

(Sec. 552, title 5, United States Code; sec. 9, Department of Transportation Act (Public Law 89-670), 49 U.S.C. 1657; title V, Independent Offices Appropriation Act of 1952 (65 Stat. 290); 1968 Reorg. Plan No. 2, sec. 1(a) (82 Stat. 1369))

Issued in Washington, D.C., on April 28, 1969.

JOHN A. VOLPE,  
Secretary of Transportation.

### § 7.1 [Amended]

1. Section 7.1(c) is amended by striking out the words "A through F" and inserting the words "A through G" in place thereof.

2. Section 7.5 is amended by adding the following new paragraph after paragraph (e) in the definitions of "Department":

### § 7.5 Definitions.

(f) The Urban Mass Transportation Administration.

3. Section 7.57(a) is amended by striking out subparagraphs (5) through (9) and inserting the following in place thereof:

### § 7.57 Records exempted from disclosure by statute.

(5) Section 106 of Public Law 89-564 (22 U.S.C. 313 (note)) so far as it relates to identification of individuals in reports on highway traffic accidents.

(6) Section 902(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(f)) relating to information obtained by examining the accounts, records, or memoranda of an air carrier.

(7) Section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481) so far as it relates to the secrecy of acts and proceedings when requisite on grounds of national defense.

(8) Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) relating to the withholding, upon request, of information obtained under that Act.

4. Section 7.59(a) is amended by adding the following new subparagraph at the end thereof:

### § 7.59 Trade secrets and privileged or confidential information.

(7) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

5. Section 7.71(b) is amended by adding the following new sentence at the end thereof:

### § 7.71 General.

No determination that a record will not be disclosed is administratively final for the purposes of judicial

review unless it was made by the Assistant Secretary for Public Affairs or the head of the operating administration concerned (or his designee), as the case may be.

6. Paragraphs (a), (f), and (j) of § 7.85 are amended to read as follows:

### § 7.85 Fee schedule.

(a) Except as provided in paragraph (j) of this section, search for a record under Subpart E of this part, including making it available for inspection ----- \$3.00

(f) Duplicate data tapes—each reel of tape or fraction thereof----- 40.00

The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, 1/2-inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.

(j) Other records: The fee for a copy of a record not described in paragraphs (b) through (i) of this section will be supplied on request. The amount of that fee will be the cost of producing and handling. The fee for a search and copy of any record where the cost will obviously be more than \$3 will be determined in accordance with the policy on user charges set forth in section 483a of title 31, United States Code. In addition, fees covering items that are peculiar to the records of any operating administration may be prescribed in the appendix to this part that applies to that administration.

7. By adding the following new appendix at the end of Part 7:

### APPENDIX G—URBAN MASS TRANSPORTATION ADMINISTRATION

1. *General.* This appendix describes the document inspection facility of the Urban Mass Transportation Administration, the kinds of records which are available for public inspection and copying at that facility, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facility.* The document inspection facility of the Urban Mass Transportation Administration is maintained on the seventh floor of the Department of Transportation Building (Federal Office Building No. 10), at 800 Independence Avenue SW., Washington, D.C. 20590. This facility is open to the public during regular working hours.

3. *Records available at the document inspection facility.* The following records are located at the document inspection facility:

(a) Any policy or interpretation issued within the Urban Mass Transportation Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) Any administrative staff manual or instruction to staff, issued from within the Urban Mass Transportation Administration which affects any member of the public, including the prescribing of any standard, procedure or policy which, when implemented, performance of any activity or any member of the public or prescribes the manner of performance of any activity of any member of the public.

(c) Any procedural guides and other published materials issued from within the Urban Mass Transportation Administration for the information of the public.

(d) An index to the material described in (a) through (c).

The records and the index may be inspected, at the facility, without charge. Copies of records may be obtained upon payment of the fee prescribed in Subpart H of this part.

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Assistant Administrator, Office of Administration, Urban Mass Transportation Administration, Room 704, Federal Office Building No. 10, 800 Independence Avenue SW., Washington, D.C. 20591. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Administrator, Urban Mass Transportation Administration, Room 700-W, Federal Office Building No. 10, 800 Independence Avenue SW., Washington, D.C. 20591, for reconsideration of his request. The decision of the Administrator is administratively final.

[F.R. Doc. 69-5386; Filed, May 5, 1969; 8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM 3; Amdt. 178-3]

### PART 178—SHIPPING CONTAINER SPECIFICATIONS

#### Correction

In F.R. Doc. 69-5226, appearing at page 7158 in the issue for Thursday, May 1, 1969, make the following changes:

1. The formula in § 178.337-3(b) should read as follows:

$$S = \frac{T}{2} + \left[ \frac{T^2}{4} + S_s^2 \right]^{1/2}$$

2. In Appendix A, Table I, in the column marked "Grade 3" opposite the entry "Phosphorous, maximum", the figure "0.045" should be inserted.