



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

SEP 1 2011

Mr. Greg Michalowski  
Compliance Engineer  
Young & Franklin Inc.  
920 Old Liverpool Road  
Liverpool, NY 13088

Ref. No. 11-0161

Dear Mr. Michalowski:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to limited quantities of compressed gases. Specifically, you ask whether the accumulator pictured in your letter while installed in assembled machinery with 1500 psi of nitrogen would be excepted from regulation under § 173.306(f)(1).

As specified in § 173.32 of the HMR, it is the responsibility of the shipper for properly classing a hazardous material that is to be offered for transportation. However, based on the information you provided, it appears that your product meets the requirements in § 173.306(f)(1), provided the accumulator is installed in motor vehicles, construction equipment, and assembled machinery and designed and fabricated with a burst pressure of not less than five times their charged pressure at 70 °F. It should also be noted that accumulators intended to function as shock absorbers, struts, gas spring, pneumatic springs or other impact or energy-absorbing devices are not subject to the HMR provided they meet the criteria specified in § 173.306(f)(4)(i) through (iv).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

bn

Andrews  
§173.306

Limited Quantities

of Compressed Gases  
11-0161

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, July 13, 2011 4:32 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Clarification of HNR; 49 CFR Parts 173.306 Limited Quantities of Compressed Gases  
**Attachments:** Clarification of HNR; 49 CFR Parts 173.pdf

Hi Carolyn,

We received the following request for a letter of interpretation at the HMIC.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

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**From:** Gregory Michalowski [<mailto:gmichalowski@yf.com>]  
**Sent:** Wednesday, July 13, 2011 9:00 AM  
**To:** PHMSA HM InfoCenter  
**Subject:** Clarification of HNR; 49 CFR Parts 173.306 Limited Quantities of Compressed Gases

Please see attachment.

I am seeking clarification regarding Hazardous Materials Regulation (HMR) 49 CFR Parts 171 – 180 as it pertains to shipping pressurized accumulators installed on an assembly.

The question is does HMR 49 CFR §173.306 f(1) exempt this product from any DOT special permits, approvals or labeling requirements as the mode of transportation is by truck across US highways. Please comment on the pressurized gas (N<sub>2</sub>) and the hydraulic fluid. If there are special requirements please explain.

Greg Michalowski  
Compliance Engineer

 **Young & Franklin, Inc.**  
942 Old Liverpool Road  
Liverpool, NY 13088

Phone: 315-552-3255  
email : [gmichalowski@yf.com](mailto:gmichalowski@yf.com)

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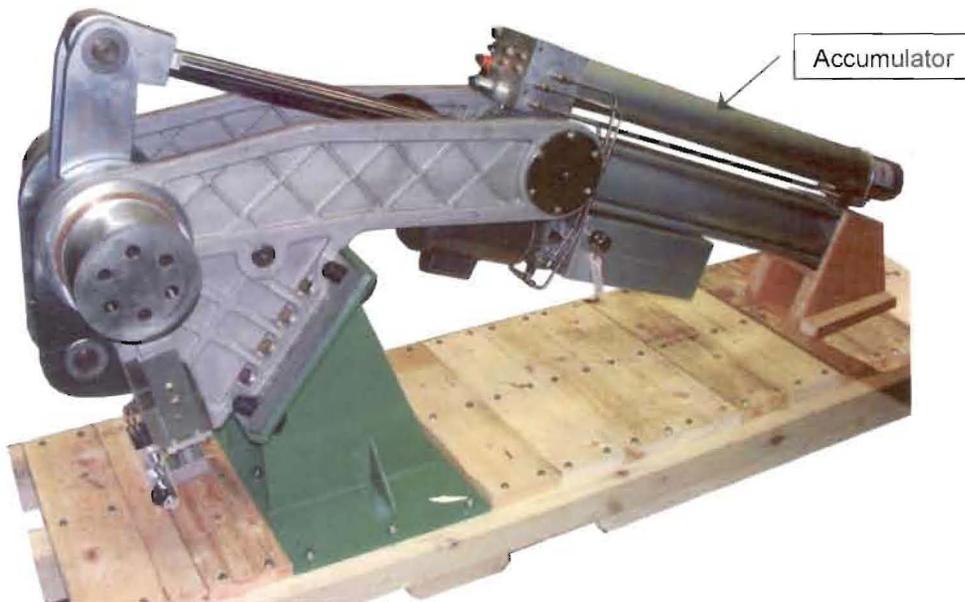
**Subject: Clarification of HMR; 49 CFR Parts 173.306 Limited Quantities of Compressed Gases**

I am seeking clarification regarding Hazardous Materials Regulation (HMR) 49 CFR Parts 171 – 180 as it pertains to shipping pressurized accumulators installed on an assembly.

HMR 49 CFR §173.306 f(1) states that accumulators installed in an assembled machinery must be designed and fabricated with a burst pressure of not less than 5-times their charges pressure at 70° F, when shipped, are not subject to the requirements of this subchapter.

The assembly illustrated below is an experimental Solar Mirror Collector Actuator used to track the Sun's movement across the sky. It has an installed accumulator that is charged with 1500 psi of N<sub>2</sub>. In addition the assembly will contain 2.5 gallons of non-pressurized, non-flammable hydraulic fluid. The accumulator is purchased from another manufacturer and is installed on this assembly. The burst design of the accumulator is 12,000 PSI with a gas volume of 588 cu-in.

The question is does HMR 49 CFR §173.306 f(1) exempt this product from any DOT special permits, approvals or labeling requirements as the mode of transportation is by truck across US highways. Please comment on the pressurized gas (N<sub>2</sub>) and the hydraulic fluid. If there are special requirements please explain.



Thank you,

Greg Michalowski  
Compliance Engineer

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