



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 25, 2022

Darrel K. Garton
CTC Certified Training Co.
62537 North Star Drive
Montrose, CO 81401

Reference No. 07-0166R

Dear Mr. Garton:

This letter is a revised response to your August 27, 2007, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the eddy current examination for DOT specification 3AL cylinders manufactured of aluminum alloy 6351-T6. Recently, the Pipeline and Hazardous Material Safety Administration (PHMSA) received a renewal application for a visual requalification identification number (VRIN) to add performing of the eddy current examination for these cylinder types. PHMSA is revising this letter to clarify that visual-only requalification approvals are not issued for a requalifier to perform the eddy current examination.

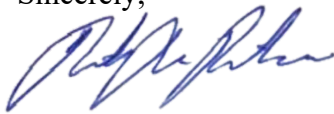
We have paraphrased and answered your questions as follows:

- Q1. You ask whether it is permissible for a cylinder retester—i.e., a requalifier—to subcontract with an outside company who does not hold a current requalification identification number (RIN) approval to provide the eddy current examination service, as prescribed in § 180.209(m).
- A1. The answer is yes. The HMR do not prohibit a person who does not hold a current RIN or VRIN approval from performing the eddy current examination and visual inspection on a DOT 3AL cylinder manufactured of aluminum alloy 6351-T6 on behalf of a RIN holder that is performing the required pressure test. A person—e.g., a subcontractor—who is proficient in eddy current examination may perform the eddy current examination under the oversight of the approved RIN holder, subject to the terms of the RIN holder's approval. The approved RIN holder—i.e., the requalifier marking the cylinder—assumes responsibility for outsourced functions performed by the eddy current tester when marking the requalified cylinder with their RIN number. Please note, as a hazmat employee performing a covered function, an eddy current tester is subject to HMR requirements, including compliance with the test requirements in Appendix C to Part 180.

- Q2. You ask whether it is permissible for a cylinder retester—i.e., a requalifier—to subcontract with an outside company who does hold a current RIN approval to provide the eddy current examination service, as prescribed in § 180.209(m).
- A2. The answer is yes. An outsourced RIN approval holder may perform the eddy current examination and visual inspection on behalf of the requalifier that is performing the required pressure test and marking of the cylinder. See also answer A1.
- Q3. You ask whether it is possible for a company that is not a retester—i.e., a requalifier—to obtain a VRIN for the purposes of eddy current examination and visual inspection only, and then be authorized as a subcontractor in accordance with question Q2.
- A3. The answer is no. PHMSA only issues VRINs in association with § 180.209(g) for required visual inspections and does not issue a VRIN to perform the eddy current examination in combination with a visual inspection on 3AL cylinders manufactured of aluminum alloy 6351-T6. Specifically, only requalifications for exclusive use services listed under Table 2 to paragraph (g) of § 180.209 are authorized for VRIN approval. See 49 CFR 107.805(f)(1) and answer A1.

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

Sincerely,



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

From: [Baker, Yul \(PHMSA\)](#)
To: [Hillman, Kenetha CTR \(PHMSA\)](#)
Subject: RE: 07-0166R
Date: Monday, April 25, 2022 12:34:34 PM
Attachments: [image004.png](#)

Kenetha,

Unfortunately no, we have nothing to use as an incoming request. The original requester came in for a visual requalification renewal and because he could not obtain the renewal, PHH-11 and PHH-25 held a meeting to discuss the original interp (07-0166) and made the determination it had to be revised.

So the letter will go back to the original requester. His e-mail address is darrell@ctcseminars.com.

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 202-493-0867

From: Hillman, Kenetha CTR (PHMSA) <kenetha.hillman.CTR@dot.gov>
Sent: Monday, April 25, 2022 12:21 PM
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Subject: RE: 07-0166R

Ok, is there anything that I can use as the incoming request, I will need this for the long file.

Best regards,

Kenetha L. Hillman

Program Analyst II (InfiniSource Consulting Solutions - Contractor)
Office: 202.366.8553 ◊ Direct: 202.295.7406

From: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Sent: Monday, April 25, 2022 12:15 PM
To: Hillman, Kenetha CTR (PHMSA) <kenetha.hillman.CTR@dot.gov>
Subject: RE: 07-0166R

Kenetha,

Give me a few minutes to verify this information. This revised letter was not drafted because of an incoming request. I'll provide additional information shortly.

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA

Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave, SE, Washington, DC, 20590
Office number: 202-493-0867

From: Hillman, Kenetha CTR (PHMSA) <kenetha.hillman.CTR@dot.gov>
Sent: Monday, April 25, 2022 12:02 PM
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Subject: FW: 07-0166R

Please provide the email address for the requester. Am I to add this to CMS and the Portal for publishing as well?

Best regards,

Kenetha L. Hillman

Program Analyst II (InfiniSource Consulting Solutions - Contractor)
Office: 202.366.8553 ♦ Direct: 202.295.7406

From: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>
Sent: Monday, April 25, 2022 10:42 AM
To: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Cc: Casey, Candace (PHMSA) <candace.casey@dot.gov>; Hillman, Kenetha CTR (PHMSA) <kenetha.hillman.CTR@dot.gov>
Subject: RE: 07-0166R

Yul,

Please work with Candace and Kenetha to make sure the letter gets sent to the correct requester mailing address or email and that the old version is pulled off the website and replaced by this revised version of 07-0166.

Thanks,
Dirk Der Kinderen
Chief, Standards Development Branch
PHMSA
202-366-4460 (desk)
202-365-4684 (cell)

From: Baker, Yul (PHMSA) <yul.baker@dot.gov>
Sent: Monday, April 25, 2022 7:24 AM
To: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>
Subject: FW: 07-0166R

Morning Dirk,

FYI...Irwin is requesting the signed final version of the interp so he can write up the show cause letter.

Mr. Yul Brenner Baker Jr.

Transportation Regulations Specialist, Standards Development

USDOT, PHMSA

Pipeline and Hazardous Materials Safety Administration

1200 New Jersey Ave, SE, Washington, DC, 20590

Office number: 202-493-0867

From: Pascal, Irwin (PHMSA) <irwin.pascal@dot.gov>

Sent: Monday, April 25, 2022 7:00 AM

To: Baker, Yul (PHMSA) <yul.baker@dot.gov>

Subject: 07-0166R

Good Moring Yul

Any ETA on the revision?

Irwin Pascal *CDGP*

Transportation Specialist

Sciences and Engineering Division

Office of Hazardous Materials Safety

US Department of Transportation

Pipeline and Hazardous Materials Safety Administration

1200 New Jersey Ave., SE

Washington, D.C. 20590-0001

Email: Irwin.pascal@dot.gov

Office: 202-366-8181 ♦ Fax: 202-366-3753

[PHMSA Home](#) | [LinkedIn](#) | [Twitter](#) | [HAZMAT](#) | [OPS](#)

