PART 144—POSTAGE METERS AND METER STAMPS

12. The first sentence of paragraph (d)(4)(i) of § 144.1 is amended to read as follows:

(i) The postmaster must obtain confirmation from the sectional center facility where the post office of mailing is located, that the post office of mailing has adequate facilities for handling the mail.

13. Paragraph (b) of § 144.6 is redesignated as paragraph (c).

14. A new paragraph (b) is added to § 144.6 to read as follows:

(b) *Examination.* Review Forms 3610 quarterly. If no settings have been made during the previous 6 months advise local meter licensees to bring in meters which have not been set within this period for examination as required by paragraph (d)(1) of this section. When the meter is set at another office, request the office which sets the meter to have it called in for examination. The office where the meter is set will then advise the office where Form 3610 is maintained of the results of the examination, including register readings at the time of examination, so a suitable entry can be made on Form 3610.

PART 154—CONDITIONS OF DELIVERY

15. Paragraph (a)(2) of § 154.2 is amended to read as follows:

(2) When mail is to be delivered to a commercial mail receiving agency, Form 1583, *Application for Delivery of Mail through Agent,* must be signed by both the commercial agency and the addressee. The commercial agent must witness the signature of the addressee. The addressee shall be required to furnish two items of identification, the particulars of which shall be included on Form 1583. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. The original copy of Form 1583 will be filed without verifying the addressees shown thereon and without obtaining statements from the references given unless the postmaster is specifically requested to do so by the inspector in charge, or when there is reason to believe the mail will be, or is being, used for unlawful purposes. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are considered to agree that:

(i) No change of address order will be filed with the post office when the agency relationship is terminated;

(ii) The forwarding of mail intended for the addressee is the responsibility of the agent; and

(iii) When remailed by the commercial agent, the mail is subject to payment of new postage since delivery is deemed to have been made when the mail was delivered to the commercial agent.

(39 U.S.C. 401)

ROGER P. CRAIG,
Acting General Counsel.

[FR Doc.73-17146 Filed 8-17-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19451]

RADIO SERVICES

Non-Government Fixed and Land Mobile Telemetering Operations; Correction

AUGUST 9, 1973.

Amendment of Parts 2, 89, 91 and 93 of the Commission's Rules to Permit non-Government Fixed and Land Mobile Telemetering in the Band 1427–1435 MHz on a secondary basis.

In the Report and Order in Docket 19451, FCC 73–757, released July 24, 1973, and published in the FEDERAL REGISTER on August 1, 1973 (38 FR 20435), § 91.504(b) was amended by adding limitation (35). This is corrected to specify limitation (36).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-17287 Filed 8-17-73;8:45 am]

[Docket No. 19712; FCC 73-861]

PART 73—RADIO BROADCAST SERVICES

Frequency Monitors

In the matter of amendment of §§ 73.40, 73.49, 73.60, 73.63, 73.89, 73.113, 73.114, 73.252, 73.255, 73.283, 73.284, 73.295, 73.297, 73.317, 73.330, 73.331, 73.552, 73.555, 73.583, 73.584, 73.595, 73.596, 73.672, 73.687, 73.690, 73.692 and 73.693 of the rules, concerning frequency monitors and the maintenance of the operating frequency of stations.

1. In its continuing effort concerning the re-regulation of the broadcast services the Commission released a Notice of Proposed Rule Making in this proceeding on March 26, 1973 (FCC 73–322). The closing dates for comments and reply comments were May 3, 1973, and May 14, 1973, respectively. Publication was made in the FEDERAL REGISTER on March 30, 1973 (38 FR 8280).

2. Comments were filed by standard broadcasting station KTIX, Time and Frequency Technology, Inc., KITN–KITI Corporation, Westinghouse Broadcasting Company, Inc., American Broadcasting Companies, Inc., Summit Radio Corp., Group One Broadcasting Co., Inc. and Lake Huron Broadcasting Corporation. No reply comments were filed.

3. The Notice looked toward amending the Commission's rules as follows: (1) Deleting the requirement that AM and FM stations be equipped with type approved frequency monitors (this requirement was deleted from the TV rules in 1964); (2) deleting provisions for type approval of frequency monitors; (3) deleting requirements concerning three-hour and daily frequency checks; and (4) requiring that carrier and subcarrier frequencies be actually measured at least once a month. These amendments were proposed on the basis that automatic frequency control of transmitters, which is required by our rules, has provided an inherent frequency stability which substantially exceeds requirements; and this inherent capability, coupled with actual performance of modern-vintage transmitters, should be reflected in our rules.

4. The comments of KTIX, Westinghouse, ABC, Summit, Group One and Lake Huron urge adoption of the rules as proposed. Time and Frequency Technology, Inc., urges that the Commission retain the existing frequency monitor requirements; that they be expanded to include television; and that provisions for type approval of frequency monitors be revised to require tighter frequency accuracy than presently specified. KITN–KITI Corporation objects to the proposed requirement that frequencies be measured at least once a month and suggested that it would be sufficient to prescribe a maximum frequency tolerance and let the licensee bear responsibility for proper operation, with citations being issued for violations.

5. The position taken by Time and Frequency Technology, Inc., must be rejected on the ground it tends toward unnecessary over-regulation. The suggestion that the Commission should require continuous frequency monitoring and that provisions for type approval of frequency monitors should be revised to require tighter frequency accuracy would, if adopted, have no direct effect on actual transmitter performance, and it is on the basis of transmitter performance that the subject rule amendments are being considered. The record in this proceeding confirms that frequency instability is simply no longer a significant problem; certainly not one which warrants requiring that frequency be continuously monitored.

6. The suggestion of KITN–KITI must also be rejected. The Commission's regulatory responsibility goes beyond merely detecting and penalizing licensees who do not comply with its rules. It must establish any reasonable standards which tend to assure performance in the interest of preserving the integrity of existing service. While the performance record of some stations may support adoption of a standard prescribing annual or semi-annual frequency measurements, given some 8,300 licensed broadcasting stations, the Commission's rules must include such provisions as will reasonably assure adequate performance of all stations. In the Commission's view, such assurance requires adoption of the standard we have proposed, i.e., frequency measurements once each month. This conclusion is based upon the record established in this proceeding and the Commission's experience with a similar standard already included in its rules governing the television service.

7. In taking action in this proceeding, the Commission directs attention to two matters which should be emphasized. First, the rules being adopted do not preclude the use of frequency monitors. Licensees who wish to use such devises may do so. Secondly, many frequency monitors do not possess a capability for providing an accurate measurement of the actual transmitter frequency. Whatever procedure a licensee elects to

employ, what is clearly required is an accurate measurement of the actual carrier and subcarrier frequencies.

8. We believe that the rule amendments adopted herein are in the public interest. They are, in all essential respects, as set forth in the Notice. Departures from the proposal are principally editorial, except for two provisions. First, the Notice proposed to amend § 73.638, "Auxiliary transmitters", to provide expressly that frequency measurements be made on such transmitters. It is unnecessary to adopt this proposal since it merely reiterates the requirements of § 73.690 which prescribes that frequency measurements be made on whatever transmitter is being used. Second, the language of the existing rules concerning the use of modulation monitors at auxiliary transmitters (§§ 73.89, 73.330) does not reflect the fact that remote control operation of such transmitters, as well as of main transmitters, is authorized pursuant to other provisions of the Commission's rules. Sections 73.89 and 73.330 will be amended to reflect that fact. These amendments, which are minor and noncontroversial, merely conform the sections with other existing rules and outside participation in their adoption is clearly not a prerequisite. Therefore, prior notice of rule making and public procedure on §§ 73.89 and 73.330 are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553(b)(3)(B).

9. Having considered all of the information before it, and in accordance with the foregoing discussion, *it is ordered*, That, effective November 21, 1973, the Commission's rules and regulations are amended as set forth in the attached Appendix.

10. Authority for the action taken herein is contained in sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

11. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 8, 1973.

Released: August 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

1. Section 73.40(a)(10) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) * * *

(10) Means are provided for connection and continuous operation of an approved modulation monitor.

§ 73.49 [Deleted]

* * * * *

2. Section 73.49 is deleted.

3. Section 73.60 and headnote are amended to read as follows:

§ 73.60 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

4. Section 73.63 is amended by adding a new paragraph (g) and redesignating existing paragraphs (g) and (h) as (h) and (i) respectively to read as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(g) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(h) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power produced by the regular transmitter.

(i) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

5. Section 73.89 and headnote are amended to read as follows:

§ 73.89 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter control point. The monitor, if taken from the main transmitter control point shall be reinstalled at that point immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

6. Section 73.113 is amended by deleting paragraph (a)(1)(iv)(b) and redesignating paragraph (a)(1)(iv)(c) as (a)(1)(iv)(b) and amending it to read as follows:

§ 73.113 Operating log.

(a) * * *
(1) * * *
(iv) * * *

(b) Antenna current or remote antenna current (for non-directional operations); common point current or remote common point current (for directional operation).

* * * * *

7. Sections 73.114 (a)(1)(iii) and (a)(2)(ii) are amended to read as follows:

§ 73.114 Maintenance log.

