



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 14 2012

Mr. Guy Dalton
Head of Transport Compliance/Safety
Linde Gas North America, LLC
130 Briar Hill
Painesville, OH 44077

Ref. No. 11-0297

Dear Mr. Dalton:

This responds to your December 2, 2011 letter requesting clarification of marking requirements for foreign-made UN cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your questions are paraphrased and answered as follows:

Q1. Does equal treatment of U.S.-made specification cylinders by a foreign competent authority eliminate the requirement that a foreign-made UN cylinder must be approved in accordance with the HMR?

A1. No. With regard to use of cylinders, except for Canadian-made cylinders authorized under Transport Canada's Transportation of Dangerous Goods Regulations (see § 171.12(a)(4)) and foreign-made cylinders under conditional use in port areas or for export (see § 171.23(a)(3)), foreign-made UN cylinders are not authorized for transportation to, from, or within the United States unless approved under the HMR (see §§ 178.69 thru 178.71) and marked "USA" as the country of approval (§ 171.23(a)(2)(iv)).

Q2. May a foreign-made UN cylinder be imported into the U.S. that only has the stamp marking of the country of manufacture?

A2. No. A UN cylinder must also be marked with the country of approval whether the U.S., the country of manufacture, or another competent authority. As noted in A1, except under certain authorized conditions, cylinders must be approved in accordance with the requirements of the HMR and display the "USA" marking.

Q3. If a foreign-made UN cylinder does not conform to the marking of § 178.71(p)(3), what mechanism should be used to document equal treatment other than the cylinder stamp marking?

A3. Your question relates to § 173.24(d) regarding the use of UN standard packagings (e.g., UN cylinders) manufactured outside the United States. Section 173.24(d)(2) authorizes the use of these packagings under conditions and limitations including recognition (equal treatment) of UN standard packagings manufactured in the U.S. by the competent authority of the country of manufacture. There is no documentation requirement associated with § 173.24(d)(2). These provisions neither negate nor supersede the requirements of the HMR for the approval and transport of foreign-made UN cylinders.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

December 2, 2011

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Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001.

Request for Interpretation

Dear Sir or Madame,

Linde Gas North America LLC (Linde) is requesting interpretation and guidance regarding the use of foreign manufactured UN cylinders in the US.

49CFR171.23(2)(iv) allows the importation of UN cylinders marked with "USA" as the country of approval in accordance with 178.69 and 178.70 when prepared in accordance with the ICAO technical instructions. However, 173.24(d)(2)(iii) indicates that import/export of UN cylinders is allowed if the competent authority of the country of manufacture allows for reciprocal treatment of the UN package.

- Clarification is requested regarding the reciprocal treatment, specifically, does such reciprocal treatment preclude or eliminate the requirement that the UN cylinder have both the export country's, and the "USA" authorization stamp marking as required in 178.71(p)(3) to be imported, transported and used in the USA?
- May a cylinder be imported into the USA that only has the stamp markings of the country of manufacture?
- If the cylinder is not marked as required in 178.71(p)(3), what is the required mechanism to document reciprocal treatment other than the cylinder stamp marking?

A written response at your earliest convenience is appreciated.

Sincerely



Guy Dalton
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