



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 5 2006

Mr. Bill Korzeniowski
Air Liquide
318 Hampshire Lane
Crystal Lake, IL 60014

Ref. No. 06-0093

Dear Mr. Korzeniowski:

This is in response to your April 6, 2006 letter requesting clarification regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to marking of cylinders. Your scenario is based on the marking of a cylinder with a star under the provisions in § 180.209(b) when the star is used to indicate the cylinder has a requalification period of ten years instead of five. Your questions are paraphrased and answered below.

Q1. Is the owner of a cylinder authorized to stamp a star on the cylinder, or is it only allowed to be done by the testing agency?

A1. The cylinder owner may mark a star on the cylinder if it complies with the provisions in § 180.209(b), and the consent of the testing agency that performed the most recent test is obtained.

Q2. May an owner of a cylinder stamp a star on a cylinder that has been in service and there is supporting documentation that the cylinder has met all the criteria of § 180.209(b)(1)?

A2. The answer is yes, if the cylinder has not been in service over five years. Also, see A1.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060093

180.219 (b)(1)

Satterthwaite
§ 180.219 (b)(1)
Cylinders
06-0093

Drakeford, Carolyn <PHMSA>

From: Mazzullo, Ed <PHMSA>
Sent: Monday, April 24, 2006 10:37 AM
To: Drakeford, Carolyn <PHMSA>
Cc: Mitchell, Hattie <PHMSA>; Gorsky, Susan <PHMSA>
Subject: FW: QUESTION OF INTERPRETATION

Please assign for response. Hattie may have a recommendation as to who should handle. This needs a quick turn-around as it relates to ongoing enforcement action.

From: Michalski, Chris <PHMSA>
Sent: Monday, April 24, 2006 9:29 AM
To: Mazzullo, Ed <PHMSA>
Cc: Abbenhaus, Colleen <PHMSA>; LaMagdelaine, Ray <PHMSA>
Subject: RE: QUESTION OF INTERPRETATION

Hi Ed,

Could you please have someone in your office respond to the questions from Air Liquide? Thank you.

Chris Michalski

From: Korzeniowski, Bill [mailto:Bill.Korzeniowski@Airliquide.com]
Sent: Monday, April 24, 2006 9:18 AM
To: Michalski, Chris <PHMSA>
Subject: QUESTION OF INTERPRETATION

Chris, we are preparing our response to your visit of 4-11-06 and you should see it shortly.

However, I had a question that I need a DOT interpretation on. We discussed it briefly when you were here.

It concerns the stamping of the star on the shoulder of the cylinder.

My contention is that the owner of the cylinder can stamp the star on the shoulder of the cylinder provided he knows the cylinder meets all the criteria of 180.209 (b) (1). Others in my organization say only the hydrotester is allowed to do this stamping of the star. I say that's ridiculous and doesn't make sense. I think they are getting it confused with the "plus" stamping which, of course, can only be done by the hydrotester since he is performing the test on the cylinder that will qualify it for such a mark.

There are many situations where the owner of the cylinder needs to stamp a star on a cylinder - especially if they are not doing the hydrostatic testing "in house".

Here are some examples:

1) new cylinders come in from a cylinder manufacturer and they did not put a star on the

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cylinder. The owner can put a star on the cylinders.

2) cylinders are retested by an outside testing agency and they did not put a star on the cylinders - the owner can stamp a star on the cylinders.

3) An operator mistakenly peens out a star on a new cylinder he is preparing for fill - he can re - stamp the star on the cylinder if it is for a ten year gas.

There are 2 basic questions I need answered.

1) Can the owner stamp a star on the shoulder of the cylinder or can it only be done by the testing agency?

2) Can an owner stamp a star on a cylinder which has been in service already and there is supporting documentation that the cylinder has met all the criteria of 180.209 (b) (1).

EXAMPLE: A nitrogen cylinder has a last hydrotest as 03 - 01 +. (but no star). The company has documentation - fill records - that can show since 03 - 01 the cylinder has been used exclusively for nitrogen and meets all the other criteria of 180.209 (b) (1). Can the owner now stamp a star in the cylinder to maintain it's 10 year service or do they need to remove it from service and retest?

I would really appreciate an official interpretation on this one from DOT. Question 1 is a little more straight forward. Question 2 may need some additional thought. Thanks for your help in this matter.

Bill Korzeniowski