(a) * * *
(1) * * *

(iii) A notation of the results of all frequency measurements, including date performed and description of method used.

* * * * *

(2) * * *
(i) Modulation monitor.
(ii) Final stage plate voltmeter.
(iii) Final stage plate ammeter
(iv) Base current ammeter(s)
(v) Common point ammeter
(vi) Antenna monitor

* * * * *

8. Section 73.252 and headnote are amended to read as follows:

§ 73.252 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Station WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

9. Section 73.255 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) to read as follows:

§ 73.255 Auxiliary transmitter.

* * * * *

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall

in no event exceed the authorized operating power of the regular transmitter.

§ 73.283 [Amended]

10. Section 73.283 is amended by deleting paragraphs (a)(3)(iii) and (a)(6).

11. Sections 73.284(a)(2) and (a)(4) are amended to read as follows:

§ 73.284 Maintenance log.

(a) * * *

(2) A notation of the results of all frequency measurements, including date performed and description of method used.

* * * * *

(4) * * *

(i) Modulation monitor

(ii) Final stage plate voltmeter

(iii) Final stage plate ammeter

(iv) Transmission line radio frequency voltage, current, or power meter.

* * * * *

12. Section 73.295 is amended by deleting paragraph (f)(5) and (i), adding a new paragraph (g), redesignating existing paragraphs (g) and (h) as (h) and (i), to read as follows:

§ 73.295 Operation under Subsidiary Communications Authorizations.

* * * * *

(g) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

13. Section 73.297(b) is revised to read as follows:

§ 73.297 Stereophonic broadcasting.

* * * * *

(b) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

14. In § 73.317 subparagraphs (a)(10) and (c)(5) are amended to read as follows:

§ 73.317 Transmitters and associated equipment.

(a) * * *

(10) Means should be provided for connection and continuous operation of an approved modulation monitor.

* * * * *

(c) * * *

(5) The modulation monitor and radio frequency lines to the transmitter shall be thoroughly shielded.

* * * * *

15. Section 73.330 and headnote are amended to read as follows:

§ 73.330 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter control point. The monitor, if taken from the main transmitter control point shall be reinstalled at that point immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

§ 73.331 [Deleted]

16. Section 73.331 is deleted.

17. Section 73.552 and headnote are amended to read as follows:

§ 73.552 Frequency measurements.

(a) The carrier frequency of transmitters licensed for transmitter power output greater than 10 watts shall be measured as often as necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

(c) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

18. Section 73.555 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) to read as follows:

§ 73.555 Auxiliary transmitter.

* * * * *

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 31 days, the interval between successive measurements shall not exceed 31 days.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

§ 73.583 [Amended]

19. Section 73.583 is amended by deleting paragraphs (a)(3)(iii) and (a)(6).

20. Sections 73.584(a)(2) and (a)(4) are amended to read as follows:

§ 73.584 Maintenance log.

(a) * * *

(2) A notation of the results of all frequency measurements, including date performed and description of method used.

* * * * *

(4) * * *

(i) Modulation monitor

(ii) Final stage plate voltmeter

(iii) Final stage plate ammeter

(iv) Transmission line radio frequency voltage, current, or power meter.

* * * * *

21. Section 73.595 is amended by deleting paragraph (f)(5) and (i), adding a new paragraph (g), redesignating existing paragraphs (g) and (h) as (h) and (i) to read as follows:

§ 73.595 Operating under Subsidiary Communications Authorizations.

* * * * *

(g) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

22. Section 73.596 is amended by revising paragraph (b) to read as follows:

§ 73.596 Stereophonic broadcasting.

* * * * *

(b) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency. However, in no event shall the interval between successive measurements exceed 31 days.

23. Section 73.672(a)(3) is amended and subparagraphs (i) and (ii) deleted to read as follows:

§ 73.672 Maintenance log.

(a) * * *

(3) An entry whenever frequency measurements are made including the date performed and description of method used.

* * * * *

24. In Section 73.687 subparagraph (e)(5) is amended to read as follows:

§ 73.687 Transmitters and associated equipment.

* * * * *

(e) * * *

(5) The modulation monitors and radio frequency lines to the transmitters shall be thoroughly shielded.

* * * * *

25. Section 73.690 is amended by deleting paragraphs (a) and (b), amending paragraph (c) and redesignating paragraphs (c) and (d) as (a) and (b) to read as follows:

§ 73.690 Frequency measurements.

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as necessary to ensure that they are maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements exceed 31 days.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureau of Standards.

26. Section 73.692(a) and (b) and headnote are amended to read as follows:

§ 73.692 General requirements for type approval of modulation monitors.

(a) Any manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in § 73.694. If this information appears to meet the requirements of the rules shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of tests conducted by the Laboratory, the Commission merely recognized that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

* * * * *

§ 73.693 [Deleted]

27. Section 73.693 is deleted.

[FR Doc.73-17285 Filed 8-17-73;8:45 am]

Title 49—Transportation

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

High Value Commodity Storage

By notice published in the FEDERAL REGISTER of June 5, 1973 (38 FR 14760), the Department of Transportation proposed the issuance of its second Cargo Security Advisory Standard, on High Value Commodity Storage, and invited public comment on the advisory standard. Numerous comments were received and the advisory standard has been changed in light of some of the comments.

The Air Transport Association of America (ATA) suggests that during certain "off" hours the availability of either a custodian or supervisory personnel to monitor the security crib would impose an unnecessary restraint upon the operations of its members. ATA suggests that the advisory standard be relaxed with respect to crib accessibility to the extent that when the size or nature of a particular operation does not warrant the designation of a custodian, supervisory or other predesignated responsible personnel should be authorized access to the crib. This suggestion has merit so long as access to the security crib is properly documented, and § 85-2.31(b) and other pertinent sections have been amended accordingly.

The Association of American Railroads (AAR) suggests four substantive changes to the advisory standard, ranging from renaming the advisory standard itself to amendments of specific provisions relating to security crib access, lock control, and alternate storage in lieu of a security crib.

AAR suggests that the advisory standard be renamed "High Value Commodity Storage of LCL-LTL [Less than Car Load-Less than Truck Load] Merchandise". The advisory standard is intended to have applicability to the entire transportation industry. Were AAR's suggestion adopted, the advisory standard would be addressed to only a segment of the industry. This would not serve the overall purpose of the advisory standard, which is to promote uniformity of treatment of high value cargo among all parts of the transportation industry; hence, this suggestion has not been adopted.

Section 85-2.31 Custodian—AAR's comment with respect to this section is similar to that of ATA, discussed above.

Section 85-2.51 Lock—AAR has two suggestions with respect to this section. The first is the addition of the following language: "Locks should be of a type for which duplicate keys can only be obtained from the manufacturer." The Department feels that this restriction would place too great an expense upon the industry, it has not been adopted. AAR's second suggestion with respect to § 85-2.31 concerns subparagraph (b)(2) thereof. AAR feels that this provision would be strengthened by revising it to read: "(b) The lock should be changed . . . (2) immediately whenever a key to the lock is missing or otherwise unaccounted for." This suggestion has merit and has been adopted.

Section 85-2.59 Procedures in lieu of a security crib—AAR recommends that this section be amended to recognize that an acceptable procedure in lieu of a security crib is the backing up to a solid barrier, such as a wall, of a properly sealed or locked trailer, container, or truck, so as to restrict access to the cargo doors. Although it is believed that this is a common practice in the trucking industry, the Department feels that it is not germane to the concept of a security crib as described in the advisory standard and has not adopted the suggestion.

McDonnell Douglas Corporation suggests adding a new section entitled "Protective lighting". It is urged that protective lighting would enhance visual surveillance and deter the theft of items from security cribs. Adequate lighting should be provided both within and without the crib and should be sufficient to permit detection and later identification of intruders by electronic surveillance or by security guards. The Department agrees with this suggestion and has adopted it as a new § 85-2.61.

McDonnell Douglas further recommends that this advisory standard include provisions concerning document control of shipping papers. This topic will be treated in a subsequent advisory standard.

In consideration of the foregoing, effective (publication date), the Appendix to Part 85 of Title 49 of the Code of Federal Regulations is amended by adding a new Part 85-2, to read as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85-2—HIGH VALUE COMMODITY STORAGE

SUBPART A—GENERAL

Sec.

SUBPART B—LOCATION OF SECURITY CRIB

SUBPART C—CONSTRUCTION OF SECURITY CRIB

SUBPART D—ACCESS AND CONTROL

AUTHORITY: Section 9(e)(1), Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)); § 85.3 of the Regulations of the Office of the Secretary of Transportation (49 CFR 85.3).

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–2—HIGH VALUE COMMODITY STORAGE

Subpart A—General

Sec. 85–2.1 *Purpose.* (a) The purpose of this Part is to set forth minimum procedures and guidelines that should be observed in order to minimize the risk of loss of high-value cargo.

(b) The provisions herein are general and each may not apply to every transportation mode.

Sec. 85–2.3 *Definitions.* As used in this Part—

"Custodian" means a person having direct day-to-day control of a security crib, including custody of and responsibility for the contents thereof.

