



Vallen Safety
Supply Company

§ Betts
173.34(e)(4)(v),
Retest
00-0309

11-3-00

Office of Hazardous Materials Standards
Director Edward Mazzullo DHM-10
400 7th Street, S.W.
Washington, DC 20590

Dear Mr. Mazzullo,

Can you please help my department with written clarification regarding the following?

CFR-49, 173.34(e)(4)(v) states that "In the case of a malfunction of the test equipment, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is less."

I interpret this as ONE repeat test is permitted.

CGA, C-1, page 4, notes: #3 states that "If repeated, the cumulative increase shall be limited to no more than 10 percent of the minimum prescribed test pressure."

I interpret this to mean that a cylinder with a test pressure of 3700 psi may repeat a test at 3800 psi, again at 3900 psi, and again at 4000 psi without exceeding the cumulative limit of 370 psi thus repeating a test, if necessary, 3 times.

Which is correct?

Thanks for your assistance,

Bill McDonald
Vallen Technical Services
909 William Drive
San Lorenzo, Ca 94580



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

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

MAR 15 2001

Ref. No. 00-0309

Mr. Bill McDonald
Vallen Technical Services
909 William Drive
San Lorenzo, CA 94580

Dear Mr. McDonald:

This is in response to your letter requesting clarification under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to the pressure retest of DOT specification cylinders. Specifically, § 173.34(e)(4)(v) states: "In the case of a malfunction of the test equipment, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is less." It is your understanding that only one repeat test is permitted.

Your understanding of this requirement is correct. Section 173.34(e)(4)(v) permits only one repeat test in the case of a malfunction of the test equipment.

With regards to your reference to the Compressed Gas Association (CGA) Pamphlet C-1, currently the HMR does not incorporate the pamphlet by reference. However, we proposed in a notice of proposed rulemaking to reference certain pressure test procedures contained in the CGA pamphlet. (Docket No. HM-98-3684 (HM-220); October 30, 1998).

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

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



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173.34



CTC Certified Training Co.

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March 12, 2004

Office of Hazardous Materials Standards
Ed Mazzullo, Director DHM-10
400 7th St. S.W.
Washington, D.C. 20590

Subject: Petition for Reconsideration regarding Ref. no. 00-0309

Dear Mr. Mazzullo,

This petition is to request a reconsideration of the Letter of Interpretation reference number 00-0309, regarding repeated tests in accordance with 180.209(g)(5) [formerly 173.34(e)(4)(v) as referenced in the Letter of Interpretation].

The Letter of Interpretation states that this paragraph, 180.209(g)(5), permits only one repeated test.

This is in direct contradiction to previous publications by RSPA. Please reference the following examples:

Federal Register of May 28, 1996, Vol 61, No. 103, Page 26752

Middle column, last paragraph:

RSPA invites comments on limiting the number of repeated tests. [Obviously, there was no limit.]

3rd column, 2nd paragraph:

A commenter specifically asks how many repeated tests are allowed before condemning the cylinder, and the response is that the cylinder is to be condemned when it exceeds its permanent expansion limit. It even specifies, "... Thus when this limit [Perm. Expan.] is exceeded..." [i.e., no limit to the number of repeats is given, even when the specific question was asked.]

This "interpretation" seems to be a rulechange, not an interpretation.

While I am not opposed to limiting the number of repeated tests, I am opposed to rulemakings coming about through "interpretations", rather than the proper procedures.

I am, in fact, all in favor of limiting the number of repeated tests. However, I believe one repeat may be overly restrictive in some cases, such as small aircraft cylinders, and certain composite cylinders. I believe that two or three repeated tests would be more in line with current industry procedure.

Thank you for your consideration,

Darrell K. Garton
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