

Illustration C—Facts. X Company intends to effect a short-form merger pursuant to state law whereby its ninety percent owned subsidiary, Y Company, would be merged into X Company without a vote or consent of Y Company's minority stockholders, who would receive common stock of X Company.

Question C-1. Is this transaction subject to the registration requirements set forth in section 5 of the Act?

Interpretative Response. Yes. The issuance of X Company common stock to the stockholders of Y Company would involve a "sale" within the meaning of section 2(3) of the Act and, absent a statutory exemption, registration would be required.

Question C-2. May the securities to be issued in this transaction be registered pursuant to the Act on a Form S-14?

Interpretative Response. Yes. Although Rule 145 is not applicable because a short-form merger does not involve a vote or consent of all the stockholders, the Division will not object to the use of Form S-14 for the registration of the securities to be issued in this transaction.

By the Commission.

[SEAL] **GEORGE A. FITZSIMMONS,**
Secretary.

FEBRUARY 28, 1974.

[FR Doc.74-6721 Filed 3-21-74; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-415; Order 438A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revision to Weekly Fuel Emergency Report Forms

MARCH 15, 1974.

This order directs the reporting of emergency fuel situations on Forms No. 237A (Coal) and No. 237B (Oil), Weekly Fuel Emergency Report, in revised format. These forms were first promulgated on September 17, 1971, in Order No. 438 (Docket No. R-415) which amended Part 141, Chapter I, Title 18 of the Code of Federal Regulations. At the time these forms were adopted, emergency shortages of fuels required to provide a reliable flow of electric power were due primarily to local and temporary disruptions in deliveries. Currently there are widespread conditions affecting directly or indirectly a number of types of fuels, including coal, residual oil, distillate oil and natural gas. These current conditions may continue for indefinite periods. Emergencies have arisen and are expected to arise periodically.

Specific revisions to the forms include: (1) Eliminating the reporting of certain information on capacity and multi-fuel supplies which will not be needed on a weekly basis; (2) standardizing the re-

porting week so that each utility reports as of 12:01 AM Sunday rather than choosing its own reporting week; (3) providing a definition of fuel emergency for use by a utility except when it normally maintains smaller fuel stocks than the definition specifies; (4) requiring that all questions be answered in each filing so that all information necessary for dealing with the emergency situation is readily available; (5) providing for description by the utility of its fuel supply problems and indication of the steps it is taking to alleviate the difficulty; and (6) providing for description by the utility of its existing ability to burn alternate fuels and its ability to convert existing equipment to alternate fuel use.

The filing of Forms 237A and 237B¹ will enable the FPC to be apprised of emergencies arising from inadequate fuel supplies and enable the Commission to take appropriate measures to assist affected utilities to cope with such problems. Because of the existing widespread conditions and the need to act expeditiously, the Commission believes that delay in the adoption of the revised Forms 237A and 237B would be contrary to the public interest and hence is making this order effective upon issuance.

These forms are to be filed weekly upon the determination by the utility in the exercise of due diligence that an emergency exists and are to be filed weekly until such emergency no longer exists. The following factors shall be taken into account when deciding if an emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

Since fuel stocks smaller than the levels shown above are normally maintained in some plants, an emergency is not deemed to arise until their stocks have been depleted to such levels. Reports in those instances need not be filed until emergency levels are reached. Filed reports, however, should indicate the fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

The Commission further finds:

(1) It is necessary and appropriate in the public interest and for the purposes of the Federal Power Act to prescribe the revisions to the Weekly Fuel Emergency Report Forms as herein ordered.

(2) There is good cause under the circumstances set forth in the recitals to make the provisions of this order effective immediately and without the prior notice and public procedure provisions of Section 553 of Title 5 of the United States Code, which prior notice and public procedure provisions are impractical and

contrary to the public interest in this instance.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 202, 301, 304(a), 309, and 311 (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825(a), 825h, 825j), orders:

(A) Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended by amending § 141.60 to read as follows:

§ 141.60 Form No. 237A (Coal) and Form No. 237B (Oil), Weekly Fuel Emergency Report Form, Revised.

(a) Form No. 237A (Coal) and Form No. 237B (Oil), Revised, are designed to obtain information on a weekly basis from electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned facing fuel emergencies. The report must be filed in the first instance whenever a utility shall determine in the exercise of due diligence that an emergency exists and must be filed weekly thereafter until the emergency terminates. A fuel emergency exists when supplies of fuels for generation are at a level which threatens projected operations or reliability of electric service.

(b) The following factors shall be taken into account to determine whether a fuel emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

(c) Since fuel stocks of levels smaller than those above indicated are maintained in some plants, an emergency is not determined to exist until their stocks have been depleted to such levels. In such cases no reports need be filed until emergency levels are reached. However, filed reports should indicate fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

(D) Revised FPC Forms Nos. 237A (Coal) and 237B (Oil) as set out in Appendix A to this order are hereby adopted.

(C) The amendment and revised forms adopted herein shall be effective upon issuance of this order. The first report filed shall cover the first full reporting week after the date of issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**
Secretary.

[FR Doc.74-6845 Filed 3-21-74; 8:45 am]

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM74-6; Order No. 507]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Commission Amends Regulations by Revoking Provisions for Certain Budget-Type Gas Sales and Transportation Facilities

MARCH 18, 1974.

By notice issued in Docket No. RM74-6 on November 9, 1973, and published in the Federal Register on November 16, 1973, 38 FR 31685, the Commission proposes to amend § 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by revising paragraph (c) of said § 157.7 to delete therefrom the provision for the filing of budget-type applications for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities for the transportation and sale of natural gas previously authorized under certificates for transportation or sale to existing distributor customers and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

The purpose of the proposal in the instant proceeding is to enable the Commission to review the probable impact of new delivery points prior to their construction, including the end use of the gas proposed to be delivered. In furtherance of this purpose the Commission has already amended § 2.55 of its General Policy and Interpretations, 18 CFR 2.55, by deleting "new delivery points" from the definition of "facilities" excluded from the latter term in section 7(c) of the Natural Gas Act. Order No. 148-A, Docket No. R-110, issued April 27, 1973, 49 FPC —, 38 FR 11449 (May 8, 1973). The Commission announced in Order No. 148-A that it would thenceforth require certification under section 7(c) for the construction and operation of new delivery points which otherwise would be among excluded facilities as defined in section 2.55 in order that the Commission might review the probable impact of such construction. The instant order is complementary to Order No. 148-A.

Comments on the Commission's proposal in the instant proceeding have been filed by Columbia Gas Transmission Corporation, Cities Service Gas Company, Minnesota Natural Gas Company, Montana-Dakota Utilities Co., Pacific Gas Transmission Company, and Northern Natural Gas Company. Among the comments are a suggestion that the cost limitations for miscellaneous rearrangements provided for by § 157.7(c) be changed and suggestions that the proposed amendment be revised to permit construction of budget-type facilities for certain sales in general categories ("miscellaneous purposes", "de minimis" volumes), for specific purposes (e.g., asphalt heating by road construction contractors), and for end uses set forth in Section 2.78 of the Commission's General Policy and Interpretations, 18 CFR 2.78.

The provision for miscellaneous facilities in § 157.7(c) is not the subject of this proceeding. No change in the provision for miscellaneous facilities is proposed and the suggestion for a change in the cost limitations for such facilities is not within the scope of this proceeding. The suggestions that the proposed amendment be revised to permit certain sales would defeat the intended purpose of the amendment—review of the probable impact of new delivery points prior to construction. Although permitting construction for unspecified sales for high priority purposes as defined in § 2.78 might, in part, accomplish the purpose of the proposed amendment, it would have the effect of making the priorities of service set forth in said rule more definitive than the guidelines which they are intended to be.

After consideration of the comments received in response to the notice, the Commission has determined that the amendment should be adopted as proposed. There will be no change in that part of § 157.7(c) which provides for budget-type certificates for miscellaneous rearrangements, and budget-type certificates for miscellaneous rearrangements may not be used for the construction of facilities for purposes not heretofore permitted under such certificates.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment hereinafter set forth is necessary and appropriate in the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7(c), 7(d), 7(e), and 16 thereof (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 52 Stat. 830, 15 U.S.C. 717f(e); 52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, orders:

(A) Section 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising paragraph (c) thereof to read as follows:

(c) Miscellaneous rearrangements of facilities—budget-type application. An abbreviated application requesting a budget-type certificate authorizing the construction during a given twelve-month period, and operation of gas-sales or transportation facilities may be filed when:

(1) The facilities proposed in the application are to be used for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing field operation or relocation of existing sales or transportation facilities when required by highway construction,

dam construction or other similar reasons.