"High-value cargo" means cargo handled at a facility, which cargo, because of its monetary value, utility, desirability, or history of frequent theft, requires greater protection than other commodities normally handled at the facility.

"Security crib" means an enclosure for temporary storage of high-value cargo; also referred to as "cage", "corral", "vault", or "lockup".

Subpart B—Location of Security Crib

Sec. 85–2.11 *Location.* (a) A security crib should be located in the vicinity of and, ideally, within sight of, the terminal or dock office. It should not be located in a remote area of the facility.

(b) The location should be conducive to frequent, if not continuous, surveillance by supervisory personnel.

(c) Large facilities may require two security cribs, one at each end, provided there is opportunity for reasonable surveillance of both security cribs.

Sec. 85–2.13 *Separation from over, short, and damaged crib.* A security crib should be separate from an over, short, and damaged crib. Over and damaged freight should not be stored in a security crib unless it is of high value.

Sec. 85–2.15 *Small facilities.* (a) In a small facility space limitations may prevent the use of a security crib. In such an instance high-value cargo should be stored in an area specifically designated and reserved for this purpose.

(b) The area described in paragraph (a) of this section should be—

(1) clearly marked;

(2) made off-limits to unauthorized personnel;

(3) within sight of the dock office; and

(4) capable of constant supervisory observation.

Subpart C—Construction of Security Crib

Sec. 85–2.21 *Materials.* A security crib should be constructed of substantial materials which make the crib resistant to forced entry on all sides, underneath, and overhead.

Sec. 85–2.23 *Size.* (a) A security crib should be of a size adequate for storage of all high-value cargo present at the facility at any time. It should not be so large, however, as to encroach upon space necessary for normal operations, thereby resulting in the use of security crib space for other than high-value cargo.

(b) The walls of a security crib should extend to the ceiling of the room in which it is located or be at least 10 feet high with a substantial top or roof resistant to forced entry.

(c) When a shipment of high-value cargo is too large to be stored entirely within a security crib, it should be—

(1) segregated from other cargo;

(2) stored within sight of supervisory personnel; and

(3) physically inspected at least daily by a supervisor for indication of theft or pilferage.

Sec. 85–2.25 *Visual observation.* Construction should permit visual observation of the entire security crib from the outside to deter unauthorized entry and covert tampering with the high-value cargo therein.

Sec. 85–2.27 *Portable security crib.* In the event that use of a portable security crib is necessary, its sides should be securely fastened to the ground to prevent entry underneath by raising of the security crib with a forklift, jack, or other lift equipment.

Subpart D—Access and Control

Sec. 85–2.31 *Custodian.* (a) When size of an operation or volume of high-value cargo requires extensive use of a security crib, a custodian should be designated as the one person directly responsible for control of the security crib. At all times access to the security crib should be under the direct control of the custodian and should be limited to those persons having legitimate business in the security crib.

(b) If the size or nature of the particular operation does not warrant the designation of a custodian, supervisory or other predesignated responsible personnel should be authorized to conduct necessary business at the security crib so long as access is properly documented.

Sec. 85–2.33 *Entrance in absence of custodian.* (a) Where the volume of business conducted at a security crib is substantial and a custodian has been designated, any additional duties assigned to the custodian should be limited to minimize the necessity to enter a security crib in his absence.

(b) If entrance to a security crib in the absence of the custodian is unavoidable, the entrance should be—

(1) conducted in the presence of supervisory personnel;

(2) subsequently reported to the custodian; and

(3) entered on appropriate records.

Subpart E—Accountability

Sec. 85–2.41 *Control log.* (a) A control log should be maintained at a security crib, listing all cargo transferred into and out of the security crib.

(b) The log should contain information sufficient to identify positively—

(1) the cargo transferred;

(2) the time of the transfer; and

(3) the identity of the persons involved in the transfer.

(c) Every transfer should be observed by a supervisor or other predesignated responsible person, or the custodian if one has been designated, and entered in the log.

Sec. 85–2.43 *Physical inventory.* (a) Consistent with the size of the security crib and the amount of cargo stored therein, a physical inventory of all freight in the security crib should be made periodically. Comparison should then be made with the log described in section 85–2.41 of the Part or with a running inventory.

(b) The interval between inventories should not exceed 30 days. Cleared inventory records should remain on file.

Sec. 85–2.45 *Theft or pilferage.* Whenever there is evidence of theft or pilferage from the security crib an immediate and thorough investigation should be conducted. Proper records will indicate when a loss occurred and the persons involved.

Sec. 85–2.47 *Discrepancies.* A security crib should be inspected daily by the facility manager or his representative with discrepancies investigated immediately and errors in procedures brought to the attention of supervisors concerned as quickly as possible.

Sec. 85–2.49 *Completed logs.* Completed logs should be kept in a secure place for at least one year or such other period of time as the company feels they may be needed for investigation of claims.

Subpart F—Security

Sec. 85–2.51 *Lock.* (a) A security crib should be securely locked when unattended.

(b) The lock should be changed—

(1) periodically to minimize the effect of unauthorized duplication of the key; and

(2) immediately whenever a key to the lock is missing or otherwise unaccounted for.

(c) Serial numbers should be removed from the lock and all keys.

Sec. 85–2.53 *Keys.* (a) Keys to the lock on a security crib should be kept by authorized supervisory or other predesignated responsible personnel, or the custodian if one has been designated, and be placed in a locked key box or other secure place at the close of business.

(b) To preclude surreptitious duplication, keys should never leave the facility nor be given, even temporarily, to unauthorized persons.

(c) The number of duplicate keys should be kept to a minimum, and duplicate keys should be accorded the same protection as the original keys.

Sec. 85–2.55 *Surrounding area.* Floor space immediately adjacent to a security crib should be kept clear of stocked cargo which can reduce visibility.

Sec. 85–2.57 *Electronic surveillance.* Depending upon the value of cargo stored in a security crib, the number of transfers thereto and from, and other variables, continuous electronic surveillance of a security crib may be advisable. In such a case, a responsible person or persons should be assigned responsibility of monitoring the television receivers. The versatility of closed circuit television combined with a video tape recorder is ideal for electronic surveillance of a security crib when continuous monitoring of the television receivers is not possible. If tapes are used, they should be reviewed periodically to determine whether unauthorized entry occurs.

Sec. 85–2.59 *Procedures in lieu of a security crib.* The size of an operation, the geographic area in which a facility is located, and the prior loss record may indicate that a security crib is not neded at a particular facility. Special procedures for controlling high-value cargo should still be used and may include—

(a) storage in a special area;

(b) storage in the over, short, and damaged crib;

(c) daily inventories; and

(d) continuous surveillance.

Sec. 85–2.61 *Protective lighting.* To enhance visual surveillance of and to deter the theft of items from security cribs, adequate lighting should be provided within and without the crib. Such lighting should be sufficient

to permit detection and later identification of intruders by electronic surveillance or by security guards.

Issued in Washington, D.C., on August 14, 1973.

DANIEL A. WARD,
Acting Director
of Transportation Security.

[FR Doc.73-17279 Filed 8-17-73;8:45 am]

[Docket No. 70-27; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems; Date for Response to Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of Motor Vehicle Safety Standard No. 105a, *Hydraulic Brake Systems*, 49 CFR 571.105a, published May 18, 1973 (38 FR 13107).

The NHTSA has found that it is not practicable to take action by August 16, 1973, the date by which action would ordinarily be taken under the agency's policy on petitions for reconsideration. Action on the above petitions and notice is planned for issuance not later than October 15, 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 and 49 CFR 501.8).

Issued on August 14, 1973.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.73-17298 Filed 8-17-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 72-6; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motorcycle Helmets

The purpose of this amendment to Part 571 of Title 49, Code of Federal Regulations, is to add a new Motor Vehicle Safety Standard No. 218, Motorcycle Helmets, 49 CFR § 571.218, that establishes minimum performance requirements for motorcycle helmets manufactured for use by motorcyclists and other motor vehicle users.

A notice of proposed rulemaking on this subject was published on May 19, 1972 (37 FR 10097). The comments received in response to the notice have been carefully considered in this issuance of a final rule.

In the previous notice, the NHTSA proposed that, effective September 1, 1974, the performance levels for the impact attenuation requirements be upgraded to that of the Head Injury Criterion (HIC) required by Motor Vehicle Safety Standard No. 208. A number of comments on this subject sought to defer a final determination until further research and additional tests could be conducted. The agency has carefully reviewed the issues raised by these comments and has determined that technical data presently being generated on this matter by several investigations should be considered in upgrading the impact attenuation requirements. Accordingly, a decision on the upgrading will be deferred until after this research has been completed and the results evaluated, and after any appropriate data have been reviewed.

