U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV - 6 2000

Mr. Timothy J. Gaffney
Senior Vice President
Jones Chemicals, Inc.
100 Sunny Sol Boulevard
Caledonia, NY 14423

Reference No.: 00-0212

Dear Mr. Gaffney:

This is in response to your July 26, 2000 letter concerning the periodic requalification requirements in 49 CFR 173.34(e) and 49 CFR 180.519(a). You asked if a cylinder or a multi-unit tank car tank that was filled prior to the retest due date may be offered for transportation or continued in transportation after the retest due date, without being retested.

The answer is yes, provided the cylinder or multi-unit tank car tank is in proper condition for transportation. See §§ 173.301(c) and 173.31(a)(3). You are also correct in your understanding that a cylinder may not be refilled after the last date of the month of the calendar year during which the retest is due unless it has been retested. That is, using your example, a cylinder with a July 1995 test date and on a five-year retest schedule may not be refilled after July 31, 2000, unless the retest has been performed.

You are also correct in your understanding that a multi-unit tank car tank may be retested anytime during the calendar year the retest falls due. See § 180.519(a). Again, using your example, a multi-unit tank car tank with a July 1995 test date and on a five-year retest schedule may not be refilled and offered for transportation after December 31, 2000, unless the retest has been performed.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell

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

00-0212

173.34(e)
180.519(a)

§173.34(e)
§180.519(a)
Refill/Retest
00-0212

JCI
Jones Chemicals Inc.

July 26, 2000

Mr. Edward Mazzullo
United States Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Safety
400 7th Street, SW
Washington, D.C. 20590

RE: Request for Interpretation

Dear Mr. Mazzullo:

JCI Jones Chemicals, Inc. is hereby requesting a written interpretation of 49 CFR 173.34(e), and of 49 CFR 180.519(a).

Regarding 49 CFR 173.34(e), it is our understanding that cylinders (for example DOT-3A with a retest period of 5 years) cannot be refilled after the last day of the MONTH OF THE YEAR during which the retest is due, unless it has been retested. As an example, a cylinder with a test date of July 1995 cannot be refilled after July 31, 2000, unless it has been retested.

Regarding 49 CFR 180.519(a), it is our understanding that multi-unit tank car tanks (for example DOT-106A500 with a retest interval of 5 years) cannot be refilled after the last day of the YEAR during which the retest is due, unless it has been retested. As an example, a multi-unit tank car tank with a test date of July 1995 cannot be refilled after December 31, 2000, unless it has been retested. More specifically, we interpret the sentence in these regulations "Retests may be made at any time during the calendar year the retest falls due" to mean that we have until December 31st of the retest year to perform the actual retest, and that multi-unit tank car tanks that are up for retest during the calendar year can be filled up to and including December 31st of that calendar year.

In both cases, it is our understanding that as long as the cylinder or multi-unit tank car tank was filled prior to the retest date, that it can still be shipped/continued in hazardous material service after the retest date without being retested.

Please advise us in writing at your earliest convenience of your interpretation of these sections of the hazardous materials regulations. If you have any questions or require additional information, please contact me at 716-538-2314.

Very truly yours,

JCI Jones Chemicals, Inc.

Timothy J. Gaffney
Senior Vice President

TJG:tg

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