Interpretation.

As explained during our conversations we have a customer who is using this Letter of Interpretation as authorization to stamp a star on DOT rated cylinders they purchased from an off shore manufacturer. They are then sending the cylinders to us for fill. It is clear that the star stamp does not match the original markings on the cylinder/was not stamped at the time of mfg.

Now for the questions:

- Does the DOT still stand behind this Letter of Interpretation allowing a cylinder owner to stamp a star on a cylinder after it has been manufactured?
- Is the filler of the cylinder (if different than the owner) required to obtain and/or maintain any proof from the cylinder owner that the cylinder qualifies for the star? If the answer is Yes what proof/documentation does the DOT require?

The practice of allowing someone other than the cylinder manufacturer or the cylinder requalifier to stamp a star on a cylinder is disturbing. As the filler of a very larger number of cylinders it is troubling to think that someone other than the cylinder manufacturer or cylinder requalifier could place a mark on a cylinder that would double its test cycle life.

Thank you for your response.

John Anderson
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**Pipeline and
Hazardous Materials Safety
Administration**

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

JUN 5 2006

Mr. Bill Korzeniowski
Air Liquide
318 Hampshire Lane
Crystal Lake, IL 60014

Ref. No. 06-0093

Dear Mr. Korzeniowski:

This is in response to your April 6, 2006 letter requesting clarification regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to marking of cylinders. Your scenario is based on the marking of a cylinder with a star under the provisions in § 180.209(b) when the star is used to indicate the cylinder has a requalification period of ten years instead of five. Your questions are paraphrased and answered below.

Q1. Is the owner of a cylinder authorized to stamp a star on the cylinder, or is it only allowed to be done by the testing agency?

A1. The cylinder owner may mark a star on the cylinder if it complies with the provisions in § 180.209(b), and the consent of the testing agency that performed the most recent test is obtained.

Q2. May an owner of a cylinder stamp a star on a cylinder that has been in service and there is supporting documentation that the cylinder has met all the criteria of § 180.209(b)(1)?

A2. The answer is yes, if the cylinder has not been in service over five years. Also, see A1.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060093

180.209 (b)(1)