(2) (i) The total estimated cost of the rearrangement of facilities proposed in the application does not exceed \$300,000 except where the applicant's gas plant (Account No. 101, Uniform System of Accounts Prescribed for Natural Gas Companies) is \$10,000,000 or less, in which case the total estimated cost of the gas-sales facilities proposed in the application shall not exceed \$100,000.

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(3) The application contains a statement indicating the maximum facilities to be installed during the authorized construction period, including the maximum number of lateral or loop lines to be installed and their maximum length and diameter, the maximum number of taps and meters to be installed, and the estimated cost of facilities for each such type or project.

(4) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the rearranged facilities installed, e.g., location, miles and size of pipeline (including wall thickness and minimum yield point), taps, laterals, lateral loop lines, metering and regulating facilities.

(ii) Actual cost of facilities subdivided by size of pipeline, taps, laterals, lateral loop lines, metering and regulating facilities, and appurtenant facilities.

(Sec. 7(c), 52 Stat. 825, 56 Stat. 83, 15 USC 717f(c); Sec. 7(d), 56 Stat. 84, 15 USC 717f(d); Sec. 7(e), 56 Stat. 84, 15 USC 717f(e); Sec. 16, 52 Stat. 830, 15 U.S.C. 717o)

(B) The amendment adopted herein shall be effective April 22, 1974.

(C) The Secretary shall cause prompt publication of this order to be made in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-6646 Filed 3-21-74; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-100]

PART 1—GENERAL PROVISIONS

Ports of Entry

On November 15, 1973, notice of a proposal to extend the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), was published in the *FEDERAL REGISTER* (38 FR 31540). No comments were received regarding this proposed extension.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), are hereby extended to include all that territory within the city limits of Ketchikan, Alaska, and all points on the narrows and inlets from the northwestern city limits of Ketchikan to and including Ward Cove, Alaska, and all points on the narrows and inlets from the southeastern city limits of Ketchikan to and including Herring Bay, Alaska, and that portion of Gravina Island designated as and physically occupied by the Ketchikan International Airport which will include the runways, ramp area, terminal buildings, and any support facility immediately adjacent to the runway but excluding all of the shoreline of Gravina Island and all contact it may have with Tongass Narrows, Nichols Passage, Clarence Strait, Behm Canal, or any other body of water.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by substituting "Ketchikan, Alaska (including the territory described in T.D. 74-100)" for "Ketchikan (including territory described in T.D. 53738)" in the column headed "Ports of entry" in the Anchorage, Alaska, district (Region VIII).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2)).

It is desirable to make this extension of the port limits of Ketchikan, Alaska, available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective on March 22, 1974.

Dated: March 13, 1974.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

[FR Doc. 74-6697 Filed 3-21-74; 8:45 am]

[T.D. 74-101]

PART 1—GENERAL PROVISIONS

Customs Field Organization

This amendment to section 1.4a of the Customs Regulations sets forth the present assignment of Customs regions to the regional directors, security and audit. Under the present assignment, each Customs region is assigned a separate regional director, security and audit. This amendment also sets forth the address of the regional office of the regional director, security and audit, in each region.

Accordingly, § 1.4a of the Customs Regulations is amended to read as follows:

§ 1.4a Assignment of Customs regions to regional directors, security and audit.

The regions in § 1.2, together with their respective districts, are assigned to the offices of regional directors, security and audit, as follows:

Region office	Address	Zip code
Boston.....	U.S. Customhouse, Room 1100, 2 India St., Boston, Mass.	02109
New York.....	U.S. Customs Service, 6 World Trade Center, Room 502, New York, N.Y.	10048
Baltimore.....	U.S. Customhouse, Room 429, 40 South Gay St., Baltimore, Md.	21202
Miami.....	U.S. Customs Service, P.O. Box 3201, Miami, Fla.	33101
New Orleans.....	U.S. Customs Service, Room 9028, Federal Bldg., 701 Loyola Ave., New Orleans, La.	70113
Houston.....	U.S. Customs Service, Suite 1355, 1 Allen Center, 500 Dallas St., Houston, Tex.	77002
Los Angeles.....	U.S. Customs Service, P.O. Box 3223, Terminal Island Station, San Pedro, Calif.	90731
San Francisco.....	U.S. Customs Service, Room 393, 681 Market St., San Francisco, Calif.	94105
Chicago.....	U.S. Customs Service, Suite 1539, 55 East Monroe St., Chicago, Ill.	60603

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624)).

Because this amendment relates to agency management, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective on March 22, 1974.

Approved: March 13, 1974.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

[FR Doc. 74-6700 Filed 3-21-74; 8:45 am]

[T.D. 74-103]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Arrival and Entry of United States Government Vessels

Section 4.5(a) of the Customs Regulations (19 CFR 4.5(a)), presently provides, in part, that no report of arrival or entry shall be required for any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel is "manned wholly by members of the armed forces of the United States or by personnel in the civil service of the United States."

The commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) are neither members of the armed forces nor civil service employees as these terms are defined in 5 U.S.C. 2101, relating to employees of the Federal Government. PHS and NOAA officers often serve aboard United States vessels, however, and allowance for such service was not purposely omitted from

§ 4.5(a) of the Customs Regulations. Consequently, it is necessary to amend § 4.5(a) to provide that its provisions apply to United States Government vessels wholly manned by members of the uniformed services, or by civil service employees, or by both (as may be the case with vessels operated by NOAA). The term "uniformed services" as used in § 4.5(a) will mean the armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, in accordance with section 2101 of title 5 of the United States Code, and section 4(d), Reorganization Plan No. 4 of 1970 (35 FR 15627).

Accordingly, the first sentence of paragraph (a) of § 4.5, Customs Regulations, is amended to read as follows:

§ 4.5 Government vessels.

(a) No report of arrival or entry shall be required of any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel (1) is manned wholly by members of the uniformed services of the United States, by personnel in the civil service of the United States, or by both, and (2) is transporting only property of the United States or passengers traveling on official business of the United States, or is in ballast. * * *

*(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

Inasmuch as this amendment merely clarifies an existing Customs regulation, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on March 22, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 13, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of
the Treasury.

[FR Doc. 74-6692 Filed 3-21-74; 8:45 am]

[T.D. 74-102]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309(d)), the Secretary of Commerce has found and in a letter dated February 4, 1974, has advised the Secretary of the Treasury that Jordan allows to aircraft registered in the United States and engaged in foreign trade privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C.

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1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Jordan and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Jordan" in appropriate alphabetical order and the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; (19 U.S.C. 1309, 1317, 1624))

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Approved: March 12, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of
the Treasury.

[FR Doc.74-6699 Filed 3-21-74;8:45 am]

Title 31—Money and Finance: Treasury
Subtitle A—Office of the Secretary of the Treasury

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

The regulations under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), formerly contained in Chapter 1 of Title 32A, Code of Federal Regulations and pertaining to investigations of the effects of imported articles on the national security, are being revised without substantive change and recodified as Part 9 of Title 31 as set forth below. By Executive Order No. 11725, dated June 27, 1973 (38 FR 17175), the President designated and empowered the Secretary of the Treasury to exercise, without approval, ratification, or other action of the President, all authority which was vested in the Director of the Office of Emergency Preparedness by section 232 of the Trade Expansion Act of 1962, 76 Stat. 877, as amended (19 U.S.C. 1862), and which was transferred to the President by Reorganization Plan No. 1 of 1973.

The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because these changes relate to agency management and organization. Accordingly, this revision and recodification shall become effective on March 22, 1974.

Dated: March 18, 1974.

GEORGE P. SHULTZ,
Secretary of the Treasury.

Sec.
9.2 Definitions.
9.3 General.

Sec.
9.4 Criteria for determining effects of imports on national security.
9.5 Applications for investigation.
9.6 Confidential information.
9.7 Conduct of investigation.
9.8 Emergency action.
9.9 Report.

Authority: The provisions of this Part 9 are issued under sec. 232, 76 Stat. 877 (19 U.S.C. 1862); Reorganization Plan No. 1 of 1973; and E.O. 11725, dated June 27, 1973 (FR 17175).

§ 9.2 Definitions.

As used herein "Secretary" means the Secretary of the Treasury and "Assistant Secretary" means the Assistant Secretary of the Treasury for Enforcement, Tariff & Trade Affairs, and Operations.

§ 9.3 General.

(a) Upon request of the head of any Government department or agency, upon application of an interested party, or upon his own motion, the Assistant Secretary shall set in motion an immediate investigation to determine the effects on the national security of imports of any article.

(b) The Secretary shall make the final determination on whether to advise the President that the importation of an article threatens to impair the national security.

§ 9.4 Criteria for determining effects of imports on national security.

