



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

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

FEB 20 2001

Mr. Hank Baird  
Manager  
Airpack of Virginia, Inc.  
Post Office Box 1098  
Ashburn, VA 20146-1098

Ref. No: 01-0021

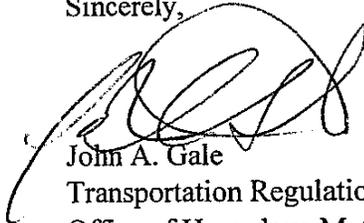
Dear Mr. Baird:

This is in response to your January 22, 2001 letter regarding the requirements for use of foreign made cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether the provisions of § 173.301(i)(1) stating that a charged cylinder manufactured outside the US may not be offered to, from or within the US unless it has been manufactured, inspected and tested in accordance with the applicable DOT specification as set forth in Part 178 applies to a foreign made cylinder of not more than 4 fluid ounce capacity shipped as a limited quantity under § 173.306(a)(1).

The answer is no. As provided by § 173.306(a)(1) a compressed gas may be offered in a non-specification container of not more than 4 fluid ounces capacity. The provisions of § 173.301 pertain only where a DOT specification cylinder is required.

I hope this information is helpful.

Sincerely,



John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



010021



Dangerous Goods Specialists  
Washington, D.C. • Baltimore • Cleveland

LaValle  
§ 173.301(i)(1)  
Cylinders  
01-0021

January 22, 2001

Mr. Edward Mazullo/Director, Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590-0001

Dear Mr. Mazullo:

This letter is offered as a request for clarification. This request is made by Mr. Hank Baird, Manager, Airpack of Virginia, Inc., 21711 Filigree Court, PO Box 1098, Ashburn, VA 20146-1098, Tel: 703-858-5169, Fax: 703-858-5175.

The CFR-49 states in 173.301(i)(1) that "...a charged cylinder manufactured outside the United States may not be offered to, from, or within the United States unless it has been manufactured, inspected, and tested in accordance with the applicable DOT specification set forth in part 178 of this subchapter." Would this standard apply to foreign made cylinders that meet the limited quantity specifications in 173.306(a)(1) for containers of not more than 4 fluid ounces capacity (7.22 cubic inches)?

Airpack of Virginia, Inc. makes this request on behalf of a shipper who wishes to import and ship domestically, a foreign made cylinder containing a flammable gas. Both the shipper and Airpack of Virginia have determined that the cylinder meets 173.306(a)(1) for limited quantities. The concern of the shipper and Airpack is that the CFR-49 offers no relief or exception in the approval requirements of 173.301(i)(1).

Please review this request and respond at your earliest convenience. If you need more information, please do not hesitate to contact me at 703-858-5169. Please address any correspondence to my attention at the address or numbers above.

Sincerely,

Mr. Hank Baird/Manager  
Airpack of Virginia, Inc.,