

agree with the appellants and have made the appropriate changes.

In addition, FSSA and other appellants in the fire protection industry emphasize that cylinders used for fire extinguishers have assemblies consisting of a combined rupture disk and holder as specified in CGA Pamphlet S-1.1, paragraph 6.3.2. These appellants reiterate that CGA Pamphlet S-1.1 stipulates an operating tolerance of minus 15% to plus zero for PRDs with a holder. We agree that while the rupture disks are designed with a tolerance of minus 10% to plus zero, when a disk is placed inside a holder, the disk may rupture below its allowable tolerance of 10%. Therefore, we are allowing an additional 5% tolerance, as allowed in CGA S-1.1-1994, paragraph 6.3.2, for a combined rupture disk and holder. We are revising §§ 173.301(f)(3) and 180.205(c)(4) for consistency with these tolerances requirements.

Section 173.301(h)(2). Section 173.301 sets forth the requirements for cylinder valve protection. The August 8, 2002 final rule discontinues an authorization that allows protection of the valves by loading and securing the cylinders in an upright position in cars and motor vehicles, when loaded by the consignor and unloaded by the consignee. An appellant, opposing the removal of this provision, states that shipping experience using this particular method has proven to be adequate and requests that the authorization be continued.

Based upon the appellant's request that this method be allowed for cylinders manufactured before October 1, 2007, in the September 30, 2002 final rule we adopted a new paragraph (h)(2)(iv) to permit continuance of the authorization until May 30, 2003. Upon further consideration of the impact on industry and the changes adopted in § 177.840(a)(1), we agree that the authorization should be continued for cylinders properly secured in rail cars and motor vehicles during transportation. Therefore, we are revising paragraph (h)(2)(iv) to continue the authorization.

Section by Section Review

The following is a section-by-section summary of changes and, where applicable, a discussion of appeals received.

Part 107

Section 107.803. Section 107.803 sets forth the application procedures for approval as an Independent Inspection Agency (IIA). In the August 8, 2002 final rule, we inadvertently omitted a

provision contained in former § 173.300a. The provision authorizes an approved IIA to perform other inspections and functions relating to the inspections and verifications of cylinders used in the transportation of hazardous materials. We are correcting the oversight by adding this provision in a new paragraph (e) in this final rule.

Section 107.805. Section 107.805 sets forth application procedures for persons seeking approval to perform periodic cylinder requalification. In the August 8, 2002 final rule, we inadvertently omitted a provision contained in former § 173.34(e)(2)(iv). The provision requires a person who holds a current requalification identification number (RIN) to inform RSPA in writing within 20 days of any change in the company's address, cylinder qualification personnel or testing equipment. The requirement to notify RSPA of these changes is reiterated in all RIN issuance letters. We are correcting the oversight by adding the provision in a new paragraph (e) in this final rule.

Part 171

Section 171.12. In paragraph (b)(15), we are revising the reference "173.301(j) through (l)" to read "173.301(j) through (m)" for consistency with a change made in the paragraph designations in § 173.301 of this final rule.

Section 171.12a. In paragraph (b)(13), we are revising the reference "§ 173.301(i) and (j)" to read "§ 173.301(j) through (m)" for consistency with a change made in the paragraph designations in § 173.301 of this final rule.

Part 173

Section 173.40. Section 173.40 sets forth the general packaging requirements for toxic materials packaged in cylinders. An appellant requests that we reconsider the compliance date of a requirement contained in paragraph (a)(2) that permits a DOT 3AL cylinder made of aluminum alloy 6351-T6 filled with a Hazard Zone A material prior to October 1, 2002, to be offered for transportation and transported to its ultimate destination for reprocessing or disposal until April 1, 2003. The appellant states that the April 1, 2003 compliance date did not provide sufficient time to recover affected cylinders. Because cylinders made of aluminum alloy 6351-T6 are susceptible to sustained load cracking, we are not extending the April 1, 2003 compliance deadline date in this final rule. However, persons who may need to transport a filled cylinder for recovery or reprocessing after April 1, 2003, may submit an application for

exemption in accordance with the procedures in 49 CFR 107.105 or 107.117.

We are revising paragraph (b), as discussed earlier in this preamble, to extend the compliance date for the requirement that the service pressure of a cylinder used for a Hazard Zone B material equal or exceed the material's vapor pressure at 55 °C (131 °F) until December 31, 2003.

An appellant questions whether the requirement in paragraph (c) that each cylinder valve outlet must be closed with a plug or valve applies to any amount of Division 2.3 Hazard Zone A gas. The requirements of § 173.40 for Division 2.3 Hazard Zone A gases apply to any quantity of hazardous material, including residues and mixtures that meet the definition for this division and zone. Further, this requirement has been in effect since October 1, 1991.

In paragraph (d)(2), we are revising the valve protection requirements to provide that when a protective device or overpack is used, it must be designed to protect the valve from breakage or leakage resulting from a drop of 2.0 m (7 ft) onto a non-yielding surface, such as concrete or steel. An appellant states that although a deformed valve is undesirable, a deformed valve should be acceptable if there is no loss of contents. We agree and are removing the requirement that the valve be protected from deformation.

Section 173.163. We are making a minor editorial change in this section.

Section 173.181. We are removing a reference to former § 173.34(d)(6).

Section 173.226 and 173.228. We are revising §§ 173.226(a) and 173.228(b) to allow welded cylinders filled before October 1, 2002 with Hazard Zone A materials to be transported until December 31, 2003, for reprocessing or disposal of the contents. An appellant requests that we allow welded cylinders filled with Hazard Zone A material before October 1, 2002, to be returned empty to the shipper without any time limitation. Because of the inherent risks posed by using welded cylinders for toxic by inhalation hazard materials, we do not agree that an unlimited time period should be granted.

Section 173.301. Paragraph (a) includes general cylinder requirements for shipment of compressed gases in cylinders and spherical pressure vessels. We are revising the wording in paragraph (a)(3) to require the replacement of a leaking PRD where the leak is through the fusible metal and the opening in the plug body. An appellant states that most gas suppliers do not have the skills to perform these repairs on defective PRDs; therefore, the device