Comments to the docket on the initial impact attenuation requirement ranged from abolishing the time duration criteria of 2.0 milliseconds and 4.0 milliseconds at the 200g and 150g levels, respectively, to increasing these criteria to 2.8 milliseconds at the 200g level and 5.6 milliseconds at the 150g level. One approach taken in regard to this requirement contends that the available test data are insufficient for quantifying time limits for the relatively short duration accelerations which are involved in helmet testing. Several comments questioned the validity of the proposed time duration limits, since these limits were based on the optional swing-away (as opposed to fixed anvil) test of the American National Standards Institute (ANSI) Standard Z90.1-1966, which was omitted from the most recent issues of the Z90.1 Standard (1971 and 1973) and was not contained in the proposed motorcycle helmet standard. An additional comment points out that helmets designed to meet higher energy impacts than the initial impact attenuation requirement occasionally have difficulty meeting a 2.0 millisecond requirement at the 200g level.

A review of available biomechanical data indicates that the head impact exposure allowed by the 2.0 and 4.0 millisecond limits at the 200g and 150g levels, respectively, is greater than that allowed by other measures of head injury potential. It is the agency's view, moreover, that the best evidence indicates that an increase in the time duration criteria would permit a substantial reduction in the protection provided to the helmet wearer. Since the comments to the docket did not provide any new data or sufficiently compelling arguments which would justify relaxing the proposed limits for tolerable head impact exposure, the 2.0 and 4.0 millisecond criteria are retained as part of the initial impact attenuation criteria.

In response to comments recommending that the allowable weight of the supporting assembly for the impact attenuation drop test be changed to 20 percent instead of the proposed 10 percent of the weight of the drop assembly, the NHTSA has determined that such a change would enable more durable testing equipment to be used without any significant effect on test results. Accordingly, this weight limitation has been raised to 20 percent.

Several comments expressed concern that the proposed 0.04-inch indentation limit included under the penetration test would create problems of measurement. The agency has determined that the intent of this 0.04-inch indentation limit is sufficiently accomplished by the requirement that the striker not contact the surface of the test headform, and the 0.04-inch indentation limit is therefore deleted from the final rule. Further, in consideration of the need to readily detect any contact by the striker, the agency has determined that the contactable surfaces of the penetration test headforms should be constructed of a metal or metallic alloy which will insure detection. Several minor changes in the test conditions for the penetration test have also been made, without altering the substance of those conditions.

A number of comments recommended that where the retention system consists of components which can be independently fastened without securing the complete assembly, such components should not have to individually meet the retention test requirements. Since helmets have a tendency to be thrown off by a crash and motorcyclists sometimes only partially fasten the retention system where such an option exists, the agency has concluded that retention components as well as the entire assembly should meet the test requirements in every fastening mode as specified in the notice of proposed rulemaking.

A number of comments requested that the 105° minimum peripheral vision clearance to each side of the midsagittal plane be increased to 120°. The 105° minimum requirement was proposed because it satisfies a demand by the public for the availability of some helmets which provide added protection to the temporal areas in exchange for a minimal reduction in peripheral vision capability without compromising the safe limits of peripheral vision clearance. A review of available field-of-vision studies and the lack of any evidence to the contrary indicate that 105° minimum clearance to each side of the midsagittal plane provides ample peripheral vision capability. Since the requests for increasing the minimum clearance to 120° were not accompanied by any supporting data or arguments, the agency has concluded that the standard should allow the additional protection which the 105° minimum clearance would permit and, accordingly, this requirement is retained.

With respect to providing important safety information in the form of labeling, one comment recommended that, due to possible label deterioration, both the manufacturer's identification and the helmet model designation should be permanently marked by etching, branding, stamping, embossing, or molding on the exterior of the helmet shell or on a permanently attached component so as to be visible when the helmet is in use. The NHTSA has determined that the practical effect of this recommendation is accomplished by requiring each helmet to be permanently and legibly labeled. The method to be used to permanently and legibly affix a label for each helmet is therefore left to the discretion of the manufacturer. However, in order that there may be some external, visual evidence of conformity to the standard, the labeling requirement has been further

modified to require manufacturer certification in the form of the DOT symbol to appear in permanent form on the exterior of the helmet shell.

One comment recommended that the preliminary test procedures include the application of a 10-pound static test load to the apex of a helmet after it is placed on the reference headform and before the "test line" is drawn to insure that the reference marking will be relatively uniform, thus reducing variances in test results of identical helmets. The agency concurs in this recommendation and it has been included in the standard.

A number of comments objected to the location of the test line. With respect to the proposed requirement that the test line on the anterior portion of a helmet coincide with the reference plane of its corresponding reference headform, it was pointed out that the helmet's brow area would have to be excessively thick in order to meet the impact attenuation criteria at any point less than approximately 1 inch from the brow opening. The data indicate that this objection is valid, and the location of the anterior testline has been modified by placing it 1 inch above and parallel to the reference plane.

A number of comments objected to the proposed requirement that the test line on the posterior portion of a helmet coincide with the basic plane of its corresponding reference headform. The principal objection expressed concern that, by extending the posterior test line to the basic plane, the resulting increase in the posterior surface of a helmet could cause the helmet to impact the wearer's neck where rearward rotation of the head occurs, thereby increasing the potential for injury in certain cases. After further consideration of this aspect of helmet safety, the agency has determined that the location of the test line on the posterior portion of a helmet should be modified by placing it 1 inch below and parallel to the reference plane.

Several comments questioned the sufficiency of the anatomical dimensions and diagrams provided for the reference headforms in the Appendix of the notice of proposed rulemaking. Of these comments, two proposed adopting the dimensional specifications of the existing ANSI Z90.1 headform, while a third recommended the inclusion of an additional reference headform to accomodate their smallest child helmet. The agency has concluded that, in order to promote greater uniformity in testing and more repeatable results, one of the reference headforms should have the dimensional specifications of the readily available Z90.1 headform, the others being scaled proportionally, and that a reference headform for smaller child helmets should be added. Accordingly, the Appendix has been revised to reflect these changes.

Effective date: March 1, 1974.

In consideration of the foregoing, a new Motor Vehicle Safety Standard No. 218, Motorcycle Helmets, is added as § 571.218 of Title 49, Code of Federal Regulations, as set forth below.

(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 August 9, 1973.

JAMES B. GREGORY,
Administrator.

A new § 571.218 is added as follows:

§ 571.218 Standard No. 218; Motorcycle helmets.

S1. *Scope.* This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts.

S3. *Application.* This standard applies to helmets designed for use by motorcyclists and other motor vehicle users.

S4. *Definitions.*

"Basic plane" means a plane through the centers of the right and left external ear openings and the lower edge of the eye sockets (Figure 1) of a reference headform (Figure 2) or test headform.

"Midsagittal plane" means a longitudinal plane through the apex of a reference headform or test headform that is perpendicular to the basic plane (Figure 3).

"Reference plane" means a plane above and parallel to the basic plane on a reference headform or test headform (Figure 2) at the distance indicated in the Appendix.

"Reference headform" means a measuring device contoured to the dimensions of one of the four headforms described in the Appendix, with surface markings indicating the locations of the basic, midsagittal, and reference planes, and the centers of the external ear openings.

"Test headform" means a test device contoured to the dimensions of one of the four reference headforms described in the Appendix for all surface areas that contact the helmet, with surface markings indicating the locations of the basic, midsagittal, and reference planes.

"Retention system" means the complete assembly by which the helmet is retained in position on the head during use.

"Helmet positioning index" means the distance in inches, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

S5. *Requirements.* Each helmet shall meet the requirements of S5.1 through S5.3 when subjected to any conditioning procedure specified in S6.3, and tested in accordance with S7.

S5.1 *Impact attenuation.* When an impact attenuation test is conducted in accordance with S7.1, all of the following requirements shall be met:

(a) Peak accelerations shall not exceed 400g;

(b) Accelerations in excess of 200g shall not exceed a cumulative duration of 2.0 milliseconds; and

(c) Accelerations in excess of 150g shall not exceed a cumulative duration of 4.0 milliseconds.

S5.2 *Penetration.* When a penetration test is conducted in accordance with S7.2, the striker shall not contact the surface of the test headform.

S5.3 *Retention system.*

S5.3.1 When tested in accordance with S7.3:

(a) The retention system or its components shall attain the loads specified without separation; and

(b) The adjustable portion of the retention system test device shall not move more than 1 inch measured between preliminary and test load positions.

S5.3.2 Where the retention system consists of components which can be independently fastened without securing the complete assembly, each such component shall independently meet the requirements of S5.3.1.

S5.4 *Configuration.* Each helmet shall have a protective surface of continuous contour at all points on or above the test line described in S6.1.3. The helmet shall provide peripheral vision clearance of at least 105° to each side of the midsagittal plane, when the helmet is adjusted as specified in S6.2. The vertex of these angles, shown in Figure 3, shall be at the point on the anterior surface of the reference headform at the intersection of the midsagittal and basic planes. The brow opening of the helmet shall be at least 1 inch above all points in the basic plane that are within the angles of peripheral vision (see Figure 3).

S5.5 *Projections.* A helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required for operation of essential accessories, and shall not protrude more than 0.19 inch.

S5.6 *Labeling.*

S5.6.1 Each helmet shall be permanently and legibly labeled, in a manner such that the label(s) can be easily read without removing padding or any other permanent part, with the following:

(1) Manufacturer's name or identification.

(2) Precise model designation.

(3) Size.

