



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 25 2019

Mr. David R. Carns
Director, Aviation Engineering
Defense Logistics Agency Aviation
8000 Jefferson Davis Highway
Richmond, VA 23297-5002

Reference No. 18-0042

Dear Mr. Carns:

This letter is in response to your February 15, 2018, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of U.S. Department of Transportation Special Permit (DOT-SP) 10945. You explain that DLA Aviation, a Major Subordinate Command of the Defense Logistics Agency (DLA), the U.S. Department of Defense's (DOD) Combat Logistics Support Agency, procures a pneumatic accumulator subject to DOT-SP 10945. The pneumatic accumulator is a non-DOT specification fully wrapped carbon fiber reinforced aluminum lined cylinder authorized for the transportation of certain Division 2.1 and 2.2 gases in commerce. The cylinders are shipped in an empty state to the point of installation on DOD aircraft, and at no time will they be offered for transportation or transported in a filled condition.

We have paraphrased and answered your questions as follows:

- Q1. You ask if the cylinders described in your scenario are subject to the requalification and service life limitations prescribed in DOT-SP 10945.
- A1. The answer is yes. As prescribed in § 171.2(g), no person may represent, mark, or offer a packaging as meeting the requirements of a special permit unless the packaging is maintained, marked, and retested in accordance with the applicable requirements of the special permit. Because the cylinders are represented as meeting the requirements of DOT-SP 10945, they must be maintained in accordance with the special permit as limited by the HMR.
- Q2. You ask if a cylinder is subject to the requalification tests as prescribed in DOT-SP 10945 regardless of whether the cylinder has been placed in service for its end-use application.
- A2. The answer is yes. Cylinders retested after July 1, 2001, must be reinspected and hydrostatically retested at least once every 5 years from the date of the original

manufacturing tests and 5 years thereafter regardless of whether the cylinder was in service or otherwise.

- Q3. You ask if the 5-year retest "clock" begins on the cylinder date of manufacture (i.e., original test date) or installation in its end-use platform (i.e., aircraft).
- A3. The 5-year retest requirement is based on the original test date.
- Q4. Paragraph 7.d.(1) of the special permit states that cylinders manufactured under DOT-SP 10945 are not authorized for use 15 years after the date of manufacture. For a cylinder that is unused (e.g., in storage) or is in an empty state for an extended period, you ask if it is permissible to account for the time in such a way that it extends the service life of the cylinder beyond the 15 years as prescribed in the special permit.
- A4. The answer is no. Under DOT-SP 10945, the service life is limited to 15 years from the date of the original testing performed in the manufacturing process and is marked on the cylinder.

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

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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



**DEFENSE LOGISTICS AGENCY
AVIATION
8000 JEFFERSON DAVIS HIGHWAY
RICHMOND, VIRGINIA 23297-5002**

MEMORANDUM FOR U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, 1200 NEW JERSEY AVENUE, WASHINGTON, DC, 20590

SUBJECT: Request for Interpretation/Guidance Proper to DOT SP-10945

DLA Aviation, a Major Subordinate Command (MSC) of the Defense Logistics Agency (DLA), DoD's Combat Logistics Support Agency, procures a Pneumatic Accumulator (identified by National Stock Number (NSN*) 1650-01-428-4430) that is subject to DOT's SP-10945 (attached).

In addition to its procurement, we also store and distribute/deliver - when requisitioned - the cited asset in an empty state to our Air Force (AF) customers for use on the B-2 Stealth Bomber.

In no instance will this non-DOT specification fully wrapped carbon fiber reinforced aluminum lined cylinder be utilized to transport in commerce the materials (paragraph 6) authorized by this special permit. Rather a cylinder serves its function on the aircraft on which it is installed until it is emptied, and then removed.

Upon asset receipt, and as operational needs require, the AF customer installs the asset on the said platform with the expectation that the installed asset will operate normally for 20+ years of continuous service with no deficiencies.

The asset functions/operates as a pneumatic accumulator in conjunction with the bomber's Auxiliary Power Unit (APU), and is charged/serviced with compressed air at the time of installation/servicing on the aircraft. The accumulator's content (i.e., compressed air) is transferred to the APU when it becomes necessary to initiate the motors contained therein, and then after the motors are operational, the compressed air is returned back to the accumulator.

Paragraph 7.c of SP-10945 requires that "Cylinders retested after July 1, 2001 must be re-inspected and hydrostatically retested at least once every five years."

