



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 15 2014

Mr. Cesar Enrico
Quality Manager
LAN Peru

Ref. No.: 13-0164

Dear Mr. Enrico:

This is in response to your email dated August 9, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the filling and requalification of DOT specification cylinders. Your questions are paraphrased and answered as follows:

Q1. Are DOT cylinders required to be requalified each time a cylinder is removed from an aircraft?

A1. Each cylinder bearing a DOT specification marking must be requalified in accordance with the appropriate period specified in the requalification table in § 180.209(a). A cylinder must be tested and inspected, without regard to any other periodic requalification requirements, prior to further use if: (1) The cylinder shows evidence of dents, corrosion, cracked or abraded areas, leakage, thermal damage, or any other condition that might render it unsafe for use in transportation; (2) The cylinder has been in an accident and has been damaged to an extent that may adversely affect its lading retention capability; (3) The cylinder shows evidence of or is known to have been over-heated; or (4) The Associate Administrator determines that the cylinder may be in an unsafe condition (§ 180.205(d)).

Q2. Is a DOT authorized person required to refill an oxygen cylinder each time it is removed from the aircraft?

A2. Partially filled cylinders may continue to be transported. The filling or re-filling of a DOT marked cylinder with oxygen must follow the requirements of §§ 173.301 and 173.302.

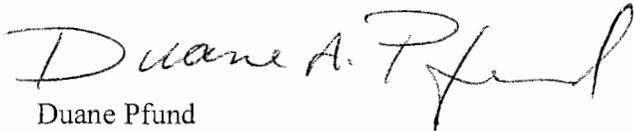
Q3. Are cylinders required to be requalified only if the specified service life has expired or it is past its requalification date?

A3. A cylinder with a specified service life may not be refilled and offered for transportation after its authorized service life has expired. A cylinder past its requalification date may not be refilled and offered for transportation until it is requalified. A cylinder

must be requalified prior to further use without regard for the requalification period if the cylinder meets one or more of the conditions in § 180.205(d), (see A1.).

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in black ink and is positioned above the typed name.

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

heary
§ 180.205(c)
§ 180.209

From: INFOCNTR (PHMSA)
Sent: Friday, August 09, 2013 3:42 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: REQUEST FOR A FORMAL INTERPRETATION LETTER: Aviator Oxygen Cylinder
Requalification as per 49 CFR's § 180.205(c) and § 180.209

Cylinders
13-0164

Importance: High

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Enrico, Cesar (MANTTO LP) [<mailto:cesar.enrico@lan.com>]
Sent: Friday, August 09, 2013 1:55 PM
To: INFOCNTR (PHMSA)
Subject: REQUEST FOR A FORMAL INTERPRETATION LETTER: Aviator Oxygen Cylinder Requalification as per 49 CFR's § 180.205(c) and § 180.209
Importance: High

Office of Hazardous Materials Standards, Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building, 1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Subject: Request for a Formal Interpretation Letter related to of 49 CFR's § 180.205(c) and § 180.209:

Dear Sir / Ma'am,

LAN Peru is a Peruvian airliner certified as a 121 passenger, cargo & mail air operator, with its main base located in Lima, Peru. LAN Peru is part of the recently formed LATAM Airlines Group. Our maintenance facility is certified as an aircraft repair station by local and regional civil aviation authorities (CAA's), as well as the Federal Aviation Administration (FAA). As part of our services, we provide aviator's oxygen refilling to cylinders removed from non-US registered aircraft. An oxygen cylinder approved by the aircraft manufacturer is considered an aircraft part while installed in an aircraft, and is regulated under the maintenance requirements of Chapter 14 CFR appropriate to the type of aircraft and type of operation. These cylinders used in aviation are certified under DOT and are used exclusively to provide certified aviator's oxygen to flight crew. Due to safety considerations, oxygen servicing in large aircrafts is no longer applicable and has been removed from the applicable Aircraft Maintenance Manual (AMM). When oxygen cylinders are below its minimum operational pressure level, they are removed from the aircraft and serviced in our Oxygen Shop. This shop serves one purpose only, which is to service oxygen cylinders removed from an aircraft with aviator's oxygen. Once each high-pressure cylinder is removed from an aircraft, its continued serviceability requirement falls under Chapter 29 CFR and 49 CFR, not 14 CFR.

During our last visit to the FAA requesting information to obtain approval to service US-registered aircraft, we were informed that cylinder requalification provisions were required under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, based on the information received, we understood that all cylinders must be requalified before refilling. This requalification requires to be performed by an authorized person who holds a current approval issued under the procedural requirements prescribed in subpart I of part 107 of Chapter 49 CFR.

The interpretation above was given based in § 180.205(c) of the HMR, which states that: "a cylinder may be requalified at any time before or during the month and year the requalification is due. A cylinder filled before the requalification becomes due may remain in service until it is emptied. A cylinder with a specified service life or past its requalification date may not be refilled and offered for transportation after its authorized service life has expired or, it is requalified, respectively."

Based on the above, we would like a formal interpretation letter regarding the following questions [related to of § 180.205(c) and § 180.209]:

- 1/ Is a requalification required every time a oxygen cylinder is removed empty or partially filled with oxygen from an aircraft to be serviced (i.e. refilled) with aviator's oxygen (considering that the hydrostatic test nor the requalification is due)?
- 2/ Is a DOT authorized person required to service (i.e. refill) an aviator's oxygen cylinder every time it is removed from an aircraft?
- 3/ Is it only required to requalify an oxygen cylinder before servicing (i.e. refilling) by a DOT approved person if its specified service life has expired or it is past its requalification date?

Hoping to hear from you soon,

Best regards,

Cesar Enrico
Quality Manager
LAN Peru

Email: cesar.enrico@lan.com
Phone: (51-1) 213-8300, ext. 73016
Cel.: (51) 99358-8530