(a) In determining the effect on the national security of imports of the article which is the subject of the investigation, the Secretary is required to take into consideration the following:

(1) Domestic production needed for projected national defense requirements including restoration and rehabilitation.

(2) The capacity of domestic industries to meet such projected requirements, including existing and anticipated availabilities of:

- (i) Human resources
- (ii) Products
- (iii) Raw materials
- (iv) Production equipment and facilities

(v) Other supplies and services essential to the national defense.

(3) The requirement of growth of such industries and such supplies and services including the investment, exploration and development necessary to assure capacity to meet projected defense requirements.

(4) The effect which the quantities, availabilities, character and uses of imported goods have or will have on such industries and the capacity of the United States to meet national security requirements.

(5) The economic welfare of the Nation as it is related to our national security, including the impact of foreign competition on the economic welfare of individual domestic industries. In determining whether such impact may impair the national security, any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects shall be considered.

(b) The Secretary shall also consider other relevant factors in determining whether the national security is affected by imports of the article.

§ 9.5 Applications for investigation.

(a) Applications are required to be in writing. Twenty-five copies shall be filed by mail with the Assistant Secretary for Enforcement, Tariff & Trade Affairs and Operations, Department of the Treasury, Washington, D.C. 20220.

(b) Applications shall describe how the quantities or circumstances of imports of the particular article affect the national security and shall contain the following information:

(1) Identification of the person, partnership, association, corporation, or other entity on whose behalf the application is filed.

(2) A precise description of the article.

(3) Description of the applicant and the domestic industry concerned, including pertinent information regarding companies and their plants, locations, capacity and current output of the domestic industry concerned with the article in question.

(4) Pertinent statistics showing the quantities and values of both imports and production in the United States.

(5) Nature, sources, and degree of the competition created by imports of the article in question.

(6) The effect, if any, of imports of the article in question upon the restoration of domestic production capacity in an emergency.

(7) Employment and special skills involved in the domestic production of the article.

(8) Extent to which investment and specialized productive capacity is or will be adversely affected.

(9) Revenues of Federal, State, or local Governments which are or may be affected by the volume or circumstances of imports of the article.

(10) Defense or defense supporting uses of the article including data on defense contracts or sub-contracts, both past and current.

(c) Statistical material presented should be on a calendar-year basis for sufficient periods of time to indicate trends and afford the greatest possible assistance to the Assistant Secretary. Monthly or quarterly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

§ 9.6 Confidential information.

Information which the Assistant Secretary determines would disclose confidential business data or operations within the meaning of section 1905 of Title 18 of the United States Code, will be accorded confidential treatment by the Director if submitted in confidence. All information submitted in confidence must be on separate pages marked "Business Confidential."

§ 9.7 Conduct of investigation.

(a) The investigation by the Assistant Secretary or by such official or agency

as he may designate, shall be such as to enable the Secretary to arrive at a fully informed opinion as to the effect on the national security of imports of the article in question.

(b) Upon undertaking an investigation the Assistant Secretary, unless it would be contrary to the interests of national defense, shall issue a public notice thereof which shall be published in the **FEDERAL REGISTER**. Any interested party may submit to the Assistant Secretary twenty-five copies of any comment, opinion, or data relative to the investigation within forty-five days after such public notice. Rebuttal to material so submitted may be filed with the Assistant Secretary within seventy-five days after such public notice and all data and comment from interested parties shall be a matter of record by ninety days after the giving of such public notice or fifteen days after the close of any hearing conducted under paragraph (f) of this section, whichever is later.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information submitted in confidence as provided in § 9.6, will be available for inspection at the Office of the Assistant Secretary for Enforcement, Tariff & Trade Affairs, and Operations, in Washington, D.C. where they may be read and copied by interested parties, and the Assistant Secretary will maintain a roster of persons who have submitted material.

(d) The Assistant Secretary or his designee may also request further data from other sources through the use of questionnaires, correspondence, or other means.

(e) The Assistant Secretary or his designee shall, in the course of the investigation, seek information or advice from appropriate Government departments and agencies.

(f) In addition, the Assistant Secretary, or his designee, may, when he deems it appropriate, hold public hearings to elicit further information. If a hearing is held:

(1) The time and place thereof will be published in the **FEDERAL REGISTER**.

(2) It will be conducted by the Assistant Secretary or his designee, and the full record will be considered by the Secretary in arriving at his determination.

(3) Interested parties may appear, either in person or by representation, and produce oral or written evidence relevant and material to the subject matter of the investigation.

(4) After a witness has testified the Assistant Secretary or his designee may question the witness. Questions submitted to the Assistant Secretary or his designee in writing by any interested party may, at the discretion of the Assistant Secretary or his designee, be posed to the witness for reply for the purpose of assisting the Assistant Secretary in obtaining the

material facts with respect to the subject matter of the investigation.

(5) The hearing will be stenographically reported. The Assistant Secretary will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations in Washington, D.C., or purchased from the reporter.

§ 9.8 Emergency action.

In emergency situations or when in his judgment national security interests require it, the Secretary may vary or dispense with any of the procedures set forth above and may formulate his views without following such procedures.

§ 9.9 Report.

A report will be made and published upon the disposition of each request, application or motion under § 9.3 hereof. Notice of publication of a report shall be given in the **FEDERAL REGISTER**. Copies of the report will be available at the Office of the Assistant Secretary for Enforce-

ment, Tariff & Trade Affairs, and Operations.

[SEAL]

[FR Doc.74-6648 Filed 3-21-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 183—BOATS AND ASSOCIATED EQUIPMENT

CFR Correction

The following changes should be made to §§ 183.25, 183.33, 183.37, and 183.67 as they appear in Title 33 Parts 1-199 of the CFR, revised as of July 1, 1973, pages 654, 655, and 658:

1. In § 183.25(b)(1), the second line of the table, "motor, and gear) pounds) XXX", should be transferred to the end of the table, to become the last line.

2. In § 183.33(a) of the second line, now reading "marked on a boat that is not designed or", should read "marked on a boat that has one or more inboard engines or inboard-outdrive"; and the formula should read as follows:

W = (Maximum displacement)	Boat weight	4 (Machinery weight)
5	5	5

3. In § 183.33(b) the second line, now reading "weight of the boat hull and all its per-", should read "weight of volume of water displaced".

4. In § 183.37(a) the second line, now reading "marked on a boat that has one or more", should read "marked on a boat that is not designed"; and the second line of paragraph (b) (2) of that section, now reading "weight of the volume of water displaced", should read "weight of the boat and all its per-".

5. In § 183.67, the word "determined" in the first line of paragraph (b) should read "determine"; and the word "controlled" in the fourth line of paragraph (c)(1) should read "control".

SUBCHAPTER X—INTERIM REGULATIONS

PART 199—INTERIM REGULATIONS FOR BOATS

CFR Correction

The following Note, concerning effective date provisions, should be added following the table of contents for Part 199, page 659 of 33 CFR Parts 1 to 199, Revised as of July 1, 1973:

NOTE: The regulations in this Part 199 are effective until October 1, 1973, when they are revoked and superseded by 33 CFR Part 175, above.

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS

On pages 5794-5804 of the **FEDERAL REGISTER** of February 15, 1974, there were published proposed regulations by the St. Lawrence Seaway Development Corpora-

tion to revise Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401 by consolidating the two subparts, resulting in Part 401, Subpart A—Seaway Regulations and reserving Subpart B for future use. In revising the regulations, the Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the **FEDERAL REGISTER** on October 17, 1972 (37 FR 21943), is acting jointly with the St. Lawrence Seaway Authority of Canada. Each year the regulations are reviewed in light of the past season's experience and amendments are proposed for necessary changes. The main purpose of this year's revision is to consolidate the regulations and rules into one set of regulations to eliminate repetition of the regulations in the rules and vice versa and for clarity.

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. Two replies were received. The first was a request for an extension of the comment period which, in view of the imminent opening of the 1974 navigation season, was deemed to be impractical. However, comments received at any time will be considered and if warranted, further revision of the Regulations can be made at a later date. The second reply

RULES AND REGULATIONS

suggested that provision should be made for waiver of specific requirements where vessels make only occasional transits. Consideration was given to this suggestion and it is felt that since the Regulations are promulgated for the safe transit of all vessels, allowing certain vessels to transit without the required equipment would jeopardize the safety of those vessels, other users, and/or Seaway property.

In view of the foregoing, the proposed regulations are hereby adopted without change.

Because this revision was developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1974 navigation season, I find that good cause exists for making the revision effective in less than 30 days.

The full text of the revision of Part 401, Subpart A, Seaway Regulations, is set forth below.

(68 Stat. 92-97 (33 U.S.C. 981-990, as amended), and sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

Effective Date: March 22, 1974.

SAINT LAWRENCE SEAWAY
DEVELOPMENT CORPO-
RATION.

