



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

JAN 16 2002

Mr. Ken Rueschhoff
Product Design Engineer
Clayton Corporation
866 Horan Drive
Fenton, MO 63026-2416

Reference No.: 01-0283

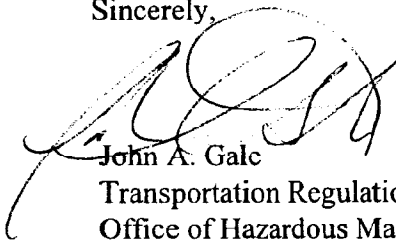
Dear Mr. Rueschhoff:

This is in response to your October 25, 2001 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the use of Specification DOT-39 cylinders. You state that (1) while the end user is dispensing your product, a supplemental nitrogen gas pressure source with a fixed outlet pressure is attached to the cylinders; (2) this constant gas pressure would maintain the initial cylinder tank pressure during dispensing thereby aiding in expelling all the liquid contents at an even rate; (3) the cylinders will not be transported on public roadways during the dispensing process. You ask whether DOT has jurisdiction on the end use of these cylinders.

The answer is no. The Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) and the HMR apply to the transportation of hazardous materials in commerce and to safety aspects of hazardous materials transportation. The dispensing of a compressed gas from a cylinder at a fixed facility is an activity that neither falls within the scope of transportation in commerce nor affects the safe transportation of hazardous material in commerce.

I trust this satisfies your request.

Sincerely,



John A. Galc
Transportation Regulations Specialist
Office of Hazardous Materials Standards

178.65

AEROSOL
VALVES

CLAYTON

Betts
§ 178.65
Cylinders
01-0283

CLAYTON corporation866 HORAN DRIVE FENTON, MO 63026-2418 U.S.A. 636-349-5333
FAX/636-349-5335

October 25, 2001

Mr. Edward Mazzullo
DHM-10
U.S. Department of Transportation
400 7th Street S.W.
Washington, DC 20590

Dear Mr. Mazzullo:

I have recently spoken to Charlie Hockman on issues regarding DOT-39 cylinders and he suggested I contact you for complete clarification on the questions I have.

Currently our company uses DOT-39 cylinders for a two component polyurethane foam product that is used in construction and mining applications. There are times when our customers have requested the ability to dispense the product from the cylinders at a more consistent rate and not have the flow rate decrease due to a drop in pressure during dispensing. Our product is a fairly viscous liquid and the product output slows significantly during dispensing resulting in higher labor costs and possible degrade in product quality.

The intent of my letter is to introduce a method of cylinder pressure control during dispensing and to fully understand the extent of the DOT jurisdiction on the end use of said cylinders. What I am proposing is that while an end user is dispensing our product, a supplemental nitrogen gas pressure source with a fixed outlet pressure regulator be attached to the cylinders. This constant gas pressure would maintain the initial tank pressure during dispensing thus aiding in expelling all the liquid contents at an even rate. After the liquid content has been expelled from the cylinders, the residual gas would then be expelled, and the cylinders disposed of in the appropriate manner.

Would you please clarify to me whether the DOT has concerns or jurisdiction in this matter since the initial fill pressure is not to be exceeded with the introduction of nitrogen gas. Furthermore these cylinders will not be transported on public roadways during this dispensing process. What I have read in the 39 specifications in 49 CFR section 178.65 does not seem to identify any limitations on my proposed application.

Please contact me at your earliest convenience with a reply. I would appreciate discussing this with you by phone conversation if possible, my phone number 636-349-5333, or 800-325-6180 and my extension is 226.

Sincerely,

Ken Rueschhoff
Product Design Engineer
Clayton Corporation