



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 24 2012

Ms. Dawn Rakita
Assistant Vice President
Leland Limited, Inc.
PO Box 466
South Plainfield, NJ 07080

Reference No.: 12-0126

Dear Ms. Rakita:

This is in response to your May 30, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to shipments of UN 1072 Oxygen, compressed. You state that you ship UN 1072 Oxygen, compressed in small non refillable cylinders that meet the criteria for reclassification as ORM-D and are authorized to be shipped as a limited quantity under § 173.306 when you offer the product for transportation by ground. You ask if similar relief is available for shipments made by air.

The answer to your question is no. Shipments of UN 1072 Oxygen, compressed may not take the limited quantity or consumer commodity exceptions provided in § 173.306 because special provision A14 specifically prohibits this material from being transported as a limited quantity or consumer commodity in accordance with § 173.306 when transported aboard an aircraft.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Webb
§173.306
Cylinders
12-0126

Drakeford, Carolyn (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Wednesday, May 30, 2012 4:56 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Billings, Delmer (PHMSA); Betts, Charles (PHMSA)
Subject: FW: Leland Limited, Inc.

Carolyn,

Please assign the below question for an interp response.

Thanks,

Shane

Shane C. Kelley
Senior International Transportation Specialist
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Voice: 202-366-4359
FAX: 202-366-5713

From: Dawn [<mailto:adminvp@lelandgas.com>]
Sent: Wednesday, May 30, 2012 1:12 PM
To: Kelley, Shane (PHMSA)
Subject: Leland Limited, Inc.

Dear Mr. Kelley:

I hope this email finds you well. Back in 2003, you spoke with Mr. Stanford regarding the Pressure Relief Device requirement in which it does not apply to non-refillable cylinders, which meet the applicable exceptions in CFR 173.306.

As you may remember, Leland offers for transportation in the US small non refillable gas cylinders, which are less than 4 fluid oz. in water capacity thus meeting the 173.306 criteria for renaming certain gases as 'Consumer Commodity'.

Specifically, Oxygen, Compressed, is within the excepted group for ground shipping.

Our question is specific to air mode.

Our interpretation is that the packaging requirements (ATA Specification 300 Category I outer packaging) for air transport are excessive for small non refillable cylinders otherwise meeting the criteria in 173.306 which contain Oxygen, Compressed. Is there any relief available from this requirement specific to this class of low risk 'Consumer Commodity' goods?

Your assistance is requested and appreciated.

Dawn Rakita
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