



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

APR ²/₂ 2002

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

Mr. Robert K. Wade, Captain
Twin Falls Fire Department
345 - 2nd Avenue East
Twin Falls, ID 83301

Ref. No. 02-0081

Dear Mr. Wade:

This is in response to your March 4, 2002 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) concerning the qualification and maintenance of cylinders. Specifically, you ask whether a person who is not a U.S. Department of Transportation authorized cylinder retester is authorized to requalify DOT 4B cylinders used as fire extinguishers by performing a hydrostatic pressure test.

The answer is no. Section 173.34(e)(2) specifically states: "No person may mark a cylinder with a test date or retester identification number, or otherwise represent that a DOT specification or exemption cylinder has been retested under this section, unless that person holds a current retester identification number issued by the Associate Administrator for Hazardous Material Safety and operates in compliance with the terms of the retester identification number issuance letter." This requirement applies to a person who performs pressure retests, either a full hydrostatic test or a modified hydrostatic test. It does not apply to a person who performs only visual requalifications, as stated in the last sentence in paragraph (e)(2)(i). However, we published a notice of proposed rulemaking that proposes to extend this requirement to include persons who perform only visual requalifications.

I hope this information is helpful. Please contact us if you need further assistance.

Sincerely,

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



020081

173.34(e)

Office of
FIRE CHIEF



345 SECOND AVENUE EAST
TWIN FALLS, ID. 83301
PHONE (208) 736-2231

March 4, 2002

Betts
§ 173.34
Cylinders
02-0081

Ms. Linda Cooper (DHM-32)
Department of Transportation
400 - 7th Street Southwest
Washington, D.C.

Dear Ms. Cooper:

First, I would like to thank you for your time and continuing efforts in answering our questions. I am sending this letter per your conversation with Rex Champneys (Inspection Department) of the Twin Falls Fire Department. After reviewing Code of Federal Regulations, Title 49, Section 173.34 and the procedure package on DOT 4B Cylinders you sent in February, the answers to our situation are still unclear.

Here is our situation. Twin Falls is a small municipal city with many departments. In trying to save costs, the Fire Department has had the responsibility of doing the annual checks, the six (6) year maintenance program, and the hydrostatic testing of fire extinguishers (Amerex) within these departments. The cost of bringing in inspectors to certify the facilities will have a big impact on how this program will proceed. The service we provide is to City-owned extinguishers only. Knowing your busy schedule, it is our hope that a quick reply to the following questions can be answered in writing.

1. Do we need to be DOT compliant to hydrostatic test Amerex (DOT 4B) fire extinguisher cylinders?
2. If certification is required to hydrostatic test cylinders, can we do the six (6) year maintenance without having to have a re-tester certification inspection? Annual?
3. Are there any exemptions to the above questions? Suggestions?

Being able to continue with the six (6) year maintenance program would allow this service to our city departments to continue.

Ms. Linda Cooper

Page 2

March 4, 2002

The address for the Twin Falls Fire Department is:

345 - 2nd Avenue East
Twin Falls, ID 83301

Our fax number is (208)733-3146.

Again, I thank you for your time and efforts in answering our questions.

Sincerely,



Robert K. Wade
Captain

RK:lsb