



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

AUG 04 2014

Mr. Kenneth Lillemo
MAET Vacuum Lab
Honeywell International
2600 Ridgway Parkway, MN17-1626
Minneapolis, MN 55413

Ref. No. 14-0054

Dear Mr. Lillemo:

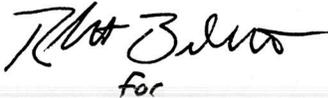
This responds to your March 13, 2014 email requesting clarification of the requalification marking requirements of a cylinder under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you indicate that you will be obtaining DOT specification 3A cylinders that will be used in dedicated helium service. You would like to obtain these new cylinders stamped with a five-pointed star (“★”) (as instructed in § 180.209(b)(1)(vi)), which would allow the requalification period to be extended from five years to ten years, but you are uncertain of the correct timing of the application of this marking under the conditions of § 180.209(b)(1). Specifically, you request clarification as to whether a cylinder may be marked with the five-pointed star (“★”) at the time of manufacture rather than at the time of requalification.

The answer is yes. It is not the intent of the regulations to apply the conditions of § 180.209(b)(1) (e.g., the five-pointed star marking) only at the time of requalification but rather at any time all the conditions required for this stamp are met. If it is known that a cylinder will be used exclusively for the gases identified in § 180.209(b)(1)(ii), and it meets the other conditions of § 180.209(b)(1), then the cylinder must be marked (i.e., stamped) with a five-pointed star (“★”) located immediately after the test date in order to communicate that the cylinder is allowed to be requalified at 10-year intervals. The determination of the requalification period of the cylinder is not limited to only those times when the cylinder must be requalified but rather anytime use changes. This is illustrated by § 180.209(b)(2) in that a cylinder previously not used exclusively for gases identified in § 180.209(b)(1)(ii) but now conforming to all of § 180.209(b)(1), may have the requalification period extended to ten years (under certain retest and examination conditions) and thus, must be stamped with the five-pointed star (“★”) to communicate the longer requalification period. As such, the stamp may be applied at the time of manufacture if the cylinder conforms to all of § 180.209(b)(1). The key factor in applying the five-pointed star (“★”) mark is the exclusive use of the cylinder and not whether the cylinder is up for requalification to make the determination. Thus, the stamping of the cylinder may occur at any time, including at the time of manufacture.

Additionally, it should be noted that a cylinder that is star-marked at the time of manufacture (or any time thereafter) in accordance with § 180.209(b)(1) does not mean the cylinder may always be requalified at 10-year intervals for any compressed gas service from that point forward. For example, if the cylinder changes service and is used for gases, and mixtures of those gases, authorized for transport in a 3A cylinder but not identified in § 180.209(b)(1)(ii), then the cylinder may no longer be requalified every ten years and must be requalified five years from the last marked test date, or prior to filling, if the required five-year interval has passed. The five-pointed star (“★”) would thus have to be obliterated (see § 180.209(b)(3)). The same would apply if the cylinder did not meet any of the other conditions outlined in § 180.209(b)(1) (e.g., the cylinder is used for underwater breathing).

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,



for

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Der Kinderen
§ 180.209
Cylinders

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, March 14, 2014 3:47 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request formal letter clarifying regulation intent

14-0054

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

-----Original Message-----

From: Lillemo, Ken (ETS-Elec) [<mailto:kenneth.lillemo@honeywell.com>]
Sent: Thursday, March 13, 2014 5:54 PM
To: INFOCNTR (PHMSA)
Subject: Request formal letter clarifying regulation intent

Regarding CFR-49 part 180.209

This is a request for a formal interpretation clarifying a star rating may be applied at an initial hydrostatic test if conditions detailed in 180.209 are met. We ask that this be worded in a generally applicable way to allow us freedom to clarify this interpretation for any supplier from which we procure cylinders.

Reasoning:

There is no technical reason to not follow 180.209(b) as best practice at an initial hydrostatic test. This would allow a cylinder to have a star rating applied at manufacture.

180.209(b)(3) re-identifies cylinders if a gas fill does not meet (b)(1)(ii) precluding any new hazard from this favorable interpretation.

Question:

Can a cylinder manufacturer follow 180.209 at the initial hydrostatic test and add the star designation?

Circumstance:

We are procuring custom 3A stainless steel cylinders with a 1000cc internal volume to our specification.

Our service is as described in 180.209(b)(ii) (helium service).

For our application, the cylinders are retired from use at the first required hydrostatic test date.

It is our desire to have 10 years of total service.

We want to procure these cylinders as new built with a star rating to avoid a largely redundant back-to-back hydrostatic test just to obtain a star rating.

Thank You,
Kenneth Lillemo
MAET Vacuum Lab
Honeywell International
(612) 951-5788
MN17-1626
2600 Ridgway Parkway
Minneapolis, MN 55413