of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Spec. 3HT cylinders may be shipped only when packed in strong outside packagings.

* * * * *

C. In § 173.304 paragraph (a)(2) Table Note 7 is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *
(2) * * *

NOTE 7: 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 of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Spec. 3HT cylinders may be shipped only when packed in strong outside packagings.

* * * * *

II. Part 178 is amended as follows:

A. In § 178.44–13 paragraph (a) is amended to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44–13 Safety devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by applicable regulations in Part 173 of this chapter (see §§ 173.34(d), 173.301(g), 173.302(a)(2), and 173.304(a)(2) Note 7 of this chapter).

(Secs. 831–835, title 18, United States Code, sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on March 25, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 70–3877; Filed, Mar. 30, 1970; 8:52 a.m.]

[Amdt. 195–1; Docket No. HM–6]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Miscellaneous Amendments

The purpose of this amendment is to modify slightly several provisions of this new part. These changes will clarify certain provisions and ease the burden of compliance in others without any effect on safety.

On September 29, 1969, the Hazardous Materials Regulations Board issued a new Part 195 which established safety regulations for the design, construction, operation, and maintenance of liquid pipelines. On March 2, 1970, the American Petroleum Institute, on behalf of the liquid petroleum pipeline industry, submitted a petition for reconsideration of certain parts of these new regulations. The petition and the Board's reply have been placed in Docket HM–6 and are available to the public at the Office of Hazardous Materials. In response to parts of this petition, several changes are being made to Part 195.

Section 195.1(b)(4). As previously issued, this subparagraph was not broad enough to accomplish its intended purpose of excluding gathering pipelines in rural areas. It has been reworded to exclude gathering lines of carriers in rural areas, up to the point of connection with the carrier's trunk line.

Sections 195.2 and 195.6(a). The petitioner requested that a definition of petroleum similar to that contained in Part 180 be included in Part 195 to avoid uncertainty as to whether or not certain liquids would be included in the phrase "petroleum and petroleum products". The only provision of the regulations where this uncertainty would be of any significance is § 195.6. As issued, this section might appear to require notification for the shipment of natural gasoline or liquefied petroleum gases, which was not intended. To avoid this problem, § 195.6 is being amended to specifically exclude these two items from the notification requirement.

Section 195.8. From the subject petition and other communications with the liquid pipeline industry, it is apparent that some confusion exists as to when notice must be given under this section with respect to pipelines in operation on April 1, 1970. The very limited number of notices received by the Administrator thus far indicates that, if § 195.8 is permitted to go into effect in its present form, a number of pipelines would either have to shut down or continue operations in violation of the regulations. To avoid this situation, and to permit adequate time for submission and evaluation of the notices required by this section, the applicability will be extended to October 1, 1970, thus giving the operators of existing pipelines until July 3, 1970 to provide notice to the Administrator.

Section 195.234(e)(f). The petitioner has requested that the 100 percent nondestructive testing requirements of this subparagraph be limited to areas between valves that are installed in compliance with § 195.260 (e) and (f). Such a change would be much too limiting. Since a major spill into one of the smaller bodies of water could very easily and quickly spread into a larger one with very serious consequences, this section does not appear overly stringent as issued. However, it is reworded slightly to make it clear that it does not require 100 percent nondestructive testing wherever a spill is possible, but only where there is a reasonable expectation of pollution if a defective weld ruptured.

Section 195.404(b). The collection of daily operating records at a central location is necessary due to the continuing surveillance to which they will be subjected. However, it is not necessary to place them only at the operator's principal place of business and the requirement has been modified accordingly.

Section 195.418(d). Petitioner has pointed out that § 195.416(f) gives the operator the alternative of reducing the operating pressure on externally corroded pipe rather than replacing or repairing it. This alternative is also requested with respect to internally corroded pipe. The Board agrees that there is no sound technical reason for making such a distinction between internal and external corrosion. Therefore, this section is modified to make the two provisions consistent.

Since the regulations that are affected by this amendment will become effective on April 1, 1970, and since these amendments relieve certain restrictions and will impose no additional burden on any person, I find that notice and public procedure are not necessary, and that good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows, effective April 1, 1970.

(Sec. 831–835, title 18, United States Code; sec. 6 (e)(4), (f)(3)(A), Department of Transportation Act (49 U.S.C. 1655 (e)(4), (f)(3)(A)); § 1.4(d)(6), Regulations of the Office of the Secretary of Transportation)

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

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

1. By amending § 195.1(b)(4) to read as follows:

§ 195.1 Scope.

* * * * *

(b) * * *

(4) Except for Subpart B of this part, transportation of petroleum in rural areas between a production facility and a carrier's trunk line reception point.

2. By amending the section heading of §§ 195.6 and 195.6(a) to read as follows:

§ 195.6 Transportation of certain commodities.

(a) Except for petroleum, petroleum products, natural gasoline, and liquefied petroleum gases, no carrier may transport any commodity unless the carrier notifies the Administrator in writing, with the information listed in paragraph (b) of this section, at least 90 days before the date the transportation is to begin. If the Administrator determines that the transportaion of the commodity in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the carrier, in writing, not to transport the commodity in the proposed manner until further notice. As soon as practicable after issuance of such an order,

the Administrator will initiate appropriate action to determine whether and in what manner the commodity may be transported without undue hazard.

* * * * *

3. By amending § 195.8 to read as follows:

§ 195.8 Transportation of commodities in pipelines constructed with other than steel pipe.

