recent adoption of § 76.251 of the rules (in the Cable Television Report and Order in Docket No. 18397, 36 FCC 2d 143, released Feb. 3, 1972). That section provides that all cable television systems operating in major market areas—where approximately 70 percent of the American people reside—must, by March 31, 1977, maintain public-access, education-access, and local-government-access nonbroadcast channels, and promptly expand their facilities as needed to meet demand for leased-access nonbroadcast channels; and that "Each such system shall exercise no control over program content on any of th[ese] channels * * *" Although this recent development is not sufficient to alter our basic view regarding the provisions of § 76.501, it does suggest that there may be several more station-system local-cross-ownership situations than we had previously anticipated in which the balance of relevant considerations now weighs in favor of a waiver of the mandatory-divestiture requirement.

49. In paragraph 13 of the Second Report and Order in Docket No. 18397 (issued in July 970), we stated that "we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity, and in footnote 6 we added that "There may, for example, be some sparsely inhabited area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programing to a wider area."

50. It now appears to us that those statements may have actually had the effect of inhibiting, rather than encouraging, the submission of justifiable requests for waiver of the divestiture requirement: there may well be a number of other grounds and circumstances which, if properly argued and substantiated by petitioners, would result in the grant of specific waivers.

51. Accordingly, we invite the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of colocated television stations and cable systems who believe that grandfathering would be appropriate in their case. Upon the receipt of a number of such petitions, they will be carefully reviewed by the Commission to enable us to pick out, on a rational and consistent basis, those situations in which the issuance of a waiver (or other appropriate relief) would both serve the underlying objectives of § 76.501 and avoid unnecessary hardship. Where such a waiver is granted, the petitioner's interests in the affected station and cable television facility may not subsequently be transferred to a new joint holder without prior approval of the Commission, upon a showing by the petitioner that such transfer(s) would serve the public interest.

52. It would be premature for the Commission at this time to specify the grounds for waiver which it will find acceptable, or to list the evidence necessary to support such grounds. We will certainly be interested in such aspects as (1) the extent (if any) of financial loss the cross-owner would suffer as a result of mandatory divestiture; (2) the impact of the station-system cross-relationship upon economic competition and diversity of control of media of expression in the service areas of the stations and systems in question; and (3) the quality of service which the system has been providing (in terms of broadcast signal carriage, cablecast programing by the system and others, system technical quality and reliability, etc.), and the extent to which it has been enhanced, or impaired, by the cross-relationship. But this itemization is intended only to be suggestive, and the Commission does not at all assume that it exhausts the possibilities.

53. We recognize, of course, that this process will further extend the period of uncertainty which has existed during the 2-year pendency of the petitions for reconsideration of the Second Report and Order in Docket No. 18397, and accordingly we have also decided to generally extend the grace period for divestiture of prohibited cross ownerships et al. until August 10, 1975.

Accordingly, it is ordered, that the petitions for reconsideration filed in response to the Second Report and Order in Docket No. 18397 are denied in all respects except that indicated below.

In view of the foregoing, and pursuant to authority contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, *It is further ordered*, That effective March 2, 1973, § 76.501(b) of the Commission's rules is amended to substitute "August 10, 1975", for "August 10, 1973."

It is further ordered, That the proceeding in Docket No. 18397 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 17, 1973.

Released: January 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1863 Filed 1-30-73;8:45 am]

[*] Commissioner Robert E. Lee, dissenting, issued a statement filed as part of the original document; Commissioner Hooks, dissenting, issued a statement to be distributed at a later date. Commissioners Reid and Wiley concurred and issued statements, filed as part of the original doctrine.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-5; Docket No. OPS-22]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Change of Authority Regarding Safety of Liquid Pipelines

The purpose of these amendments to Part 195 of Title 49 of the Code of Federal Regulations is to reflect changes resulting from Public Law 92-401 which on August 22, 1972, amended section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)), in effect, to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to place it with the Secretary of Transportation.

The Secretary of Transportation on November 7, 1972, delegated the authority with respect to safety of liquid pipelines to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24674, Nov. 18, 1972) and on November 7, 1972, the Assistant Secretary redelegated that authority to the Director, Office of Pipeline Safety (37 FR 24901, Nov. 23, 1972). With the redelegation to the Director, Office of Pipeline Safety, the authority to regulate the safety of liquid pipelines is now vested in the same office that has the authority for the safety of gas piplines. These amendments, accordingly, revise Part 195 to make it consistent with the change in authority.

