



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JAN 21 2016

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

Mr. Randolph Martin
Senior Consultant, Hazardous Materials Distribution
The Chemours Company
1007 Market St., Rm 2024
Wilmington, DE 19899

Ref. No.: 15-0184

Dear Mr. Martin:

This is in response to your e-mail dated September 10, 2015 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to requalification of Department of Transportation (DOT) specification cylinders. You state that you use DOT-3AL2216 cylinders in escape packs that stay on-site and are not offered for transportation off-site. Your questions are paraphrased and answered as follows:

Q1. Since these cylinders are not offered for transportation of hazardous materials, are they required to be requalified?

A1. In accordance with § 180.3(a), a cylinder marked to certify that it conforms to the requirements of the HMR must be maintained in accordance with applicable specification requirements whether or not it is in transportation in commerce at any particular time. Please see the responses to Q3 and Q4 below noting variances from this requirement.

Q2. If requalification is required, what is the frequency?

A2. DOT 3AL cylinders (excluding cylinders used as fire extinguishers under § 180.209(j)) must be requalified every 5 years per "Table 1- Requalification of Cylinders". If applicable DOT 3AL manufactured of 6351-T6 aluminum alloy cylinders must also be requalified and inspected for sustained load cracking in accordance with the non-destructive method described in the "Requalification and Inspection of DOT-3AL Cylinders Made of Aluminum Alloy 6351-T6" table in § 180.209(m).

Q3. If the cylinders (that were filled prior to the date their requalification becomes due) require requalification, is such requalification only required once the cylinders are emptied and is there a time limit on how long the cylinders can stay in service before they must be requalified?

A3. Sections 173.301(a)(6) and 180.205(c) both state that a cylinder filled (i.e., charged) before its requalification becomes due may remain in service until it is emptied, and may be transported in commerce by highway, rail, aircraft, or vessel provided all applicable HMR requirements are met. There is no time limit on how long charged cylinders can stay in service before they must be requalified under the HMR. However, there may be differing requirements for cylinders used in certain applications by other federal agencies. After emptying, a cylinder due for requalification may not be refilled and offered for transportation unless it has been requalified in accordance with Part 180, Subpart C of the HMR. A cylinder with a specified service life may not be refilled and offered for transportation after its authorized service life has expired.

Q4. If we were to cover, remove, or obliterate the DOT specification markings then requalification is not required as the cylinders are no longer being represented as DOT specification cylinders.

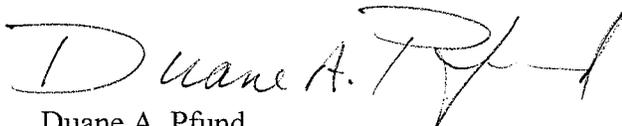
A4. Your understanding is correct. Covering, removing, or obliterating the DOT specification markings on your cylinders would mean requalification would not be required. However, we note that there is no requirement to requalify the cylinder until it is emptied (see A3 above). If you chose to remove the marking, care should be taken when removing the markings to ensure the minimum required thickness of the cylinder is maintained. It should also be noted that removal of DOT specification markings would also invalidate authorized transportation of the cylinder.

Q5. Please confirm that if §§ 173.301(a)(6) and 180.205(c) both apply, that our cylinders filled before the requalification due date can continue in service until emptied, and can be filled at any time before the requalification is due. After the requalification date the cylinders must be requalified before refilling.

A5. Yes (see A3 above).

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

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, stylized "D" at the beginning.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Suchak
§ 173.301(a)(6)
Cylinders (6)
15-0184

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Friday, September 11, 2015 3:22 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation

Dear Shante and Alice,

Attached is a request for a formal letter of interpretation.

Thanks,
Shelby

From: MARTIN, RANDOLPH [<mailto:RANDOLPH.MARTIN@chemours.com>]
Sent: Thursday, September 10, 2015 2:59 PM
To: INFOCNTR (PHMSA)
Cc: BAILEY, RICHARD W; CLINE, PAMELA S; KERR, SCOTT E
Subject: Request for Interpretation

We have a few questions dealing with the requalification of DOT specification cylinders and request a formal interpretation.

We use DOT-3AL2216 cylinders in 5 minute escape packs. These cylinders stay on-site for use in plant emergencies by providing a source of breathing air, and are not shipped off-site.

Since these cylinders are not used in the transportation of hazardous materials, are they required to be requalified? If so, what is the frequency?

And if they must be requalified, do 49 CFR 173.301(a)(6) and 49 CFR 180.205(c) then apply, such that the cylinders do not have to be requalified until they are emptied (since they were filled before the requalification became due)? And if these references apply, is there a time limit on how long the cylinders can stay in service (after the requalification due date) before they must be requalified?

Our interpretation, and confirmed by a member of your staff on August 27, is that as long as the cylinders display a DOT specification, they must be maintained in accordance with the applicable provisions of the Hazardous Materials Regulations. This would appear to give us 2 options.

The first is to cover, remove or obliterate the DOT specification – then requalification is not required as the cylinders are no longer DOT specification cylinders (and are not required to be since we are not filling and shipping hazardous materials).

The second is to treat them as DOT specification cylinders. In this case 173.301(a)(6) and 180.205(c) both apply, and any cylinders filled before the requalification due date can continue in service until unloaded, and can be re-loaded at any time before the requalification is due. Any cylinder unloaded

after its requalification date must be requalified before re-loading.

Please advise if this is the correct interpretation.

And please call me on 302-773-2266 if you have any questions.

Randolph Martin

Sr. Consultant, Hazardous Materials Distribution

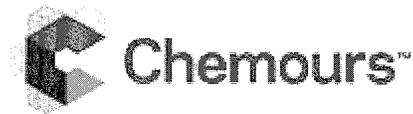
302-773-2266 office

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