D. W. OBERLIN,
Administrator.

Subpart A—Regulations

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Schedule III—Calling-in Table.

Schedule IV—Addresses of Regional Directors.

AUTHORITY: 68 Stat. 92-97 (33 U.S.C. 981-990), as amended; Sec. 104, Pub. L. 92-340, 86 Stat. 424 (49 CFR 1.50a) (37 FR 21943).

Subpart A—Regulations

§ 401.1 Short title.

These regulations may be cited as the "Seaway Regulations."

§ 401.2 Interpretation.

In the regulations in this part:

(a) "Authority" means the St. Lawrence Seaway Authority;
(b) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(c) "Navigation season" means the annual period designated by the Corporation and the Authority, that is appropriate to weather and ice conditions or vessel traffic demands, during which the Seaway is open for navigation;

(d) "Officer" means a person employed by the Corporation or the Authority to direct some phase of the operation or use of the Seaway;

(e) "Passing through" means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(f) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(g) "Preclearance" means the authorization given by the Corporation or the Authority for a vessel to transit;

(h) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(i) "Seaway" means the deep waterway between the Port of Montreal and Lake Erie and includes all locks, canals and connecting and contiguous waters that are part of the deep waterway, and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Corporation or the Authority;

(j) "Seaway station" means a radio station operated by the Corporation or the Authority;

(k) "Towed" means pushed or pulled through the water;

(l) "Transit" means to use the Seaway, or a part of it, either upbound or downbound;

(m) "Vessel" means any type of craft used as a means of transportation on water; and

(n) "Vessel traffic controller" means the officer who controls vessel traffic from a Seaway station.

CONDITION OF VESSELS

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than seven hundred and thirty feet in overall length or

seventy-five feet six inches in extreme breadth, including permanent fenders, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than one hundred and seventeen feet above water level.

(c) No vessel shall transit if any part of its bridges or anything on the vessel protrudes beyond the hull.

(d) No vessel shall transit if its discharge pipes can direct overboard discharge on to the top of a tie-up or lock wall.

§ 401.4 Minimum length and weight.

No vessel of less than twenty feet in overall length or one ton in weight shall transit the South Shore, Beauharnois or Welland Canal.

§ 401.5 Required equipment.

No vessel shall transit unless it is—

(a) Propelled by motor power that is adequate in the opinion of an officer; and

(b) Marked and equipped in accordance with the requirements of §§ 401.6-401.21.

§ 401.6 Draft markings.

(a) Vessels of more than sixty-five feet in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than three hundred and fifty feet in overall length shall be marked on both sides with midship draft markings.

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) Permanently attached to the vessel; or

(2) Where the fenders are not permanently attached—

(i) Made of a material that will float, and

(ii) Securely fastened and suspended from the vessel in a horizontal position by means of a steel cable or a fiber rope in such a way that they may be raised or lowered so as to avoid damage to Seaway installations.

(b) Automobile or other tires shall not be used as fenders.

§ 401.8 Landing booms.

Vessels of more than one hundred and fifty feet in overall length shall be equipped with at least one adequate landing boom on each side.

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(2) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7, and 156.8 MHz.

§ 401.10 Mooring lines.

(a) Mooring lines shall:

(1) Be of a uniform thickness throughout their length;

(2) Be fitted with a spliced eye not less than eight feet long;

(3) Have sufficient strength to check the vessel; and

(4) Be arranged so that they may be led to either side of the vessel as required.

(b) Unless otherwise permitted by an officer, only wire rope mooring lines shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway if they have a breaking strength that complies with the minimum specifications set out in the table to this section.

TABLE

Ship's overall length (feet)	Length of mooring line (feet)	Breaking strength (tons)
125 to 200	360	10
201 to 300	360	15
301 to 400	360	20
401 to 600	360	28
601 to 730	360	35

§ 401.11 Fairleads.

Mooring lines, and synthetic hawsers where permitted under paragraph (b) or (c) of § 401.10, shall:

(a) Be led at the vessel's side through a type of fairlead acceptable to the Corporation and the Authority;

(b) Pass through not more than two inboard fairleads that are fixed in place and provided with free-running sheaves or rollers; and

(c) Where the fairleads are mounted flush with the hull, be permanently fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) Minimum requirements in respect to mooring lines and winches and the location of fairleads on vessels are as follows:

(1) Vessels of one hundred and twenty-five feet or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter;

(2) Vessels of more than one hundred and twenty-five feet but not more than two hundred feet in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines—

(i) One shall lead forward from the break of the bow and one astern from the quarter, or

(ii) One shall lead astern from the break of the bow and one forward from the quarter;

(3) The other two mooring lines required on vessels of more than one hundred and twenty-five feet but not more than two hundred feet may be led through closed chocks and may be hand held;

(4) Vessels of more than two hundred feet in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

(i) All shall be power operated by the main drums of adequate power operated winches and not by capstans or windlasses; and

(ii) All shall be led through a type of fairlead acceptable to the Corporation and the Authority.

(b) The following table sets out the requirements for the location of fairleads for vessels of two hundred feet or more in overall length:

TABLE

Overall length of vessels (feet)	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 ft from the stern.	Between 30 and 80 ft from the stern.
Over 300 to 400	Between 40 and 100 ft from the stern.	Between 50 and 110 ft from the stern.
Over 400 to 500	Between 40 and 110 ft from the stern.	Between 50 and 130 ft from the stern.
Over 500 to 600	Between 50 and 130 ft from the stern.	Between 60 and 150 ft from the stern.
Over 600 to 730	Between 60 and 160 ft from the stern.	Between 70 and 170 ft from the stern.

§ 401.13 Hand lines.

Hand lines shall

(a) Be made of manila or other material acceptable to the Corporation and the Authority, and

(b) Have a minimum diameter of one-half inch and a minimum length of one hundred feet.

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with seventy-five feet of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

§ 401.15 Stern anchors.

Every vessel of more than three hundred and fifty feet, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

§ 401.16 Propeller direction alarms.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with

(a) Propeller direction and shaft r.p.m. indicators; and

(b) Unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device that renders it impossible to operate engines against orders

from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.17 Pitch indicators.

Every vessel equipped with a variable pitch propeller shall have a pitch indicator in the wheelhouse and the engine room.

§ 401.18 Steering lights.

Every vessel shall be equipped with a steering light on the bow.

§ 401.19 Sewage and garbage disposal systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal.

(b) Garbage on a vessel shall be—

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can lawfully be disposed of.

§ 401.20 Oily water separators.

Every vessel that is unable to contain all the waste oil products or bilge water containing waste oil products that may be on board the vessel shall be equipped with oily-water separators or other equipment for the extraction of oil products from waste water before discharge.

§ 401.21 Rudder angle indicators.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with rudder angle indicators or repeaters that are—

(a) Located in the wheelhouse; and

(b) Arranged so that they can be easily read from any position on the bridge.

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of three hundred and fifty tons or less in weight, shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of—

(1) The expiration of the representative's guarantee of toll payment,

(2) A change of ownership or representative of the vessel, or

(3) A material alteration in the physical characteristics of the vessel,

until another application for preclearance has been made and approved.

§ 401.23 Liability insurance.

(a) It is a condition of approval of an application for preclearance that the vessel is covered by liability insurance equal to or exceeding \$50 per gross registered ton.

(b) No vessel shall transit while its liability insurance is not in full force and effect.

§ 401.24 Application for preclearance.

The representative of a vessel may apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel on a Form SLS 429 set out in Schedule I of these regulations which may be obtained from the Corporation, Massena, New York or from the Authority, Cornwall, Ontario.

§ 401.25 Approval of preclearance.

Where the Corporation or the Authority approves an application for preclearance, it shall—

- (a) Give the approval in writing; and
- (b) Assign a number to the approval.

§ 401.26 Security for tolls.

(a) Before transit, other than transit restricted to the Sault Ste. Marie (Canada) Canal, by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be provided by the representative by means of—

(1) A deposit of money with the Corporation or the Authority;

(2) A deposit of money to the credit of the Corporation or the Authority with a bank in the United States or a chartered bank in Canada;

(3) A deposit with the Corporation or the Authority of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) Furnishing to the Corporation or the Authority a letter of guarantee given by a bank referred to in paragraph (a) (2) of this section.

(b) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel—

(1) On the Seaway between Montreal and Lake Ontario, at \$1.00 per ton for transit each way or at \$2.00 per ton for a round trip;

(2) On the Welland Canal, at \$800.00 for transit each way or at \$1600.00 for a round trip,

and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(c) Where a number of vessels—

(1) Are owned or controlled by the same individual or company, and

(2) Have the same representative, the security for the tolls may be provided in an amount estimated by the representative to be equal to \$1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(d) Where, in the opinion of the Corporation or the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Corporation or the Authority may suspend the preclearance of the vessel.

