



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

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Title 49—Transportation

CHAPTER I—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

[Docket No. HM-22; Amdt. Nos. 171-43, 173-126]

Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to §§ 171.7(d)(3)(ii) and 173.34(e)(10) of the Hazardous Materials Regulations is to permit the use of the updated edition of the Compressed Gas Association's (CGA) Pamphlet C-6 for visual inspection of compressed gas cylinders. In addition, these amendments correct an inconsistency existing between §§ 173.34(e)(5) and 173.34(e)(10). The intended effect of these amendments is to improve procedures in the visual inspection of compressed gas cylinders and to clarify the time requirements for retention of cylinder reinspection and retest records.

EFFECTIVE DATE: January 18, 1979

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

On January 9, 1978, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking, Docket HM-22, Notice 78-1 (43 FR 1369). The proposals contained in Notice 78-1 were based on petitions for rulemaking submitted by the CGA. One petition requested an update to § 171.7(d)(3)(ii), which incorporates by reference CGA Pamphlet C-6 setting out the standards for visual inspection of compressed gas cylinders, from the referenced 1968 edition to the 1975 edition. The CGA periodically reviews its standards and publishes revisions when clarification, improvement, or additions are necessary. The revisions made by CGA in the 1975 pamphlet were coordinated with the MTB and it was mutually agreed that each of the changes was necessary. The notice proposed to update the reference from the 1968 edition of the pamphlet to the 1975 edition.

The CGA also petitioned to amend § 173.34(e)(10) to eliminate an inconsistency between that paragraph and paragraph (e)(5) with respect to the length of time cylinder reinspection and retest records are to be retained. Currently, § 173.34(e)(10) requires inspection results to be kept as a permanent record, while paragraph (e)(5) requires the owner or his authorized agent to keep the records until expiration of the retest period or until the cylinder is reinspected or retested, whichever occurs first. The notice proposed to amend § 173.34(e)(10) to refer to the retesting requirements of paragraph (e)(5).

One commenter objected to the proposed amendment to § 171.7(d)(3)(ii) on the grounds that paragraph 5.3.9.2 of CGA Pamphlet C-6 contains a visual inspection procedure for high pressure cylinders which the commenter considers inadequate and

unsafe. The commenter was advised that the objectionable paragraph in Pamphlet C-6 is not applicable to § 173.24(e)(10), the paragraph in which the pamphlet is referenced and, therefore, the objection is not germane to the proposed rulemaking. The commenter subsequently withdrew his objection. Other comments submitted were in support of the proposals.

In consideration of the foregoing, Parts 171 and 173 of Title 49, Code of Federal Regulations, are amended as follows:

1. In § 171.7 paragraph (d)(3)(ii) is amended by changing "1968" to read "1975."

2. In § 173.34 paragraph (e)(10) is amended by revising the fourth sentence to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(e) * * *

(10) * * * Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept in accordance with the requirements of paragraph (e)(5) of this section. * * *

AUTHORITY: (49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this final amendment will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on January 5, 1979.

L. D. SANTMAN,
Director, Materials,
Transportation Bureau.

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