



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

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

JUN 22 2001

Mr. Alan F. Campbell  
Quality Assurance Manager  
Catalina Cylinders  
Cliff Impact Division  
2400 Aluminum Drive  
Hampton, Virginia 23661

Ref. No. 01-0125

Dear Mr. Campbell:

This responds to your letter requesting clarification of the cylinder marking requirements contained in § 178.65(i) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether a DOT 39 cylinder must be marked on the shoulder, top head, or neck as specified in § 178.35(f). It is your belief that the reference in § 178.65(i) is in error and that a DOT 39 cylinder is excepted from the marking requirements of § 178.35(f) and not the record retention requirements of § 178.35(h).

We agree that the reference to § 178.35(f) is incorrect. A cylinder manufactured to the DOT 39 Specification must be marked in an unobstructed area with the information prescribed in § 178.65(i)(2) and (i)(3). This provision will be corrected in a future rulemaking.

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

Sincerely,

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



010125

178.65(i)



Stevens  
§ 178.65(i)(1)  
Marking  
01-0125

May 8, 2001

Research and Special Programs Administration  
U. S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590-0001

ATT: Ms. Hattie Mitchell, DHM-12

RE: 49 CFR § 178.65 (i)(1)

Dear Ms. Mitchell:

In the course of a compliance inspection on 12 April 2001, Catalina Cylinders was notified of a probable violation because DOT 39 specification cylinders were not marked in accordance with § 178.35 (f)(4), i.e., "on the shoulder, top head, or neck." It is our belief that 178.65(i)(1), "The requirements of § 178.35(h) do not apply to this section." were intended to refer to § 178.35(f), which deals with Marking, rather than § 178.35(h), which deals with Report Retention.

We have applied for an exemption in order to comply with the regulations as cited in the probable violation, but we believe that correction of this apparent typographical error would make interpretation of the requirements much easier.

Sincerely,

Alan F. Campbell  
Quality Assurance Manager

cc: J. Cunningham  
T. Newell  
J. Harris      Cochrane Labs