SEAWAY NAVIGATION

§ 401.27 Compliance with instructions.

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than forty feet in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in column I of an item of Schedule II and the place set out in column II of that item exceed the speed set out in column III or column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

(b) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(c) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

§ 401.29 Maximum draft.

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.¹

(b) The draft of a vessel shall not, in any case, exceed 26 feet or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

(c) No vessel shall transit the Sault Ste. Marie (Canada) Canal with a draft in excess of the maximum permissible draft currently prescribed by the Authority for that Canal or unless the available depth of water on the appropriate controlling point for draft exceeds by at least three inches the maximum draft of the vessel at the time.

§ 401.30 Adequate ballast and proper trim.

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

(c) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

§ 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Rules of the Road for the Great Lakes.

(b) No vessel shall meet another vessel within the limit of approach signs at bridges.

(c) Except as instructed by the vessel traffic controller, no vessel shall over-

¹ The main channels between the Port of Montreal and Lake Erie have a controlling depth of 27 feet.

take and pass or attempt to overtake and pass another vessel—

- (1) In any canal;
- (2) Within two thousand feet of a canal entrance;

(3) After the order of passing through has been established by the vessel traffic controller; or

(4) Between the western end of the Vidal Shoal Cut and the upper entrance of the Sault Ste. Marie Lock.

§ 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in their housings in a manner that affords maximum visibility from the wheelhouse.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that—

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

§ 401.33 Special instructions.

Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

§ 401.34 Vessels in tow.

No vessel that is not self-propelled shall be underway in any canal unless it is securely tied to an adequate tug or tugs, in accordance with special instructions given by the Corporation or the Authority pursuant to § 401.33.

§ 401.35 Employment of tugs.

No tug shall be fastened alongside a vessel in a canal so that the aggregate of the beams exceeds—

(a) Fifty-five feet in the case of the Sault Ste. Marie (Canada) Canal; or

(b) Seventy-five feet, six inches in the case of any other canal.

§ 401.36 Order of passing through.

Vessels shall advance to a lock in the order instructed by the vessel traffic controller.

§ 401.37 Mooring at tie-up walls.

Upon arrival at a lock, a vessel awaiting instructions to advance shall moor at the tie-up wall, close up to the designated limit of approach sign or to the vessel preceding it, whichever is specified by an officer.

§ 401.38 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall comply with directions indicated by the signal light system associated with the lock or guard gate, and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

§ 401.39 Preparing mooring lines for passing through.

Before a vessel enters a lock—

- (a) Sufficient lengths of mooring lines

to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

(b) The eye of each mooring line shall be passed outward through the fairleads at the side.

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the STOP sign on the lock wall nearest the closed gates.

(b) Every vessel in a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

§ 401.41 Tandem lockage.

Where two or more vessels are being locked together, vessels astern of the leading vessel shall—

(a) Come to a full stop a sufficient distance from the preceding vessel to avoid a collision; and

(b) Be moved into mooring position as directed by the officer in charge of the lock.

§ 401.42 Passing hand lines.

(a) At locks, hand lines shall be secured to the mooring lines and passed as follows:

	South Shore		Beauharnois			Wiley-Dondero		
	St. Lambert	Côte St. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois

Locks:	Upbound.....	Port.....	Port.....	Starboard.....	Starboard.....	Starboard.....	Starboard.....	Port.....
Tieup walls:	Upbound.....	Starboard.....	Starboard.....	Port.....	Port.....	Port.....	Port.....	Starboard.....

Locks:	Upbound.....	Star- board.....	Port.....	Port.....	Port.....	Port.....	Port.....	Starboard.....
Tieup walls:	Upbound.....	do.....	do.....	do.....	do.....	do.....	do.....	Port.....

Locks:	Upbound.....	Star- board.....	Port.....	Port.....	Port.....	Port.....	Port.....	Starboard.....
Tieup walls:	Upbound.....	Star- board.....	Port.....	Port.....	Port.....	Port.....	Port.....	Port.....
Locks:	Upbound.....	Star- board.....	Port.....	Port.....	Port.....	Port.....	Port.....	Starboard.....
Tieup walls:	Upbound.....	Star- board.....	Port.....	Port.....	Port.....	Port.....	Port.....	Port.....

Lock	Tieup walls	Guard gate	8
Upbound.....	Starboard.....	Port.....	
Downbound.....	Port.....	Do.....	

Canadian Sault Ste. Marie

Lock	Tieup walls
Upbound.....	Starboard.....
Downbound.....	Port.....

§ 401.44 Mooring in locks.

(a) Mooring lines shall only be placed on mooring posts as directed by the officer in charge of a mooring operation.

(b) No winch from which a mooring line runs shall be operated until the officer in charge of a mooring operation has signalled that the line has been placed on a mooring post.

§ 401.45 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked immediately, the master or the officer in charge of the mooring operation shall order all mooring lines to be put out as soon as possible, and the master shall

signal a full check by sounding a series of five or more short blasts of the vessel's whistle.

§ 401.46 Attending lines.

(a) Lines of a vessel shall be under visual control and attended by members of its crew during the time the vessel is passing through a lock.

(b) While a vessel is within a lock chamber and lines are hand held for tension control, each line shall be attended by at least one member of the vessel's crew.

§ 401.47 Leaving a lock.

(a) Mooring lines shall only be cast off as directed by the officer in charge of a mooring operation.

RULES AND REGULATIONS

(b) No vessel shall proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

§ 401.48 Turning basins.

No vessel shall be turned about in any canal, except—

(a) With permission from the vessel traffic controller; and

(b) At the locations set out in the table to this section.

TABLE

1. South Shore Canal:

(a) Turning Basin No. 1—Opposite Brosard.

(b) Turning Basin No. 2—Immediately below Cote St. Catherine Lock.

2. Welland Canal:

(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to three hundred and fifty feet.

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to six hundred feet.

(c) Turning Basin No. 3—Immediately south of Bridge 12.

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to five hundred and fifty feet.

(e) For vessels up to two hundred and sixty feet:

(1) North end of Wharf No. 1,

(2) Tie-up wall above Lock 1,

(3) Tie-up wall below Lock 2,

(4) Wharf No. 9,

(5) Between the southerly extremities of Wharves 18-2 and 18-3.

§ 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the vessel traffic controller.

§ 401.50 Anchorage areas.

Except in an emergency, or unless authorized to do so by the vessel traffic controller, no vessel shall drop anchor in any part of the Seaway except in the following designated anchorage areas:

(a) Point Fortier (Lake St. Louis).

(b) Melocheville (Beauharnois Canal).

(c) St. Zotique and Dickerson Island (Lake St. Francis).

(d) Wilson Hill Island and Morrisburg (Lake St. Lawrence).

(e) Prescott and Union Park (St. Lawrence River).

(f) Off Port Weller (Lake Ontario).

(g) Off Port Colborne (Lake Erie).

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between two thousand two hundred feet and four thousand six hundred feet, upstream and downstream from movable bridges at sites other than lock sites.

§ 401.52 Limit of approach to a bridge.

(a) No vessel shall pass the limit of approach sign at any movable bridge until the bridge is in a fully open position and the signal light shows green.

(b) No vessel shall pass the limit of approach sign at the twin Railway Bridges on the South Shore Canal at Caughnawaga or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both signal lights show green.

§ 401.53 Obstructing navigation.

No vessel shall be operated, drop anchor or be fastened or moored in a manner that obstructs or hinders navigation.

§ 401.54 Interference with navigation aids.

(a) Aids to navigation shall not be interfered with or moored to.

(b) No person shall, unless authorized by the Corporation or the Authority, set out buoys or navigation markers on the Seaway.

§ 401.55 Searchlights.

No searchlight shall be used in such a manner that its rays interfere with the operators at a Seaway structure or on any vessel.

§ 401.56 Damaging or defacing Seaway property.

The master of every vessel shall—

(a) Navigate so as to avoid damage to Seaway property; and

(b) Prevent defacement of Seaway property by any member of the vessel's crew.

§ 401.57 Disembarking or boarding.

(a) Except as authorized by an officer, no person, other than a member of the crew of a vessel passing through, shall disembark or board any vessel while the vessel is passing through.

(b) No member of the crew of a vessel passing through shall disembark or board except for the purpose of carrying out essential duties as directed by the Master.

§ 401.58 Pleasure craft scheduling.

The transit of pleasure craft shall be scheduled by the vessel traffic controller or the officer in charge of a lock and may be delayed so as to avoid interference with other vessels.

§ 401.59 Pollution.

(a) No vessel shall—

(1) Emit sparks or excessive smoke; or

(2) Blow boiler tubes.

