

public interest considerations, our rules at the present time do not preclude common ownership of AM and FM stations in the same market when otherwise found to be warranted in the public interest.

17. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective April 23, 1973, the FM *Table of assignments*, § 73.202(b) of the rules, is amended, insofar as the community named is concerned, to read as follows:

<i>City</i>	<i>Channel No.</i>
Crawfordsville, Ind.-----	280A, 292A

Canadian concurrence has been obtained for this channel assignment to Crawfordsville which is within 250 miles of the United States-Canadian border.

18. *It is further ordered*, That the request (RM-1822) of Thomas Jurek to assign Channel 280A to West Lafayette, Ind., is denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

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

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-5095 Filed 3-15-8:45 am]

#### Title 49—Transportation

#### CHAPTER I—DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-6, Docket No. FM-6C]

#### PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

##### Telephonic Accident Reports

The purpose of this amendment is to broaden the requirements of § 195.52 to provide for immediate notification of certain types of accidents not presently covered by that section.

On June 23, 1971, the Federal Railroad Administrator issued Notice 71-20 (36 FR 12175, June 26, 1971) proposing to amend the accident reporting requirements for operators of liquid pipelines. The public was given 60 days to comment and one commentator responded.

Subsequent to the issue of Notice 71-20, section 6(f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655(f) (3) (A)) was amended (Public Law 92-401, Aug. 22, 1972) to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835. On November 7, 1972, the Secretary delegated this authority to the Assistant Secretary for Safety and Con-

sumer Affairs (37 FR 24674) and on the same day the Assistant Secretary redelegated it to the Director, Office of Pipeline Safety (37 FR 24901). The Office of Pipeline Safety (OPS) has reviewed this rule making action and has fully considered the comment received.

The commentator addressed several provisions of the proposed regulation. Overall, it was suggested that the proposed regulation was broader than § 195.50 and would require telephonic reporting of minor leaks for which no written report would be required. In this regard, it should be noted that § 195.50 prescribes the scope of Subpart B and therefore delimits the applicability of the other regulations therein. Consequently a leak or other failure would not have to be telephonically reported under new § 195.52 unless it also fell within the scope of the subpart as set forth in § 195.50. This has been clarified by referring to § 195.50 in § 195.52(a). In this connection, in order to be consistent with § 195.50, the amended § 195.52 employs the more comprehensive term "failure" rather than "leak."

The comment pointed out that the proposed paragraph (a) (2), which would have required telephonic reporting for taking a segment of pipeline out of service, was not appropriate for liquid pipelines. Such a requirement is necessary for gas pipelines, because of serious safety problems that can arise from taking a gas transmission pipeline out of service. In the case of liquid pipelines, however, they can be taken out of service at the discretion of the carrier without causing safety problems. The OPS agrees with this view and the proposed requirement has been deleted.

It was also suggested that the property damage and personal injury criteria are sufficient to assure immediate notification of all significant failures and that the requirement for reporting of fires and explosions could be deleted. However, the OPS believes that any failure resulting in an unintentional fire or explosion might be significant enough to warrant review by the Department even though there were no injuries and only limited property damage.

The commentator stated that the \$5,000 property damage amount in proposed paragraph (a) (4) was unrealistically low and should be set at \$20,000. Since damage to carrier-owned property is included and even minor repairs are very expensive, it was contended that the \$5,000 figure would impose an undue burden on the Department and the carriers. However, based on a review of accident reports, the OPS believes that the \$5,000 figure is a good indication of the potential significance of a failure, even if none of the other criteria are met. The requirement is, therefore, being retained as proposed.

The most significant disagreement was with the proposed requirement for immediate reporting of failures causing water pollution. The commentator objected strongly to this proposal on the basis that it duplicated existing requirements under 33 CFR 153.105 and could

easily be replaced by a simple communications arrangement within the Department between the cognizant office and the Coast Guard. It must be noted, however, that the reports required by 33 CFR 153.105 can be made either to Coast Guard officials or officials of other Government agencies. Furthermore, even if the report were made to the Coast Guard, the officials involved would normally be located in field offices, thus requiring more than one communication within the Department to convey the necessary information to the OPS. The possibility for delay or loss of essential facts makes this an unacceptable alternative. Direct reporting by the operator involved is necessary to assure prompt, reliable submission of information. However, to the extent the comment is based on the lack of an identifiable standard for pollution, the OPS agrees with the objection to the proposal. Therefore, for consistency and to provide the necessary standard, the requirement (now § 195.52(a) (4)) is amended to state the same criteria for pollution as are used in 33 CFR 153.105.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows, effective April 19, 1973.

1. The index of sections for Part 195, Subpart B, is amended by revising the section heading of § 195.52 to read: "Telephonic notice of certain accidents."

2. Section 195.52 is amended to read as follows:

#### § 195.52 Telephonic notice of certain accidents.

(a) At the earliest practicable moment following discovery of a release of the commodity transported resulting in an event described in § 195.50, each carrier shall give notice, in accordance with paragraph (b) of this section, of any failure that—

- (1) Caused a death or a personal injury requiring hospitalization;
- (2) Resulted in either a fire or explosion not intentionally set by the carrier;
- (3) Caused estimated damage to the property of the carrier or others, or both, of a total of \$5,000 or more;
- (4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or
- (5) In the judgment of the carrier, was significant even though it did not meet the criteria of any other subparagraph of this paragraph.

(b) Reports made under paragraph (a) of this section are made by telephone to area code 202, 426-0700 and must include the following information:

- (1) Name and address of the carrier.
- (2) Name and telephone number of the reporter.
- (3) The location of the failure.
- (4) The time of the failure.
- (5) The fatalities and personal injuries, if any.

\* Commissioner Reid absent. See 37 FR 24353, Nov. 16, 1972.

(6) All other significant facts known by the carrier that are relevant to the cause of the failure or extent of the damages.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 6(e) (4) of the Department of Transportation Act (49 U.S.C. 1655(e) (4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 13, 1973.

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

[FR Doc.73-5127 Filed 3-15-73;8:45 am]

#### Title 7—Agriculture

#### Subtitle A—Office of the Secretary of Agriculture

#### PART 6—IMPORT QUOTAS AND FEES

#### Subpart—Section 22 Import Quotas

##### IMPORT RESTRICTIONS

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 62 to 69 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) will be increased as of March 15, 1973.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

##### § 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of said Part 3, is 69 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 69 cents per pound.

The foregoing amendment shall be effective March 15, 1973. In accordance with headnote 3(a) (v) of part 3 of the Appendix to the Tariff Schedules of the

United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 62 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 14th day of March 1973.

EARL L. BUTZ,  
Secretary of Agriculture.

[FR Doc.73-5268 Filed 3-15-73;11:29 am]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 577]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 18-24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act, of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

##### § 910.877 Lemon Regulation 577.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is steady this week, with desirable sizes commanding premium prices because they are in short supply. Average f.o.b. price was \$5.69 per carton the week ended March 10, 1973 compared to \$5.58 per carton the previous week. Track and rolling supplies at 126 cars were up 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.