



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DEC 23 2019

James V. McManus  
Principal Engineer  
Entegris Inc.  
7 Commerce Drive  
Danbury, CT 60810

Reference No. 19-0079

Dear Mr. McManus:

This letter is in response to your June 11, 2019, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cylinder requalification record retention. Specifically, you indicate that a DOT-3AA 2400 specification cylinder was successfully requalified in accordance with § 180.209(a) and marked in accordance with § 180.213(d). During the 5-year requalification period, it was noted by the cylinder owner that the person who requalified the cylinder was no longer in business and the requalification records, as required in § 180.215(b), can no longer be obtained.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether the cylinder can continue to be filled and offered for transportation until the end of its requalification date, as indicated on the cylinder marking.
- A1. The answer is yes, unless the cylinder owner knows, or a reasonable person, acting in the circumstances, and exercising reasonable care, would have knowledge that the requalification was improperly completed or one of the conditions in § 180.205(d) has been met since the cylinder's last requalification. Section 180.215(b) requires that the person who performs cylinder requalification maintain daily records of visual inspection, pressure test, and ultrasonic examination if permitted under a special permit, as applicable, until either the expiration of the requalification period or until the cylinder is again requalified, whichever occurs first. The cylinder marking, in accordance with § 180.213, serves as an indication that the cylinder has been successfully requalified and can continue to be used in transportation until subsequent requalification is required.
- Q2. You ask whether there is a requirement to ensure continued retention, availability and safeguarding of the requalification records by the company having performed the cylinder requalification, subsequent to the closure of that company.

A2. The answer is yes. The HMR requires a person who performs cylinder requalification to meet the retention requirements in § 180.215(b). If a company closes, the person is still subject to the record retention requirements and would not be in conformance with the HMR if not maintaining the records for the period required. As a customer, one can always request copies of requalification documents at completion of requalification to ensure redundancy of records.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



Dirk Der Kinderen  
Chief, Standards Development  
Standards and Rulemaking Division

Geller  
19-0079

**January, Ikeya CTR (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, June 13, 2019 5:47 PM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation Request  
**Attachments:** Entegris Request for Interpretation 49 CFR Part 180 Subpart C.pdf

Hello Alice and Ikeya,

Please see the attached letter of interpretation request.

Sincerely,

Lynsie, HMIC

**From:** Jim McManus [mailto:Jim.McManus@entegris.com]  
**Sent:** Tuesday, June 11, 2019 3:56 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for Interpretation

Hello,

Attached is a letter requesting an interpretation of the hazardous materials regulations in accordance with 49 CFR 105.20.

Regards,

Jim

**Jim McManus**  
Principal Engineer  
Dangerous Goods Safety Advisor (DGSA)  
M 203-482-1606  
T 203-207-9307  
E [jim.mcmanus@entegris.com](mailto:jim.mcmanus@entegris.com)



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**June 11, 2019**

Standards and Rulemaking Division  
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10  
U.S. Department of Transportation  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001  
*infocntr@dot.gov*

**Re: Request for Interpretation**

Dear Sir or Madame:

Pursuant to 49 CFR §105.20, this letter is being submitted by e-mail to PHMSA to request an interpretation on several questions we have related to the Hazard Materials Regulations (49 CFR parts 171 through 180).

**Background Scenario:**

A DOT-3AA 2400 specification cylinder was successfully requalified in September of 2017 by a cylinder requalification facility in good standing with PHMSA and with a valid RIN issuance letter. The requalification period for the cylinder is 5 years as specified in 49 CFR §180.209 (a). Subsequent to successful requalification, the cylinder was marked in accordance with 49 CFR §180.213 (d) by the cylinder requalifier. After the cylinder owner received the requalified cylinder from the requalification facility, the cylinder owner verified the requalification markings were in compliance with 49 CFR §180.213 (d).

Recently, the requalification facility who requalified and marked the aforementioned cylinder has ceased operations and shutdown their business. After the cylinder owner learned of this situation, the cylinder owner attempted to obtain copies of the requalification records as are specified in 49 CFR §180.215 (b), for said cylinder, from the cylinder requalifier. The cylinder owner was unable to obtain a copy of the requalification records for the cylinder as no person could be contacted from the defunct requalification facility.

**Question 1:**

Based on the description of the cylinder given in the above scenario, can the cylinder owner fill the cylinder with a hazardous material and offer it for transport as long as it is not due for requalification based on the current requalification markings or does the cylinder need to be requalified prior to filling as requalification records cannot be obtained from the cylinder requalifier.

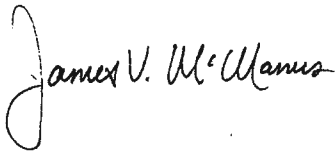
**Question 2:**

When a business conducting cylinder requalification becomes defunct, is there any requirement in the hazardous materials regulations to ensure continued retention, availability and safeguarding of the requalification records produced by the requalification facility subsequent to their closure?

Entegris greatly appreciates PHMSA's attention to this matter and looks forward to a response that further clarifies our understanding of the hazardous materials regulations.

Should PHMSA require additional details to process this interpretation, please contact me using the contact information listed below.

Sincerely,

A handwritten signature in black ink that reads "James V. McManus". The signature is written in a cursive style with a large, looped initial "J".

James (Jim) V. McManus  
Principal Engineer  
Dangerous Goods Safety Advisor (DGSA)  
Entegris Inc.  
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O 203-207-9307