(b) No vessel shall discharge, dump or pump oil products or bilge containing oil products into the Seaway or adjacent waters.

(c) A record shall be kept of each location within the Seaway or adjacent wa-

ters where bilge water has been discharged.

(d) Except as authorized by the Corporation or the Authority, no vessel shall discharge garbage, ashes, ordure, litter or other materials.

RADIO COMMUNICATIONS

§ 401.60 Listening watch and notice of arrival.

(a) Vessels shall be on radio listening watch on the applicable assigned frequency while within a Seaway traffic control sector as shown on the General Seaway Plan and shall give notice of arrival in the manner prescribed in § 401.64 upon reaching any designated calling in point.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a Seaway station.

§ 401.61 Assigned frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Distress and Calling.

156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).

156.45 MHz (channel 9)—Working (Canadian Stations other than Lakes Ontario and Erie).

156.65 MHz (channel 13)—Working (U.S. Stations, Lake Ontario and Sector 4 of the River).

156.6 MHz (channel 12)—Working (U.S. Stations other than Lake Ontario and Sector 4 of the River).

156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and Lake Erie).

§ 401.62 Seaway stations.

The Seaway stations are located as follows:

VDX20 (Seaway Beauharnois)—Upper Beauharnois Lock—Traffic Control Sector No. 1.

KEF (Seaway Eisenhower)—Eisenhower Lock—Traffic Control Sector No. 2.

VDX21 (Seaway Iroquois)—Iroquois Lock—Traffic Control Sector No. 3.

WAG (Seaway Clayton)—Clayton, N.Y.—Traffic Control Sector No. 4.

WAG (Seaway Sodus)—Sodus, N.Y.—Traffic Control Sector No. 4.

VDX72 (Seaway Oshawa)—Oshawa, Ontario—Traffic Control Sector No. 5.

VDX22 (Seaway Welland)—St. Catharines, Ontario—Traffic Control Sector No. 6.

VDX68 (Seaway Long Point)—Port Colborne, Ontario—Traffic Control Sector No. 7.

VDX23 (Seaway Sault)—Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.63 Radio procedure.

Every vessel shall use the channels of communication in each control sector as listed in the table to this section.

TABLE

Station	Control sector No.	Sector limits	Call in	Work	Listening watch
Seaway Beauharnois...	1	C.I.P. No. 2 to C.I.P. No. 6-7.....	Channel 14..	Channel 14..	Channel 14..
Seaway Eisenhower...	2	C.I.P. No. 6-7 to C.I.P. No. 10-11.....	Channel 12..	Channel 12..	Channel 12..
Seaway Iroquois...	3	C.I.P. No. 10-11 to Whaleback Shoal.....	Channel 9..	Channel 9..	Channel 9..
Seaway Clayton...	4	Whaleback Shoal to Cape Vincent.....	Channel 16..	Channel 13..	Channel 16..
Seaway Sodus...	4	Cape Vincent to Mid-Lake Ontario.....	do.....	do.....	Do..
Seaway Oshawa...	5	Mid-Lake Ontario to C.I.P. No. 15.....	Channel 11..	Channel 11..	Do..
Seaway Welland...	6	C.I.P. No. 15 to C.I.P. No. 16.....	Channel 14..	Channel 14..	Channel 14..
Seaway Long Point...	7	C.I.P. No. 16 to Long Point.....	Channel 11..	Channel 11..	Channel 16..
Seaway Sault...	8	C.I.P. No. 17 to C.I.P. No. 18.....	Channel 14..	Channel 14..	Do..

§ 401.64 Calling in.

(a) Every vessel, intending to transit or in transit, shall report on the assigned frequency to the designated Seaway station when opposite any calling in point or checkpoint (indicated on the General Seaway Plan) and, when reporting, shall give the information indicated in Schedule III.

(b) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway station.

(c) A downbound vessel in St. Lambert Lock shall, before communicating with Montreal Marine Control, switch to channel 10 (156.5 MHz) for a Montreal Harbor situation report.

(d) After obtaining the situation report referred to in paragraph (c) of this section, the downbound vessel shall return to guarding channel 14 (156.7 MHz) and remain on that channel until it is clear of St. Lambert Lock chamber.

(e) When the downbound vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot of the vessel shall call "Seaway Beauharnois" and request permission to switch to channel 10 (156.5 MHz).

(f) Seaway Beauharnois shall grant the permission requested pursuant to paragraph (e) of this section and advise the downbound vessel of any upbound traffic that may be cleared for Seaway entry but not yet at C.I.P. 2.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall be told to remain on channel 14 (156.7 MHz) until the meeting has been completed.

(h) After the meeting, the downbound vessel shall call "Seaway Beauharnois" before switching to channel 10 (156.5 MHz).

§ 401.65 Communication—ports, docks and anchorages.

(a) Every vessel entering or leaving a lake port shall report to the appropriate Seaway station at the following check points:

(1) Toronto and Hamilton—one mile outside of harbor limits; and

(2) Other lake ports—when crossing the harbor entrance.

(b) Every vessel arriving at a port, dock or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible, and, at least four hours prior to departure, every vessel departing from a port, dock or anchorage shall report in the same way giving its destination and the expected time of arrival at the next check point.

DANGEROUS CARGO**§ 401.66 Applicable laws.**

Vessels carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including empty tankers that are not gas free, and vessels carrying dangerous goods to which regulations made under the *Canada Shipping Act*, or to which the *Dangerous Cargo Act* of the United

States or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and shall not transit unless all requirements of the said Statutes and regulations and of these Regulations have been fulfilled.

§ 401.67 Explosive vessels.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification;

(b) More than 10 tons of explosives that do not explode en masse; or

(c) More than one hundred tons of explosives having a fire hazard with minor or no explosive effect,

shall be deemed for the purposes of these Regulations to be an explosive vessel.

§ 401.68 Explosives permit.

(a) No explosive vessel shall transit without a Seaway Explosives Permit, which permit shall not be granted where a vessel carries more than—

(1) Two short tons of explosives with a mass explosive risk;

(2) Fifty short tons of explosives that do not explode en masse; or

(3) Five hundred short tons of explosives having a fire hazard without explosive effect.

(b) Written application for a Seaway Explosives Permit may be made to the Director of Operations, the St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, Saint Lawrence Seaway Development Corporation, Massena, New York, and shall show that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which they were loaded and of Canada and the United States.

(c) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

§ 401.69 Hazardous cargo vessels.

A vessel that is—

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including a tanker that is not gas free; or

(b) A dry cargo vessel or bulk chemical carrier carrying other dangerous cargo that is in excess of—

(1) Fifty tons of gases, compressed, liquified or dissolved under pressure;

(2) Fifty tons of inflammable liquids of the low flashpoint group;

(3) Fifty tons of organic peroxides;

(4) One hundred tons of oxidizing substances;

(5) One hundred tons of inflammable liquids of the intermediate flashpoint group;

(6) One hundred tons of inflammable solids or spontaneously combustible substances;

(7) One hundred tons of substances emitting inflammable gases when wet;

(8) One hundred tons of poisonous substances,

(9) One hundred tons of infectious substances;

(10) Two hundred tons of corrosive substances, or

(11) Five hundred tons of inflammable liquids of the high flashpoint group, shall be deemed for the purposes of the Regulations in this part to be a hazardous cargo vessel.

§ 401.70 Fendering—explosive and hazardous cargo vessels.

An explosive vessel or a hazardous cargo vessel, other than a vessel that is—

(a) Carrying the equivalent of Bunker C oil in the center tanks, and

(b) Equipped with gas free ballast wing tanks,

shall be equipped with a sufficient number of non-metallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.71 Signals—explosive and hazardous cargo vessels.

(a) An explosive vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag.

(b) A hazardous cargo vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant no. 1.

§ 401.72 Reporting—explosive and hazardous cargo vessels.

(a) Every explosive vessel shall report the Seaway Explosives Permit number when calling in information related to cargo as required by § 401.64(a).

(b) Every explosive vessel or hazardous cargo vessel shall, when calling in information related to cargo as required by § 401.64(a); report the nature of its cargo and its flashpoint (hazardous cargo).

§ 401.73 Cleaning tanks—hazardous cargo vessels.

Gas freeing and cleaning of cargo tanks shall not take place—

(a) In a canal or lock;

(b) In an area that is not clear of other vessels and structures; or

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

TOLL ASSESSMENT AND PAYMENT**§ 401.74 Transit Declaration.**

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Authority, Cornwall, Ontario or from the Corporation, Massena, New York, shall be forwarded to the Authority or the Corporation by the representative of every vessel, other than a pleasure craft of not more than three hundred and fifty tons, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

(b) The loaded or manifest weight of cargo shall be shown on the Seaway Transit Declaration Form, except in the case of petroleum products where galloge meters are not available at the point of loading, in which case offloaded

RULES AND REGULATIONS

weights may be shown on the Declaration Form.

