



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

October 15, 2020

1200 New Jersey Avenue, SE  
Washington, DC 20590

Ms. Sarah J. Reboli  
Deputy Counsel, Regulatory Affairs  
National Propane Gas Association  
1899 L Street, NW, Suite 350  
Washington, DC 20036

Reference No. 19-0136

Dear Ms. Reboli:

This is in response to your December 20, 2019, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the language contained in the cylinder visual inspection requirements found in § 180.209(g). Specifically, you ask three questions concerning Compressed Gas Association (CGA) pamphlets. We have answered your questions in the order you provided.

- Q1. Must the person who performs periodic external visual inspections to requalify U.S. Department of Transportation (DOT) specification cylinders in conformance with §§ 172.704 and 180.209(g) purchase the CGA pamphlets that apply to these inspections?
- A1. A person who performs periodic external visual inspections under § 180.209(g) to requalify DOT specification cylinders is responsible for having the information in the applicable CGA pamphlets available, and for performing these inspections as prescribed in the version of the pamphlet that has been incorporated by reference in § 171.7. In § 180.215(a)(6), “the information contained in each applicable CGA or ASTM standard incorporated by reference in § 171.7” is listed as one of the facility records that a person who requalifies cylinders must maintain where requalification is performed. The HMR do not specify how regulated parties must obtain this information. However, please note that many of the materials incorporated by reference in the HMR are published by private domestic or international technical organizations and associations and may be protected by copyright. These organizations may require that their documents be purchased before they may be used.
- Q2. Do §§ 172.704 and 180.209(g) prohibit persons who perform periodic, external visual inspections to requalify DOT specification cylinders from using alternative publications that include the information contained in applicable CGA pamphlets?
- A2. Publications that are not prescribed in the HMR do not have official standing within the United States. It is the responsibility of all persons involved in the safe transportation of

hazardous materials in commerce to comply with the requirements of the HMR when performing prescribed tasks (see § 171.1). If these individuals choose to use alternative publications as guidance to perform these tasks, these individuals are responsible for ensuring that the information in the publications they use is identical to that prescribed in the HMR. See Answer A1.

Q3. Must the person who performs periodic, external visual inspections to requalify U.S. DOT specification cylinders in conformance with §§ 172.704 and 180.209(g) retain the CGA pamphlets that apply to these inspections at the site where they are performed?

A3. See Answer A1.

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

Sincerely,



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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: Interp on Cylinder Requal Recordkeeping  
**Date:** Wednesday, December 18, 2019 2:44:34 PM  
**Attachments:** [NPGA Request for LOI.pdf](#)

---

Hello Alice and Ikeya,

Please see attached for letter of interpretation request forwarded from Mr. Kelley

Please contact our office with any questions.

Thanks,  
Kathryn, HMIC

---

**From:** Kelley, Shane (PHMSA)  
**Sent:** Wednesday, December 18, 2019 2:36 PM  
**To:** Hazmat Interps <[hazmatinterps@dot.gov](mailto:hazmatinterps@dot.gov)>  
**Cc:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** Fwd: Interp on Cylinder Requal Recordkeeping

Please process the attached request. Thank you!

---

**From:** Sarah Reboli <[SReboli@npga.org](mailto:SReboli@npga.org)>  
**Sent:** Wednesday, December 18, 2019 11:56:49 AM  
**To:** Kelley, Shane (PHMSA) <[shane.kelley@dot.gov](mailto:shane.kelley@dot.gov)>  
**Cc:** mcaldarera npga.org <[mcaldarera@npga.org](mailto:mcaldarera@npga.org)>  
**Subject:** RE: Interp on Cylinder Requal Recordkeeping

Hi Shane,

I hope you are doing well, and successfully preparing for the holidays!

Pardon the delay in submitting this request for an interpretation letter. We've had a few occasions of "the urgent superseding the important".

Please don't hesitate to follow up with any questions.

Thank you,  
Sarah

---

**From:** Kelley, Shane (PHMSA) <[shane.kelley@dot.gov](mailto:shane.kelley@dot.gov)>  
**Sent:** Wednesday, October 9, 2019 7:11 PM  
**To:** Sarah Reboli <[SReboli@npga.org](mailto:SReboli@npga.org)>

**Subject:** Fwd: Interp on Cylinder Requal Recordkeeping

Per our discussion. We'll look forward to your letter of clarification request and work to tie the response to your docket comment as discussed.

Best

Shane

---

**From:** Patrick, Eamonn (PHMSA) <[eamonn.patrick@dot.gov](mailto:eamonn.patrick@dot.gov)>

**Sent:** Wednesday, October 9, 2019 4:18:02 PM

**To:** Kelley, Shane (PHMSA) <[shane.kelley@dot.gov](mailto:shane.kelley@dot.gov)>

**Subject:** Interp on Cylinder Requal Recordkeeping

See attached

Eamonn Patrick  
Transportation Specialist  
E26-303  
Office: (202) 366-4410  
Cell: (703) 477-5426



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

MAR 30 2012

Mr. Robert Holley  
Safetech  
1230 Wilson Court  
Humble, TX 77396

Ref. No. 11-0272

Dear Mr. Holley:

This responds to your October 28, 2011 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding recordkeeping requirements applicable to a person who requalifies, repairs, or rebuilds cylinders. Your questions are paraphrased and answered as follows:

Q1. Is it acceptable to have the latest editions of the required Compressed Gas Association (CGA) publications in place of the editions incorporated by reference in § 171.7?

A1. The answer is yes, if it contains the same applicable information that is in the incorporated edition. Section 180.215(a)(6) requires a person who requalifies, repairs, or rebuilds cylinders to maintain the "information contained in each applicable CGA or [American Society for Testing and Materials] (ASTM) standard incorporated by reference in § 171.7 applicable to the requalifier's activities." A more recent CGA publication may be used to satisfy this requirement provided the more recent edition contains the same relevant information that is contained in the edition incorporated by reference in § 171.7.

Q2. Should independent inspectors and enforcement inspectors be allowed to demand or suggest that the facility have the latest edition of the required CGA publication(s) if they are not the same as the cited edition?

A2. The answer is no. Unless otherwise specified in a special permit issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), the HMR only require a cylinder requalifier to have the information contained in the applicable CGA publications incorporated by reference in § 171.7.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Ben Supko  
Acting Chief, Standards Development  
Standards and Rulemaking Division



**SAFETECH – HOUSTON**

1230 Wilson Court  
Humble, Texas 77396  
CRS# WV1R599K

Eichenlaub  
§171.7  
Applicability  
11-0272

October 28, 2011

Hattie Mitchell, Chief  
Office of Hazardous Materials Standards  
Regulatory Review and Reinvention  
400 7<sup>th</sup> Street S.W.  
Washington, DC 20590

**Subject:** Request for written interpretation on CGA pamphlets under §171.7

Please provide a written interpretation on the above referenced subject as it pertains to cylinder re-qualifiers.

It has now come to my attention that the enforcement group of OHM is asking our facilities to see the latest editions of these pamphlets as well as the cited editions.

**I am requesting a written response to these questions:**

- 1) Is it acceptable to have the latest editions of the required CGA pamphlets in place of the cited editions in §171.7 if the latest edition is not cited in the edition?
- 2) Should Independent inspectors and enforcement inspectors be allowed to demand or suggest that the facility have the latest edition of the required CGA pamphlet(s) if they are not the same as the cited edition?

Thank you in advance for your attention to this request. I look forward to your reply.

Kind regards,

Robert Holley  
Vp/Quality