



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

AUG 07 2009

Mr. Peter Collins
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Reference No. 09-0148

Dear Mr. Collins:

This is in response to your August 19, 2004 letter, postmarked June 17, 2009, and your June 29, 2009 telephone conversation with Ms. Eileen Edmonson of my staff concerning requalifying cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a cylinder filled before its requalification date may remain in storage and be transported off-site for use for an indefinite period of time after this date.

The answer is yes. Under the HMR, a cylinder filled (i.e., charged) before its requalification becomes due may remain in service until it is emptied, and may be transported in commerce by highway, rail, aircraft, or vessel provided the cylinder is in sound condition and all applicable HMR requirements are met (see §§ 171.2, 173.301(a)(6), and 180.205). A DOT specification cylinder containing a hazardous material need not be emptied to meet a testing schedule under the HMR but may be required for cylinders used in certain applications by some other Federal agency. A cylinder past its test date may not be filled or topped off with a hazardous material and transported in commerce. After emptying, a cylinder due for retest may not be refilled and offered for transportation unless it has been inspected and retested in accordance with Part 180, Subpart C of the HMR. However, a cylinder with a specified service life may not be refilled and offered for transportation after its authorized service life has expired (see §§ 173.301(a)(7) and 180.205(c)).

You also ask how the wording “remain in service” is defined under the HMR. The HMR do not define this phrase; however, as this phrase is used in the HMR, it means the cylinder may be used to transport the product it contains until the cylinder is emptied, provided the cylinder continues to meet all applicable requirements.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Edmonson
§180.205 (c)
Cylinders
09-0148

U.S. Department of Justice
Federal Bureau of Prisons

Washington, D.C. 20534

August 19, 2004

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

Re: Request for clarification on 49 CFR 180.205(c), general requirements for requalification of specification cylinders.

Good morning,

I am writing to request clarification on language contained in 49 CFR 180.205 paragraph (c), which outlines the requirements for the periodic requalification of cylinders. My specific questions deal with the provision allowing a cylinder, filled before the requalification becomes due, to remain in service until it is emptied.

Question # 1: Has the term "remain in service" been defined?

Question # 2: Can a cylinder, filled prior to the requalification date, remain in storage for an indefinite period of time beyond the scheduled requalification date?

Question # 3: Can a cylinder, filled prior to the requalification date, be transported to an off site location after the scheduled requalification date?

Thank you for your time and assistance.

Peter Collins
Federal Bureau of Prisons
320 First Street NW
Washington, DC 2053