(4) Month and year of manufacture. This may be spelled out (e.g., June 1974), or expressed in numerals (e.g., 6/74).

(5) The symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal Motor Vehicle Safety Standards. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least ⅜ inch high, centered laterally approximately 1¼ inches from the bottom edge of the posterior portion of the helmet.

(6) Instruction to the purchaser as follows:

"Shell and liner constructed of (identify type(s) of materials).

"Helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: (Recommended cleaning agents, paints, adhesives, etc., as appropriate).

"Make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy and replace it." (On an attached tag, brochure, or other suitable means, any additional, relevant safety information should be supplied at the time of purchase.)

S5.7 *Helmet positioning index.* Each manufacturer of helmets shall establish a positioning index for each helmet he manufactures. This index shall be furnished immediately to any person who requests the information, with respect to a helmet identified by manufacturer, model designation, and size.

S6. *Preliminary test procedures.* Before subjecting a helmet to the testing sequence specified in S7., prepare it according to the following procedures.

S6.1 *Reference marking.*

S6.1.1 Use a reference headform that is firmly seated with the basic and reference planes horizontal. Place the complete helmet to be tested on the reference headform of the largest size specified in the Appendix whose circumference is not greater than the internal circumference of the headband when adjusted to its largest setting, or if no headband is provided to the corresponding interior surface of the helmet.

S6.1.2 Apply a 10-pound static load normal to the helmet's apex. Center the helmet laterally and seat it firmly on the reference headform according to its helmet positioning index.

S6.1.3 Maintaining the load and position described in S6.1.2, draw a line (hereinafter referred to as "test line") on the outer surface of the helmet coinciding with portions of the intersection of that surface with the following planes, as shown in Figure 2:

(a) A plane 1 inch above and parallel to the reference plane in the anterior portion of the reference headform;

(b) A vertical transverse plane 2.5 inches behind the point on the anterior surface of the reference headform at the intersection of the midsagittal and reference planes;

(c) The reference plane of the reference headform;

(d) A vertical transverse plane 2.5 inches behind the center of the external ear opening in a side view; and

(e) A plane 1 inch below and parallel to the reference plane in the posterior portion of the reference headform.

S6.2 *Helmet positioning.* Prior to each test, fix the helmet on a test headform in the position that conforms to its helmet positioning index. Secure the helmet so that it does not shift position prior to impact or to application of force during testing.

S6.2.1 In testing as specified in S7.1 and S7.2, place the retention system in a position such that it does not interfere with free fall, impact, or penetration.

S6.3 *Conditioning.* Immediately prior to conducting the testing sequence specified in S7., condition each test helmet in accordance with any one of the following procedures:

(a) *Ambient conditions.* Expose to a temperature of 70°F. and a relative humidity of 50 percent for 24 hours.

(b) *Low temperature.* Expose to a temperature of −20°F. for 24 hours.

(c) *High temperature.* Expose to a temperature of 122°F. for 24 hours.

(d) *Water immersion.* Immerse in water at a temperature of 77°F. for 24 hours.

If during testing, the time out of the conditioning environment for a test helmet exceeds 5 minutes, return the helmet to the conditioning environment for a minimum of 3 minutes for each minute out of the conditioning environment or 24 hours, whichever is less, prior to resumption of testing.

S7. *Test conditions.*

S7.1 *Impact attenuation test.*

S7.1.1 Impact attenuation is measured by determining acceleration imparted to an instrumented test headform on which a complete helmet is mounted as specified in S6.2, when it is dropped in guided free fall upon fixed hemispherical and flat steel anvils.

S7.1.2 Each helmet is impacted at four sites with two successive, identical impacts at each site. Two of these sites are impacted upon a flat steel anvil and two upon a hemispherical steel anvil as specified in S7.1.7 and S7.1.8. The impact sites are at any point on the area above the test line described in S6.1.3, and separated by a distance not less than one-sixth of the maximum circumference of the helmet.

S7.1.3 The guided free fall drop heights for the helmet and test headform combination onto the hemispherical anvil and flat anvil are 54.5 inches and 72 inches, respectively.

S7.1.4 Test headforms for impact attenuation testing are constructed of magnesium alloy (K–1A), and exhibit no resonant frequencies below 3,000 Hz.

S7.1.5 Weight of the drop assembly, as specified in Table I, is the combined weight of the instrumented test headform and supporting assembly for the drop test. The weight of the supporting assembly does not exceed 20% of the weight of the drop assembly. The center of gravity of the combined test headform and supporting assembly lies within a cone with its axis vertical and forming a 10° included angle with the vertex at the point of impact.

S7.1.6 The acceleration transducer is mounted at the center of gravity of the combined test headform and supporting assembly with the sensitive axis aligned to within 5° of vertical when the test headform is in the impact position. The acceleration data channel complies with SAE Recommended Practice J211 requirements for channel class 1,000.

S7.1.7 The flat anvil is constructed of steel with a 5-inch minimum diameter impact face, and the hemispherical anvil is constructed of steel with a 1.9-inch radius impact face.

S7.1.8 The rigid mount for both of the anvils consists of a solid mass of at least 300 pounds, the outer surface of which consists of a steel plate with minimum thickness of 1 inch and minimum surface area of 1 ft^2.

S7.2 *Penetration test.*

S7.2.1 The penetration test is conducted by dropping the penetration test striker in guided free fall, with its axis aligned vertically, onto the outer surface of the complete helmet, when mounted as specified in S6.2, at any point above the test line, described in S6.1.3, except on a fastener or other rigid projection.

S7.2.2 Two penetration blows are applied at least 3 inches apart, and at least 3 inches from the centers of any impacts applied during the impact attenuation test.

S7.2.3 The height of the guided free fall is 118.1 inches, as measured from the striker point to the impact point on the outer surface of the test helmet.

7.2.4 The contractable surfaces of the penetration test headforms are constructed of a metal or metallic alloy having a Brinell hardness number no greater than 55, which will readily permit detection should contact by the striker occur. The surface is refinished if necessary prior to each penetration test blow to permit detection of contact by the striker.

S7.2.5 The weight of the penetration striker is 6 pounds, 10 ounces.

S7.2.6 The point of the striker has an included angle of 60°, a cone height of 1.5 inches, a tip radius of 0.019 inch (standard 0.5 millimeter radius) and a minimum hardness of 60 Rockwell, C-scale.

S7.2.7 The rigid mount for the penetration test headform is as described in S7.1.8

S7.3 *Retention system test.*

S7.3.1 The retention system test is conducted by applying a static tensile load to the retention assembly of a complete helmet, which is mounted, as described in S6.2, on a stationary test headform as shown in Figure 4, and by measuring the movement of the adjustable portion of the retention system test device under tension.

S7.3.2 The retention system test device consists of both an adjustable loading mechanism by which a static tensile load is applied to the helmet retention assembly and a means for holding the test headform and helmet stationary. The retention assembly is fastened around two freely moving rollers, both of which have a 0.5 inch diameter and a 3-inch center-to-center separation, and which are mounted on the adjustable portion of the tensile loading device (Figure 4). The helmet is fixed on the test headform as necessary to ensure that it does not move during the application of the test loads to the retention assembly.

S7.3.3 A 50-pound preliminary test load is applied to the retention assembly, normal to the basic plane of the test headform and symmetrical with respect to the center of the retention assembly for 30 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet is measured.

S7.3.4 An additional 250-pound test load is applied to the retention assembly, in the same manner and at the same location as described in S7.3.3, for 120 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet is measured.

