



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 25 2008

Mr. Darrel K. Garton
CTC Certified Training Co.
62537 North Star Dr.
Montrose, CO 81401

Ref. No. 07-0166

Dear Mr. Garton:

This responds to your letter requesting clarification of the cylinder requalification requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask three questions pertaining to the requalification requirements applicable to DOT specification 3AL cylinders manufactured from 6351-T6 aluminum alloy, as follows:

Q1. Is it permissible for a retester to subcontract with an outside company who does not hold a current approval (RIN) to provide the eddy current examination service, as prescribed by § 180.209(m)?

A1. No.

Q2. Is it permissible for a retester to subcontract with an outside company who does hold a current approval (RIN) to provide the eddy current examination service, as prescribed by § 180.209(m)?

A2. Yes.

Q3. If the answer to Q2 is yes, is it possible for a company who is not a retester to obtain a "V" number RIN for the purposes of eddy current examination and visual inspection only and then be authorized as a subcontractor in accordance with Q2?

A2. Yes.

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



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August 27, 2007

Hattie Mitchell, Chief
Office of Hazardous Materials Standards
Regulatory Review and Reinvention
400 7th St., S.W.
Washington, DC 20590

Subject: Request for Interpretation

Dear Ms. Mitchell,

This letter is to request formal interpretation of 49 CFR sections 180.205(b), 180.209(m), and Appendix C to section 180.

In accordance with §180.209(m), as of January 1, 2007, any DOT specification 3AL cylinder (including exemption aluminum cylinders marked 3AL in accordance with 173.23(c)), manufactured from 6351-T6 aluminum alloy used in self-contained underwater breathing apparatus (SCUBA), self-contained breathing apparatus (SCBA), or oxygen service must be requalified and inspected for sustained load cracking by using Eddy Current Examination and Visual Inspection as part of the requalification.

Eddy Current inspection has been in use in the Diving Industry for many years as an industry standard for SCUBA cylinders. Some of these Dive shops have offered their Eddy Current examination services to the retesters who do not have the Eddy Current equipment.

Appendix C to Section 180, para. (7)(vii) calls for the RIN to be recorded as part of the Eddy Current Examination. 180.205(b) states that "No person may represent that a repair or requalification of a cylinder has been performed in accordance with the requirements in this subchapter unless that person holds a current approval...".

This raises two questions for clarification:

1. Is it permissible for a retester to subcontract with an outside company who does NOT hold a current approval (RIN) to provide the Eddy Current examination service, as prescribed by §180.209(m)?
2. Is it permissible for a retester to subcontract with an outside company who DOES hold a current approval (RIN) to provide the Eddy Current examination service, as prescribed by §180.209(m)?

If #2 is permissible, then please provide clarification to this third question:

3. Is it possible for a company who is not a retester to obtain a "V" number RIN for the purposes of Eddy Current examination and Visual Inspection only, and then be authorized as a subcontractor in accordance with question #2?

Thank you for your consideration,

Darrell K. Garton
CTC Certified Training Co.