



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

**MAY 29 2012**

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

Ref. No. 11-0297 **R**

Dear Mr. Dalton:

This is a revised response 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. manufactured UN cylinders by a foreign competent authority eliminate the requirement that a UN cylinder approved by a foreign competent authority be approved in accordance with the HMR?

A1. No. Except for UN pressure receptacles marked with the letters "CAN" for Canada as a country of manufacture or approval (see § 171.12(a)(4)(i)); Canadian Transport Commission (CTC) specification cylinders (see § 171.12(a)(4)(ii)); and cylinders under conditional use in port areas or for export (see § 171.23(a)(3)), cylinders are not authorized for transportation to, from, or within the United States unless approved in accordance with 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 apologize for any confusion my earlier response may have caused. 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", with a long horizontal flourish extending to the right.

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

December 2, 2011

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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.

Der Kinderen  
3178.71  
Cylinders  
11-0297

Request for Interpretation

Dear Sir or Madame,

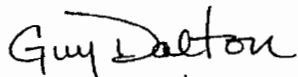
Linde Gas North America LLC (Linde) is requesting interpretation and guidance regarding the use of foreign manufactured UN cylinders in the US.

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



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