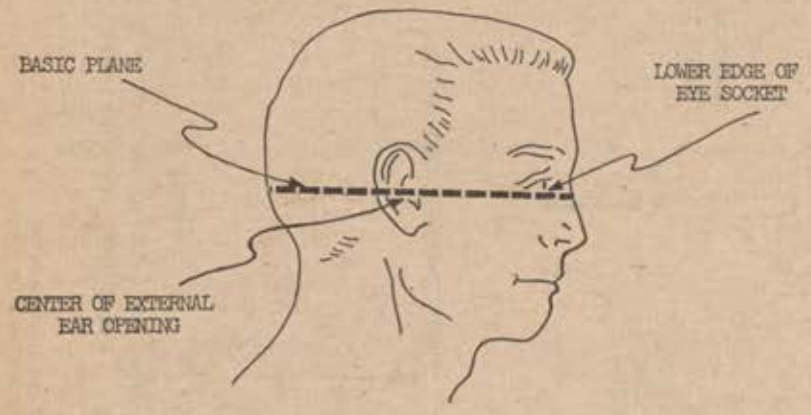


Figure 1

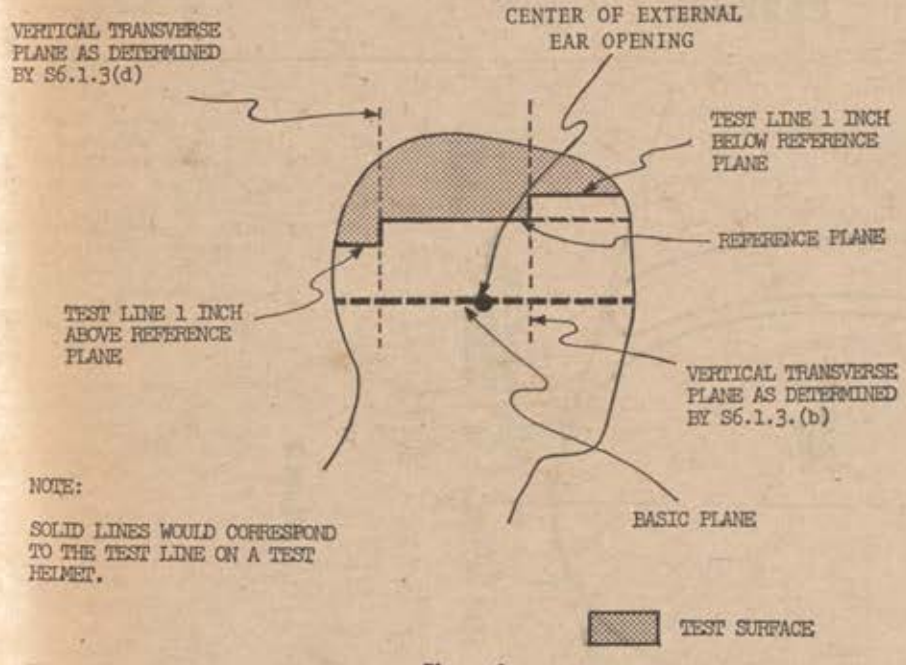


Figure 2

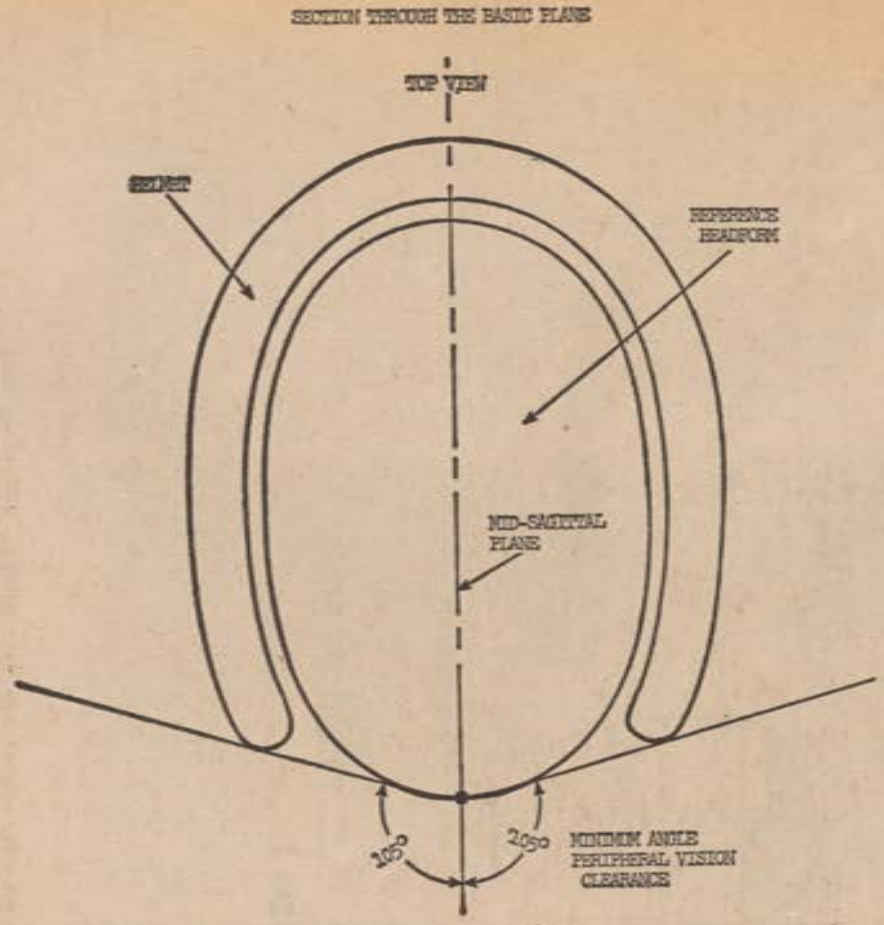
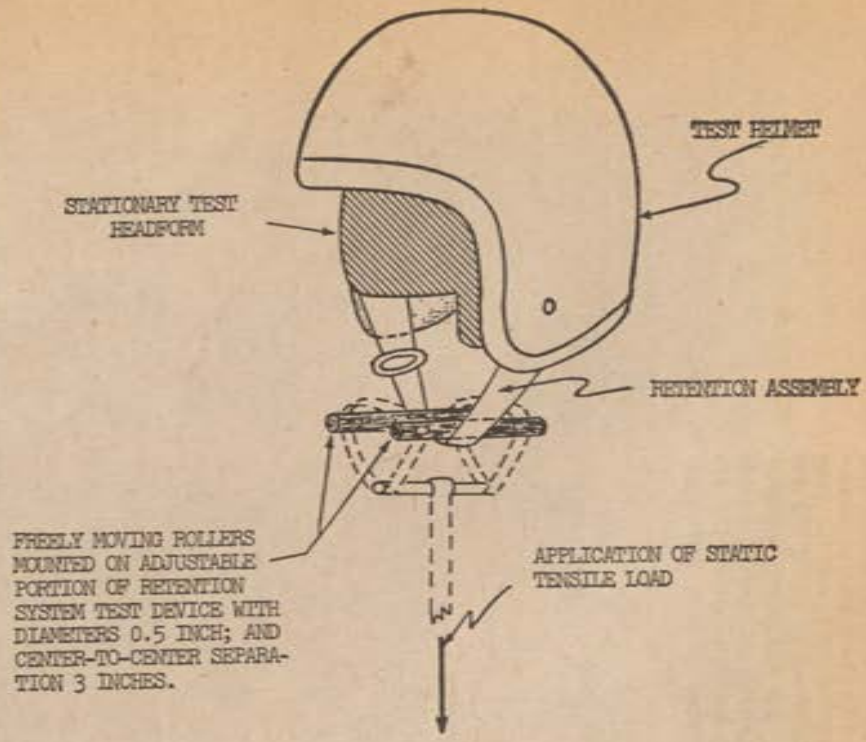


Figure 3



RETENTION SYSTEM TEST DEVICE

Figure 4

TABLE I.—*Weights for impact attenuation test drop assembly*

Reference headform size:	*Weight (lbs)**	Reference headform size:	*Weight (lbs)**
A	7.8	C	11.0
B	8.9	D	13.4

*Combined weight of instrumented test headform and supporting assembly for drop test.

APPENDIX

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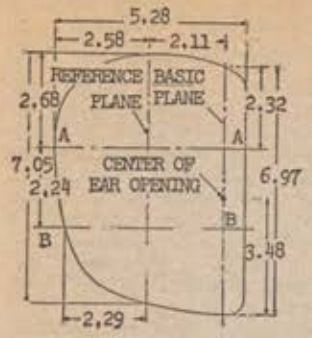
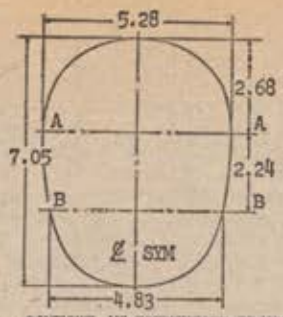


CONTOUR AT ℄



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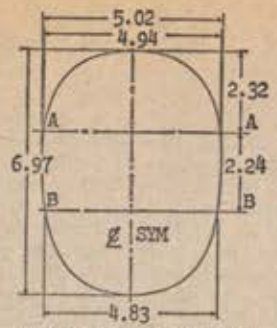
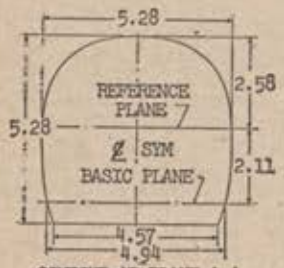
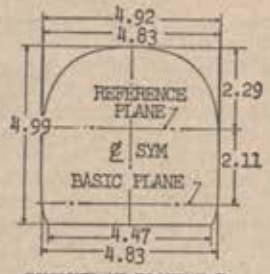


CONTOUR AT BASIC PLANE



CONTOUR AT PLANE A-A

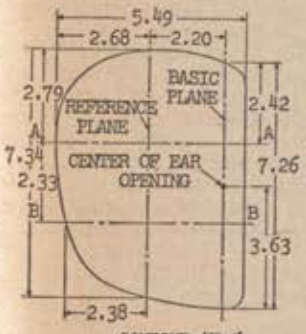


CONTOUR AT PLANE B-B

HEADFORM A

ALL DIMENSIONS IN INCHES

ii



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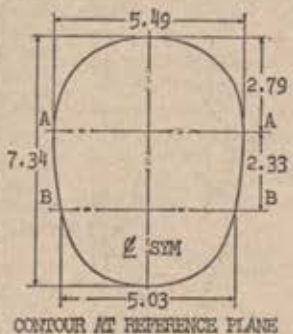

