
DEPARTMENT OF TRANSPORTATION

**Research and Special Programs
Administration**

49 CFR Part 173

[Docket No. HM-172A, Advance Notice]

**Marking Owner Symbols on
Compressed Gas Cylinders**

**AGENCY: Materials Transportation
Bureau (MTB), Research and Special
Programs Administration, DOT.**

**ACTION: Advance Notice of proposed
rulemaking.**

**SUMMARY: The Compressed Gas
Association (CGA) has petitioned for a
revision to 49 CFR 173.34(c)(1) that
would prohibit display of more than one
owner symbol on a compressed gas
cylinder and prohibit removal or change
of an owner symbol except by an owner
or with the owner's written permission.
CGA has also requested the addition of
a note making reference to CGA
Pamphlet C-16. The purpose of this
Advance Notice of Proposed
Rulemaking is to solicit comments on
the merits of the CGA petition.**

U.S. Department
of Transportation

**Research and
Special Programs
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DATES: Comments must be received on or before May 23, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that the docket number be identified and that five copies be submitted. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public Dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card.

FOR FURTHER INFORMATION CONTACT: Lee Jackson, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: By a petition dated December 15, 1982, CGA requested a revision to an amendment published under Docket HM-172 revising § 173.34, *inter alia* subparagraph (c)(1) of that section (Amdt. 173-153; 47 FR 16183). Most of the petition is quoted as follows:

Proposed Revision. The Compressed Gas Association (CGA) requests revision of 49 CFR 173.34(c)(1) as amended, to include the following italicized language:

(1) Additional information such as owner symbols, not affecting the markings prescribed in the applicable cylinder specification, may be placed on the cylinder. Only one owner symbol may be displayed on each cylinder. Such symbols may be removed or changed only by the owner or with the owner's written permission. No identification may be made in the sidewall of the cylinder unless specifically permitted in the applicable specification.

Note.—For the purpose of avoiding duplicate owner symbols, the Compressed Gas Association maintains a registry of such symbols. See CGA Pamphlet C-18.

CGA has a vital interest in maintaining a registry of owner symbols. As phrased, the Note following the revised section would simply advise regulated parties of the existence of the registry, and would inform them of our intention to avoid confusing duplication of symbols by different owners.

Purpose of the revision. Section 173.301(b) of today's regulations requires that "A container charged with a compressed gas must not be shipped unless it was charged by or with the consent of the owner of the container."

There is a strong safety basis for this provision. Cylinders commonly remain in service for many decades. The excellent safety record in the transportation of gases over such time periods is derived in significant part from the careful charging,

periodic retesting, and maintenance functions performed by the cylinder owner or on his behalf. The cylinder, as a reused container kept within the control of the owner, remains the owner's responsibility, and safety in transportation is enhanced as a result.

Compliance with this provision would be greatly facilitated by the two requirements that we ask you to insert in Section 173.34. The appearance of multiple owner symbols on the same cylinder obviously would frustrate the intent of Section 173.301(b). We request, therefore, that the current owner be made more readily identifiable by having Section 173.34 declare that only one owner symbol at a time may appear on a cylinder.

The second requested requirement would provide assurance that the symbol of an owner would not be removed without his permission. Section 173.301(b) recognizes the owner's responsibility for cylinder maintenance and record keeping, and the safety value of those functions. This information provides historical continuity in use of the container, for the sake of safety in transportation and use. Haphazard and unlimited alteration of owner symbols without owner permission would nullify the benefit of the current requirement to seek the owner's permission before shipping a recharged cylinder.

Other benefits of the revision. Clarification of the ownership of cylinders also provides benefits in the environmental area, facilitating rapid identification of interested parties in the event of improper discard of a cylinder. In situations involving civil liability as well, more ready determination of ownership will be beneficial to the public.

Conclusion. CGA's registration system of owner symbols will be maintained as long as the requested language appears in title 49 CFR. The registration system will be maintained without expense to DOT, and it will not entail any use of government personnel.

Registering a symbol under the CGA system will not be required in Title 49, and therefore no regulatory impact, small business, paperwork reduction, environmental impact, or information gathering issues are involved. The proposed requirements pertaining to appearance of only a single owner's symbol, and no changing of owner symbols without owner permission, merely facilitate existing requirements and also impose no new obligations on any parties requiring regulatory impact analyses.

Subsequent to receipt of the petition, CGA provided MTB a draft copy of its Pamphlet C-18 as adopted by CGA, but not yet formally printed. A copy is available for examination in the public docket under HM-172A.

Interested persons are encouraged to present their views on the CGA petition described above. Of particular value would be comments addressing the following questions concerning the CGA petition:

1. What constitutes an owner's symbol and how should the term be defined?

2. Should a distinction be drawn between symbols stamped into the metal of a cylinder (shoulder or footing, when permitted) and those that are non-permanent e.g., painted logos, trademarks or tradenames?

3. If a rule is adopted, as proposed by CGA, what impact would it have on owners of existing cylinders?

4. In view of the advantages discussed by CGA in ensuring that the current owner of a cylinder be readily identifiable, should there be a mandatory requirement that an owner symbol be placed on a cylinder?

5. What actions, if any, should be required of a carrier, shipper, or a freight forwarder who finds more than one owner symbol on a cylinder?

Commenters are not limited to responding to the questions raised above and may submit any facts and views consistent with the intent of this notice. In addition, commenters are encouraged to provide comments on "Major rule" considerations under terms of Executive Order 12291, "significant rule" considerations under the DOT regulatory procedures (44 FR 11034), potential environmental impacts subject to the Environmental Policy Act, information collection burdens which must be reviewed under the Paperwork Reduction Act, and economic impact on small entities subject to the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials.

(49 U.S.C. 1804; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C. on April 4, 1984.
Alan J. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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