

DOCKET



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 19 1998

Mr. W. H. Butterbaugh
Senior Technical Advisor
National Propane Gas Association
1101 17th Street, N.W., Suite 1004
Washington, D.C. 20036

Ref. No.: 98-0244

Dear Mr. Butterbaugh:

This responds to your letter of August 18, 1998, concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether propane cylinders are subject to the requalification requirements of the HMR when owned by private individuals who take them to propane marketers to be refilled.

Your understanding is correct. As specified in § 171.1, the HMR govern the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. "In commerce" excludes from regulation the transportation of hazardous materials in a private vehicle where the material is for personal use. Thus, in the situations you describe in your letter, the propane cylinders are not subject to the requalification requirements of the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

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§ 171.1

National PROPANE GAS Association

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August 18, 1998
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98-0244

Mr. Edward Mazullo
Office of Hazardous Materials Safety
Research & Special Programs Administration
U.S. Department of Transportation
400 Seventh St. S.W.
Washington, DC 20590-0001

Dear Mr. Mazullo.

A question regarding the applicability of the DOT Hazardous Materials Regulations has arisen from several of our member companies.

From time to time, a customer will bring a privately owned propane cylinder [typically DOT 4b, 4BA or 4BW] to a local propane marketer to be refilled. The customer owns the cylinder and takes the very cylinder that he brought in with him. These cylinders typically range in size from the small 20 lb. (nominal) propane barbecue grill cylinder to a 100 lb. propane cylinder.

In such a circumstance, is such a cylinder subject to the requalification requirements of the Hazardous Materials Regulations? It has been our understanding that since the propane company is not participating in the transportation of the cylinder that these Regulations are not applicable to such a commercial transaction.

The state LP-gas safety regulations (via adoption of NFPA 58 by reference) adopt the identical filling provisions as are found in the Hazardous Materials Regulations. The question of concern here is directed to the requalification of the cylinder.

We would appreciate your confirmation that such transactions and transportation of private property are outside the jurisdiction of the Hazardous Materials Regulations

We would be glad to discuss this request further at your convenience.

Sincerely,

W. H. Butterbaugh, CAE
Senior Technical Advisor

Cc: D. N. Myers
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