



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

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

MAR 24 2011

Mr. Jon Anderson
Airgas SAFECOR.
P.O. Box 20067
Cheyenne, WY 82003

Reference No: 10-0259

Dear Mr. Anderson.

This responds to your email regarding the requirements for the use and requalification of Transport Canada (TC) and Canadian Transport Commission (CTC) specification cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows.

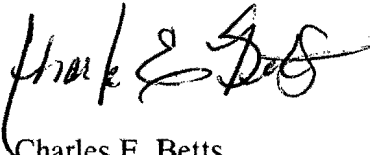
- Q1. Can a cylinder only stamped "CTC" be used and filled in the United States?
- A1. The answer is yes. A United States-based facility is permitted to refill and use a cylinder marked as meeting a CTC specification provided they comply with the applicable requirements specified in § 171.12. In accordance with § 171.12(a)(4) when the provisions of Subchapter C of the HMR require that a DOT specification or a UN pressure receptacle must be used for a hazardous material, a packaging authorized by Transport Canada's Transportation of Dangerous Goods (TDG) Regulations may be used only if it corresponds to the DOT specification or UN standard authorized by this subchapter.
- Q2. Would a United States-based facility with a valid DOT RIN be permitted to requalify a CTC specification cylinder in the United States and apply DOT RIN markings?
- A2. The answer is yes, § 171.12(d)(4)(ii)(B) states a CTC specification cylinder manufactured, originally marked and approved in accordance with the CTC regulations and in full conformance with the Transport Canada TDG Regulations may be used in the United States if the cylinder has been requalified under a program authorized by the Transport Canada TDG Regulations or requalified in accordance with the requirements in § 180.205 within the prescribed requalification period provided for the corresponding DOT specification. In accordance with § 180.205(b), no person may mark a cylinder with a RIN and a requalification date or otherwise represent that a DOT specification cylinder has been requalified unless all applicable requirements of subpart C of part 180 have been met. This requirement is specific only to DOT specification cylinder requalification and is not applicable to CTC specification cylinders used in the United

States under § 171.12(d)(4). Therefore a person holding valid DOT RIN would be permitted to requalify a CTC specification cylinder in the United States and apply DOT RIN markings provided all other requirements of § 180.205 are met.

- Q3. Can a cylinder only stamped "TC" be used and filled in the United States?
- A3. The answer is no. Currently, cylinders only stamped "TC" are not authorized by the HMR to be used and filled in the United States.
- Q4. Would a United States-based facility with a valid RIN be permitted to requalify a TC specification cylinder in the United States and apply DOT RIN markings?
- A4. See A3.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is stylized and cursive.

Charles E. Betts
Director,
Standards and Rulemaking Division

Benedict
§171.12
Cylinders
10-0259

Drakeford, Carolyn (PHMSA)

From: Foster, Glenn (PHMSA)
Sent: Friday, December 03, 2010 2:34 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Billings, Delmer (PHMSA); Kelley, Shane (PHMSA); Supko, Ben (PHMSA)
Subject: FW: TC Cylinder Clarification Questions

Carolyn

Please log this inquiry in as a request for a letter of interpretation.

Thanks,
Glenn

From: John Anderson (SAFECOR) [mailto:John.Anderson.SAFECOR@Airgas.com]
Sent: Friday, December 03, 2010 2:04 PM
To: Chaney, Wayne (PHMSA); Foster, Glenn (PHMSA)
Subject: RE: TC Cylinder Clarification Questions

Thank you both for your help clarifying this issue.

John Anderson
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Fax 1-307-778-7497
john.anderson@airgas.com

From: Wayne.Chaney@dot.gov [mailto:Wayne.Chaney@dot.gov]
Sent: Friday, December 03, 2010 11:31 AM
To: John Anderson (SAFECOR); Glenn.Foster@dot.gov
Subject: RE: TC Cylinder Clarification Questions

Glenn,
I want Mr. Anderson to get this from standards as appose to Field operations. Please respond as soon as possible.

Wayne E. Chaney
Cylinder Program Manager
Office of Hazardous Materials Safety, Field Operations
Pipeline and Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590
202 366-4700
404 393 9552 (fax)

From: John Anderson (SAFECOR) [mailto:John.Anderson.SAFECOR@Airgas.com]
Sent: Wednesday, December 01, 2010 11:09 AM

To: Chaney, Wayne (PHMSA)
Subject: RE: TC Cylinder Clarification Questions

Good morning,

Were you able to obtain an answer in writing for the questions below?

I hope you are doing well.

John Anderson
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Phone 1-307-778-8809
Fax 1-307-778-7497
john.anderson@airgas.com

From: John Anderson (SAFECOR)
Sent: Sunday, June 13, 2010 1:31 PM
To: 'Wayne.Chaney@dot.gov'
Subject: FW: TC Cylinder Clarification Questions

Good afternoon Wayne,

Have you been able to obtain an answer for the questions below?

John Anderson
Airgas SAFECOR
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Cheyenne, WY 82003
Phone 1-307-778-8809
Fax 1-307-778-7497
john.anderson@airgas.com

From: John Anderson (SAFECOR)
Sent: Monday, May 24, 2010 12:10 PM
To: 'Wayne.Chaney@dot.gov'
Subject: FW: TC Cylinder Clarification Questions

Good afternoon,

Below you will find the string of email with Pascal that prompted my phone call to you this morning.

We now have a situation where a customer is wanting to sending to our acetylene plants in Washington/Oregon area some Transport Canada - TC (TC 8) only stamped acetylene cylinders for fill. The cylinders have been requalified by a Canadian RIN holder. Now for the question – can we fill a cylinder that only has a TC marking (no DOT markings) and return it to the customer in Canada? In reading 49 CFR 171.12 our regulations appear to allow the filling and shipment of a cylinder that is in compliance with the Canadian regulations.

Now for another question – Would we be allowed to requalify a TC marked cylinder (no DOT markings) in the United States and apply a DOT RIN as Pascal described below is allowed in Canada (allows a pre 1993 DOT marked cylinder to have a Canadian RIN)? Our understanding has always been that a US DOT RIN can only be applied to a DOT marked cylinder.

Thank you for your help with these questions and if possible we would appreciate a response this week – we have a large piece of business pending on what is allowed.

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From: Verville, Pascal [mailto:pascal.verville@tc.gc.ca]
Sent: Monday, May 17, 2010 7:17 AM
To: John Anderson (SAFECOR)
Subject: RE: TC Cylinder Clarification Questions

Yes to both questions.

Best regards,

Pascal

From: John Anderson (SAFECOR) [mailto:John.Anderson.SAFECOR@Airgas.com]
Sent: May 16, 2010 9:25 PM
To: Verville, Pascal
Subject: RE: TC Cylinder Clarification Questions

Thank you for this confirmation.

Please allow me to ask a few more questions.

If we have a cylinder in Canada that is a DOT 3AA specification only (and the cylinder was made in the 70's or 80's) can a Canadian company holding a Canadian RIN requalify this DOT marked cylinder?

I assume this 1993 date also applies to acetylene cylinders (DOT 8 series cylinders)?

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From: Verville, Pascal [mailto:pascal.verville@tc.gc.ca]
Sent: Friday, May 14, 2010 7:18 AM
To: John Anderson (SAFECOR)
Subject: RE: TC Cylinder Clarification Questions

Hi John,

Your statement in italics is correct. I've made a minor editorial suggestion.

From: John Anderson (SAFECOR) [mailto:John
.Anderson.SAFECOR@Airgas.com]
Sent: May 14, 2010 8:21 AM