In substance, this rulemaking action deletes all references to the Administrator, Federal Railroad Administration and adds the definition and necessary references to the Secretary of Transportation. In addition, changes to Subpart B of Part 195, to the extent possible, provide for the administrative handling of accident reports by the Director, Office of Pipeline Safety.

Since these amendments are based on a change in law and reflect changes in departmental organization and delegation of powers and duties made in response thereto which have already become effective, notice and public procedure thereon are impractical and unnecessary and 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, effective immediately, as follows:

1. Section 195.2 is amended by deleting the term "Administrator" and the associated definition in its entirety.

2. Section 195.2 is amended by adding the following definition immediately after the definition for "Pipeline system" or "pipeline":

§ 195.2 Definitions.

* * * * *

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

* * * * *

§ 195.3 [Amended]

3. Section 195.3(b) is amended by deleting the words "Docket Room, Room 304, 400 Sixth Street SW." and substituting the words "Office of Pipeline Safety" in place thereof.

§§ 195.6, 195.8, 195.52, 195.260 [Amended]

4. The following sections are amended by deleting the word "Administrator" where appearing and substituting the word "Secretary" in place thereof:

Section 195.6 (as changed by Amdt. 195–1)

Section 195.8 (as changed by Amdts. 195–1 and 195–2)

Section 195.52

Section 195.260(e)

§ 195.54 [Amended]

5. Section 195.54 is amended by deleting the words "Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.58 [Amended]

6. Section 195.58 is amended by deleting the word "Administrator" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.62 [Amended]

7. Section 195.62 is amended by deleting the words "Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

(Sec. 6(e)(4), Department of Transportation Act, 49 U.S.C. 1655(e)(4), secs. 831–835, title 18, United States Code; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to Director, Office of Pipeline Safety, in Appendix A to Part 1 of regulations of Office of Secretary of Transportation (49 CFR Part 1))

Issued in Washington, D.C., on January 24, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73–1808 Filed 1–30–73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72–31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3, the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age,

condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual milage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date. The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

(1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integal with the odometer disclosure;

(2) The date of the transfer;

(3) The transferor's name and current address; and

(4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph (a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92-513.)

I, _____, state that the odometer mileage indicated on the vehicle described below is _____ miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make	Body Type	Year	Model
Vehicle Identification Number		Last Plate Number	

Transferor's address _____
Transferor's signature _____
Date of this statement _____

[FR Doc.73-1675 Filed 1-24-73;11:10 am]

[Docket No. 69-20; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to respond to petitions for rulemaking to amend and petitions for reconsideration of Motor Vehicle Safety Standard No. 124 (49 CFR 571.124).

On September 23, 1972 (37 FR 20033), Motor Vehicle Safety Standard No. 124 was published specifying time requirements for the return of a vehicle's throttle to the idle position. Pursuant to 49 CFR 553.35, petitions for reconsideration were filed by Japan Automobile Manufacturers Association, Inc. (JAMA) and Volkswagen of America, Inc. Additionally, pursuant to 49 CFR 553.31, a petition for rulemaking to amend the standard was filed by the Ford Motor Co.

Favorable consideration has been granted to some of the requests and accordingly, the standard is being amended in some minor respects. The Administrator has declined to grant requested relief from other requirements of the standard.

Volkswagen requested that the test requirements for cold temperatures be clarified, in order to determine whether it is possible to use supplementary starting devices and to "pump" the accelerator control pedal during and after the presoak and prior to the test. The advantages of using supplementary devices and warmup procedures are recognized, but in many instances, the driving public either does not adhere to the manufacturer's recommended warmup procedures or uses other procedures. The intent of the standard is to afford the driving public as broad a coverage of the rule as is possible, by simulating as closely as possible actual conditions. Accordingly, for purposes of testing compliance the engine may be started by the use of any supplementary starting devices and procedures except those which would induce the vehicle into motion by the application of an external force.

