



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

MAY 09 2016

Mr. Jerry Swank
Safety Manager DOT Compliance
FerrellGas
Safety Mail Drop 5
One Liberty Plaza
Liberty, MO 64068

Reference No. 16-0013

Dear Mr. Swank:

This responds to your January 18, 2016 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that Ferrellgas has been issued RIN numbers and authorized to use a durable pressure adhesive label under § 180.213(d)(1) for all of its locations that visually inspect and requalify DOT cylinders. You also attach with your letter a copy of a RIN letter issued to one of your facilities which includes authorization for a variation from the requalification marking requirements contained in § 180.213(d)(1). You also include two photographs of labels for our review. Specifically you ask whether you may change from a pressure adhesive label to a more durable, thicker pressure sensitive label that can be hole-punched to indicate date and year and still be in compliance with the variation from the requalification marking requirements.

Each cylinder successfully passing requalification must be marked in the manner illustrated in § 180.213(d). Upon written request, a variation from the marking requirement may be approved by the Associate Administrator as provided in § 180.213(d)(1). It is the opinion of this Office that the changes in the marking that you describe in your letter do not represent a change in the terms of your approval and would be acceptable.

I hope this information is helpful. Please feel free to contact this Office if we can be of further assistance.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Antonielle
§180.213(d)(1)
Marking
16-0013

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, January 19, 2016 3:34 PM
To: Hazmat Interps
Subject: FW: Request for interpretations §180.213(d)(1) Requalification markings
Attachments: RIN # G211 letter.pdf; Current RIN label.jpg; Proposed RIN label.jpg

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Mr. Swank spoke with Jordan.

Thanks,
Shelby

From: Swank, Jerry [<mailto:JerrySwank@Ferrellgas.com>]
Sent: Monday, January 18, 2016 11:14 AM
To: PHMSA HM InfoCenter
Subject: Request for interpretations §180.213(d)(1) Requalification markings

My question is on marking method for marking RIN numbers on DOT cylinders under 107.805(f). Ferrellgas has been issued RIN numbers and have been authorized to use a durable pressure adhesive label under 180.213(d)(1) for all of our locations that visually inspect and requalify DOT cylinders. See example of RIN letter attached for number RIN G211. We want to change our label to a more durable and thicker one that we punch a hole in to indicate date and year. See attached pictures of labels. My question, can we use a "pressure sensitive label" instead of a "pressure adhesive label" and still be in compliance with our variation from the "Requalification marking requirements". We have tested these along with our current pressure adhesive label and they are as durable or more durable to what we have been using. Can we make a change between "pressure adhesive" and "pressure sensitive" labels?

I have previously requested this to Hazardous Materials Information Center (HMIC) as was told there wasn't a difference. I asked for this in writing and was told I would need to request an interpretation from U.S. DOT PHMSA Office of Hazardous Materials Standards.

Thank you for your time and consideration to review and respond to my request.

Jerry Swank
Safety Manager DOT Compliance

Ferrellgas US DOT # 089243
Safety mail drop 5
One Liberty Plaza
Liberty, MO 64068
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U.S. Department
of Transportation

East Building, PHH - 32
1200 New Jersey Avenue, Southeast
Washington, D C 20590

**Pipeline and Hazardous
Materials Safety Administration**

03/03/2014

Expiration Date:03-03-2019

Mr. Jeff Burke
Facility Manager
Ferrellgas
1775 NE Chouteau Trafficway
Kansas City MO 64120

Dear Mr. Burke:

Based on your application for registration to visually inspect and requalify DOT cylinders under Title 49, Code of Federal Regulations § 107.805(f), the Office of Hazardous Materials Special Permits and Approvals is reissuing visual requalifier identification number **G211** to your facility at 1775 NE Chouteau Trafficway, Kansas City, MO . This requalifier identification number (RIN) applies to this location only and is valid until the posted expiration date above or until terminated by the Associate Administrator for Hazardous Materials Safety. In accordance with 180.213(d)(1), the Associate Administrator for Hazardous Materials Safety is authorizing a variation from the "Requalification marking requirements." *This variation does not replace or change the marking requirements found in 49CFR (Code of Federal Regulations). For designation of the 5-year external visual inspection for cylinders conforming to 180.209(g), the marking is as illustrated in paragraph (d) of section 180.213, except that the "X" is replaced with the letter "E".* The following conditions and variations apply:

1. Markings authorized under this approval may only be used on a cylinder that has been visually inspected in accordance with § 180.209(g).
2. The markings must be made by stamping, engraving, scribing, or any other method that produces a legible, durable mark. A durable pressure adhesive label is acceptable.
3. The RIN must be placed on the cylinder above, below, or before the date of inspection as demonstrated in the following example. Note that Section 180.213 (d) (5) requires an "E", indicating qualification by the visual method of retest, be affixed following the date.

V100001 0903 E	0903 E V100001	V100001 0903 E
Key: V100001 -- Visual RIN 0903 -- Month and year of requalification		
E to indicate visual inspection		

4. Any cylinder with a label that is damaged, destroyed, or missing must be retested before a new label may be affixed.

In addition, the following conditions must be met:

1. You must notify this Office of any change in facility name or address within twenty days of the change.
2. A copy of this registration must be maintained at the above facility location and must be made available to an authorized representative or special agent of the Department.
3. This registration must be renewed every five years.
4. Each "Hazmat employee," as defined in § 171.8, who performs a function subject to this registration must receive appropriate training, in accordance with §§ 172.700 through 172.704.
5. All correspondence must include the above requalifier identification number.



For Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Relief
Valve

Serial SINW187722

E

TIN # V108935
 REQUALIFICATION DATE

1	2	3	4	5	6	7	8	9	10	11	12
MONTH											
13	14	15	16	17	18	19	20	21	22	23	24
YEAR											

ER