



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

OCT 23 2000

Mr. Mike Lopez  
Safety & Compliance Associates, Inc.  
P.O. Box 48  
Trussville, AL 35173

Dear Mr. Lopez:

This is in response to your request concerning the charging of foreign-made cylinders for export under the Hazardous Materials Regulations (HMR; 49 CFR 171-180).

Your questions are paraphrased and answered below:

- Q1. In reference to your May 23, 1992 response to Ms. Janice Romstad, Du Pont Materials, Logistics and Services, please clarify whether a foreign-made, non-DOT specification cylinder may be filled and shipped for export provided it has been retested within the prescribed retest period according to the standards of the country of manufacture and it will be filled and shipped prior to its retest due date.
- A1. Enclosed is our December 7, 1993 correction letter that we sent to Ms. Romstad. Also in the enclosed notice of proposed rulemaking, we proposed to permit a foreign-made, non-DOT specification cylinder to be requalified as authorized by the Associate Administrator for Hazardous Materials Safety.
- Q2. Must foreign-made, non-DOT specification cylinders be retested prior to each instance of refilling for shipment, regardless of frequency?
- A2. No. A foreign-made, non-DOT specification cylinder is required to be retested every 5 years in accordance with the marked service pressure on the cylinder, but not less than 5/3 of any service or working pressure marking. See § 173.34(e) table.
- Q3. If this does not remain your current policy, must shippers retest a foreign-made, non-DOT specification cylinder prior to each instance of refilling for shipment, regardless of frequency?
- A3. Refer to A2.

Q4. May a retest facility place an identifying mark, other than its RIN number, on the shoulder of a foreign-made, non-DOT specification cylinder, in accordance with § 173.34(c)(1)?

A4. Yes.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell".

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

Enclosure



## Safety & Compliance Associates, Inc.

P.O. Box 48, Trussville, AL 35173

Phone: 205-853-9874 Fax: 205-853-2067

Butts  
§173.301  
00-0103

March 13, 2000

Mr. Ed Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. Department of Transportation  
400 Seventh Street, SW  
Washington, D.C. 20590

Dear Mr. Mazzullo,

Please reference the attached letter to Ms. Janice Romestad in which you interpreted 49 CFR, §173.301(j) as allowing a foreign, non-DOT specification cylinder to be filled and shipped for export provided it has been retested within the prescribed retest period according to the standards of the country of manufacture and it will be filled and shipped prior to its retest due date.

Q1 — §173.301(j) requires retesting and inspection in accordance with requirements of §173.34(e) prior to refilling foreign cylinders for export and your clarification letter seems to allow refillers to ignore §173.34(e), giving deference to foreign standards. Obviously, a filler/shipper will not know whether the standards of the country of manufacture are the same as §173.34(e). In fact, countries which require test pressure at 3/2 service pressure will fall short of the U.S. requirement for 5/3 service pressure testing. Will you please clarify whether this interpretation to Ms. Romstad remains current DOT policy?

Q2 — If so, can shippers assume that retest marking on foreign, non-DOT specification cylinders, which may not be similar to U.S. cylinder marking, represents that these cylinders have been retested according to the standards of the country of manufacture or is additional evidence required?

5<sup>th</sup> Q3 — If this does not remain your current policy, must shippers retest foreign, non-DOT specification cylinders prior to each instance of refilling for shipment, regardless of frequency?

Q4 — §173.301(j) requires foreign, non-DOT specification cylinders to be marked with only the month and year of retest, after retesting prior to filling; that is, the retest facility must not stamp the cylinder with its RIN number. To avoid multiple retests on the same cylinder within the normal five-year retest cycle upon each instance of refilling, may a retest facility place an identifying mark, other than its RIN number, upon the cylinder shoulder, in accordance with §173.34(c)(1)?

Sincerely,

Mike Lopez, JD  
Safety & Compliance Associates, Inc.



DU PONT MATERIALS, LOGISTICS AND SERVICES  
Wilmington, DE 19898

HM  
181/173.301  
SC: 334,322

May 26, 1992

JUN - 1 1992

Ms. Diane Lavallo  
Tr. Reg. Spec. Engineering - DHM -22  
U. S. Department of Transportation  
Hazardous Materials Safety  
400 Seventh Street, SW  
Washington, DC 20590

Dear Ms. Lavallo:

I wanted to confirm my understanding of our discussion over the phone today. My question was what type of testing do I have to do for foreign cylinders that I am using for export only. The regulations reference is 173.301(j). I was uncertain how to interpret subparagraph (1) under (j). My understanding from our conversation is that if I have a foreign cylinder that has been tested by the standards of the country of manufacture within the prescribed retest period shown in 174.34(e), no additional retest is required by DOT.

Thank you for your time and assistance. If my understanding of our conversation is not correct, please let me know.

Sincerely,

*Janice Romstad*  
Janice Romstad  
Hazardous Materials Consultant  
D-3096  
(302) 774-3153

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Special Programs  
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400 Seventh Street, S.W.  
Washington, D.C. 20590

JUL 23 1992

Ms. Janice Romstad  
Hazardous Materials Consultant  
D-3096  
Du Pont  
Materials, Logistics and Services  
Wilmington, Delaware 19898

Dear Ms. Romstad:

This is in response to your letter of May 26, 1992 concerning the retest of a foreign-made cylinder under the provisions of 49 CFR 173.301(j).

A foreign-made non-DOT specification cylinder may be charged and shipped for export only, as provided by § 173.301(j). Under § 173.301(j)(1), the cylinder must be retested in accordance with § 173.34(e), which prescribes a periodic retest at the pressure marked on the cylinder, but not less than 5/3 of the marked service or working pressure. The retest interval for a cylinder with a marked test pressure is once every five years. If a cylinder has been retested within the prescribed test period according to the standards of the country of manufacture and it will be filled and transported prior to the retest due date, the cylinder need not be retested prior to export.

I hope this information is helpful.

Sincerely,

*for Thomas G. Allan*  
Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards

*1986*

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