

of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If FUSA decides not to use the exemption for this line, it must formally notify the agency, and thereafter, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if FUSA wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption.

Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

**Authority:** 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 6, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2011-0328; Notice No. 11-15]

#### Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Safety Advisory Notice.

**SUMMARY:** This is to notify the public that PHMSA has confirmed that Spears Fire & Safety, 287 Jackson Plaza, Ann Arbor, MI improperly requalified and marked high pressure compressed gas cylinders. During a recent investigation, PHMSA determined that between November 2008 and October 2011, Spears Fire & Safety requalified and marked with a Requalifier Identification Number (RIN) "B037" approximately 7,740 DOT specification cylinders after its authority to requalify high pressure cylinders expired on October 31, 2008. Additionally the investigation revealed that during this period, Spears Fire & Safety (1) failed to condemn cylinders with a permanent expansion greater than 10% of total expansion, (2) on multiple occasions did not maintain the minimum test pressure for the required time and (3) improperly repeated pressure tests on cylinders required to be condemned. Cylinders that have not been properly requalified and marked in accordance with the HMR may not be filled with compressed gas or other hazardous material.

**FOR FURTHER INFORMATION CONTACT:** Spears Fire & Safety, Mr. Robert Pate, Manager, 287 Jackson Plaza, Ann Arbor, MI, Telephone (734) 633-4133.

**SUPPLEMENTARY INFORMATION:** PHMSA has recently confirmed that Spears Fire & Safety continued to requalify and mark high pressure cylinders after their authority to requalify cylinders had expired. Spears Fire & Safety's authority to requalify cylinders expired on October 31, 2008 and failed to seek renewal of its authority from the Associate Administrator. However, Spears Fire & Safety continued to requalify cylinders for a period of time up to and including October 14, 2011. The investigation also revealed that Spears Fire & Safety (1) failed to condemn cylinders with a permanent expansion greater than 10% of total expansion (2) on multiple occasions, did not maintain test pressure for the required time period, and (3) performed multiple repeat pressure tests on a cylinder with a permanent expansion

greater than 10% of total expansion. Because Spears Fire & Safety improperly pressure tested and marked high pressure cylinders that were required to be condemned, PHMSA questions the condition of all of the cylinders requalified, marked and returned to service by Spears Fire & Safety between November 2008 and October 2011 (approximately 7,740 cylinders). The cylinders in question were marked with Spears Fire & Safety's RIN "B037". The markings appear in the following pattern:

B0  
M Y  
73

Where B037 is Spears Fire & Safety's RIN, M is the month of the retest (e.g. 10) and Y is the year of the retest (e.g. 11). Anyone who identifies a cylinder marked with the RIN "B037" and a test date after October 2008, are advised to remove these cylinders from service and contact Spears Fire & Safety, Ann Arbor, MI for further instructions.

Issued in Washington, DC, on December 29, 2011.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 33 (Sub-No. 299X)]

#### Union Pacific Railroad Company—Discontinuance of Service Exemption—in Pittsburg, Hughes, and Seminole Counties, OK

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a portion of a line of railroad known as the Shawnee Branch Line, between milepost 428.00, near Seminole, and milepost 370.5, near McAlester, a distance of 57.69 miles,<sup>1</sup> in Pittsburg, Hughes, and Seminole Counties, Okla. (the line). The line traverses United States Postal Service Zip Codes 74501, 74570, 74531, 74848, 74884, and 74868.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; and (3) no formal

<sup>1</sup> UP notes a milepost equation of 402.78 = 402.59 in Hughes County, which makes the line 0.19 miles longer than the terminal mileposts would otherwise indicate.