Volkswagen also asked the NHTSA to define the speed at which the accelerator pedal is "to be released" to mark the beginning of the test determining the return of the throttle to idle position. The agency's intent is to provide protection in the variety of situations that may be encountered on the road. The vehicle, therefore, must be capable of meeting the requirements no matter how rapidly or slowly the driver's foot is lifted from the pedal. The actuating force actually is not "removed" from the pedal until the foot is no longer in contact with it, so the measured time period for throttle return does not begin until the instant when the foot leaves the pedal.

Further, Volkswagen asked the NHTSA to define a "running engine." Volkswagen stated that during cold testing an engine could start, run for approximately 6 seconds, and then stall. Volkswagen theorized that it would be possible to have an accelerator system fail the test requirements during this 6-second interval, although the engine would be incapable of causing a safety problem. The phrase "engine running" defines a condition without which throttle return to idle position has no significance. The intent of the standard is to prevent any safety problems caused by faulty throttle return over a broad range of operating circumstances and temperature conditions. The condition of a running engine, regardless of torque produced, is a clearly definable point at which a safety problem could begin to occur. Therefore, the vehicle must be capable of meeting the requirements whenever the engine is rotating without the application of any external force.

JAMA requested that the time requirements for maximum return to idle position when tested in temperatures between 0° and −40° F. be applied "only when there is no failure of the source of energy and no disconnection or severance of components." JAMA stated that in order for a system to meet the time requirements of the rule during the cold testing, the "required pedal effort would be increased to an extent that would not be acceptable to the ordinary driver." In its earlier comments to Notice 3 (37 FR 7097), JAMA stated that if each energy source was independently required to return the throttle to idle within the specified time requirements, increased pedal forces would be necessary. In response to this comment and to allow a manufacturer design freedom, the standard was amended by Notice 5 (37 FR 20033), to specify that independent capability of energy sources to return the throttle to idle position was not required. The amendment also gave an additional time allowance for return to idle position for vehicles tested or conditioned in cold temperatures. Based on these factors and on the comments received from other manufacturers, this agency's position is that the standard provides enough latitude for a manufacturer to feasibly meet the pedal force requirements and the time requirements for return to idle, even if there is a failure of one source of energy or a severance or disconnection occurs. The petition is therefore denied.

Ford pointed out that under the requirements section, S5.1 states that, "There shall be at least two sources of energy" and that this seemed at variance with the intent expressed in the preamble to Notice 5 that energy sources do not have to be contained in the accelerator control system. To further clarify the intent expressed in Notice 5, the phrase in S.5 "The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements" is changed to "The vehicle shall meet the following requirements * * *."

Ford also asked for a clarification of the word "failure" in S5.1. Ford stated that the word was ambiguous in that it would allow for abnormal operating conditions outside the scope of the standard's intent to assure safety under conditions of a single failure due to a severance or disconnection in the system. To clarify the standard's intent, the phrase in S5.1 which states that, "In the event of failure of one source of energy the remaining source or sources shall be capable of returning the throttle" is changed to "In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return * * *."

Further, in the first sentence of S5.2 the word "becomes" is changed to "is" and the phrase "at a single point" is added to the end of the sentence to clarify this meaning.

In consideration of the foregoing, 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, is revised to read as set forth below.

Effective Date: September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Standard No. 124; accelerator control systems. (Effective Sept. 1, 1973)

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a severance or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multi-purpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines the fuel injector, fuel distributor or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle at which it first comes in contact with an engine idle speed control appropriate for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning, and emission control, and the use of throttle setting devices.

"Ambient temperature" means the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test.

S4.2 In the case of vehicles powered by electric motors, the words "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall meet the following requirements when the engine is running under any load condition, and at any ambient temperature between −40° F. and +125° F. after 12 hours of conditioning at any temperature within that range.

S5.1 There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limit specified by S5.3 from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any one component of the accelerator control system is disconnected or severed at a single point. The return to idle shall occur within the time limit specified by S5.3, measured either from the time of severance or disconnection or from the first removal of the opposing actuating force by the driver.

S5.3 Except as provided below, maximum time to return to idle position shall be 1 second for vehicles of 10,000 pounds or less GVWR, and 2 seconds for vehicles of more than 10,000 pounds GVWR. Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at 0° to −40° F. during the test or for any portion of the 12-hour conditioning period.