(c) Where a vessel carries cargo to or from an overseas port, a copy of the cargo manifest, duly certified, shall be forwarded with the Seaway Transit Declaration Form.

(d) A Weight-Scale Certificate or similar document issued in the place of a cargo manifest may be accepted in lieu thereof.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate, concerning the destination, cargo or passengers, the representative shall immediately forward to the Corporation or the Authority a new, revised Declaration Form.

(f) The information set out in the Seaway Transit Declaration Form shall be transmitted by the Authority to Statistics Canada, and the Corporation will transmit the statistical data required in the United States.

(g) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls, and toll accounts shall be forwarded in duplicate to the representative or his designated agent.

§ 401.75 Payment of tolls.

(a) Every toll account is payable when rendered, in Canadian or American funds as indicated on the account, and any adjustment shall be provided for in a subsequent account.

(b) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

(c) Where a Seaway Transit Declaration Form is not forwarded within the time referred to in § 401.74(a);

(1) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded within that time; and

(2) The surcharge referred to in paragraph (b) of this section may be added unless the toll account is paid within 14 days of the date shown on the account.

§ 401.76 In-transit cargo.

Cargo that is carried both upbound and downbound in the course of the same voyage shall be reported in the Seaway Transit Declaration Form, but is deemed to be ballast and not subject to toll assessment.

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than the lock on the Sault Ste. Marie (Canada) Canal, by means of \$2.00 or \$3.00 tickets that may be purchased from the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, or from the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York 13662, or at the office of the Regional Directors, whose addresses are shown in Schedule IV; and tickets may also be purchased

from pleasure craft organizations or yacht clubs that have obtained tickets from the Corporation or the Authority.

INFORMATION AND REPORTS

§ 401.78 Required information.

All documentary evidence, including inspection certificates, evidence that draft markings are correct, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.79 Advance notice of arrival, vessels requiring inspection.

Every vessel shall provide at least twenty-four hours notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection of the vessel is required.

§ 401.80 Reporting hazardous cargo.

Every vessel carrying cargo referred to in § 401.69(b) (1) to (11), in a quantity that is not in excess of the quantity that would cause the vessel to be deemed a hazardous cargo vessel, shall provide to the nearest Seaway Station at least twenty-four hours notice of arrival prior to entry into the Seaway on any upbound or downbound voyage, indicating the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station immediately, if the vessel can make radio contact with the station, or as soon as the vessel can make radio contact with the station in any other case.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than one hundred and ten feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

§ 401.83 Reporting position at anchor, wharf, etc.

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

§ 401.84 Loss of anchor.

The loss of an anchor shall be reported immediately to the vessel traffic controller with particulars of the precise location of the loss.

troller with particulars of the precise location of the loss.

§ 401.85 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position or missing shall be reported to the nearest Seaway station.

DETENTION AND SALE

§ 401.86 Security for damages or injury.

An officer may detain a vessel that causes—

(a) Damage to property of the Corporation or the Authority;

(b) Damage to goods or cargo stored on property of the Corporation or the Authority; or

(c) Injury to employees of the Corporation or the Authority; until security satisfactory to the Corporation or the Authority has been provided.

§ 401.87 Detention for toll arrears or violations.

(a) An officer may detain a vessel where—

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these Regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation or the Authority to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation or the Authority as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation or the Authority may—

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Corporation or the Authority of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

§ 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of the tolls and charges or the fine imposed has not been made within a reasonable time after—

(1) The time of the detention, in the case of arrears of tolls and charges, or

(2) The imposition of the fine or penalty, in the case of a violation,

the Corporation or the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Corporation or the Authority may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

- (1) The tolls and charges payable, or
- (2) The fine or penalty imposed on conviction,

shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

GENERAL

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when, in his opinion,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

§ 401.90 Boarding for inspection.

For the purpose of enforcing the regulations in this part, an officer may board any vessel and:

(a) Examine the vessel and its cargo; and

(b) Determine that the vessel is adequately manned.

§ 401.91 Removal of obstructions.

The Corporation or the Authority may take such action at the owner's expense as it deems necessary to move any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.92 Wintering and lying-up.

No vessel shall winter within the Seaway or lie-up within the Seaway during the navigation season except with the written permission of the Corporation or the Authority and subject to the conditions and charges that may be imposed.

§ 401.93 Access to Seaway property.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Corporation or the Authority.

(b) Except as authorized by an officer or by the *Shore Traffic Regulations*, no person shall enter upon any land or structure of the Corporation or the Authority or swim in any Seaway canal or lock area.

§ 401.94 Keeping copy of regulations.

A copy of these regulations in this part shall be kept on board every vessel in transit.

SCHEDULE I THE ST. LAWRENCE SEAWAY APPLICATION FOR VESSEL PRE-CLEARANCE

Instructions

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario or to the Saint Lawrence Seaway Development Corporation, Massena, New York.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been cancelled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE—NO VESSEL IS PRE-CLEARED UNTIL THIS APPLICATION HAS BEEN APPROVED

Information—Extracts From the Seaway Handbook

Security for Tolls

26. (2) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel

(a) On the Seaway between Montreal and Lake Ontario, at \$1.00 per ton for transit each way or at \$2.00 per ton for a round trip;

(b) On the Welland Canal, at \$800.00 for transit each way or at \$1600.00 for a round trip,

and it shall be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

26. (3) Where a number of vessels

(a) Are owned or controlled by the same individual or company, and

(b) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to \$1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

Radiotelephone Equipment

9. (1) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped with VHF (very high frequency) radiotelephone equipment.

9. (2) The radio transmitters on a vessel shall

(a) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(b) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7 and 156.8 MHz.

Special Instructions

33. Special instructions shall be applied for from the Corporation or the Authority in

connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

Payment of Tolls

75. (2) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

75. (3) Where a Transit Declaration is not forwarded within the time referred to in subsection 74(1)

(a) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded in time; and

(b) The surcharge referred to in subsection (2) may be added, unless the toll account is paid within fourteen days of the date shown on the account.

THE ST. LAWRENCE SEAWAY—APPLICATION FOR VESSEL PRE-CLEARANCE

Seaway No. _____

PART I—REGISTRATION

1. Registration of Vessel:

- (a) Name _____
- (b) Country of registry _____
- (c) Port _____
- (d) Official number or letters _____

2. Insurance: Liability insurance must be equal to or exceed \$50.00 per gross registered ton.

(a) Amount of liability insurance coverage on the vessel (P&I) _____

(b) Names of Underwriters: _____

3. Representative responsible for payment of tolls and charges:

- (a) Name _____
- (b) Address _____
- (c) Telephone No. _____

4. Certificate of Guarantee:

The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all monies that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of non-compliance by him with requirements relating to the payment of tolls and charges.

This certificate shall be good and binding:

(a) Until the Authority or the Corporation is otherwise advised in writing by the undersigned, or

(b) For the following voyage

Dated at _____ this _____ day of _____, 19_____.
Signed _____

NOTE.—Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory for transit.

RULES AND REGULATIONS

IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is a violation of the Seaway Regulations.
1. Managing Owner or Operator of the Vessel:

(a) Name of Company _____
 (b) Address _____
 2. Type of Vessel:
 (a) Cargo _____
 (b) Tanker _____
 (c) Passenger only _____
 (d) Cargo/Passenger (more than 12 passengers) _____
 (e) Cargo/Passenger (under 12 passengers) _____
 (f) Under Tow _____
 (g) Dredge _____
 (h) Scow _____ (i) Barge _____ (j) Tank Barge _____
 (k) Tug _____
 (l) Naval (MIL.) _____
 (m) Government _____
 (n) Other (Specify) _____
 3. Type of Service for which Constructed:

(a) Inland _____
 (b) Ocean _____
 4. Specifications:
 (a) Gross Tons _____
 (b) Net Tons _____
 (c) Length (overall) _____
 (d) Extreme Breadth (including fenders) _____
 (e) Molded Depth _____
 (f) Brake Horse Power _____
 (g) Ice Classification _____
 NOTE.—It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

Yes No
 Sewage Disposal System _____ () ()
 Oily Water Separator _____ () ()
 Wrong Way Prop Alarm _____ () ()
 Prop Locking Device _____ () ()
 Bow Thruster _____ () ()
 Stern Anchor _____ () ()
 Bridge Controlled _____ () ()
 Rudder Indicator _____ () ()
 Engine RPM Indicator _____ () ()
 Gyro Compass _____ () ()
 Radar _____ () ()