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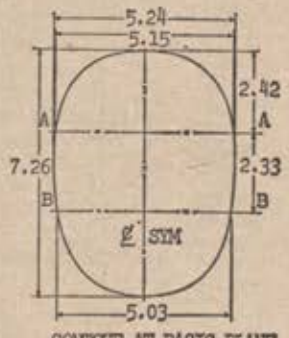

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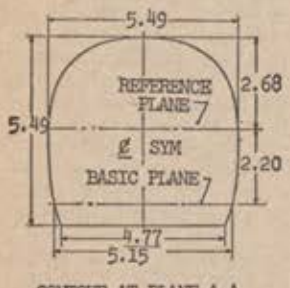

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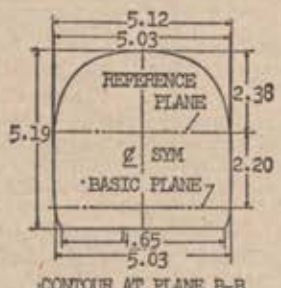
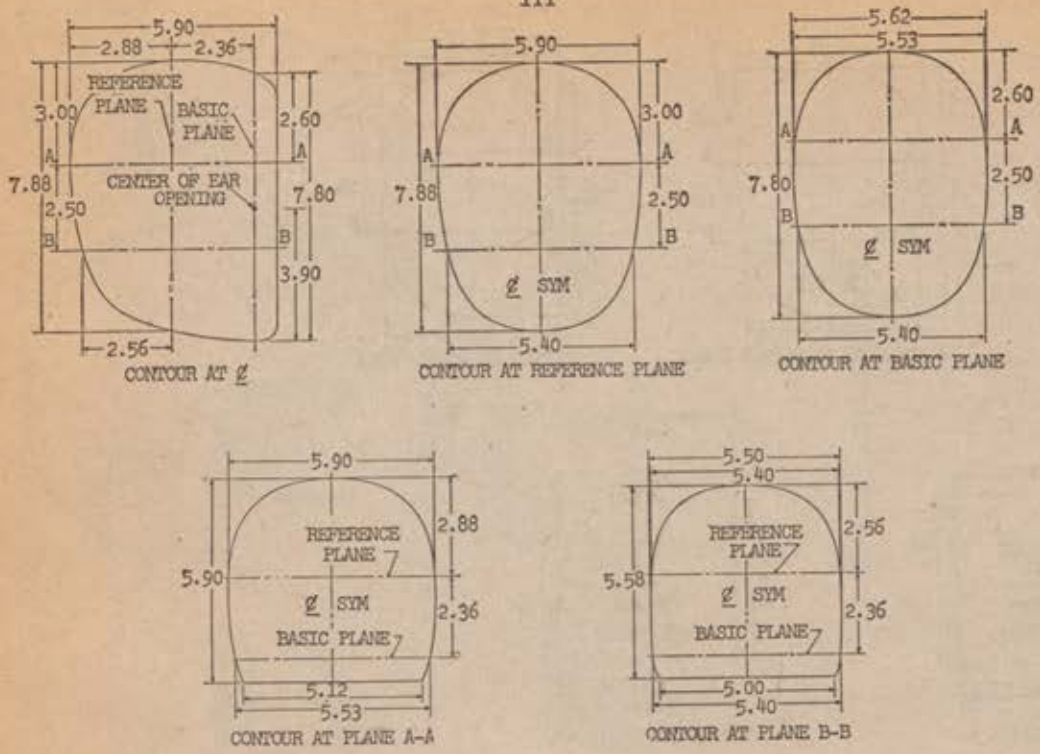


CONTOUR AT PLANE B-B

HEADFORM B

ALL DIMENSIONS IN INCHES

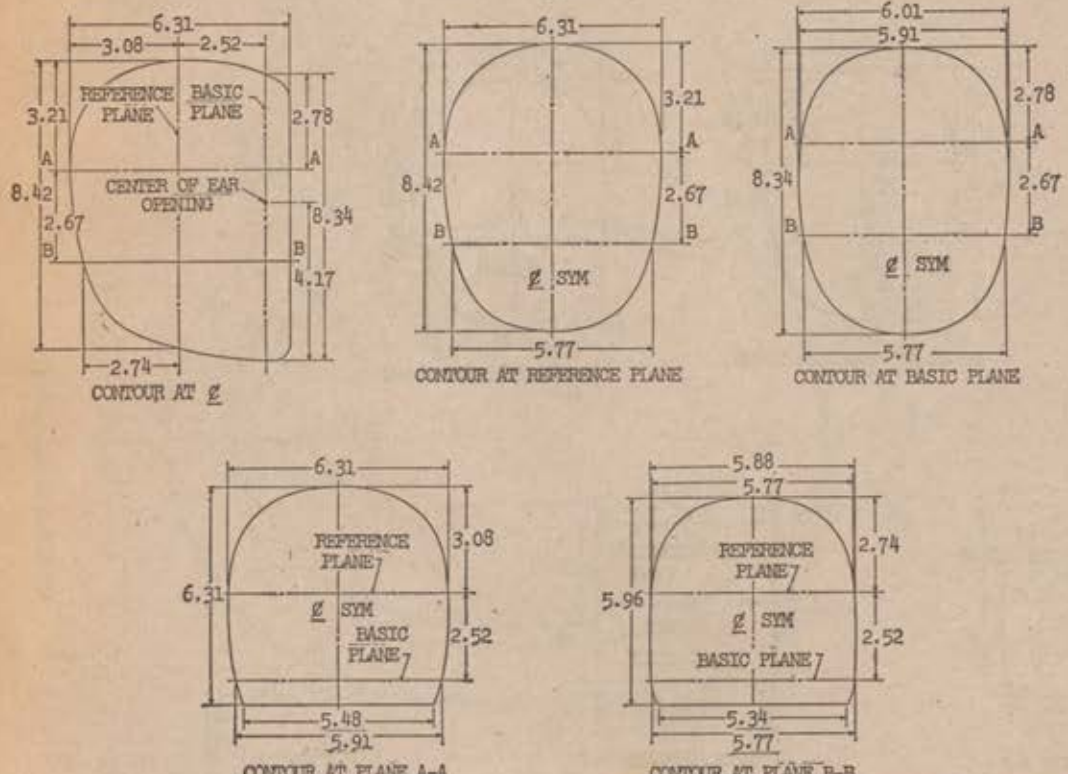
iii



HEADFORM C

ALL DIMENSIONS IN INCHES

iv



HEADFORM D

ALL DIMENSIONS IN INCHES

[FR Doc.73-17102 Filed 8-17-73;8:45 am]

FEDERAL REGISTER, VOL. 38, NO. 160—MONDAY, AUGUST 20, 1973

[Docket No. 70-20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice amends Motor Vehicle Safety Standard No. 301 on fuel system integrity to specify static rollover requirements applicable to passenger cars on September 1, 1975, and to extend applicability of the standard to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less on September 1, 1976.

The NHTSA proposed amending 49 CFR 571.301, *Fuel Tanks, Fuel Tank Filler Pipes, and Fuel Tank Connections*, on August 29, 1970, (35 FR 13799). Under the proposal the standard would be extended to all vehicles with a GVWR of 10,000 pounds or less. No fuel spillage would be permitted during the standard's tests. As proposed, these would include a spike stop from 60 mph, and a 30 mph frontal barrier crash. Additional tests for vehicles with a GVWR of 6,000 pounds or less would include a rear-end collision with a fixed barrier at 30 mph, and a static rollover test following the frontal barrier crash. With respect to the proposal: the frontal impact and static rollover tests are adopted but with an allowance of fuel spillage of 1 ounce per minute; the spike stop test is not adopted; and the rear-end fixed barrier collision test is being reproposed in a separate rule making action published today (38 FR 22417) to substitute a moving barrier.

The proposal that there be zero fuel spillage was almost universally opposed for cost/benefit reasons. The NHTSA has concluded that the requirement adopted, limiting fuel spillage to 1 ounce per minute, will have much the same effect as a zero-loss requirement. The standard will effectively require motor vehicles to be designed for complete fuel containment, since any spillage allowed by design in the aftermath of testing could well exceed the limit of the standard. At the same time, the 1-ounce allowance would eliminate concern over a few drops of spillage that in a functioning system may be unavoidable.

Fuel loss will be measured for a 15-minute period for both impact and rollover tests.

The NHTSA proposed a panic-braking stop from 60 mph to demonstrate fuel system integrity. Many commented that this appeared superfluous, increasing testing costs with no performance improvements, since the proposed front and rear impact tests represented considerably higher deceleration loadings than could be achieved in braking. The NHTSA concurs, and has not adopted the panic stop test. The frontal barrier crash at 30 mph has been retained for passenger cars, and extended to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less as of September 1, 1976.

The static rollover test was adopted as proposed. It applies to passenger cars as of September 1, 1975, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 6,000 pounds or less, as of September 1, 1976. The rollover test follows the front barrier crash, and consists of a vehicle being rotated on its longitudinal axis at successive increments of 90°. A condition of the test is that rotation between increments occurs in not less than 1 minute and not more than 3 minutes. After reaching a 90° increment, the vehicle is held in that position for 5 minutes.