We have several questions with respect to the periodic re-inspection and hydrostatic testing as well as the "life-span" (15 years) of this asset in light of the requirements of the cited SP. Furthermore, we anticipate instances in which we will have assets in depot storage - available for distribution to AF and use by this requisitioner - whose procurement, as well as requalification date, would reflect a "residence in storage" exceeding 5 years, with the asset never having been placed into operational use.

(a). Is a cylinder subject to re-inspection and hydrostatic retesting at least once every five years irrespective of whether it has been utilized or not for its end-item application?

(b). Is a cylinder under this circumstance still subject to the re-inspection and hydrostatic testing in its fifth year?

(c). Or, should the "5 year clock" begin at the time of the asset's installation serving on the aircraft?

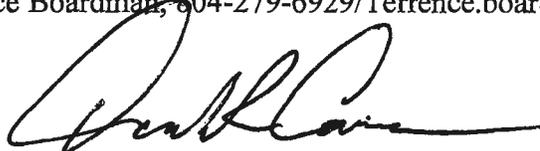
(d). In light of the scenario presented in a.1.(b) above with the potential for the 15 year "life span" to be exceeded, is use of the asset beyond the 15 year life-span allowed or not?

(e). In short, is the total life of this cylinder type, whether utilized or not, 15 years?

(f). Or is it 15+ years, if one includes both its service use time as well as the time spent in an unused (i.e., storage) and empty state?

We request DOT's guidance with respect to our queries so that DLA's Aviation Acquisition Team, as well as our AF customer, can establish the appropriate internal protocols (i.e., tracking, requalification, marking, etc.) in light of DOT's interpretation/guidance.

POC for this action: Mr. Terrence Boardman, 804-279-6929/Terrence.boardman@dla.mil



DAVID R. CARNS
Director, Aviation Engineering
DLA Aviation

Attachment

***NSN is a 13 digit number, The Government uses a National Stock Number (NSN) that consists of sub-groups that identify the Federal Supply Groups (FSG) , Federal Supply Classes (FSC), NATO Country Code, National Item Identification Number NIIN) and the serial number of the product.**

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U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 10945
(TWENTY-SEVENTH REVISION)

EXPIRATION DATE: 2020-12-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Structural Composites Industries
Pomona, CA
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, marking, sale, and use of non-DOT specification fully wrapped carbon fiber reinforced aluminum lined cylinders for the transportation in commerce of the materials authorized by this special permit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.203(a) and 172.301(c) in that the marking requirements are waived and §§ 173.302a(a)(1), 173.304a(a)(1), and 180.205 in that non-specification cylinders are not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Structural Composites Industries (SCI) dated January 9, 2017, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Air, compressed (containing up to 39% by volume oxygen content)	2.2	UN1002	N/A
Argon, compressed	2.2	UN1006	N/A
Bromotrifluoromethane or Refrigerant Gas, R 13B1	2.2	UN1009	N/A
Carbon dioxide	2.2	UN1013	N/A
Chlorodifluorobromomethane or Refrigerant Gas, R 12B1	2.2	UN1974	N/A
Compressed gas, n.o.s.	2.2	UN1956	N/A
Helium, compressed	2.2	UN1046	N/A
Heptafluoropropane or Refrigerant Gas R 227	2.2	UN3296	N/A
Hydrogen, compressed	2.1	UN1049	N/A
Methane, compressed or Natural gas, compressed (with high methane content)	2.1	UN1971	N/A
Nitrogen, compressed	2.2	UN1066	N/A
Nitrous oxide	2.2	UN1070	N/A
Oxygen, compressed	2.2	UN1072	N/A

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7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a fully wrapped carbon-fiber reinforced aluminum lined cylinder made in conformance with the Basic Requirements for Fully Wrapped Carbon-Fiber Reinforced Aluminum Lined Cylinders (DOT-CFFC Fifth Revision), dated March 2007, except as follows:

Additional layers of glass fiber may be added to a cylinder to provide added damage protection. Prior to applying an additional glass fiber layer to a cylinder, each cylinder of each lot must meet the DOT-CFFC standard specified above including all of the lot production tests and inspections. The load sharing of the glass fiber layer may not exceed 15%. Substitution of glass fiber for carbon fiber is not authorized.

b. DESIGN QUALIFICATION - Cylinders 10 feet in length or greater shall be subjected to the bonfire test as prescribed in CFFC-10(h), except that the cylinders shall be placed in a horizontal position.

c. TESTING - Cylinders retested prior to July 1, 2001 must be retested within 36 months of the retest date marked on the cylinder. Cylinders retested after July 1, 2001 must be reinspected and hydrostatically retested at least once every five years. Testing must be performed in accordance with § 180.205, tested to 5/3 of the marked service pressure and the latest edition of CGA pamphlet C-6.2 "Guidelines for Visual Inspection and Re-qualification of Fiber Reinforced High Pressure Cylinders", except as specifically noted herein:

(1) Cylinders must be volumetrically tested by the water jacket method suitable for the determination of the cylinder expansion for a minimum test time of one minute.

