



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Ave., S E  
Washington, DC 20590

Mr. Jimmy Zahriya  
United Brands  
145 Bluxome Street  
San Francisco, CA 94107

OCT 27 2011

Ref. No. 11-0168

Dear Mr. Zahriya:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of compressed nitrous oxide and compressed carbon dioxide in non-specification cylinders. Specifically, you ask if aluminum chargers with a capacity of 10.2 mL that are filled with 8 mL or 8 gms of N<sub>2</sub>O and CO<sub>2</sub> comply with § 173.306(a)(1) of the HMR.

The answer is yes. Under § 173.306(a)(1), a compressed gas placed in a non-specification container with a maximum capacity of four fluid ounces (7.22 cubic inches) or less may be described and transported as a limited quantity when it conforms to the provisions of this section. Note that the four fluid ounce (7.22 cubic inches) limit applies to the capacity of the container, not the volume of material contained in the container. This section excepts a limited quantity package from labeling, unless offered for transportation by air, and from the placarding and specification packaging requirements under the HMR. Additionally, the HMR permit the shipment of compressed nitrous oxide and compressed carbon dioxide by all modes of transportation.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Stevens  
§ 173.306  
Limited Quantities of Compressed  
Gases 11-0168

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, July 18, 2011 4:10 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: request for interpretation

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:** Dan Koh [<mailto:dan@unitedbrands.us>]  
**Sent:** Saturday, July 16, 2011 9:05 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** Jimmy Zahriya; leemun yee; Patrice Hernandez  
**Subject:** request for interpretation

To Whom It may Concern,

I spoke with Andrew in the DOT CS center and he advised us that we should contact the DOT Info Center for further detailed explanation of Section 173.306 (a) (1)

Specifically, we fill 10.2 ml aluminum chargers with 8ml or 8gms of N20 and CO2.

**Title49:Transportation**

**§ 173.306 Limited quantities of compressed gases.**

(a) Limited quantities of compressed gases for which exceptions are permitted as noted by reference to this section in §172.101 of this subchapter are excepted from labeling, except when offered for transportation or transported by air, and, unless required as a condition of the exception, specification packaging requirements of this subchapter when packaged in accordance with the following paragraphs. For transportation by aircraft, the package must also comply with the applicable requirements of §173.27 of this subchapter and only hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity. In addition, shipments are not subject to subpart F (Placarding) of part 172 of this subchapter, to part 174 of this subchapter except §174.24, and to part 177 of this subchapter except §177.817. Each package may not exceed 30 kg (66 pounds) gross weight.

(1) When in containers of not more than 4 fluid ounces capacity (7.22 cubic inches or less) except cigarette lighters. Special exceptions for shipment of certain compressed gases in the ORM-D class are provided in paragraph (i) of this section.

If a letter needs to be sent instead of an email, Please send it to:

United Brands  
Attn: Jimmy Zahriya  
145 Bluxome Street  
San Francisco, CA 94107

Otherwise, you may reply to this e-mail address: Dan @unitedbrands.us

Best Regards,  
*Daniel S. Koh*

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