

requalification or the letter "F" for a porous filling requalification, as described in CGA Pamphlet C-13. Provisions would be included to recognize cylinders requalified in accordance with CGA Pamphlet C-13, before the implementation date of the final rule. Another provision in proposed paragraph (e)(17) would require the remarking of the tare weight on a cylinder, if there is a change in the tare weight after replacing the cylinder valve. Revisions to § 173.34(f)(2), pertaining to DOT-3 series cylinders subject to the action of fire, would also require requalification of the cylinders in accordance with CGA Pamphlet C-13.

**Section 173.303.** A new paragraph (e) would require that acetylene cylinders be visually inspected for defects and leakage at the time of each filling in accordance with CGA Pamphlet C-13.

**III. Administrative Notices**

**A. Executive Order 12291**

Based on available information concerning the size and nature of entities likely to be affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Also, in view of the type of changes, EPA has further determined that this notice: (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11634; February 26, 1979); and (3) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the Dockets Unit.

**B. Executive Order 12612**

I have reviewed this regulation in accordance with Executive Order 12612 ("Federalism"). It has no substantial direct effects on the States, in the Federal-State relationship or the distribution of power and responsibilities among levels of government. Thus, this regulation contains no policies that have

Federalism implications, as defined in Executive Order 12612.

**C. Impact on Small Entities**

Based on limited information concerning size and nature of entities likely to be affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

**D. Paperwork Reduction Act**

Information collection requirements contained in current § 173.34(e)(1) pertaining to retester's identification numbers have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) and assigned control number, OMB No. 2137-0622 (expiration date 05/31/91). There may be a need to make an adjustment in the current burden hours attributed to § 173.34(e)(1). Comments on this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Attention: Desk Officer for the Department of Transportation. All comments must reference the title for this notice, "Periodic Inspection and Requalification of Acetylene Cylinders." The burden hours shall be revised to reflect the new requirements of this proposed rule and the information collection will be submitted to OMB for approval under the Paperwork Reduction Act.

**List of Subjects**

49 CFR Part 171

Hazardous materials transportation, Definitions, Incorporation by reference.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, parts 171 and 173 of title 49, Code of Federal Regulations would be amended as follows:

**PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS**

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1, unless otherwise noted.

2. In § 171.7, paragraph (d)(3)(xiii) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

(3) \* \* \*  
(3) \* \* \*  
(xiii) CGA Pamphlet C-13 is titled, "Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders", 1985 edition.

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1, unless otherwise noted.

4. In § 173.34, the line entry beginning "8, 8AL" in the table in paragraph (e) and paragraph (f)(2) would be revised, and paragraph (e)(17) would be added to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(e) \* \* \*

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
8, 8AL		10 or 20 years (See § 173.34(e)(17).)

(17) DOT 8 and 8AL cylinders. (i) Each owner of a DOT 8 and 8AL cylinder used to transport acetylene, flammable gas, must have the cylinder shell and the porous filler requalified in accordance with CGA Pamphlet C-13. The requalifications must be performed in accordance with the following schedule:

Date of cylinder manufacture	Shell (visual inspection) requalification		Porous filling requalification	
	Initial	Subsequent	Initial	Subsequent
Before January 1, 1985	Before January 1, 1986	10 yrs.	Before January 1, 2006	Not Required.
On or after January 1, 1985	10 yrs. <sup>1</sup>	10 yrs.	20 yrs. <sup>2</sup>	Not Required.

<sup>1</sup> Years from date of cylinder manufacture.  
<sup>2</sup> For cylinders manufactured on or after January 1, 1985, requalification of the porous filling must be performed no sooner than three years, and no later than 20 years, from the date of manufacture.