[FR Doc.73-1906 Filed 1-30-73;8:45 am]

[Docket No. 71-13; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice amends Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluids, 49 CFR 571.116, to establish container labeling requirements for those fluids that are currently unregulated by the standard. The requirements are effective July 1, 1973.

The amendment is based upon a notice published March 22, 1972 (37 FR 5825). The NHTSA proposed labeling requirements for "central hydraulic system oil" and "silicone-based brake fluid," similar to requirements already in existence for conventional hydraulic brake fluids. The packager would be required to place his name on the container. His name could appear in code form. The packager would also be required to provide the complete name and mailing address of the distributor, a serial number identifying the packaged lot and date of packaging of the fluid, description of the contents, and certain safety warnings.

The comments received generally supported the proposal, and Standard No. 116 is being amended accordingly. The term "central hydraulic system oil" has not been adopted as some central hydraulic systems are designed for use of DOT brake fluids. Instead, the term "hydraulic system mineral oil" is adopted. It is defined as "a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, Neoprene, or natural rubber." Paragraphs S3, S5, S5.1, S5.2.1, S5.2.2.1, and S5.2.2.2 are being amended in a manner that more clearly evidences the NHTSA's intent that Standard No. 116 applies to all fluid used as brake fluids, but that silicone-based brake fluids and hydraulic system mineral oil are currently excepted from performance, container, and labeling requirements applicable to DOT fluids. A new S5.2.2.3 specifies the labeling requirements for packagers of silicone-based brake fluids and hydraulic system mineral oil, and these generally parallel those required of packagers of DOT fluids. Packagers of hydraulic system mineral oil must furnish the additional warning that the fluid is not compatible with the rubber components of brake systems designed for use with DOT brake fluids.

The amendment also differs from the proposal in reflecting the revision of Standard No. 116 of August 29, 1972 (37 FR 17474), that allows information to be placed on a container "in any location except on a removable part such as a lid." Minor changes have been made in the text of the warning on fluid storage so that it is identical with the warning required for DOT fluids.

In consideration of the foregoing, 49 CFR § 571.116, Motor Vehicle Safety Standard No. 116, is amended as follows:

1. S3 is amended to read:

S3 *Application.* This standard applies to all fluid for use in hydraulic brake systems of motor vehicles. In addition, S5.3 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

2. S4 is amended by adding the following definition in proper alphabetical sequence:

" 'Hydraulic system mineral oil' means a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, neoprene, or natural rubber."

3. S5 is amended by adding the following sentence at the end thereof: "Paragraphs S5.1 and S5.2.1 do not apply to silicone-based brake fluid or hydraulic system mineral oil."

4. S5.1 is amended to read: "When tested in accordance with S6, motor vehicle brake fluids other than silicone-based brake fluid and hydraulic system mineral oil shall meet the following requirements."

5. The first sentence of S5.2.1 is amended to read: "Each DOT 3 and DOT 4 brake fluid container with a capacity of 6 fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid."

6. S5.2.2.1 is amended to read: "Each manufacturer of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish to each packager, distributor, or dealer to whom he delivers brake fluid the following information: * * *"

7. S5.2.2.2 is amended to read: "Each packager of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container, in any location except on a removable part such as a lid. (a) * * *"

8. A new S5.2.2.3 is adopted to read:

S5.2.2.3 On and after July 1, 1973, each packager of silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container in any location except on a removable part such as a lid.

(a) The name of the packager of the brake fluid, which may be in code form.

(b) The name and complete mailing address of the distributor.

(c) A serial number identifying the packaged lot and date of packaging.

(d) Designation of the contents as "SILICONE-BASED BRAKE FLUID" or "HYDRAULIC SYSTEM MINERAL OIL", as applicable, in capital letters at least one-eighth inch high.

(e) The following safety warnings in capital and lower case letters as indicated:

1. Follow Vehicle Manufacturer's Recommendations When Adding Brake Fluid.

2. (For hydraulic system mineral oil only.) This brake fluid is Not Compatible with the rubber components of brake systems designed for use with DOT brake fluids.

3. Keep Brake Fluid Clean. Contamination with dirt or other materials may result in brake failure or costly repairs.

4. Caution: Store Brake Fluid Only in its Original Container. Keep Container Clean and Tightly Closed. Do Not Refill Containers or Use Other Liquids. (The last sentence is not required for containers with a capacity in excess of 5 gallons.)

