



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 10 2009

FAO Tommy Scott  
RFD Beaufort Limited  
Kingsway  
Dunmurry  
Belfast  
BT17 9AF  
United Kingdom

Ref. No.: 09-0002

Dear Mr. Scott:

This responds to your electronic mail requesting clarification of the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) pertaining to the approval and marking of UN pressure receptacles. Specifically you request information on the process required to obtain approval to manufacture UN pressure receptacles for transport in the United States and ask if a single UN pressure receptacle may be marked "USA" as a country of approval and bear the Transportable Pressure Equipment Directive (TPED) marks required by the European Union.

On June 12, 2006, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule entitled "Hazardous Materials: Requirements for UN Cylinders" (71 FR 33858). In this final rule, we amended the Hazardous Materials Regulations to adopt standards for the design, construction, maintenance, and use of pressure receptacles based on standards contained in the United Nations Recommendations on the Transport of Dangerous Goods.

The requirements to obtain a design-type approval to manufacture UN pressure receptacles acceptable for transportation in the United States are contained in § 178.70 and entail the following general procedures:

1. Obtain an initial design-type approval from the Associate Administrator for Hazardous Materials Safety (Associate Administrator).
2. Arrange for a pre-audit of the manufacturing facilities by an Independent Inspection Agency (IIA) approved by the Associate Administrator.

3. PHMSA will then conduct an on sight production audit in the presence of the IIA where the applicant would be required to produce pressure receptacles to the appropriate technical standard.
4. Provided the manufacturing process and the pressure receptacles are found to conform to all applicable requirements, the Associate Administrator will issue the applicant a design-type approval.

A single UN pressure receptacle may bear approval markings from multiple competent authorities. However, a UN pressure receptacle acceptable for transport to, from, or within the United States must be marked with "USA" as a country of approval in conformance with §§ 178.69 and 178.70.

Additional information concerning procedures and application requirements for approval of pressure receptacle (cylinder) manufacturers may be viewed on the PHMSA website at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/cylinders>.

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

Sincerely,



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

Engram  
\$178.70  
Cylinders  
09-0002

**Drakeford, Carolyn <PHMSA>**

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**From:** Leary, Kevin <PHMSA>  
**Sent:** Monday, December 22, 2008 2:45 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Cc:** Mitchell, Hattie <PHMSA>  
**Subject:** FW: COMPRESSED GAS CYLINDER ENQUIRY

**From:** John Marshall [mailto:jmarshall@rfdbeaufort.com]  
**Sent:** Wednesday, December 17, 2008 6:16 AM  
**To:** Leary, Kevin <PHMSA>  
**Cc:** Tommy Scott  
**Subject:** COMPRESSED GAS CYLINDER ENQUIRY

Dear Sir,

**Subsequent to** our fruitful conversation with you on Wednesday 10<sup>th</sup> December, we would like to record your advice in writing.

**Having noted** the Federal Register of June 12<sup>th</sup>, 2006 (Hazardous Materials: Requirements for UN Cylinders; Final Rule) and that the Code of Federal Regulations now are duly amended and in force, our enquiry concerned confirmation of the acceptability of UN compressed gas cylinders for transportation and use on United States of America territory (including US flagged vessels).

**Our understanding** is that in order to approve UN compressed gas cylinders for use in the USA the following is required:

1. The manufacturer must submit an application to the US DoT (Associate Administrator) in order to verify that the cylinder design fully meets the UN requirements,
2. A pre-audit of the manufacturing facilities by an independent inspection agency (IIA),
3. Production inspection audit,
4. IIA certification of the cylinder to embody the USA marking,
5. Ongoing production surveillance by the IIA.

**A related enquiry** concerns the concept of dual approvals – US DoT and EU TPED (Transportable Pressure Equipment Directive):

Notwithstanding the practicalities in adhering to the approvals marking requirements of the two governing legislations (cylinder markings must not be subject to confusion, must be of a minimum size and are not permitted on the cylindrical portion of the vessel), there is no theoretical objection to obtaining dual approval and producing cylinders that are equally acceptable in the USA and the EU.

**Please will you confirm** that you concur with the foregoing beliefs?

With sincere thanks,

12/22/2008

John Marshall  
RFD Beaufort Ltd  
Belfast, N Ireland.