



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUN 15 2015

Ms. Jonas Berglund
Senior Technical Advisor
Hexagon Ragasco North America Inc
5117 NW 40th Street
Lincoln, NE 68524

Reference No. 15-0010

Dear Mr. Berglund:

This is in response to your January 14, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to composite cylinders manufactured by your company in accordance with DOT Special Permit (DOT-SP) 12706. Your email states that the cylinders are marked in accordance with the provisions of the special permit and subsequently delivered to a propane gas company empty, without containing propane. Your questions are paraphrased and answered as follows:

Q1. You ask if it your responsibility as a manufacturer to mark and label the empty cylinders in accordance with Subparts D and E of Part 172, or whether this is the responsibility of the company that fills the cylinder with propane for the first time.

A1. In accordance with §§ 172.303(a) and 172.401(a) no person may offer for transportation or transport a package which is bearing a hazard label, marked with the proper shipping name, the identification number of a hazardous material or any other markings indicating that the material is hazardous unless the package contains the identified hazardous material or its residue. However, §§ 172.303(b) and 172.401(d) specifically permit transport of an unused package, such as the cylinder in your scenario, in a transport vehicle or freight container if the package is not visible during transportation and is loaded by the shipper and unloaded by the shipper or consignee.

Therefore, empty unused cylinders may be marked and labeled by the manufacturer if the provisions in §§ 172.303(b) and 172.401(d) are met. Alternatively, the manufacturer may offer empty cylinders without marks or labels to the filling company who would subsequently mark and label prior to transport.

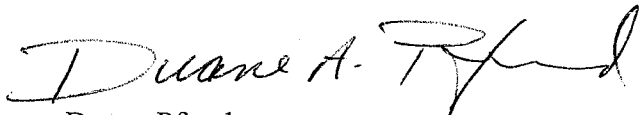
Q2. Paragraph 8.c. of DOT-SP 12706 requires that a current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation. You ask whether a retail propane exchange location that does not fill the cylinders with propane themselves, but instead receives filled cylinders from a propane filler, and subsequently sells the full cylinders to end consumers must to maintain a copy of

the special permit. You further note that the exchange location/retailer will hold the filled cylinders in a cage and sell them to the end consumer, but not transport them.

A2. Provided the retail propane exchange does not offer or reoffer the cylinders for transportation in commerce from this location a copy of the special permit is not required to be maintained at the location. However, a copy of the special permit is required to be maintained at the retail propane exchange if cylinders are offered or reoffered by the exchange for transportation in commerce.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this Office.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, stylized initial "D".

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Wiener
172.407. 172.417
Labeling
15-0010

Goodall, Shante CTR (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Wednesday, January 14, 2015 5:52 PM
To: Goodall, Shante CTR (PHMSA)
Cc: Dodd, Alice (PHMSA)
Subject: FW: Request for interpretation
Attachments: Request for interpretation, SP12706, what markings need to be applied before shipping, 20150114.pdf; Request for interpretation, SP12706, Who must hold copy of SP, 20150114.pdf

Importance: High

Shante –

Please log and assign to a specialist for response.

Thanks,
Charles

From: Jonas Berglund [<mailto:jonas.berglund@hexagonragasco.com>]
Sent: Wednesday, January 14, 2015 5:21 PM
To: Betts, Charles (PHMSA)
Subject: Request for interpretation

Good afternoon Mr Betts,

I've sent you a request for interpretation before, regarding our composite propane cylinders, and I believe at that time you said that I could send any future ones to you as well. If I need to send them elsewhere, please let me know.

Thanks and best regards,

Jonas Berglund
Senior Technical Advisor
Hexagon Ragasco North America Inc.

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RAGASCO

Lincoln, NE
2015-01-07

To:

Mr. Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590
charles.betts@dot.gov

RE: Request for interpretation of Special Permit 12706

Dear Mr Betts,

We would like clarification on what type of markings must be applied on composite propane cylinders prior to shipping from manufacturer (e.g Hexagon Ragasco) to a propane marketer/gas company (e.g Lee's Propane). The cylinders are designed and manufactured in accordance with DOT Special Permit 12706 (10th revision). The cylinders are delivered to the propane marketer empty; without containing propane. The cylinders are marked in accordance with Special Permit 12706, section 7. d. MARKING (which further refers to FRP-1 §178.AA-15). Additionally, a safety/warning label (as required by NFPA 58) is placed on the bottom of the cylinder. The content of the warning label is quoted at the end of this document.

