



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAY 11 2004

Mr. Ralph Diaz
Air Liquide America L.P.
2700 Post Oak Blvd.
Houston, Texas 77056

Ref. NO. 03-0323

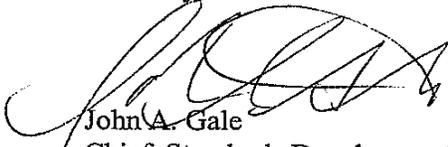
Dear Mr. Diaz:

This is in response to your letter requesting clarification of the cylinder valve protection requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the provisions in § 173.301(h)(2)(iv) would allow cylinders to be unloaded by the consignor instead of the consignee, as required by that section.

The answer is yes. Section 173.301(h)(2) describes the conditions under which cylinders manufactured before October 1, 2007 must have their valves protected during transportation. Specifically, § 173.301(h)(2)(iv) requires that a cylinder valve to be protected by loading the cylinder in an upright position and securely bracing it in a rail car or motor vehicle, provided that the cylinders are loaded by the consignor and unloaded by the consignee. It is the intent of this provision to limit the handling of the cylinders to the consignor and consignee, only. Therefore, it would be acceptable for the consignor to unload the cylinders at the consignee's site.

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

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



030323

173.301(h)(2)(iv)

Mr. Edward Mazzullo
Director of OHMS
U.S. DOT/RSPA (DHM-10)
400 7th St. S.W.
Washington, D.C. 20590

Webb
§173.301(h)(2)(iv)
Cylinders
03-0323

Dear Mr. Mazzullo,

Industrial gas companies usually (or at least many times) will deliver their full cylinders directly to customers. Here, the gas supplier loads the truck but also unloads the truck upon arrival at the customer site.

We asked for an interpretation of 173.301(h)(2)(iv) today to determine if it would be permitted for the consignor to unload cylinders and still comply with the DOT's valve protection requirements. We were told that this activity would be permitted and would comply with DOT's intent. That is, a cylinder is considered to have valve protection provided the cylinder is loaded in an upright position and securely braced in a motor vehicle when loaded by the consignor **and unloaded by the consignor or consignee.**

Please provide your interpretation of 173.301(h)(2)(iv) in writing and forward to:

Ralph Diaz
Air Liquide America L.P.
2700 Post Oak Blvd
Houston, TX 77056

Regards,

*R. Diaz
Air Liquide America L.P.
Air Liquide Group Expert
Cylinder Operations*

(Addendum)

Mr. Edward Mazzullo,

It was just brought to my attention that since customers on occasion pick-up their own full cylinders from a gas supplier. In this case, please consider whether it is permitted to ship cylinders containing oxidizers without cylinder caps but secured in the upright position when such cylinders are picked up and loaded by the customer (consignee).

Your response in writing would be appreciated.

Thank you for your attention to these requests.

Regards,

Ralph Diaz
Air Liquide America L.P.
2700 Post Oak Blvd
Houston, Tx 77056

(713) 499-6867