



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use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.*"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