After October 1, 1970, no carrier may transport any commodity through a pipe that is constructed with material other than steel unless the carrier has notified the Administrator in writing at least 90 days before the transportation is to begin. The notice must state the chemical name, common name, hazard classification (if any) determined in accordance with Part 173 of this chapter, properties, and characteristics of the commodity to be transported and the material used in construction of the pipeline. If the Administrator determines that the transportation of the commodity in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice order the carrier, in writing, not to transport the commodity in the proposed manner until further notice.

4. By amending § 195.234(e)(1) to read as follows:

§ 195.234 Welds: Nondestructive testing and retention of testing records.

* * * * *

(e) * * *

(1) At any location where a loss of commodity could reasonably by expected to pollute any stream, river, lake, reservoir, or other body of water.

* * * * *

5. By amending § 195.404(b) to read as follows:

§ 195.404 Maps and records.

* * * * *

(b) Each carrier shall maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility. The carrier shall retain these records at one central location for at least 3 years.

* * * * *

6. By amending § 195.418(d) to read as follows:

§ 195.418 Internal corrosion control.

* * * * *

(d) Whenever any pipe is removed from the pipeline for any reason, the carrier must inspect the internal surface for evidence of corrosion. If the pipe is generally corroded such that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances, the carrier shall investigate adjacent pipe to determine the extent of the corrosion. The corroded pipe must be replaced with pipe that meets the requirements of this part or, based on the actual remaining wall thickness, the operating pressure must be reduced to be commensurate with the limits on operating pressure specified in this subpart.

[F.R. Doc. 70-3904; Filed, Mar. 30, 1970; 8:53 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

[Docket No. 26]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Subpart A—General

DEFINITION OF MOBILE STRUCTURE TRAILER

A mobile home for purposes of the Federal motor vehicle safety standards is considered a "trailer" which is defined in 49 CFR 371.3(b) as a "motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle." On August 15, 1968, a notice of request for comments was published (33 F.R. 11604) announcing that rulemaking was being considered "which would either exclude mobile homes, offices, classrooms, etc. from applicability of the Federal Motor Vehicle Safety Standards * * * or classify them as a separate category of vehicle subject to regulation". Comments were requested pertinent to these issues and Docket No. 26 was established to receive them.

The Federal Highway Administrator has evaluated these comments and is of the opinion that a mobile home towed on its own wheels is a "motor vehicle" within the meaning of section 102(3) of the National Traffic and Motor Vehicle Safety Act of 1966 (hereafter the Act), and is properly categorized as a trailer. However, differences between mobile homes and cargo and travel trailers are believed significant enough to warrant the creation of a subcategory of trailer covering mobile homes only. This new subcategory is designated "mobile structure trailer."

The mobile home industry has asserted that its products are not "motor vehicles" in view of the infrequent use of the average mobile home upon the public streets, roads, and highways. Comments to Docket No. 26 state that the average mobile home is moved once every 40 months, that it spends less than 12 hours on the public roads in 18 to 20 years, and that it only spends 0.055 percent of its useful life on the highway. Thus, it is contended that mobile homes are not "manufactured primarily for use on the public streets, roads, and highways" and hence are not "motor vehicles" for purposes of the Act.

The undisputed fact is that mobile homes, as their name implies, are constructed with a view towards over-the-road operations; their capability for travel on public highways is their principal advantage over fixed-site structures. Further, no one denies that mobile homes can present a significant safety hazard when they perform that function.

The Administrator views his conclusion that a mobile home towed on its own wheels is a motor vehicle as being consistent with the criteria expressed in the opinion on mini-bikes published October 3, 1969 (34 F.R. 15416). It is noteworthy that many States in significant ways accord mobile homes the same treatment as conventional motor vehicles. Registration, licensing, or other permission for use on the public roads is generally required. A number of jurisdictions has standards for mobile home lighting, braking, hitching, tire loading, and axle number and location.

Not only is a mobile home towed on its own wheels operationally capable of being used on public thoroughfares, it is almost exclusively so used in traveling from plant to dealer to owner site. Even assuming an infrequent move for the average mobile home, mobile homes as a class are found with increasing frequency on the public roads; industry production in 1967 was 240,000 units and the estimate for 1969 production was 400,000 units. The demand for low-cost housing makes the industry optimistic that there will be similar increases in years to come.

Clearly, when on the public highways, a mobile home towed on its own wheels will present a hazard if its tires, brakes, connection to the towing vehicle, and other factors affecting roadworthiness and traffic safety do not meet minimum standards. While some States, in recognition of this problem, have adopted their own safety standards, the Administrator believes that the decision published today may result in eventual uniformity of safety standards for mobile homes, and for that reason should be welcomed both by the motoring public and by the industry.

The current definition of trailer in § 371.3(b) is sufficient to encompass mobile homes. Yet, because of its size (10 to 14 feet in overall width), construction (a walled and roofed structure), and purpose (general off-road dwelling or commercial use) a mobile home is different from a conventional cargo or travel trailer. Separation by subclassification will allow exclusion of mobile homes from future rulemaking actions relating to trailers which may be inappropriate for mobile homes.

The sole standard presently applicable to trailers (No. 108-Lamps, Reflective Devices, and Associated Equipment) continues to be considered appropriate for mobile homes. In recognition of the limited road use of mobile homes, manufacturers have been advised for some time that compliance may be achieved by use of a lighting harness remoavble upon completion of transit.

The Administrator believes that mobile homes, offices, classrooms, etc. or modular portions thereof, should be termed mobile structures. In consideration of the foregoing, 49 CFR 371.3(b) is hereby amended effective immediately to add the following:

"Mobile structure trailer" means a trailer that has a roof and walls, is at least 10 feet wide, and can be used off-road for dwelling or commercial purposes.

Since this amendment merely establishes a subcategory of trailer without