



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 12, 2023

Myles Leland TenBroeck
President
American Cylinder and Safety
P.O. Box 126
Iowa Park TX 76367

Reference No. 22-0130

Dear Mr. TenBroeck:

This letter is in response to your December 7, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of cylinders manufactured in accordance with a U.S. Department of Transportation (DOT) Special Permit (SP).

We have paraphrased and answered your questions as follows:

- Q1: You ask whether a cylinder manufactured under a DOT SP may continue to be requalified, filled, or used after the SP has expired.
- A1: The answer is no. A cylinder manufactured under the terms of a DOT SP cannot be requalified, filled, or used after the SP has expired.
- Q2: You ask whether all cylinders previously manufactured under the terms of the now-expired SP must be condemned if the SP is not renewed.
- A2: The answer is no. The HMR does not require that a cylinder manufactured prior to the expiration date of the SP be condemned if the SP is not renewed prior to the expiration date. Furthermore, if a SP is renewed after the expiration date, then the cylinders could then be requalified, filled, or used again under the terms of the renewed SP. The requirements for the renewal of a SP can be found in 49 CFR 107.109.
- Q3: You ask what document references removing cylinders from service when a SP expires.

A3: All SP's typically contain language stating that "*No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.*"

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Andrews

22-0130

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Request for a letter of Interpretation
Date: Wednesday, December 7, 2022 1:20:55 PM

Hi Alice and team,

Please see the LOI request below. Let me know if you have any questions. Thanks.

-Rachel (HMIC)

From: Myles TenBroeck <tanktest@gmail.com>
Sent: Wednesday, December 7, 2022 9:12 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for a letter of Interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I am requesting clarification and a letter of interpretation in regards to the use of Special Permit/Exemption Compressed gas cylinders.

Question 1. Can a cylinder that is manufactured under a Special Permit continue to be requalified, filled, and used after the special permit has expired?

If not:

Question 2. If the Special Permit expires and is not renewed, must all cylinders manufactured under it be condemned?

Question 3: What document (49 CFR, CGA Pam, Etc) references removing cylinders from service/condemnation when the special permit expires? Can you please provide the reference?

Your clarification of this is greatly appreciated.

V/R

Myles Leland TenBroeck
President American Cylinder and Safety

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HAZMAT Training and Equipment for members of the compressed gas industry.