9. S5.3 is amended to read:

S5.3 *Motor vehicle requirement.* Each passenger car, multipurpose passenger vehicle, truck, bus, trailer, and motorcycle that has a hydraulic brake system shall be equipped with brake fluid that has been manufactured and packaged in conformity with the requirements of this standard.

Effective date: July 1, 1973. Because these amendments relate to labeling requirements that do not entail product redesign, an effective date less than 180 days after the issue date is found to be in the public interest.

(Secs. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 4, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1907 Filed 1-30-73;8:45 am]

[Docket No. 1-8; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

This notice revokes high speed and endurance requirements in Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," in accordance with an order of the U.S. Court of Appeals for the Seventh Circuit in H & H Tire Company v. Volpe, No. 71-1935, Seventh Circuit, December 5, 1972. It also specifies effective dates for provisions of the standard subject to a stay that was entered by the court on December 31, 1971, and removed by its order.

In a notice published March 23, 1972 (37 FR 9590), the NHTSA indicated that it did not believe retreaders should be required to maintain a state of constant preparation, so as to be able to conform to the standard immediately following the lifting of the stay by the reviewing court. The NHTSA took this position although the stay had been imposed only 24 hours before the standard was to become effective, and retreaders should have by that time taken all necessary steps to achieve compliance. The notice accordingly specified that those requirements of the standard dealing with matters other than labeling would become effective approximately 30 days after the stay imposed by the court had been lifted. Requirements dealing with affixed labels (S6.3.1) were to become effective in 90 days, and requirements for permanent labeling (S6.3.2) in 1 year.

When these dates were projected, however, the NHTSA had assumed a decision would be rendered by the court in a short time. That assumption proved incorrect, and the NHTSA has determined that more leadtime than that specified on March 23, 1972, should be allowed. This leadtime will allow retreaders to use up their already acquired inventory of casings, and to obtain labels to conform to the affixed labeling requirements.

This notice provides, therefore, that provisions of the standard except those dealing with permanent labeling are effective 120 days from the day of publication. The permanent labeling requirements of the standard are effective 1 year from the day of publication. The NHTSA is of the opinion that 120 days is sufficient under the circumstances for retreaders to take whatever remaining steps are necessary to achieve conformity with these requirements.

In light of the above, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," 49 CFR 571.117, is amended as follows:

1. Paragraphs (e) and (f) of paragraph S5.1.1 are revoked.

2. Paragraph S5.1.3 is revised to read as follows:

S5.1.3 Each retreaded tire shall be capable of meeting the requirements of S5.1.1 and S5.1.2 when mounted on any rim in accordance with those sections. [The remaining sentences are deleted.]

3. Paragraph S6.2 is revised to read as follows:

S6.2 From June 1, 1973, to July 31, 1973, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after June 1, 1973, and conforms to all applicable Federal motor vehicle safety standards.

4. Paragraph S6.3.1 is revised to read as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled * * *

* * * * *

5. Paragraph S6.3.2 is revised to read as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be labeled * * *

Effective date: June 1, 1973, except for the provisions of paragraph S6.3.2, which are effective on February 1, 1974. The requirements of this standard were originally issued April 17, 1971, to become effective January 1, 1972. The standard in its present form was published March 23, 1972, but did not take effect due to a stay imposed on December 31, 1971. Accordingly, adequate leadtime has already been provided for any long-range steps necessary for compliance. The public was notified of expected effective dates by the notice of March 23, 1972.

It is therefore found, for good cause shown, that an effective date less than 180 days from the date of publication of this notice is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1908 Filed 1-30-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif., is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, lying south of the Island.

(2) Camping and picnicking are permitted. Camping is permitted only in the following areas and is restricted to tent and boat camping:

a. Avocet Beach.

b. The shoreline from Topock Bridge south to the buoy at the north end of Topock Gorge.

c. The shoreline below the buoy at the south end of Topock Gorge except Castle Rock and Mesquite Boat ramp.

Also, recreational vehicle and tent camping is permitted at Five-Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

(5) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(6) Fires may be built in areas where camping is allowed.

(7) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting or camping.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

JANUARY 19, 1973.

[FR Doc.73-1879 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.