

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[FCC 78-822]

PART 19—EMPLOYEE
RESPONSIBILITIES AND CONDUCTAmendment of Rule Concerning
Misuse of InformationAGENCY: Federal Communications
Commission.

ACTION: Final Rule.

SUMMARY: Because the Government in the Sunshine Act requires advance notice of the subject and date of Commission meetings, FCC amends standards of employee conduct to permit disclosure of such information and extends *ex parte* rules to prohibit *ex parte* communications from any interested person who knows that the question of designating a case for hearing will be considered at a Commission meeting.

EFFECTIVE DATE: February 2, 1979.

ADDRESSES: Federal Communica-
tions Commission, Washington, D.C.
20554FOR FURTHER INFORMATION
CONTRACT:Upton Guthery, Office of General
Counsel, 202-632-6444.

ORDER

Adopted: November 30, 1978,
Released: January 23, 1979.

1. Section 19.735-206 of the rules and regulations currently prohibits staff "disclosure of information about the content or scheduling of agenda items." Because the Government in the Sunshine Act requires seven days notice of the subject and the date for consideration of such items, and because disclosure as to scheduling is sometimes necessary for other reasons, it is appropriate to note Sunshine disclosure as an exception to this general prohibition and to eliminate that part of the prohibition relating to scheduling.

2. This section also prohibits "disclosure of actions or decisions by the Commission prior to the public release of such information." Insofar as this provision relates to actions or decisions at a Commission meeting opened to the public under the Sunshine Act, it is no longer appropriate. Members of the public who are unable to attend a Commission meeting should be afforded, upon request, the same access to information concerning actions at an open meeting as those who did in

fact attend. We are therefore amending this provision to apply only to actions taken at Commission meetings which are closed to the public or by circulation.

3. Accordingly, it is ordered, Effective February 2, 1979, That §19.735-206 is amended as set out in the Appendix hereto. Authority for this amendment is contained in Sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendments involve matters of procedure and internal standards of conduct, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 303, 48 stat., as amended, 1066,
1082; (47 U.S.C. 154, 303).)WILLIAM J. TRICARICO,
Secretary.

APPENDIX

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In Part 19, § 19.735-206 is revised to read as follows:

§19.735-206 Misuse of information

Except as provided in § 19.735-203(c), or as authorized by the Commission, an employee shall not, directly or indirectly, disclose to any person outside the Commission any information, or any portion of the contents of any document, which is part of the Commission's records or which is obtained through or in connection with his Government employment, and which is not routinely available to the public and, with the same exceptions, shall not use any such documents or information except in the conduct of his official duties. Conduct intended to be prohibited by this section includes, but is not limited to, the disclosure of information about the content of agenda items (except as provided in the Government in the Sunshine Act, Pub. L. 94-409) or other staff papers to persons outside the Commission, and disclosure of actions or decisions made by the Commission at closed meetings or by circulation, unless otherwise directed by the Commission, prior to the public release of such information.

[FR Doc. 79-2896 Filed 1-26-79; 8:45 am]

[4910-60-M]

Title 49—Transportation

CHAPTER I—RESEARCH AND SPECIAL
PROGRAMS ADMINISTRATION, DE-
PARTMENT OF TRANSPORTATIONPART 178—SHIPPING CONTAINER
SPECIFICATIONS

[Docket No. HM-156; Amdt. No. 178-53]

Flattening Test Requirement for
Seamless CylindersAGENCY: Materials Transportation
Bureau, Research and Special Pro-
grams Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations in Part 178 of Title 49, Code of Federal Regulations, pertaining to flattening tests by deleting the requirement that certain seamless cylinders be hydrostatically tested prior to the flattening test and by requiring that the longitudinal axis of the cylinder be perpendicular to the knife edges during flattening testing. This amendment allows flexibility as to when the sample cylinder may be selected, and assures uniformity in the procedures used in performing the flattening tests.

EFFECTIVE DATE: On January 29,
1979.FOR FURTHER INFORMATION
CONTACT:

Mr. Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 2100 Second Street S.W., Washington, D.C. 20590 (202-426-2075).

SUPPLEMENTARY INFORMATION: On January 19, 1978, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket HM-156, Notice 78-2 (43 FR 2741), which proposed these amendments. The background and basis for these amendments were discussed in that notice. Interested persons were invited to give their views prior to the closing date of March 20, 1978. The only comment received was in favor of the rule change as proposed. The commenter also suggested that the word "longitudinal" be included to clarify the orientation of the cylinder to the knife edges during testing, and the suggestion has been adopted.

Analysis of the proposed amendments and comment thereon indicate that cost of regulatory enforcement will not be significantly affected, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments.

Primary drafters of this document are Jose Pena, Technical Services Branch, Office of Hazardous Materials Regulation and Evan Braude, Office of Chief Counsel, Research and Special Programs Administration.

Since these amendments are relaxation of existing rules, and place no additional burden on any person, they are being made effective before February 28, 1979.

In consideration of the foregoing, Part 178 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In § 178.36, § 178.36-15 is revised to read as follows:

§ 178.36 Specification 3A; seamless steel cylinders or 3AX; seamless steel cylinders of capacity over 1,000 pounds water volume.

§ 178.36-15 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to 1/2-inch radius; test 1 cylinder¹ taken at random out of each lot of 200 or less

cylinders. Longitudinal axis of the cylinder must be at approximately a 90-degree angle to knife edges.

2. In § 178.37, § 178.37-15 is revised to read as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37-15 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to 1/2-inch radius; test 1 cylinder¹ taken at random out of each lot of 200 or less cylinders. Longitudinal axis of the cylinder must be at approximately a 90-degree angle to knife edges.

3. In § 178.44, § 178.44-17 is revised to read as follows:

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

§ 178.44-17 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to 1/2-inch radius; test 1 cylinder¹ taken at random out of each lot of 200 or less cylinders. Longitudinal axis of the cylinder must be at approximately a 90-degree angle to knife edges.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this final amendment will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on January 17, 1979.

L. D. SANTEMAN,
Director, Materials
Transportation Bureau.

[FR Doc. 79-2958 Filed 1-26-79; 8:45 am]