



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAY 24 2006

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

Mr. Darrell K. Garton
CTC Certified Training Co.
62537 N. Star Dr.
Montrose, CO 81401

Ref. No. 05-0239

Dear Mr. Garton:

This responds to your letter requesting reconsideration of a previous interpretation (Ref. No. 03-0164) sent to you regarding whether the proof pressure test prescribed in §180.209(e) may be performed on certain DOT-4 series cylinders used for refrigerant gas recovery.

Because of the possibility that these cylinders are subject to unknown contamination during the recovery process, you disagree with us that the proof pressure test, authorized as an alternative, is acceptable to be performed on DOT-4 series cylinders used as refrigerant gas recovery cylinders.

Although industry practice appears to take the position that all refrigerant gas recovery systems are contaminated, we believe it is the shipper's responsibility to determine if a refrigerant gas cylinder is "commercially free from corroding components", and thus can take advantage of the alternative testing authorized in §180.209(e). There is nothing in the HMR prohibiting such testing, and there is no exception in the HMR to this practice under the circumstances you described.

If you wish to add, amend or delete a regulation, you may petition for rulemaking under the requirements in §§ 106.95 and 106.100.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

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



050239

180.209(e)



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Engram
3180.209 (e)
Cylinders
05-0239

September 15, 2005

Office of Hazardous Materials Standards
Ed Mazzullo, Director DHM-10
400 7th St. S..W.
Washington, D.C. 20590

Subject: Petition for Reconsideration regarding Ref. no. 03-0164

Dear Mr. Mazzullo,

This petition is to request a reconsideration of the Letter of Interpretation reference number 03-0164, regarding the requalification of refrigerant gas recovery cylinders.

The question is asked whether refrigerant gas recovery cylinders can be proof tested in accordance with 180.209(e). In this Interpretation, Ms. Gorsky says "The answer is yes."

I believe this interpretation goes against both industry standard and the original intent of this paragraph.

Worthington Industries and Manchester Tank have both stated that they do not endorse this practice. In fact, both of these manufacturers of 4B-series cylinders specifically stamp on their refrigerant gas recovery cylinders a warning that these cylinders must be retested every 5 years.

As further evidence of industry practice, please reference Canadian CSA B339, para. 24.2.5:

24.2.5 Containers Used for Reclaiming, Recycling, or Recovering Refrigerant Gases
Containers used for reclaiming, recycling, or recovering refrigerant gases shall be requalified in accordance with the basic requirements of Clause 24.2.1. Reclaimed, recycled, or recovered refrigerant gases are considered to be corrosive due to contamination.

While Ms. Gorsky's answer does quote 180.209(e), "commercially free from corroding components", the question was specifically asked about these recovery cylinders, and her specific answer was "yes". This opens the door to a potentially dangerous situation. While refrigerant gases may be "commercially" free of corroding components as originally packaged, these cylinders are subject to all kinds of unknown contamination during the recovery process, and therefore do not qualify for the special allowances of 180.209(e).

Thank you for your consideration,

Darrell K. Garton
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