

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket Nos. 4, 2, 3, 15, 16; Amdt. Nos. 5-2, 7-2, 9-2, 95-2, 99-2]

MISCELLANEOUS AMENDMENTS TO SUBTITLE

The purpose of this amendment to Parts 5, 7, 9, 95, and 99 of Subtitle A of Title 49, Code of Federal Regulations, is to reflect in those parts the establishment, within the Department of Transportation, of the Urban Mass Transportation Administration and the National Highway Safety Bureau, as operating administrations. The Urban Mass Transportation Administration was established within the Department by 1968 Reorganization Plan No. 2, effective July 1, 1968 (82 Stat. 1369). The National Highway Safety Bureau was established as a separate operating administration by Part 1 of the Regulations of the Office of the Secretary of Transportation (35 F.R. 4955) on March 21, 1970.

Since this amendment relates to Departmental organization and management, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 5, 7, 9, 95, and 99 of Subtitle A of Title 49, CFR, are amended as follows:

PART 5—RULE MAKING PROCEDURES

§ 5.1 [Amended]

Section 5.1 is amended by inserting the words "Urban Mass Transportation Administration, National Highway Safety Bureau," after the words "Federal Railroad Administration." in paragraph (a) thereof.

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Section 7.5 is amended by adding the following new paragraph (g) to the definition of "Department":

§ 7.5 Definitions.

* * * * *

(g) The National Highway Safety Bureau.

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PART 9—TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Section 9.3 is amended by adding the following new paragraph (g) to the definition of "Department":

§ 9.3 Definitions.

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(g) The National Highway Safety Bureau.

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PART 95—ADVISORY COMMITTEES

§ 95.1 [Amended]

Section 95.1 is amended by inserting the words "the Urban Mass Transportation Administration, the National Highway Safety Bureau," after the words "Federal Railroad Administration," in paragraph (a) thereof.

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. Section 99.735-3 is amended by adding the following new paragraphs (f) and (g) to the definition of "Department":

§ 99.735-3 Definitions.

* * * * *

(f) The Urban Mass Transportation Administration.

(g) The National Highway Safety Bureau.

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2. Appendix C is amended by adding the following new paragraph VII at the end thereof:

VII. URBAN MASS TRANSPORTATION ADMINISTRATION

Assistant Administrator for Administration
 Director, Division of Program Audit
 Staff Auditors
 Chief Counsel
 Counsel, Legislation Division
 Counsel, Opinions Division
 Counsel, Program Division
 Assistant Administrator for Program Operations
 Director, Division of Project Development
 Director, Division of Project Management
 Director, Division of Technical Studies
 Assistant Administrator for Research
 Director, Division of Technology
 Director, Division of Project Management
 Director, Office of Civil Rights

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on March 26, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-3792; Filed, Mar. 30, 1970; 8:46 a.m.]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-31; Amdt. Nos. 173-19, 178-9]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Extension of Specification 3HT Cylinder Service Life

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to extend the service life of specification 3HT cylinders for aircraft use from 12 to 15 years without relinquishing the 4,380 pressurization cycle limitation. A second purpose is to change the reference to safety device requirements in § 178.44-13.

On August 20, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-31; Notice No. 69-23 (34 F.R. 13428) proposing to amend the regulations as stated above. Interested persons were invited to participate in this rule making action.

There were no comments received objecting to the basic proposal to extend service life of specification 3HT cylinders to 15 years. One commenter objected to the proposed change in record keeping requirements, and stated that such a requirement should apply only to those cylinders charged more than once every other day on the average. By this means, it would be known if a cylinder was cycled in excess of the 4380 limitation within the 15-year period. The Board agrees with the commenter's proposal.

As indicated in his original petition, the commenter stated that most rechargings are of the "topping off" type. The cylinders are seldom completely discharged and recharged; therefore, complete pressurization cycles are seldom experienced. A survey indicated that crew oxygen cylinders were most frequently recharged and that their recharging cycles were seldom shorter than 5 days.

As stated in the notice, the Board is providing a 3-year extension and not 12 years as requested. Further extension will be considered by the Board if sufficient justification is provided and following a complete study of the requalification requirements for specification 3HT cylinders.

In consideration of the foregoing, Parts 173 and 178 of Title 49 Code of Federal Regulations are amended, effective July 1, 1970. However, compliance with the regulations as amended herein is authorized immediately.

I. Part 173 is amended as follows:

A. In § 173.34 paragraph (e) (13) (iii) is amended to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(e) * * *

(13) * * *

(iii) A cylinder must be condemned at the termination of a 15-year period following the date of the original test or after 4,380 pressurizations, whichever occurs first. If a cylinder is recharged more than an average of once every other day, an accurate record of the number of rechargings must be maintained by its owner, or his agent.

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B. In § 173.302 paragraph (a) (2) is amended to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(2) Spec. DOT 3HT (§ 178.44 of this chapter) cylinders for aircraft use only having a maximum service life of 15 years. Authorized only for nonflammable gases. Cylinders must be equipped with safety relief devices only of the frangible disc type which meet the requirements