



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 08 2008

Mr. Kevin M. Greene
Hazardous Materials Distribution Consultant
E.I. DuPont de Nemours & Co.
12650 Highway 43 North
Axis, Alabama 36505

Ref. No.: 07-0204

Dear Mr. Greene:

This is in response to your request for a clarification of the packaging notification requirements in Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the packaging notification requirements in § 178.2(c)(1)(i) apply to cylinders.

The answer is no. Section 178.2(c)(1)(i) requires written notification to each person to whom a packaging is transferred of all Part 178 requirements not met at the time of transfer. A cylinder manufactured under Part 178, Subpart C must be in full conformance with all specification requirements at the time of transfer. The cylinder manufacturer certifies that these requirements have been met by marking the applicable DOT specification marking on the cylinder, eg. DOT-3A, DOT-4BW. Additionally, the cylinder inspector is responsible for ensuring each cylinder made is in full conformance with all specification requirements. See § 178.35(c) of the HMR.

In addition, you refer to a December 1, 2005 interpretation letter (Ref. No.: 05-0209) from this office in which we specify that paragraph (c) should include a reference to § 178.338-19 and that current reference to § 178.345-10 should be replaced with § 178.345-15. You ask when we plan to implement these corrections. We are currently considering revisions to the cargo tank specifications and plan to include these corrections in that rulemaking.

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

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials, Standards

Satterthwaite
§178.2
§178.345-15
Cylinders
07-0204

DuPont Global Logistics
12650 Highway 43 North
Axis, Alabama 36505



DuPont Global Logistics

October 18, 2007

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Bldg., 2nd Floor
Washington, DC 20590-0001

Subject: Applicability of the notification requirements in 178.2 to cylinders.

Dear Mr. Mazzullo:

On December 1, 2005, PHMSA issues a letter of clarification (Reference No. 05-0209) to confirm the notification requirements in 178.2 are not applicable to portable tanks, cargo tanks and tank cars. However, the letter did not mention if the notification requirements in 178.2 are applicable to cylinders.

The notification requirement in 178.2 (c)(1)(i) calls for notification if there is a requirement in this part (i.e., Part 178) that is not met at the time of transfer. To the best of my knowledge, there is no such requirement in part 178 for cylinders. With that said, is the notification requirement in 178.2 of the Hazardous Materials Regulations (HMR; 49 CFR Part 171-180) applicable to cylinders?

Additionally, PHMSA communicated in its letter that the current reference to 178.345.10 in paragraph (c) is in error and should read 178.345-15. Also, the reference for MC-338 cargo tank certification in 178.338-19 is missing. Please advise when PHMSA expects to correct the aforementioned errors in the HMR?

I hope this information is helpful. Please contact me if you require additional assistance.

A handwritten signature in cursive script that reads "Kevin M. Greene".

Kevin M. Greene
Hazardous Materials Distribution Consultant
DuPont Global Logistics
12650 Highway 43 North
Axis, Alabama 36505
Phone: (251) 679.5330
Fax: (302) 355.2888
Kevin.m.greene@usa.dupont.com