(2) A maximum permanent expansion to total expansion ratio does not apply. The cylinder must be condemned if the elastic expansion exceeds the rejection elastic expansion (REE) as marked on the cylinder.

(3) Retest markings must be applied on a label securely affixed to the cylinder and overcoated with epoxy, near the original test date. Metal stamping of the composite surface is prohibited. Reheat treatment of rejected cylinders is not authorized.

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(4) Cylinders with fiber damage (cuts, abrasions, etc.) that exceed Level 1 type damage as defined in CGA Pamphlet C-6.2 and meet the following depth and length criteria are considered to have Level 2 damage:

(i) Depth - Damage that upon visual inspection is seen to penetrate the outer fiberglass layer but does not expose the carbon layer beneath, or that has a measured depth of greater than 0.005 inches and less than 0.045 inches for cylinders with an outside diameter greater than 7.5 inches or less than 0.035 inches for cylinders 7.5 inches or less in outside diameter;

(ii) Length - Damage that has a maximum allowable length of:

Region	Direction of fiber damage	Maximum length of damage
Cylinder sidewall and domes	Transverse to fiber direction (longitudinal direction)	20% of the length of the straight sidewall section of the cylinder
Cylinder sidewall and domes	In the direction of the fiber (circumferential direction)	20% of the length of the straight sidewall section of the cylinder

(5) Cylinders with damage that meet the Level 2 criteria must be rejected. Retesters must contact the cylinder manufacturer in the event that damage is questionable based on this criteria. Repair of rejected cylinders is authorized for Level 2 type damage. Repairs must be made in accordance with CGA pamphlet C-6.2, prior to the hydrostatic pressure test. Repairs must be evaluated after the hydrostatic test.

(6) Cylinders that have direct fiber damage that penetrates through the outer fiberglass layer and into the carbon layer, or that have a measured damage depth of greater than the Level 2 maximum stated in (5)(a) above are considered to have Level 3 type damage. Cylinders that have damage with depth meeting Level 2, but length exceeding the Level 2 maximum are considered

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to have Level 3 type damage. Cylinders with Level 3 type damage are not authorized to be repaired, and must be condemned.

(7) A hydrostatic retest may be repeated as provided for in § 180.205(g), only two such retests are permitted. Pressurization prior to the official hydrostatic test for the purpose of a systems check must not exceed 85% of the required test pressure.

d. OPERATIONAL CONTROLS -

(1) Cylinders manufactured under this special permit are not authorized for use fifteen (15) years after the date of manufacture.

(2) Cylinders may not be used for underwater breathing purposes.

(3) Cylinders used in oxygen service must conform with § 173.302(b)(1)-(4). Cylinders used in nitrous oxide service must conform with § 173.304a(a)(4).

(4) A cylinder that has been subjected to fire may not be returned to service.

(5) Transportation of flammable gases is not authorized aboard passenger-carrying aircraft or passenger vessel.

(6) Transportation of oxygen and oxidizing gases by aircraft must meet the pressure relief device and outer packaging requirements specified in 173.302(f) and 173.304(f) and is only authorized when in accordance with § 175.501.

(7) Cylinders must be packaged in accordance with § 173.301(a)(9).

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

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- b. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this special permit and the HMR.
 - c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
 - d. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.
 - e. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.
 - f. The cylinders described in this special permit are authorized only for normal transportation as an article of commerce i.e., the movement of hazardous materials packages from consignor to consignee.
 - g. When transported by cargo vessel, flammable gases covered by this special permit must be packed within a closed freight container of steel construction.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, passenger vessel, cargo aircraft and passenger-carrying aircraft (see paragraph 7.(c)(5) and (6) for restrictions).
10. MODAL REQUIREMENTS:
- a. A current copy of this special permit must be carried aboard each cargo vessel, passenger vessel or aircraft used to transport packages covered by this special permit.
 - b. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous

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materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Andrew Eckenrode