



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

FEB 02 2016

David Latourell
Paraco Gas
800 Westchester Ave S604
Rye Brook, NY 10573

Ref. No. 15-0212

Dear Mr. Latourell:

This responds to your October 30, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the condemnation of cylinders. Specifically, you ask for a definition of the term "incapable of holding pressure" as it applies to § 180.205(i)(2)(iii) and whether removal and/or destruction of the service valve is an acceptable means of rendering the cylinder incapable of holding pressure.

The HMR does not define the term "incapable of holding pressure." However, we consider a cylinder incapable of holding pressure when it is unable to contain a material that is a gas at a pressure higher than ambient pressure. Furthermore, this Office does not consider removal or destruction of the service valve as an acceptable means of rendering a cylinder incapable of holding pressure because an individual may not be able to conclude that the cylinder is actually condemned. Drilling holes through the cylinder wall is an example of rendering a cylinder incapable of holding pressure and communicates to an individual in possession of the cylinder that it is no longer suitable for such service.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division