We have received questions whether additional markings, such as those prescribed in 49 CFR §172.407 in general and §172.417 for flammable gases in particular, must be applied by the manufacturer at time of manufacturing or by the company that fills it with propane for the first time, at time of filling. In 49 CFR §172.300 it is stated that:

"...

- (a) *Each person who offers a hazardous material for transportation shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.*
- (b) *When assigned the function by this subpart, each carrier that transports a hazardous material shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.*

..."



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Lincoln, NE
2015-01-07

Do these two statements imply that §172 subpart D only applies once the package (in this case the composite cylinder) contains hazardous material, i.e. has been filled with propane, or does they apply to all cylinders from the point when they are released from manufacturing?

If there is anything you need clarified or request further information, my contact details are at the bottom of this letter.

Thanks in advance,

Sincerely,

Jonas Berglund
Senior Technical Advisor
Hexagon Ragasco North America Inc.

Contents (in *Italics*) of Safety/Warning label affixed to every cylinder before being transported to filling location

"...

DANGER

- *FLAMMABLE GAS UNDER PPRESSURE*
- *LEAKING LP-GAS MAY CAUSE A FIRE OR EXPLOSION IF IGNITED CAUSING SERIOUS BODILY INJURY OR DEATH*
- *CONTACT LP-GAS SUPPLIER FOR REPAIERS OR DISPOSAL OF THIS CYLINDER OR UNUSED LP-GAS*

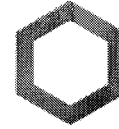
WARNING

- *FOR OUTDOOR USE ONLY**
- *DO NOT USE OR STORE CYLINDER IN A BUILDING, GARAGE OR ENCLOSED AREA.*

* EXCEPT AS AUTHORIZED BY ANSI/NFPA 58 OR CSA-B149.2

DANGER

- *Do not store a spare LP cylinder under or near a barbeque grill or other heat source. NEVER fill an LP cylinder beyond 80% full: a fire causing death or serious injury may occur.*



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Lincoln, NE
2015-01-07

WARNING:

- *Know the odor of LP-Gas. If you hear, see or smell LP-Gas, immediately get everyone away from the cylinder and call the Fire Department. Do not attempt repairs.*
- *Caution your LP-Gas supplier to:*
- *Be certain cylinder is purged of trapped air prior to first filling.*
- *Be certain not to overfill the cylinder.*
- *Be certain the cylinder requalification date is checked.*
- *LP-Gas is heavier than air and may settle in low places while dissipating.*
- *Contact with the liquid contents of the cylinder will cause freeze burns to the skin.*
- *Do not allow children to tamper or play with cylinder.*
- *When not connected for use, keep cylinder valve turned off. Self contained outdoor cooking appliances shall be limited to a cylinder of 20 lb. capacity or less.*
- *Do not use, store or transport cylinder where it would be exposed to high temperatures. Relief valve may open allowing a large amount of flammable gas to escape.*
- *When transporting, keep cylinder secured in an upright position with the cylinder valve turned off.*

WHEN CONNECTING FOR USE:

- *Use only in compliance with applicable codes.*
- *Read and follow manufacturers' instructions.*
- *Consult manufacturers' instructions concerning the cylinder connection provided with your appliance.*
- *Be sure regulator vent is not pointing up.*
- *Turn off all valves on the appliance.*

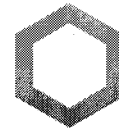
Do not check for gas leaks with a match or open flame. Apply soapy water to the areas marked "X". Open cylinder valve. If bubbles appear close valve and have LP-Gas service person make needed repairs. Also, check appliance valves and connections to make sure they do not leak before lighting appliance.

Light appliance(s) following manufacturers' instructions.

When appliance is not in use, keep the cylinder valve closed.

DO NOT REMOVE DEFACE OR OBLITERATE THIS LABEL.

..."



HEXAGON
RAGASCO

Lincoln, NE
2014-04-01

To:

Mr. Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590
charles.betts@dot.gov

RE: Request for interpretation of Special Permit 12706

Dear Mr Betts,

We would like a clarification on section 8. c) of Special Permit 12706. The section reads:

"...

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

..."

The question is whether an exchange location/retailer (e.g. Home Depot) , who receives filled cylinders from a propane marketer/gas company (e.g. Lee's Propane) and sells them to the end consumer, needs to hold a copy of the Special Permit? The exchange location/retailer will hold filled cylinders in a cage and sell them to the end consumer, but not transport them.

If there is anything you need clarified or request further information, my contact details are at the bottom of this letter.

Thanks in advance,

Sincerely,

Jonas Berglund

Senior Technical Advisor
Hexagon Ragasco North America Inc.