



U.S. Department of Transportation
**Pipeline and Hazardous Materials Safety
Administration**
1200 New Jersey Avenue, SE
Washington, DC 20590

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MEMO TO FILE

From: Carolyn Nelson, P.E.
Director of Environmental Analysis & Compliance Division
carolyn.nelson@dot.gov

Subject: Categorical Exclusion Determination
HM-2680: Adopting DOT-SP 14175 into the Hazardous Materials
Regulations

FINAL ACTION

In this final rule, PHMSA is adopting the provisions of Department of Transportation (DOT) special permit (SP) 14175 into the Hazardous Materials Regulations (HMR) by adding new paragraph (b)(2) into 49 CFR 180.209 to authorize a 10-year requalification interval for DOT specification 3A and 3AA cylinder bundles used in flammable and non-flammable, nonpoisonous gas service by either hydrostatic testing and visual inspection, or by UE testing. This adoption reflects advances in testing technology and will relieve stakeholders of the burden of performing more frequent cylinder requalification.

APPLICABLE CATEGORICAL EXCLUSION

Categorical exclusions (CE) are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or an environmental impact statement (EIS). [DOT Order 5610.1D](#), DOT's current National Environmental Policy Act (NEPA) procedures, notes in paragraph 9(f) that "[a]n OA may apply a CE established in another OA's procedures." PHMSA coordinated with the Federal Highway Administration (FHWA) to determine that the following FHWA CE is applicable to the action described above and can be used by PHMSA per Section 9(f) of DOT Order 5610.1D:

*Promulgation of rules, regulations, and directives.*¹

UNUSUAL CIRCUMSTANCES

¹ 23 CFR 771.117(c)(20)

Based on the scope of the action, PHMSA has determined that this rulemaking action does not meet the criteria for unusual circumstances listed in 23 CFR 771.117(b), which would require PHMSA to conduct appropriate environmental studies to determine if the CE classification is proper.

DETERMINATION

PHMSA analyzed the final rule and determined that the rulemaking will not adversely affect safety and will not significantly affect the quality of the human and natural environment. Based on the information provided in the final rule, including a review of unusual circumstances, PHMSA finds the final action qualifies as a Categorical Exclusion in accordance with Section 102 of the National Environmental Policy Act, 42 U.S.C. § 4332, DOT Order 5610.1D, Departmentwide National Environmental Policy Act Implementing Procedures, and 23 CFR 771.

Approved by the Environmental Analysis and Compliance Division:
