

tardant, in accordance with good agricultural practice as a desiccant in grain sorghum production.

Any person who will be adversely affected by the foregoing order may at any time on or before March 25, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 22, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 19, 1974.

HENRY J. KORP,

Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4271 Filed 2-21-74;8:45 am]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19647, 10269]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

#### PART 87—AVIATION SERVICES

#### Aeronautical Mobile (R) VHF Band; Channel Spacing

**Errata.** In the matter of amendment of Parts 2 and 87 of the rules to provide 25 kHz channel spacing in the Aeronautical Mobile (R) VHF band 117.975–136 MHz, Docket No. 19647.

1. The Report and Order in the above-entitled matter (FCC 73-1016) was released October 11, 1973. It was published in the FEDERAL REGISTER on October 19, 1973 (38 FR 29077).

2. Changes are necessary to Part 2, § 2.106 and to Part 87, §§ 87.67(b)(1), 87.331, and 87.431 for the following reasons:

(a) Column 11 of the § 2.106 Table of Frequency Allocations should indicate that the sub band 121.600–121.925 (shown in Column 10) is used also by emergency locator transmitter (ELT) test stations. Additionally, the frequency 121.950 has been changed to provide for its usage by aviation instructional rather than flight test stations.

(b) Several U.S. footnotes associated with the Table (§ 2.106) require revision of the indicated sub bands to conform to the Table itself and column 5 of Table requires changes to band edges.

(c) In § 87.67(b)(1), footnote 7, the intention was to apply the new subsection

to all transmitters first type accepted after October 21, 1973, rather than those installed after that date.

(d) In amending § 87.331, the footnote indicators after the frequency 123.175 MHz in Table (a) and 123.575 in Table (b) were not deleted, a new paragraph (d) in Section 87.331 dealing with three changed frequencies was inadvertently omitted, and there was an erroneous reference to base stations in new footnote 1 to paragraph (b). Also, the date for flight test stations to vacate the frequency was omitted.

(e) The frequency 121.950 MHz was in-

advertently included in the list of frequencies available under § 87.431.

3. In view of the foregoing, Parts 2 and 87 are corrected as set forth below.

Released: February 13, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 2 of 47 CFR Chapter I is amended as follows:

1. Section 2.106 is amended by changing Columns 5, 7, 10, and 11 and the list of footnotes to read as follows:

| 5  | 7                           | 10  | 11  |
|--|-----------------------------|---|---|
| 117.975–121.9625<br>(273)<br>(US26)<br>(US28)<br>(US85)                        | 117.975–121.9625            | 118.0–121.400<br>(NG67)<br>121.5  | Airdrome control.<br>AERONAUTICAL MOBILE (Emergency).   |
| 121.9625–123.0875<br>(US29)<br>(US30)<br>(US31)<br>(US80)<br>(US85)<br>(US102) | 121.9625–123.0875           | 121.600–121.925<br>(NG67)<br>121.950<br>(NG67)<br>121.975–123.075<br>(NG67)   | Aeronautical utility mobile.<br>Aeronautical utility land. ELT test.<br>Aviation instructional.<br>Private aircraft.  |
| 123.0875–123.5875<br>(US32)<br>(US33)<br>(US112)                               | 123.0875–123.5875<br>(NG67) | 123.100<br>123.125–123.275<br>123.300<br>123.325–123.475<br>123.500<br>123.525–123.575<br>123.600–123.800<br>(NG67) | Aeronautical search and rescue.<br>Flight test.<br>Aviation instructional.<br>Flight test.<br>Aviation instructional.<br>Flight test.<br>AERONAUTICAL MOBILE. |
| 123.5875–128.8125<br>(US26)<br>(US85)  | 123.5875–128.8125           | 128.825–132.000<br>(NG67)   | AERONAUTICAL MOBILE.  |
| 128.8125–132.0125<br>(US2)<br>(US85)   | 128.8125–132.0125           | 132.025–135.975<br>(NG67)   | AERONAUTICAL MOBILE.  |
| 132.0125–136<br>(US26)<br>(US85)   | 132.0125–136                |   |   |

#### FOOTNOTES

US26 The bands 117.975–121.4125 MHz, 123.5875–128.8125 MHz, and 132.0125–136 MHz are for air traffic control communications.

US28 The band 121.5875–121.9625 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.9625–123.0875 MHz by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.9625–123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below, the band 121.9625–123.0875 MHz is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 MHz may be assigned to aeronautical advisory stations.

The frequency 122.90 MHz may be assigned to aeronautical multicom stations.

In addition, air carrier aircraft stations may use 122.00 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.80 MHz for communication with other aircraft and with aeronautical advisory stations.

In addition, frequencies in the band 121.9625–122.7875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

US32 The Government use of the band 123.1125–123.5875 MHz is for FAA communications incident to flight test activities pertinent to aircraft and facility certification.

US33 The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations.

US85 In the bands 117.975–123.0875 and 123.5875–136 MHz, the use and development, for the aeronautical mobile (R) services, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

#### § 87.67 [Amended]

2. In § 87.67(b)(1), footnote 7 is amended to read as follows:

7 Applicable only to Survival Craft Stations, and to the emergency locator transmitters and emergency locator transmitter test stations employing modulation in accordance with that specified in Section 87.73(h) of the rules. The specified bandwidth and modulation requirements shall apply to emergency locator transmitters and survival craft transmitters for which type acceptance is granted after October 21, 1973.

3. Section 87.331, lists of frequencies in paragraphs (a) and (b) are amended, footnotes 2 and 3 of paragraph (a) are deleted, a new paragraph (d) is added, and a new Footnote 1 is added to paragraph (b), to read as follows:

#### § 87.331 Frequencies available.

(a) The following frequencies are available for assignment to ground and aircraft flight test stations:

|                       |             |
|-----------------------|-------------|
| 3181 kHz <sup>1</sup> | 123.375 MHz |
| 123.175 MHz           | 123.400 MHz |
| 123.200 MHz           | 123.425 MHz |
| 123.225 MHz           |             |

(b) The following additional frequencies are available for assignment only to flight test stations of aircraft manufacturers:

| MHz                  |         |
|----------------------|---------|
| 123.125 <sup>1</sup> | 123.450 |
| 123.150              | 123.475 |
| 123.250              | 123.525 |
| 123.275              | 123.550 |
| 123.325              | 123.575 |
| 123.350              |         |

(d) Flight test stations which are presently assigned the following frequencies may continue to use the frequencies until January 1, 1977:

|             |
|-------------|
| 121.950 MHz |
| 123.300 MHz |
| 123.500 MHz |

4. Section 87.431 is amended to read as follows:

**§ 87.431 Frequencies available.**

The frequencies 121.600, 121.625, 121.650, 121.675, 121.700, 121.725, 121.750, 121.775, 121.800, 121.825, 121.850, 121.875, 121.900, and 121.925 MHz are available for use by aeronautical utility mobile stations.

[FR Doc.74-4067 Filed 2-21-74;8:45 am]

[FCC 74-166]

**PART 73—RADIO BROADCAST SERVICES**

**Station Identification Requirements**

In the matter of amendment of § 73.1201(c) of the Commission's rules pertaining to station identification requirements.

1. Section 73.1201(c) of the Commission's rules regarding station identification announcements requires that station identification announcements be given only over the channel of the station identified thereby.

2. The requirement has served two purposes: to avoid any confusion among the public, and to assist the Commission's enforcement activities. However, it has also had the effect of requiring satellite stations in all services to make an awkward interruption of programming to make the announcements, and in some cases has required the presence of an operator for the sole purpose of inserting station identification announcements. It appears that other means are available to serve the same purposes as the present rule, and that it would be in the public interest for the Commission to provide for a less complicated and less burdensome method of identification which would reduce the likelihood of misidentification of satellite stations through operator or mechanical error and still clearly identify the station viewed or listened to. Accordingly, § 73.1201(c) of the Commission's rules is amended to read as follows:

<sup>1</sup> This frequency is available only to stations used in itinerant operations, which require that the stations be transferred from time to time to various locations.

**§ 73.1201 Station identification.**

(c) (1) *General.* Except as otherwise provided in this paragraph, in making the identification announcement the call letters shall be given only on the channel identified thereby.

(2) *Simultaneous AM-FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(3) *Satellite operation.* When programming of a broadcast station is re-broadcast simultaneously over the facilities of a satellite station, the originating station may make identification announcements for the satellite station for periods of such simultaneous operation.

(i) In the case of a television broadcast station, such announcements, in addition to the information required by paragraph (b) (1) of this section, shall include the number of the channel on which each station is operating.

(ii) In the case of aural broadcast stations, such announcements, in addition to the information required by paragraph (b) (1) of this section, shall include the frequency on which each station is operating.

3. This amendment to the rules is adopted pursuant to authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since this amendment constitutes a relaxation of present requirements, imposes no new requirements, and will not adversely affect the rights of any licensee, prior notice of proposed rulemaking and the effective date requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)) are unnecessary, pursuant to 5 U.S.C. 553 (b) (B) and 5 U.S.C. 553 (d) (1).

4. *Accordingly, it is ordered,* That, effective February 27, 1974, § 73.1201(c) of the Commission's rules and regulations is amended to read as set forth above.

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

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

[FR Doc.74-4204 Filed 2-21-74;8:45 am]

[FCC 74-142]

**PART 76—CABLE TELEVISION SERVICES**

**Petitions, Applications, and Related Pleadings**

1. The present requirement that petitions, applications and related pleadings filed under §§ 76.7 and 76.13 of the rules

and regulations be accompanied by an affidavit of service rather than the certificate of service which is customary in Commission practice (see § 1.47(g)) imposes an unnecessary and useless burden on parties to cable television proceedings. We are therefore amending §§ 76.7 and 76.13 to require a certificate rather than an affidavit of service.

2. These amendments are procedural in nature and relieve an unnecessary burden. The prior notice and effective date provisions of 5 U.S.C. 553 are therefore inapplicable.

3. Authority for these amendments is contained in sections 4 (i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j).

*Accordingly, it is ordered,* Effective February 27, 1974, that §§ 76.7 and 76.13 of the rules and regulations are amended as set forth below.

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

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

Part 76 of 47 CFR Chapter I is amended to read as follows:

1. In § 76.7 paragraphs (b) and (d) are amended to read as follows:

**§ 76.7 Special relief.**

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any cable television system, franchising authority, station licensee, permittee, or applicant, or other interested person who may be directly affected if the relief requested in the petition should be granted.

(d) Interested persons may submit comments or opposition to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's certificate of service, and shall contain a detailed full showing, supported by affidavit, of any facts or considerations relied on.

2. In § 76.13, paragraphs (a) (6), (b) (6) and (c) (4) are amended to read as follows:

**§ 76.13 Filing of applications.**

(a) \* \* \*

(6) A certificate of service of the information described in subparagraph (1) of this paragraph on the licensee or permittee of any television broadcast station within whose predicted Grade B contour or specified zone the community of the system is located, in whole or in

part, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the superintendent of schools in the community of the system, and any local or state educational television authorities;

(b) \* \* \*

(6) A certificate of service of the information described in paragraph (b) (1) of this section on the parties named in paragraph (a) (6) of this section;

(c) \* \* \*

(4) A certificate of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a) (6) of this section;

[FR Doc. 74-4207 Filed 2-21-74; 8:45 am]

#### Title 49—Transportation

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

[Docket No. 70-27; Notice 10]

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Hydraulic Brake Systems

This notice responds to further petitions for reconsideration of Motor Vehicle Safety Standard No. 105a and amends the standard in certain minor respects effective September 1, 1975.

Federal Motor Vehicle Safety Standard No. 105a, 49 CFR 571.105a, *Hydraulic brake systems*, was published on September 2, 1972 (37 FR 17970). Thereafter, pursuant to 49 CFR 553.35, petitions for reconsideration of the rule were received, and, in response, a revised Standard No. 105a was published on May 18, 1973 (38 FR 13017). Timely petitions for reconsideration of the revised rule were received from American Motors Corporation (AMC), Wagner Electric Corporation (Wagner), General Motors Corporation (GM), International Harvester Company (Harvester), Japan Automobile Manufacturers Association (JAMA), Ford Motor Company (Ford), Recreational Vehicle Institute (RVI), and Toyota Motor Sales, USA, Inc. (Toyota). This notice discusses the major issues raised and their resolution. The Administrator does not consider repetitious petitions and to the extent that these further petitions were repetitious of the initial ones (e.g. deletion of tests above 80 mph for heavy vehicles, modification of pedal forces, running tests in gear rather than in neutral) they have not been considered, pursuant to NHTSA regulations (49 CFR 553.35(c)).

GM petitioned for rulemaking that would rescind Standard No. 105a on the grounds that the brake system it has designed for the 1976 model year would have to undergo substantial changes in

subsequent model years when it plans to introduce lighter vehicles with improved fuel consumption. This agency considers energy needs along with other factors relevant to its rulemaking actions. The information available to the NHTSA does not indicate, however, that Standard No. 105a is incompatible with increased fuel mileage, or would add substantially to the weight of the vehicles covered. The NHTSA does not consider a change in a manufacturer's own design plans to be a justification for discarding an important new set of requirements for which the world industry has been preparing for several years. The petition by GM to rescind the standard is therefore denied.

**Effective date.** Harvester and RVI petitioned for a delayed effective date for certain categories of vehicles. Harvester requested a one-year delay in the effective date for vehicles whose GVWR exceeds 10,000 pounds, stating its doubt that acceptable antilock systems will be available to it by September 1, 1975, and that the advance hardware proposals from its brake system suppliers indicate that considerable design and development time is still needed. RVI wished an extension of 2 years for recreational vehicles built upon truck and multipurpose passenger vehicle chassis, alleging that time will be needed for testing and retooling after receipt of the first chassis or vehicle certified as conforming to the new braking standard.

The NHTSA does not consider further extension of the effective date to be in the public interest, and the petitions are denied. The broad outlines of the performance requirements have been known to industry since publication of the initial proposal in November, 1970, with its proposed effective date of September 1, 1972. Since publication of the new standard in September 1972, the effective date has been delayed one year to September 1, 1975 and considerable relief provided for vehicles whose GVWR exceeds 10,000 pounds.

**Definitions.** In response to a petition by JAMA, a definition of "backup system" is adopted. Such a system is "a portion of a service brake system, such as a pump, that supplies energy in the event of a primary brake power source failure".

**Effectiveness requirements.** Clarifying words are added throughout in response to various requests. For example, the fourth effectiveness test now makes it clear that if the speed attainable in 2 miles is 99 mph or greater, stops must be made from both 80 mph and a specified higher speed, and not from the higher speed alone. In response to GM's comments on inoperative brake power and power assist units (S5.1.3), a new S5.1.3.4 has been adopted that allows brake power assist units to be tested under the optional procedure if the unit utilizes a backup system.

The word "average" has been deleted from S5.1.4.2 (fade and recovery) which specified fade stops in excess of "an average deceleration" floor, at the request of Wagner, as the inclusion of the

word was erroneous and does not reflect the test procedures of S7.11.2.1.

The brake system indicator lamp requirements (S5.3.1) were the subject of numerous petitions, most of which have been granted. The NHTSA reiterates that the methods of pressure failure indication in S5.3.1(a) are alternative rather than inclusive. Harvester asked that S5.3.1(a) be amended to delete the qualification of pressure measurement at a slave cylinder outlet "if the master cylinder controls slave cylinders at a booster unit". It argues that with this design configuration it should be allowed to measure pressure at the master cylinder outlet. The NHTSA agrees that the original wording of S5.3.1(a) is design restrictive and that measurement at either the master or slave cylinder outlet is satisfactory for monitoring pressure, and the qualifying phrase is removed. S5.3.1(a)(1) requires activation of the indicator upon activation of "a line pressure of not more than 200 psi". Ford requested an amendment to clarify that the intent is to specify a differential pressure between the operational and failed brake systems. The clarifying amendment has been made and the pressure differential increased to 225 psi to compensate for certain power-assisted units. As a failure indicator GM prefers a switch that would activate the warning lamp when the brake pedal had been depressed past a certain point, rather than a lamp activated by fluid pressure failure.

The petition is denied, as the NHTSA has determined that the brake pedal travel involved to activate the lamp would not provide an adequate warning.

JAMA and Toyota asked for an amendment or interpretation of S5.3.2 that would allow the indicator lamp to remain activated when the ignition is returned to "on", after the engine is started. To allow the lamp to remain on after the engine is started might degrade the importance of the check that the system is intended to indicate, and the request is denied. JAMA also requested that if there is a separate parking brake indicator that it be labeled "Park", and this petition has been granted.

GM requested that the volume requirements of master cylinder reservoirs on large trucks be reduced to one-third that required by the new standard. Since NHTSA has reduced the requirement in response to previous petitions, from 150 percent to 100 percent of fluid displacement, it does not deem it in the interest of safety to reduce it further. GM's petition is denied. The agency wishes to clarify, however, that the volume concerned is only that within the storage compartment, and does not include that fluid which may remain in pipes, hoses, and fittings. At Harvester's request, S5.4.2 is amended slightly to clarify that the minimum reservoir capacity is that of the total reservoir system rather than each reservoir compartment.

S5.6. Brake system integrity, had been amended in May 1973 to specify that friction facing tearout of the lining must

"not exceed 10 percent of the lining on any frictional element" rather than "10 percent of the lining surface areas". GM requested reinstatement of the original requirement. The request is denied. The language that was adopted in May 1973 clarified a previously existing ambiguity while providing a measure of relief that had been previously requested.

**Conditions.** Ford interpreted the words "test load" in S6.1.1 as the load required to be added to bring a vehicle to its GVWR. In some instances, if this added weight were distributed proportionally to GAWR the front GAWR would be exceeded. NHTSA intended that a vehicle be loaded at GVWR so that its gross vehicle weight is distributed proportionally to its GAWR, and S6.1 is amended appropriately. Ford, JAMA, Toyota, and RVI petitioned for a change in the load material density specification of S6.2 to allow use of iron shot or bars in the passenger seating area, or in cargo areas of light and heavy trucks. The RVI request would allow use of lead shot in drawers, cupboards, and cabinets of recreational vehicles. In large part, these requests have been granted; maximum material densities have been increased from 125 to 450 pounds per cubic foot in seating areas of passenger cars, and in cargo areas of vehicles with a GVWR of 10,000 pounds or less. To allow the use of cast iron in the cargo areas of heavy trucks the minimum density has been lowered slightly from 450 to 400 pounds per cubic foot. The RVI request, however, is not adopted as this would permit too broad a range for testing and consequent difficulty of reproducing test results. It was to alleviate this problem that the original Standard No. 105a was amended on this point in May 1973. AMC and GM asked that the tire inflation pressure be that specified for the test weight, rather than for the GVWR of the vehicle. In NHTSA's view, the time to reset tire pressures after allowing tires to cool would complicate and lengthen test procedures. There are only three tests run at the lightly loaded weight, and no data have been submitted to show that the tire pressure required causes a substantial increase in stopping distances.

S6.10 allows only one uncontrolled wheel to lock at braking speeds above 10 mph on any given stop. GM suggested that this section allowed one wheel per axle to lock. GM's interpretation is incorrect, however; "one wheel" means one wheel on the vehicle. Ford wanted to reset thermocouples during brake inspections. This requested amendment is denied. Except for normal adjustment, inspections for thermocouple depths are not allowed once a test series has begun, in order that brake systems not be disturbed. The NHTSA may consider different depths for thermocouples in the future if data are obtained showing a need.

**Test procedures.** GM, JAMA, Toyota, and RVI petitioned that lockout of automatic brake adjusters be optional rather than required. On review the NHTSA

has decided that there is no reason not to allow use of adjusters during testing. However, if a manufacturer locks out brake adjusters, this will now occur when linings are installed after the thermocouple installation; i.e. before the test series rather than before burnish. This is intended to save time in the test procedures.

The service brake burnish procedure for heavy vehicles is being amended pursuant to a petition by GM, to be in accord with the procedure recently proposed for such vehicles in Standard No. 121. Minor clarifying amendments have been made at various places in the test procedures. Toyota asked whether S7.9.4 applied only to mechanical proportioning systems. This paragraph applies to any variable proportioning system whether mechanical, electrical, hydraulic or otherwise. It does not apply to a fixed mechanical proportioning system.

**Figures and tables.** Pursuant to a request from Ford, the dimensional specification of "1 1/2 inches" has been added to Lever A on Figure II, JAMA and Toyota want to consider a modified T lever as a "T" rather than as an "L" type. The NHTSA will consider this design a "T" type if the short side is no less than one-third the long side. JAMA and Toyota requested that the load point on the "L" type handle be revised to 1 1/2 inches from the handle end instead of from the center line. This request is denied, as the original requested dimension (30 mm) has been previously increased to 1 1/2 inches (approximately 37 mm) and no further change is deemed necessary.

Harvester was the sole petitioner to request an increase in the stopping distances of Table II, asking that vehicles with a GVWR of 10,000 pounds or less in the lightly loaded condition be afforded the same maximum stopping distance from 60 mph as required of similarly loaded vehicles under the same conditions in Standard No. 121. It also requested an increase in the fourth effectiveness stopping distance to give the same difference in deceleration at 80 mph as allowed by Standard No. 105 at 60 mph. Both petitions are denied. Air-braked vehicles covered by Standard No. 121 include truck-tractors with a high center of gravity and usually a higher front-to-rear weight distribution than light trucks, so that the lesser stopping distance in Standard No. 105 is justified. The test value of the fourth effectiveness test reflects previous modifications for requirements at 60 mph. The industry in general has not disclosed any problem in complying with the deceleration values from 80 mph. The correct stopping distance for heavy vehicles from 50 mph in the first, fourth, and spike effectiveness tests is 193 feet, not 183 feet as previously published.

GM, Toyota, and JAMA requested an increase in the deceleration values of Table III as an allowance for larger vehicles tested to optional brake power and assist unit procedures. This request is denied. These vehicles are presently required to meet only a 6.3 ft/s/s deceleration

which is considered the minimum value acceptable.

Finally, Harvester wanted an inclusive pedal force range of 15 to 150 pounds for all phases of compliance activity including baseline checks. The NHTSA considers a 150-pound pedal force too high for baseline tests at low speeds and relatively low decelerations, and the petition is denied.

Although the NHTSA has on occasion used the subletter "a" to denote comprehensive revision of existing standards effective at a future date, such standards will henceforth be identified in terms of their effective dates. Thus "Standard No. 105a" becomes "Standard No. 105-75 (effective September 1, 1975)".

In consideration of the foregoing 49 CFR 571.105a, Motor Vehicle Safety Standard 105a, hydraulic brake systems, is amended as follows:

**§ 571.105-75 [Redesignated and amended]**

1. § 571.105a is redesignated § 571.105-75 *Motor Vehicle Safety Standard No. 105-75: Hydraulic brake systems (effective September 1, 1975)*.

2. In S4 a definition of "Backup system" is added, in alphabetical order, to read:

"Backup system" means a portion of a service brake system, such as a pump, that supplies energy, in the event of a primary brake power source failure.

3. S5.1.1.2 is revised to read:

In the second effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column II of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column II of table II.

4. S5.1.1.4 is revised to read:

In the fourth effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column I of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column I of table II.

If the speed attainable in 2 miles is not less than 99 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall, in addition, be capable of stopping from the applicable speed indicated below, within the corresponding distance specified in column I of table II.

| Speed attainable in 2 miles (mi/h) | Required to stop from (mi/h) |
|------------------------------------|------------------------------|
| Not less than 99 but less than 104 | 95                           |
| 104 or more                        | 100                          |

5. S5.1.3 is revised to read:

S5.1.3 *Inoperative brake power assist unit or brake power unit.* The serv-

ice brakes shall be capable of stopping a vehicle equipped with one or more brake power assist units or brake power units as specified in either S5.1.3.1, S5.1.3.2 or S5.1.3.4 (if the vehicle is equipped with brake power assist units), and either S5.1.3.1, S5.1.3.3, or S5.1.3.4 (if the vehicle is equipped with brake power units).

6. S5.1.3.3 is revised to read:

S5.1.3.3 *Brake power units.* The service brakes of a vehicle equipped with one or more brake power units with an accumulator-type reserve system, with one such unit inoperative, shall be capable of stopping the vehicle from 60 mi/h—

(a) In 10 consecutive stops at an average deceleration for each stop that is not lower than that specified in column II of table III, when the inoperative unit is not initially depleted of all reserve capability; and

(b) In a final stop, in a distance that does not exceed 554 feet, when the inoperative unit is depleted of all reserve capability.

7. A new S5.1.3.4 is added to read:

S5.1.3.4 *Brake power assist and brake power units.* The service brakes of a vehicle equipped with one or more brake power assist units or brake power units with a backup system, with one brake power assist unit or brake power unit inoperative and depleted of all reserve capability and with only the backup system operating in the failed subsystem, shall be capable of stopping the vehicle from 60 mi/h in 15 consecutive stops at an average deceleration of each stop that is not lower than 12 ft/s/s (reference maximum stopping distance 323 feet).

8. In S5.1.4.2 paragraph (a) is revised by deleting the words "an average", and substituting the word "a".

9. In S5.3.1 paragraph (a) is revised to read:

(a) A pressure failure in any part of the service brake system, other than a structural failure of a housing that is common to two or more subsystems, due to any one of the following conditions:

(1) Before or upon application of a differential pressure of not more than 225 lb/in<sup>2</sup> between the active and failed brake system measured at a master cylinder outlet or a slave cylinder outlet.

(2) Before or upon application of 50 pounds of control force upon a fully manual service brake.

(3) Before or upon application of 25 pounds of control force upon a service brake with a brake power assist unit.

(4) When the supply pressure in a brake power unit drops to a level not less than one-half of the normal system pressure.

10. In S5.3.1 paragraph (b) is revised by deleting the words "in any reservoir compartment".

11. In S5.3.5, the fourth sentence is revised to read:

If separate indicator lamps are used for one or more of the various functions described in S5.3.1(a) to S5.3.1(d), the lens shall include the word "Brake" and appropriate additional labeling (use

"Brake Pressure," "Brake Fluid" for S5.3.1(a) and S5.3.1(b)) except that if a separate parking indicator lamp is provided, the single word "Park" may be used.

12. S5.4.2 is revised by deleting the first sentence and substituting the following two sentences to read:

S5.4.2 *Reservoir capacity.* Reservoirs, whether for master cylinders or other type systems, shall have a total minimum capacity equivalent to the fluid displacement resulting when all the wheel cylinders or caliper pistons serviced by the reservoirs move from a new lining, fully retracted position (as adjusted initially to the manufacturer's recommended setting) to a fully worn, fully applied position, as determined in accordance with S7.18(c) of this standard. Reservoirs shall have completely separate compartments for each subsystem except that in reservoir systems utilizing a portion of the reservoir for a common supply to two or more subsystems, individual partial compartments shall each have a minimum volume of fluid equal to at least the volume displaced by the master cylinder piston servicing the subsystem, during a full stroke of the piston. \* \* \*

13. S6.1.1 is revised to read:

S6.1.1 Other than tests specified at lightly loaded vehicle weight in S7.7, S7.8, and S7.9, the vehicle is loaded to its GVWR such that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR, with the test load material densities specified in S6.2, except that the fuel tank is filled to any level from 100 percent of capacity (corresponding to full GVWR loading) to 75 percent of capacity.

14. In S6.2 the test load densities specified are revised to read:

|                    |   |
|--------------------|---|
| Seating areas..... | 50 to 450 lb/ft <sup>2</sup> (all vehicles).  |
| Cargo areas.....   | 50 to 450 lb/ft <sup>2</sup> (all vehicles, including passenger cars, with a GVWR of 10,000 lbs or less). |
|                    | 400 to 725 lb/ft <sup>2</sup> (vehicles with a GVWR that exceeds 10,000 lbs).                             |

15. In S6.10 the fourth sentence is revised to read:

"There may be controlled lockup on an antilock-equipped axle, and lockup of not more than one wheel per vehicle, uncontrolled by an antilock system."

16. In S7 the second sentence is revised to read:

"Automatic adjusters may be locked out when the vehicle is prepared for testing. If this option is selected, adjusters must remain locked out for entire sequence of tests.

17. S7.4.1.2 and S7.4.2.2 are each revised to read:

*Brake adjustment—post burnish.* After burnishing, adjust the brakes manually in accordance with the manufacturer's recommendation if the automatic adjusters have been locked out, or by mak-

ing stops as recommended by manufacturer if automatic adjusters are operative.

18. S7.4.2.1 is revised and a new Table IV added, to read:

S7.4.2.1 *Burnish.* The brakes of a vehicle manufactured between September 1, 1975 and September 1, 1976 may be burnished according to S7.4.2.1.1 or S7.4.2.1.2. The brakes of a vehicle manufactured on or after September 1, 1976, shall be burnished according to S7.4.2.1.2.

S7.4.2.1.1 Burnish the brakes by making the 400 snubs from 40 mi/h to 20 mi/h at 10 ft/s/s (the 150-lb control force limit does not apply here). After each brake application, accelerate to 40 mi/h and maintain that speed until making the next brake application at a point 1.5 miles from the initial point of the previous brake application.

S7.4.2.1.2 Burnish the brakes by making 500 snubs at 10 ft/s/s in the sequence specified in Table IV and within the speed ranges indicated. After each brake application accelerate to the next speed specified and maintain that speed until making the next brake application at a point 1 mi from the initial point of the previous brake application. If during any of the brake applications specified in Table IV the hottest brake reaches 500°F, make the remainder of the 500 applications from that snub condition, except that a higher or lower snub condition shall be followed (up to the 60 mi/h initial speed) as necessary to maintain a maximum temperature of 500°F, ±50°F.

TABLE IV

| Series | Snubs | Snub conditions (highest speed indicated, miles per hour) |
|--------|-------|---|
| 1      | 175   | 40-20   |
| 2      | 25    | 45-20   |
| 3      | 25    | 50-20   |
| 4      | 25    | 55-20   |
| 5      | 250   | 60-20   |

19. S7.5 is revised to read:

S7.5 Service brake system—second effectiveness test. Repeat S7.3. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from 80 mi/h if the speed attainable in 2 miles is not less than 84 mi/h.

20. S7.6 is revised by deleting the final sentence.

21. In S7.7.3, the figure "S7.7.2(c)" is revised to read "S7.7.2".

22. In S7.9.1 the words "(or pressure level in a brake power unit system)" are deleted, and the words "or pressure level" substituted.

23. In S7.10.1 the following sentence is added between the title and first sentence: "(This test need not be run if the option in S7.10.2 is selected)".

24. In S7.10.2, paragraph (b) is revised to read:

(b) (For vehicles with brake power units with accumulator type systems.) Test as in S7.10.2(a), except make 10 stops instead of 6.

25. In S7.10.2 paragraph (c) is redesignated "(d)", and a new paragraph (c) adopted to read:

(c) (For vehicles with brake power assist or brake power units with backup systems.) If the brake power or brake power assist unit operates in conjunction with a backup system and the backup system is activated automatically in the event of a primary power failure, the backup system is operative during this test. Disconnect the primary source of power of one subsystem. Make 15 stops, each from 60 mi/h, with the backup system activated for the failed subsystem, to achieve an average deceleration of 12 ft/s/s for each stop.

26. In S7.11.2.1 the first sentence is revised to read:

"Make 5 stops from 60 mi/h at 15 ft/s/s followed by 5 stops at the maximum attainable deceleration between 5 and 15 ft/s/s for each stop."

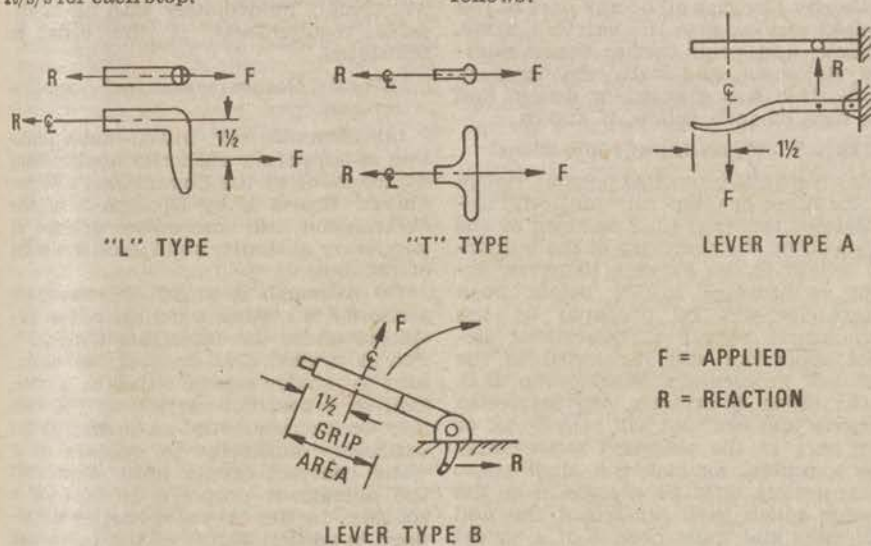
27. S7.15 is revised to read:

S7.15 *Service brake system—fourth effectiveness test.* Repeat S7.5. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from either 95 mi/h if the speed attainable in 2 mi is 99 to (but not including) 104 mi/h, or 100 mi/h if the speed attainable in 2 mi is 104 mi/h or greater.

28. In table II, the stopping distance value from 50 mph in column I(c) is corrected to read "193".

29. In table III, with respect to Stop No. 7 the initials "N.A." appearing under columns 1 and 3 respectively are replaced with "(Depleted)7" and "554", and a new "Stop No. 11" is added with the following entries under columns 1, 2, 3, and 4 respectively: "N.A.", "(Depleted)7", "N.A.", and "554".

30. In Figure II, Lever Type A and Lever Type B are revised to appear as follows:



LOCATION FOR MEASURING BRAKE APPLICATION FORCE (HAND BRAKE)

FIGURE II

*Effective date.* September 1, 1975. Because these amendments relate to a standard that is effective September 1, 1975, it has been determined for good cause shown that an effective date later than 1 year after issuance is in the public interest.

(Sec. 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 February 14, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc.74-4034 Filed 2-15-74; 10:22 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

PART 1131a—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 311(a) OF THE INTERSTATE COMMERCE ACT

Water Carrier Temporary Authority

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2nd day of November 1973.

In the matter of establishment of ap-

plication form and application procedures for water carrier temporary authority.

*It is ordered.* That application form OP-WC-25 (49 CFR 1003.2), be, and it is hereby, prescribed and approved.<sup>1</sup>

*It is further ordered.* That § 1003.2 of 49 CFR Part 1003 be, and it is hereby, amended by the addition of a new subhead as shown below.

*It is further ordered.* That the procedures for the processing of water carrier temporary authority applications also attached hereto and incorporated in this order, be, and they are hereby, prescribed and approved.

*It is further ordered.* That 49 CFR Chapter X, Subchapter A, be, and it is hereby, amended by the addition of Part 1131a as set forth below.

(49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345)

*It is further ordered.* That this order shall become effective on March 17, 1974.

*And it is further ordered.* That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

1. Section 1003.2 is amended by adding the following item:

§ 1003.2 [Amended]

OP-WC-25.

Temporary authority application under section 311(a) of the Interstate Commerce Act.

2. Part 1131a is added as follows:

- Sec.  
1131a.1 Controlling legislation and definitions.  
1131a.2 Filing of applications.  
1131a.3 Processing of applications.  
1131a.4 Determination of applications.  
1131a.5 Petitions.

AUTHORITY: 49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345.

§ 1131a.1 Controlling legislation and definitions.

(a) *Controlling legislation.* Section 311(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 911(a), is the relevant legislation which the rules and regulations in this part are designed to implement. Extensions of temporary authority beyond 180 days are governed by the special rules, contained in Part 1101 of this chapter, promulgated pur-

<sup>1</sup> Form filed as part of the original document.

suant to section 558 of the Administrative Procedure Act, 5 U.S.C. 558.

(b) *Definitions.* As used in this part, the definitions set forth in section 302 of the Interstate Commerce Act shall pertain to the terms utilized in this section.

#### § 1131a.2 Filing of applications.

(a) *General.* All temporary authority applications are filed at and initially processed by the Commission's field offices. The field staff of the Commission's Bureau of Operations conducts preliminary investigations into applications for temporary authority and transmits the applications, with recommendations as to their disposition, to the Commission's Motor Carrier Board in Washington, D.C. The Bureau's field offices maintain records of authorized carriers and their operating authorities, and its staff members are available for consultation and to give assistance on the obtaining of water carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate and other required filings. The field offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought must be filed on Form OP-WC-25 (§ 1003.2 of this chapter). The signed original and six copies of each application and all supporting documents must be filed with the Bureau of Operation's field office which has jurisdiction over the point at which applicant is domiciled, or such other field office as the Commission may designate in special circumstances.

(c) *Supporting statement.* Each application for temporary authority must be accompanied by a supporting statement (s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each such shipper's statement must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for water carrier service. Any such supporting statement must contain at least the following information:

(1) Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

(2) Points or areas to, from, or between which such commodities or passengers are to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

(3) Volume of traffic involved, frequency of movement, and how transported now and in the past.

(4) How soon the service must be provided and the reasons for such time limit.

(5) How long the need for such service likely will continue, and whether the

persons supporting the temporary application will support a permanent service application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate and urgent need for the requested service.

(8) Whether efforts have been made to obtain the service from existing water carriers, and the dates and results of such efforts.

(9) Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

(10) Name and address of water carrier who will provide services and is filing application for temporary authority.

(11) If the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and water carrier docket number, if known, and state whether such application was granted or denied and the date of such action, if known.

#### § 1131a.3 Processing of applications.

(a) *Notice to interested persons.* Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER, except as provided in (c) below. Such summaries will be prepared by the appropriate Bureau of Operations district supervisor and forwarded to the Office of Proceedings, Washington, D.C.

(b) *Filing of protests.* Any interested persons who can and will provide all or any part of the proposed service may file a protest against the application. Such protest must be specific as to the service which such protestant can and will offer and must consist of a signed original and six (6) copies which must be filed with the district supervisor named in the FEDERAL REGISTER publication within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative, if any, by US mail or in person.

(c) *Exception.* The above procedures shall be followed in all temporary authority applications to conduct operations by water under section 311(a) of the Interstate Commerce Act, except in those in which the Commission, in its discretion, determines that the circumstances require greater expedition by utilizing other procedures deemed appropriate, including the elimination of the FEDERAL REGISTER publication and protest filing procedures.

(d) *Publication of rates and charges.* A carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with the rate filing requirements of section 306 of the Interstate Commerce Act.

(e) *Revocation for noncompliance, and reinstatement and extension of time for making compliance.* Temporary au-

thority is approved subject to compliance within 30 days, or within such additional time as the Commission may approve, with the applicable provisions of the statute and the requirements, rules and regulations prescribed by the Commission thereunder governing the filing of rate and contract publications. If compliance is not made within the 30-day period, or within the time allowed in any extension thereof, applicant will be notified that the temporary authority order is of no further force and effect. Where this occurs, applicant may make written request for reinstatement of the granting order if it so desires, provided (1) that such request is made within 20 days from the date of the notice, (2) that good cause can be shown as to why compliance was not made within the time allowed, and (3) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the order is reinstated.

#### § 1131a.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Motor Carrier Board or by Division 1 of the Commission. No successive grants of temporary authority shall exceed a total of 180 days.

(2) Although a grant of temporary authority is neither a permit nor a certificate under the Interstate Commerce Act, it nevertheless enables the applicant to provide service either as a common or a contract carrier, as the case may be. Consequently, an applicant for temporary authority to operate as a water contract carrier must show that the operations proposed is that of a contract carrier by water carrier as defined in section 302(e) of the Interstate Commerce Act. No "dual operation" finding is necessary, however, where a grant of temporary authority to operate as a contract carrier is made to an existing common carrier and vice versa.

(3) Inasmuch as a grant of temporary authority is not a permit or certificate, none of the regulated rights, under the Interstate Commerce Act is applicable. Temporary authority may not be tacked or joined with permanent authority held by the carrier for the purpose of performing through transportation, nor can through, joint-line service be performed thereunder. Where there is a need for such services which are not implicit in grants of temporary operating authority this fact should be stated specifically so that an appropriate authority description may be issued.

(4) For administrative convenience, temporary authority to transport property will be considered to authorize the return transportation of shipper-owned trailers and of empty crates, barrels, bottles, hangers, pallets, bracing, dunnage, and other similar containers and shipping devices used in the outbound transportation covered by the temporary authority.

(b) *Standards for determination.* The following standards shall be used by the Motor Carrier Board, and by Division 1 of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under section 311(a) of the Interstate Commerce Act (49 U.S.C. 911(a)) of applications for temporary authority:

(1) *General.* (i) Grants of temporary authority shall only be made upon the establishment of an immediate and urgent need for the transportation of passengers, or of particular commodities or classes of commodities, from specified origin points or areas to specified destination points or areas, having no carrier service capable of meeting such needs. Requests for temporary authority involving service to or from ports in entire States, counties or other defined areas will warrant approval only when supported by evidence that there is a compelling need for service to or from a representative number of ports in each such State, county, or area, that there is a reasonable certainty that such service will be utilized, and there is no carrier service available capable of meeting such need. Otherwise, such grants will be limited in accordance with the evidence to port-to-port authorizations covering the immediate and urgent need for service.

(ii) Any need which is the basis of an operation authorized by a temporary authority to be conducted for a period of less than an aggregate of 180 days is presumed not to be of a "continuing nature" unless the Commission otherwise expressly determines. If the need for a particular service ceases and a temporary authority covering such need expires or is revoked, and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority for the 180-day aggregate, or for a shorter period, may be granted to the same carrier for the service, notwithstanding the prior grant or grants. However, an application filed after an aggregate of 180-days' temporary authority has expired or been revoked will be denied unless the facts clearly show that the application is in reality based on a new need and not a continuation of the need on which the prior grant of authority was based.

(2) *Immediate and urgent need.* An immediate and urgent need justifying a grant of temporary authority will be determined to exist only where it is established that there is or soon will be an immediate transportation need which reasonably cannot be met by existing carrier service. Such a showing may involve a new or relocated plant, different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service, or comparable situations which require new water carrier service before an application for permanent authority can be filed and processed.

(3) *Single-line service.* Generally, the desire of a shipper for single-line service in lieu of existing interchange or connecting-carrier service will not warrant a grant of temporary authority. A grant of temporary authority to effectuate single-line service will be authorized only when it is clearly established that the carriers providing multiple-line service are not capable of, or have failed in, meeting the reasonable immediate and urgent needs of shippers or receivers between the points or territories and in respect of the commodity or commodities involved.

(4) *Complete service.* Requests for temporary authority on the basis of "providing a complete service to a shipper," even though existing carriers are participating in the traffic and in many instances can provide a substantial part of the service require special justification. Generally, in such instances, the applicant must establish with reasonable certainty that the existing carriers cannot adequately serve the shipper in their authorized territories, or that the supporting shipper has revised its distribution methods to such an extent that there actually is an immediate and urgent need for the complete service proposed.

(5) *Failure to provide equipment.* Temporary authority may be granted where existing authorized carriers are unable or refuse to furnish equipment necessary to move passengers or the traffic of shippers in order to meet an immediate and urgent transportation need.

(6) *General basis for disapproval.* Applicants for temporary authority may be denied for the following reasons:

(i) Failure to meet statutory standards.

(ii) Unfitness of the applicant.

#### § 1131a.5 Petitions.

(a) *Petitions for reconsideration.* Pursuant to and in accordance with the Commission's General and Special Rules of Practice, petitions for reconsideration of orders of (1) the Motor Carrier Board and (2) Division 1 initially granting or denying temporary authority in proceedings not subject to prior determination by the Motor Carrier Board, may be filed by any interested person. The filing of a petition for reconsideration of an order of Division 1 or the Motor Carrier Board does not have the effect of automatically staying such order, and the grantee carrier may conduct the operations authorized by such order upon compliance with its tariff and other requirements for the duration of the temporary authority, or until otherwise ordered.

(b) *Replies.* Replies may be filed by any interested person to such petitions; but if the facts stated in any such petition disclose a need for accelerated action, such action, in the discretion of the Commission may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition will be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated action.

[FR Doc.74-4255 Filed 2-21-74;8:45 am]

#### Title 50—Wildlife and Fisheries

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

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Great Meadows National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period February 20, 1974 through December 31, 1974.

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

#### MASSACHUSETTS

##### GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Foot and bicycle travel is permitted on designated routes for the purposes of nature study, photography, hiking, skating, and cross-country skiing. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-4157 Filed 2-21-74;8:45 am]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Back Bay National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period February 25, 1974 through December 31, 1974.

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

#### VIRGINIA

##### BACK BAY NATIONAL WILDLIFE REFUGE

The following regulations govern the use of the Atlantic Ocean Beach within the Back Bay National Wildlife Refuge:

1. All access to or across refuge lands will be subject to the control of the refuge manager or his designated representative.

2. Access along the beach by motorized vehicles will be allowed only after a permit has been issued by the refuge manager or his designated representative. The refuge manager is authorized to establish a system of permits consist-