SCHEDULE II.—Table of speeds¹

From	To	Maximum speed over the bottom (miles per hour)	
		Col. III	Col. IV
Upper entrance, South Shore Canal.	Lake St. Louis, buoy 13A...	12 (10.4 kn).	12 (10.4 kn).
Lake St. Louis, buoy 13A.	Lower entrance, Beauharnois lock.	18 (15.5 kn).	18 (15.5 kn).
Upper entrance, Beauharnois lock, buoy 5B.	Lake St. Francis, buoy 27F.	10 upbound (8.6 kn).	10 upbound (8.6 kn).
Lake St. Francis, buoy 27F.	Lake St. Francis, buoy 87F.	12 downbound (10.4 kn).	12 downbound (10.4 kn).
Lake St. Francis, buoy 87F.	Snell lock.	10 upbound (8.6 kn).	9 upbound (7.8 kn).
Eisenhower lock.	Richards Point, light 55.	12 downbound (10.4 kn).	12 downbound (10.4 kn).
Richards Point, light 55.	Morrisburg, buoy 84.	12 (10.4 kn).	Do.
Morrisburg, buoy 84.	Ogden Island, buoy 99.	15 (13 kn).	Do.
Ogden Island, buoy 99.	Blind Bay, ½ mi. east of light 162.	13 (11.3 kn).	Do.
Blind Bay, ½ mi east of light 162.	Deer Island, light 186.	13 (11.3 kn).	Do.
Deer Island, light 186.	Bartlett Point, light 227.	10 upbound (8.6 kn).	9 upbound (7.8 kn).
Bartlett Point, light 227.	Tibbets Point.	12 downbound (10.4 kn).	12 downbound (10.4 kn).
Junction of Canadian middle channel and main channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said middle channel.	13 (11.3 kn).	11 (9.5 kn).
Lock 1, Welland Canal.	Outer piers, Port Weller Harbor.	9 (7.8 kn).	9 (7.8 kn).
Port Robinson.	Ramey's Bend, through the Welland bypass.	do.	Do.
All other canals.		7 (6.1 kn).	7 (6.1 kn).

¹ Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority shall, from time to time, designate the set of speed limits which is in effect. The maximum speeds set forth in the schedule shall always be subject to specific instructions to a particular vessel.

SCHEDULE III.—Calling-in table

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 2—entering sector 1 (order of passing through established).	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—order of passing through established.	do.	1. Name of vessel. 2. Location.
Exiting upper Beauharnois lock.	do.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—leaving sector 1.	do.	1. Name of vessel. 2. Location.

SCHEDULE III.—Calling-in table—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 7—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell lock.
C.I.P. 8—order of passing through established.	do.	1. Name of vessel. 2. Location.
C.I.P. 8A.	do.	1. Name of vessel. 2. Location.
Existing Eisenhower lock.	do.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11.
C.I.P. 11—leaving sector 2.	do.	1. Name of vessel. 2. Location.

SCHEDULE III.—Calling-in table—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 11—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location.
C.I.P. 12—order of passing through established.	do.	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do.	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 3.	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port. 4. Confirm pilot requirement—Lake Ontario.
Whaleback Shoal—entering sector 4.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location. 3. ETA Kingston.
Wolfe Island Cut (Quebec Head)—vessels leaving main channel.	do.	1. Name of vessel. 2. Location. 3. ETA Sudus Point.
Cape Vincent.	do.	1. Name of vessel. 2. Location. 3. ETA Sudus Point. 4. ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Sodus Point.	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA New-castle.
Mid-Lake Ontario—leaving sector 4.	do.	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 5.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle.	do.	1. Name of vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 4. Confirm pilot requirement—Port Weller.
C.I.P. 15—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne piers.	do.	1. Name of vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16.	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location.
Long Point—leaving sector 7.	do.	1. Name of vessel. 2. Location.
C.I.P. 17.	Seaway Sault, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18.	do.	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
C.I.P. 18.	do.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17.	do.	1. Name of vessel. 2. Location.

RULES AND REGULATIONS

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SCHEDULE III.—Calling-in table—Continued

C.I.P. and checkpoint	Station to call	Message content
DOWNBOUND VESSELS		
Long Point—entering sector 7;	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting lock No. 1, Welland Canal:	do.	1. Name of vessel. 2. Location. 3. ETA Newcastle.
C.I.P. 15—do.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario.
Newcastle—do.	Seaway Sodus Point.	1. Name of vessel. 2. Location. 3. ETA Sodus Point.
Mid-Lake Ontario—leaving sector 5;	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Sodus Point.
Mid-Lake Ontario—entering sector 4:	do.	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario Port. 4. Confirm River pilot requirement—Cape Vincent.
Sodus Point—do.	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Whaleback or river port.
Cape Vincent—do.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location. 3. ETA Whaleback or river port.
Wolfe Island Cut (Quebec Head)—vessels entering main channel:	do.	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal or river port.
Whaleback Shoal—leaving sector 4;	do.	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 3:	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14—do.	do.	1. Name of vessel. 2. Location.
C.I.P. 13—order of passing through established:	do.	1. Name of vessel. 2. Location.
Exiting Iroquois lock:	do.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10.
C.I.P. 10—leaving sector 3;	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—entering sector 2:	do.	1. Name of vessel. 2. Location.
C.I.P. 9—order of passing through established:	do.	1. Name of vessel. 2. Location. 3. ETA Snell lock.
Exiting Snell lock:	do.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.

SCHEDULE III.—Calling-in table—Continued

C.I.P. and checkpoint	Station to call	Message content
DOWNBOUND VESSELS		
C.I.P. 6—leaving sector 2;	do.	1. Name of vessel. 2. Location.
C.I.P. 6—entering sector 1:	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location.
C.I.P. 5—order of passing through established:	do.	1. Name of vessel. 2. Location.
Exiting lower Beauharnois lock:	do.	1. Name of vessel. 2. Location. 3. Confirm Harbor or River pilot requirement—St. Lambert.
St. Lambert	do.	4. Montreal Harbor berth number. 5. VHF requirement—St. Lambert.
St. Lambert	do.	1. Name of vessel. 2. Location.

SCHEDULE IV

Pleasure craft tickets may be purchased from:

EASTERN REGION

Regional Director, Eastern Region, The St. Lawrence Seaway Authority, St. Lambert Lock, P.O. Box 97, St. Lambert, Quebec.

WESTERN REGION

Regional Director, Western Region, the St. Lawrence Seaway Authority, 508 Glendale Avenue, P.O. Box 370, St. Catharines, Ontario.

[FRC Doc. 74-6617 Filed 3-21-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-250, Corrected]

PART 1—PRACTICE AND PROCEDURE

Oppositions and Replies

1. Section 1.294(b) of the rules of practice and procedure provides, as a general rule, that 4 days are allowed for filing oppositions to pleadings filed in hearing proceedings and that replies to oppositions will not be entertained. Section 1.294(c) lists four types of pleadings to which the 4-day rule does not apply, one of which is petitions to intervene. In the case of pleadings listed in § 1.294(c), 10 days are allowed for oppositions and 5 additional days are allowed for replies.

2. The questions presented in petitions to intervene are not typically more difficult or complex than those presented in pleadings to which the 4-day rule now applies (e.g., petitions to amend an application). We think that they can be dealt with fairly and adequately under the 4-day rule, and that the delay of hearing proceedings occasioned by the longer pleading periods which currently

apply is not warranted.¹ This being the case, we are amending § 1.294 to apply the 4-day rule to petitions to intervene.

3. Authority for this amendment is contained in Sections 4 (i) and (j) of 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

Accordingly, *It is ordered*, effective March 27, 1974, that § 1.294 of the rules of practice and procedure is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082 (47 U.S.C. 154, 303))

Adopted: March 13, 1974.

Released: March 19, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended to revoke § 1.294(c)(2), to read as follows:

§ 1.294 Opposites and replies.

* * * * *
(c) * * *
(2) [Reserved]

* * * * * [FR Doc. 74-6662 Filed 3-21-74; 8:45 am]

[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

Correction

In FR Doc. 74-4067 for the issue of Friday, February 22, 1974, make the following change: In § 87.331(a) in the third column of page 6706, change the entry reading "3181 kHz" to read "3281 kHz".

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-22; Amdt. Nos. 171-23, 174-20, 175-11, 177-30, 178-31]

MATTER INCORPORATED BY REFERENCE

The purpose of these amendments to the Department of Transportation's Hazardous Materials Regulations is:

¹ Under § 1.4, the amount of time actually allowed can be as much as 11 days for a 4 day pleading, 12 days for a 5 day pleading, and 17 days for a 10 day pleading. Thus, at present, as many as 29 days may pass before action can be taken on a petition to intervene. With the amendment, the maximum delay would be 11 days.