

Effective date. This designation shall be effective as of July 30, 1970.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[P.R. Doc. 70-15773; Filed, Nov. 23, 1970;
8:47 a.m.]

**ACTING ASSISTANT REGIONAL AD-
MINISTRATOR FOR RENEWAL AS-
SISTANCE, NEW YORK REGIONAL
OFFICE**

Designation

The officials appointed to the following-listed positions in the New York Regional Office are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, New York Regional Office, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance, unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Director, Field Service Division.
2. Area Coordinator (Margaret M. Myerson).

The designation effective September 4, 1969 (34 F.R. 14394, Sept. 13, 1969) is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order H 31 F.R. 815, Jan. 21, 1965)

Effective as of the 27th day of July 1970.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[P.R. Doc. 70-15702; Filed, Nov. 23, 1970;
8:47 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

**Federal Highway Administration
TRAFFIC CONTROL DEVICES**

**Notice of Determination of Applica-
bility of Highway Safety Program
Standard to Federally Administered
Areas**

Notice is hereby given that, in accordance with the provisions of section 402(a) of title 23, United States Code, the Federal Highway Administrator, pursuant to authority delegated to him, hereby determines that Highway Safety Program Standard 13 (Traffic Control Devices) (23 CFR 204.4) is applicable to highways open to public travel in feder-

ally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER.

F. C. TUNNEN,
Federal Highway Administrator.

NOVEMBER 13, 1970.

[P.R. Doc. 70-15716; Filed, Nov. 23, 1970;
8:45 a.m.]

**Hazardous Materials Regulations
Board**

[Docket No. HM-38; Amdt. 179-4]

**CERTAIN RESTRICTIONS ON NEW
TANK CARS USED TO TRANSPORT
HAZARDOUS MATERIALS**

Petitions for Reconsideration

On September 9, 1970, the Hazardous Materials Regulations Board of the Department of Transportation published Docket No. HM-38; Amendment No. 179-4 (35 F.R. 14216) restricting the gross weight and volume capacity of, and requiring interlocking couplers on, all new tank cars used to transport hazardous materials.

The Board subsequently has received several timely petitions for reconsideration pursuant to the provisions of § 170.35 of the Hazardous Materials Regulations. The points raised by petitioners and the Board's responses follow.

One petition noted that the preamble to the amendment for the first time made certain information public in justification of the rule. Petitioner contended that the public did not have an opportunity to comment upon this information and data. Information appearing in the preamble that had not appeared in the notice (34 F.R. 19553) was offered in response to specific comments made on that notice. It did not form the primary basis of the Board's decision in HM-38. The Board is of the opinion that to offer an opportunity for public comment on all information offered in response to specific comments on the notice of proposed rule making could give rise to an impractical and unnecessary dialog.

It was also pointed out that the Federal Railroad Safety Act of 1970, 84 Stat. 971, has been enacted subsequent to the publication of the notice, and that this Act grants more comprehensive regulatory authority to the Department of Transportation in the field of railroad safety. While this new legislation may enable the Department to cope more effectively with the breadth of problems involved with today's railroads, the enactment in itself does not lead the Board to alter the conclusions expressed in HM-38.

A petitioner cited a recently completed study made for the U.S. Coast Guard by the National Academy of Sciences, relating to the factors involved in cargo size limitations. The Board is aware of the

study, but as it was directed to bulk shipments by water and involved dimensions and transportation factors not encountered in tank car service, it was considered to be inapplicable to the subject matter of HM-38.

It is contended that Docket No. HM-60, Request for Public Advice on Speed Restriction on Tank Cars (35 F.R. 16180), is a proceeding interconnected with the issues involved in HM-38, and that therefore the public ought to have the opportunity to comment on the integrated package of regulations. Docket No. HM-60 is limited in its applicability to DOT Specifications 112A and 114A tank cars transporting liquefied flammable gases and, in the Board's opinion, is not so related to the matters involved in HM-38 as to require delay of the effective date of the amendment.

Apparent confusion was noted regarding the term "built", as it appears in the amendment. The Board believes this term to be one of common usage in the tank car construction industry, and that it is reflected in the "built" date presently stenciled on all tank cars. For the sake of clarity, the Board may initiate rule making to provide a comprehensive definition of the term "built", but the Board is not of the opinion that sufficient confusion exists at the present time to warrant extension of the effective date of HM-38.

Docket No. HM-38 requires installation of "approved" interlocking automatic couplers, but petitioners noted that as yet, no couplers had received approval from the Federal Railroad Administrator. On November 13, 1970, the Board published Docket No. HM-38; Amendment No. 179-5 (35 F.R. 17418), amending new § 179.14 to list those interlocking couplers approved as of that date. In order to provide adequate time to assure compliance with the new section, the amendment also extended the date for required installation of approved couplers to January 1, 1971.

Certain research is being conducted to further analyze difficulties encountered in tank car operations, but the Board is of the opinion that it is not in the public interest to defer the effective date of HM-38 to await receipt of tangible results from those studies. If such research reveals evidence in addition or contrary to the present conclusions of the Board, appropriate rule-making proceedings may be initiated at that time.

The Board concludes that, except for the above-noted amendment to § 179.14, the petitions for reconsideration of HM-38 should be and are hereby denied.

(Secs. 331-335, Title 18, United States Code; sec. 9, Department of Transportation, Act, 49 U.S.C. 1637)

Issued in Washington, D.C., on November 13, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[P.R. Doc. 70-15759; Filed, Nov. 23, 1970;
8:46 a.m.]