The proposed rear-end crash test incorporated a fixed collision barrier. Manufacturers generally favored a moving barrier impact as a closer simulation of real world conditions. The NHTSA concurs and is not adopting a rear-end fixed barrier test. Instead, it is proposing a rear-end moving barrier collision test as part of the notice of proposed rulemaking published today.

Under the proposal the vehicle would be loaded to its GVWR with the fuel tank filled to any level between 90 and 100 percent of capacity. Many commenters objected on the grounds that full loading of a vehicle represents an unrealistic condition in terms of actual crash experience. The NHTSA does not agree. Although full loading of a vehicle is not the condition most frequently encountered, it certainly occurs frequently enough that the vehicle should be designed to give basic protection in that condition. The vehicle test weight condition has been adopted as proposed. It should be noted that, in the parallel notice of proposed rulemaking issued today, vehicles would be tested under the weight conditions specified in Standard No. 208, effective September 1, 1975.

In consideration of the foregoing, 49 CFR 571.301, Motor vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975. Because of the necessity to allow manufacturers sufficient production leadtime it is found for good cause shown that an effective date later than 1 year after issuance of this rule is in the public interest.

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

Issued on August 15, 1973.

JAMES B. GREGORY,
Administrator.

§ 571.301 Standard No. 301; fuel tanks, fuel tank filler pipes, and fuel tank connections.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements*

S5.1 *Passenger cars.* Each passenger car manufactured on or after September 1, 1975, shall meet all the requirements of this standard.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1976, shall meet all the requirements of this standard.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus, with a GVWR more than 6,000 pounds and not more than 10,000 pounds manufactured on or after September 1, 1976, shall meet the requirements of S6.1.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce from impact until motion of the vehicle has ceased, and shall not exceed 1 ounce per minute in the 15-minute period following cessation of motion.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test shall not exceed 1 ounce per minute.

S6. *Test requirements.* Each vehicle shall meet the following requirements in sequence.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, fuel spillage shall not exceed the limits specified in S5.4.

S6.2 *Rollover.* When the vehicle is rotated on its longitudinal axis at each successive increment of 90°, fuel spillage shall not exceed the limits specified in S5.5.

S7. *Conditions.* The requirements of S5. and S6. shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *Vehicle weight.* The vehicle is loaded to its GVWR, and the fuel tank is filled to any level between 90 and 100 percent of capacity.

S7.2 *Vehicle weight distribution.* Weight in excess of unloaded vehicle weight is distributed to each axle in proportion to the vehicle's gross axle weight ratings, and is firmly fixed to the vehicle so that it absorbs no significant portion of the vehicle's kinetic energy.

S7.3 *Engine.* The engine is at ambient temperature.

S7.4 *Fuel system.* The fuel tank contains the fuel normally used to operate the vehicle or Stoddard solvent, having the physical and chemical properties of Type 1 solvent, Table 1 ASTM Standard D484-71, "Standard Specifications for Hydrocarbon Dry Cleaning Sol-

vents," and the remainder of the fuel system is filled to its normal operating levels with this fuel.

S7.5 *Parking brake and transmission.* The parking brake is disengaged and the transmission is in neutral.

S7.6 *Tires.* Tires are inflated to manufacturer's specifications.

S7.7 *Static rollover test condition.* The vehicle is rotated to each successive increment at a uniform rate, with 90° of rotation taking place in not less than 1 minute and not more than 3 minutes. After reaching a 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc.73-17300 Filed 8-16-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1120; 2nd Revision]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AUGUST 15, 1973.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of August 1973.

It appearing, That an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that entire areas of the country are unable to secure shipments of vitally needed feed grains because of these car distribution practices, thus creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1120 Service Order No. 1120.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on Use of Covered Hopper Cars.* Effective September 1, 1973, no common carrier by railroad shall permit the use in unit-grain-train services of more than twenty percent (20 percent) of its ownership of jumbo covered hopper cars. (See exception.)

*(2) *Exception.* Newly acquired cars which represent net additions to a carrier's ownership of jumbo covered hopper cars when authorized by R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423.

*(3) *Increased Use in Unit Trains Prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on February 1, 1973.

(4) *Substitution of Small Cars for Jumbo Cars Prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(5) *Monthly Reports Required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the tenth day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the number in unit-grain-train services, the number in general grain services, the number in other services, the number of unit-grain-trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions.*—(1) *Unit-grain-trains.* Unit-grain-trains are hereby defined as trains of fifty (50) or more covered hoppers organized and operated as a unit from a single point of origin, in-transit loading point, or concentration point and consigned to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to a railroad and having mechanical designation "LO" and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to September 1, 1973, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., August 26, 1973.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-17317 Filed 8-17-73;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 32—HUNTING

Crescent Lake National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebraska is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at Refuge headquarters, Ellsworth, Nebraska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.
(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 8, 1973.

[FR Doc.73-17248 Filed 8-17-73;8:45 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge

The following special regulation is issued and is effective August 20, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebraska 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting of sharp-tailed grouse and ring-necked pheasants is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.
(2) No overnight camping is permitted.
(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 8, 1973.

[FR Doc.73-17326 Filed 8-17-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PART 240—REGULATED COMMERCIAL FISHERIES

On July 24, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 19832) to revise existing regulations under Part 240 to include 1973 annual catch quotas for mackerel, pollock, redfish and other flounders in their respective subparts. In addition, Part 242—Herring Fisheries, was deleted and incorporated under this Part 240, as Subpart E—Pelagic Fisheries.

Interested persons were given 20 days in which to submit written comments, suggestions, or objectives regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These regulations shall be effective as of August 20, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

At the midyear meeting held in Rome, Italy, January 16–26, 1973, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt revised catch quotas for herring for 1973 in the areas presently regulated by the Commission and to implement annual catch quotas adopted for mackerel, pollock, redfish, and other flounders, except yellowtail flounders, in Subareas 4 and 5.

At the present time, annual catch quotas for herring are published in the FEDERAL REGISTER under Title 50 CFR, Part 242—Herring Fisheries, while other Northwest Atlantic commercial fish species are regulated under Title 50 CFR, Part 240—Groundfish Fisheries. Recognizing that this arrangement may be confusing to fishermen who catch more than one species or change during the year from one fishery to another, it is proposed to transfer the provisions of 50 CFR Part 242 to 50 CFR Part 240 and reserve Part 242 for future use.

Therefore, it is proposed to incorporate the new regulated species into the existing regulations, thereby providing a single document that will provide easier reference. The proposed changes and inclusions are as follows:

1. Change the title of present Part 240 from "Groundfish Fisheries" to "Regulated Commercial Fisheries."

2. Add to § 240.1(c)(5), the new regulated species; pollock, redfish, mackerel, other flounders.

3. In Subpart B—Groundfish Fisheries, it is proposed to include the 1973 catch quotas for pollock and redfish. The 1973 annual catch quota for redfish for vessels under the jurisdiction of the United States in Subarea 5 shall not exceed 24,550 metric tons and for pollock, 11,275 metric tons.

4. In Subpart C—Flatfish Fisheries, it is proposed to include the 1973 catch quota for other flounders. The 1973 annual aggregate catch quota for other flounders, excluding yellowtail flounder, for vessels under the jurisdiction of the United States shall not exceed 21,700 metric tons.

5. It is proposed to add a new Subpart E—Pelagic Fisheries, which would include the regulations for herring presently published under Part 242 and mackerel recently adopted as a regulated species. The 1973 catch quotas for herring for vessels under the jurisdiction of the United States shall be as follows:

Division 5Z of Subarea 5, 5,250 metric tons; Division 5Y of Subarea 5, 19,750 metric tons; and Division 4X and 4W of Subarea 4, 400 metric tons. The 1973 catch quota for mackerel in Subarea 5 is 26,200 metric tons.

6. It is proposed to make other minor editorial changes to provide consistent language within each subpart.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before August 13, 1973.

Issued at Washington, D.C., and dated July 17, 1973.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—REGULATED COMMERCIAL FISHERIES

Subpart A—General Provisions

Sec.
240.1 Definitions.
240.2 Licensing.
240.3 Persons and vessels exempted.
240.4 Reports and records.

Subpart B—Groundfish Fisheries

Sec.
240.10 Definitions.
240.11 Catch quota.
240.12 Open season.
240.13 Closed season and areas.
240.14 Gear restrictions.
240.15 General restrictions.

Subpart C—Flatfish Fisheries

240.20 Definitions.
240.21 Catch quota.
240.22 Open season.
240.23 Closed season and areas.
240.24 Gear restrictions.
240.25 General restrictions.

Subpart D—Hake Fisheries

240.30 Definitions.
240.31 Catch quota.
240.32 Open season.
240.33 Closed season and areas.
240.34 Gear restrictions.
240.35 General restrictions.

Subpart D—Pelagic Fisheries

240.40 Definitions.
240.41 Catch quota.
240.42 Open season.
240.43 Closed season and areas.
240.44 Gear restrictions.
240.45 General restrictions.
240.46 Size limits.

AUTHORITY: Subsection (A) of section 7, Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).