

(See approval procedures for incorporation by reference in 1 CFR part 51.) Accordingly, RSPA incorporates by reference into § 171.7(d)(3) the 1985 edition of CGA Pamphlet C-13. The changes contained in this section are aligned with the changes adopted under a final rule published in the Federal Register (55 FR 52402) under Docket No. HA-181, December 21, 1990.

Section 173.34

In the table in paragraph (e), the line entry for "DOT 8, 8AL" is amended by removing the notation "No retest required" and adding the reference "10 or 20, see § 173.34(e)(17)." Paragraph (e)(17) is revised to require that acetylene cylinders be requalified in accordance with CGA Pamphlet C-13. After a cylinder has been successfully requalified, it must be marked with the cylinder retester's identification number in accordance with § 173.34(e)(8) and, in addition, be marked with the letter "S" for shell requalification, or the letter "F" for a porous filler requalification, as prescribed in CGA Pamphlet C-13. Provisions also are included in paragraph (e)(17) to recognize cylinders that have been voluntarily requalified in accordance with CGA Pamphlet C-13 before the compliance date. In addition, paragraph (e)(17) is revised to require that when a valve on an acetylene cylinder is removed, it must be replaced with a cylinder valve of the same weight, or the tare weight of the cylinder must be adjusted to compensate for the difference in weight between the old and the new valve. Paragraph (f)(2), pertaining to DOT-8 series cylinders subject to the action of fire, is revised to require these cylinders to be requalified in accordance with CGA Pamphlet C-13.

Section 173.303

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

II. Administrative Notices

A. Executive Order 12291

RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 21 et seq.). A regulatory evaluation is available for review in the Docket.

B. Executive Order 12812

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12812. A determination has been made that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

C. Regulatory Flexibility Act

The provisions of this final rule impact owners, users and retesters of acetylene cylinders, some of whom may be small entities. Information available to RSPA is insufficient to determine the numbers of entities affected. As addressed in the regulatory evaluation, which is available for review in the Docket, minor costs would be incurred by owners and users of acetylene cylinders with respect to the requalification requirements. The requalification requirements are the cost of performing a visual inspection of the cylinder shell 10 years from the date of manufacture of the cylinder or 10 years from the effective date of this final rule, the cost of a one-time filler inspection no sooner than 3 years and no later than 20 years from the date of manufacture of the cylinder or the effective date of this final rule, and a one-time cost to retesters for the purchase of a stamp. An extended transition period has been provided to minimize cost impacts. Based on the foregoing, I certify this regulation will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

Information collection requirements contained in current § 173.34(e)(1) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96-511) under OMB Control Number 2137-0022.

E. Regulatory Information Number (RIN)

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste,

Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

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

In consideration of the foregoing, 49 CFR parts 171 and 173 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1812; 49 CFR Part 1.

2. In § 171.7, the table in paragraph (a)(3) is amended by adding, in sequence, the following entry:

§ 171.7 Reference material.

(a) . . .

(3) . . .

Source and name of material	49 CFR reference
CGA Pamphlet C-13, Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders, 1985.	173.34, 173.303

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

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

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1808, 1807, 1808, 1817; 49 CFR Part 1, unless otherwise noted.

4. In § 173.34, the entry beginning "8, 8AL" in the table in paragraph (e) introductory text and paragraph (f)(2) are revised, and new paragraph (e)(17) is added to read as follows:

§ 173.34 Qualification maintenance, and use of cylinders

(e) . . .

(e) . . .

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