



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 15 2012

Ms. Patricia Burns
RemTec International
100 Haskins Road
Bowling Green, OH 43402

Ref. No.: 12-0118

Dear Ms. Burns:

This is in response to your letter requesting clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of non-DOT specification cylinders filled with a compressed gas and transported in a port area. Specifically you ask if you can receive bromotrifluoromethane in non-DOT specification cylinders and subsequently transport the cylinders and transfer the bromotrifluoromethane to a DOT specification cylinder prior to leaving the port area in accordance with the provisions of § 171.25(d).

The answer is no, § 171.25(d) does not apply to the activities you describe, as it only authorizes the transportation of non-DOT specification cylinders, not the discharge of their contents. Conversely, § 171.23(a)(3) applies to transportation of imported cylinders for discharge within a single port area. In accordance with § 171.23(a)(3), imported non-DOT specification cylinders may be transported within a single port area and discharged if: (1) the Associate Administrator grants an approval for this activity; (2) the cylinders are certified as conforming with the transportation regulations of another country; (3) they are transported within a closed freight container; (4) the importer certifies that they provide an equivalent level of safety as comparable DOT specification cylinders; and (5) the cylinders are not refilled for export except in compliance with § 171.23(a)(4).

An application for an approval should contain a description of what is requested, operational and quality controls, packaging authorizations, and any other documentation sufficient to support the application. You may review complete requirements regarding approvals in §§ 107.701-107.717.

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

Sincerely,

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division



Leary
8/17/12 (8)
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IMDG / cylinders
12-0119

Associate Administrator for Hazardous Materials Safety
U.S. Department of Transportation
Washington D.C. 20590-0001
713-272-2821 fax

Subject: Request for clarification for shipment of non-DOT cylinders

Attention Mr. Shawn Daniels, Mr. Duane Cassidy and Mr. Raymond LaMagdelaine

In August 2000, RemTec International received a letter from the US DOT Chief of Special Investigations, Office of Hazardous Materials Enforcement (Attachment #1) that addressed the question of the legality of receiving Bromotrifluoromethane (Halon 1301) in non-DOT specification cylinders, and subsequently transfer the Bromotrifluoromethane to DOT specification cylinders prior to leaving the port area. The following is from that letter: "The answer to your question is yes. Title 49 Code of Federal Regulations 171.12 c states (see attachment) and concludes....."Thus if the Bromotrifluoromethane is packaged in cylinders which meet the requirements of the country of origin, all you will need to transport them to the warehouse with the port area is the shipping paper and placards for the transport vehicle." Using this letter as authority, RemTec International has imported non-DOT cylinders and transferred material at the port area into DOT cylinders.

In May, 2012 a shipment of non-DOT cylinders of Halon 1301 from Norway to the Port of Norfolk was questioned by the U. S. Coast Guard and RemTec was asked to present an approval document from DOT for this shipment. When presenting the letter attached we were informed that CFR49 171.12 c clause is no longer part of the regulation. However we believe an approval is still not required because our shipment meets the requirements of this section that replaces 171.12 c:

CFR 49 171 subpart C Section 171.25 d

(d) Use of IMDG Code in port areas. (1) Except for Division 1.1, 1.2, and Class 7 materials, a hazardous material being imported into or exported from the United States or passing through the United States in the course of being shipped between locations outside the United States may be offered and accepted for transportation and transported by motor vehicle within a single port area, including contiguous harbors, when packaged, marked, classed, labeled, stowed and segregated in accordance with the IMDG Code,

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offered and accepted in accordance with the requirements of subparts C (shipping papers) and F (placarding) of part 172 of this subchapter pertaining to shipping papers and placarding, and otherwise conforms to the applicable requirements of part 176 of this subchapter.

We request a clarification and an updated letter citing 49 CFR 171.25d clause permits the same activity as the old clause (CFR49 171.12 c) under the same conditions because according to the Coast Guard's May 2012 report from Mr. Duane Cassidy, Chief, Pressure Vessel Division, 202-366-4511 the following clause is applicable:

CFR 49 171.23(a) (3)

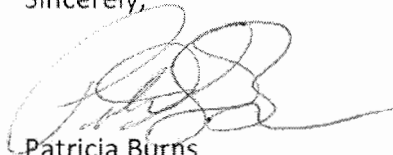
(3) Importation of cylinders for discharge within a single port area: A cylinder manufactured to other than a DOT specification or UN standard in accordance with part 178 of this subchapter and certified as being in conformance with the transportation regulations of another country may be authorized, upon written request to and approval by the Associate Administrator, for transportation within a single port area, provided--

- (i) The cylinder is transported in a closed freight container;*
- (ii) The cylinder is certified by the importer to provide a level of safety at least equivalent to that required by the regulations in this subchapter for a comparable DOT specification or UN cylinder; and*
- (iii) The cylinder is not refilled for export unless in compliance with paragraph (a)(4) of this section.*

Therefore we respectfully request clarification on this as these full non dot cylinders do not leave the port area and are not transported over DOT public roads and therefore we believe 49 CFR 171.23 (a)(3) should not apply and therefore no advance approval is required.

Please contact me for any additional information that you may require.

Sincerely,



Patricia Burns
RemTec International
Patricia.burns@remtec.net

Supporting Documents
US DOT Letter of August 15th, 2000