



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

Ciccarone  
§ 180.205(i)(2)(iii)  
Cylinders  
15-0212

**Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Friday, October 30, 2015 3:32 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Letter of Interpretation  
**Attachments:** Request for Letter of Interpretation - Rendering cylinders incapable of holding pressure.doc

Dear Shante and Alice,

Forwarded is a request for a letter of interpretation.

Thanks,  
Shelby

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**From:** David Latourell [<mailto:dlatourell@paracogas.com>]  
**Sent:** Friday, October 30, 2015 1:38 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Request for Letter of Interpretation

Hard copy to follow via USPOR

Please review the attached request.

Dave

**David R. Latourell**  
*Director of Safety and Transportation*



*"For Propane There Is No Better Name"®*

800 Westchester Avenue S604  
Rye Brook, New York 10573

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**"I believe that my SAFETY is my responsibility. I understand that being in "compliance" does not necessarily mean I am out of DANGER !"**



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October 30, 2015

To: Pipeline and Hazardous Materials Safety Administration, USDOT  
Hazardous Materials Information Center

From: David Latourell

Re.: Letter of Interpretation for clarification of CFR 49 180.205(i)(2)(iii)

To whom it may concern,

As it relates the condemnation process of DOT Cylinders (Specifically DOT 4BW240, DOT 4BA240 and DOT 4BW240 in LP Gas Service), I am requesting a formal interpretation, clarification or explanation of 180.205(i)(2)(iii) as to the definition of "incapable of holding pressure" as per the the excerpt:

**(iii)** As an alternative to the stamping or labeling as described in this paragraph (i)(2), at the direction of the owner, the requalifier may render the cylinder incapable of holding pressure.

During a recent PHMSA visit to one of our Long Island, NY facilities, a ticket for non-compliance was generated based on the investigators opinions of what actions to "render . . . incapable of holding pressure" could be potentially reversed, and thus questioning our practice of removal and/or destruction of the cylinder service valve prior to the cylinder being delivered to an off site Metal Scrap yard for complete cylinder destruction. It was interpreted that reversal of our rendering (easy-out or replacement of removed/damaged service valve) essentially results in non-compliance with the regulation.

It was suggested in conversation that common practice is to cut, saw or drill additional opening(s) into cylinders prior to disposal to metal scrap operations.

As a Propane Services provided in the Northeast with more than 2 dozen locations, Paraco Gas has several locations (and associated RIN) where requalification and condemnation of cylinders occurs. Due to the presence of LP Gas at all of our facilities, the open flame/sparks/sources of ignition associated with cutting torches, saws or drills to create additional openings in cylinders undergoing condemnation poses an unnecessary risk to employees, and an unnecessary expense for associated tools at all locations (which is a similar reason for our preference to not choose options (i) and (ii) from 180.205(i)(2)). As well, I would submit that each of these methods could effectively be reversed if desired.

I will be including this request for interpretation with my informal response to Ticket #: 15T-0341-SH-EA to Eastern Region Director Vincent Mercadante, and will request a conference to discuss this same item.

Ultimately, options (i) and (ii) are very specific as defined in the regulations, however they are truly no longer practical in the LP service industry. Option (iii) is subject to wide interpretation, but due to the flammable nature of the hazardous material we handle, what some may consider a reasonable interpretation could proved very dangerous to Paraco Gas and it's employees.

Thank you for your attention in this matter, I look forward to discussing this in greater detail at your convenience.

Respectfully,

David Latourell,  
Director of Safety and Transportation,  
Paraco Gas Corporation  
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