



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 15 2018

Dave Schmitz  
Director of Sales & Product Development  
Gayston Corporation  
721 Richard Street  
Miamisburg, OH 45342

Reference No. 18-0054

Dear Mr. Schmitz:

This letter is in response to your April 6, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to U.S. Department of Transportation (DOT) specification pressure vessel requirements. Specifically, you ask for confirmation that your client's proposed cylinder as described below does not require DOT specification packaging or marking.

You provide the following information:

- The cylinder is permanently affixed to the device and can only be disassembled using special tools at the place of manufacturing.
- The device will only be shipped when the cylinder is empty.
- The cylinder is never sold or shipped separately from the device.
- When the device is filled by the consumer, it will only be filled with air or nitrogen.
- The cylinder will be marked with the manufacturer's "M" code.

Provided the cylinder is shipped with a gauge pressure less than 29 psig, the device would not meet the definition of a Division 2.2 material in § 173.115(b). If the device does not meet the definition of a hazardous material, it would not be subject to the requirements of the HMR, including those for specification packaging or marking. However, if the cylinder is filled and in commerce it would be subject to the requirements of the HMR including specification packages, marking, and labeling.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

# INTERPRETATION LETTERS

Requester	David Schmitz	Date Received:	4/9/2018
Company	Gayston Corporation	Tracking	18-0054
Phone	937-530-8261	Revision Date:	4/9/2018

Date Assigned	04/09/2018	Date of Letter	04/06/2018
Staff	Wolcott	First Draft Due:	4/30/2018
Section		First Draft Date:	
Subject	Cylinders		
Concurrence			
Status	PHH-10-Specialist	Status Date	4/9/2018
Sign Date		Signor	
Comment	HBP <input type="checkbox"/>	Copy to Docket <input type="checkbox"/>	Copy to DHM-60 <input type="checkbox"/>

VOICE  
Cylinders  
18-0054

**January, Ikeya CTR (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, April 06, 2018 4:51 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation  
**Attachments:** InterpretationLetter\_040518.pdf

**Importance:** High

Hi Alice & Ikeya,

Attached is a request for a letter of interpretation. Mr. Schmitz spoke with Jonathon regarding his request. Let me know if you have any questions.

Thank you,  
Jodi

**From:** David Schmitz [mailto:david.schmitz@gayston.com]  
**Sent:** Friday, April 06, 2018 11:46 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Interpretation  
**Importance:** High

Shane,

Attached, please find our letter of interpretation that we would like your review and advise on.

Please acknowledge and confirm receipt.

**Best Regards,**  
**Dave Schmitz**  
**Director of Sales & Product Development**



**721 Richard Street**  
**Miamisburg, OH 45342**

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April 05, 2018

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Subject: Interpretation

Shane,

Gayston is a manufacturer of cylinders under "M" code 4625. We are working with a customer on a new cylinder opportunity and that customer has determined that the cylinder in question does not require DOT certification because it is not going to be a transportable item. It is a CFFC cylinder and will be holding compressed air or nitrogen.


Our customer's arguments for not requiring certification are as follows:

- 1.) The cylinder is permanently affixed to the device and not to be removed by consumers
- 2.) The cylinder can only be disassembled at the factory using special tools
- 3.) The equipment is only shipped with the cylinder empty of air
- 4.) The cylinder is never sold or shipped separately, it is to be a permanent fixture to the equipment and sold as one unit
- 5.) The cylinder will be marked accordingly and will include our manufacturers code – M4625

I am including pictures of the assembly which shows the cylinder and the item to which it is affixed.

Can you please confirm this interpretation is correct?

Regards,

  
David Schmitz  
Program Director  
Gayston Corporation



**GAYSTON**  
CORPORATION

