

Paragraph S5.1(c) of the Standard provides that the magnitude of the acceleration curve for the dynamic test shall not be less than that of a half-sine wave having the amplitude of 8g and a duration of 80 milliseconds and not more than 20 percent above the half-sine wave.

One manufacturer has requested an interpretation of the term "not more than 20 percent above the half-sine wave."

It is necessary that a test tolerance be allowed because of equipment variances. However, the tolerance must be properly limited to prevent very severe accelerations which might fail the seat back without properly testing the head restraint. The intent of the "20 percent" limitation was to establish a half-sine wave upper limit curve having an amplitude of 9.6g and a duration of 96 milliseconds.

Accordingly, the Standard is being amended to require that the magnitude of the acceleration curve be not more than that of a half-sine wave curve having an amplitude of 9.6g and a duration of 96 milliseconds. In addition, the equation for the lower limit curve is being deleted since it imposes an unnecessary restriction on the lateral location of the curve. By removing the equation, the limit curves can then be moved laterally with respect to each other to allow for normal test variances.

Since these amendments provide clarification and an alternate means of compliance, relieve restrictions, and impose no additional burden, I find that for good cause shown notice and public procedure are unnecessary, and that an effective date for these amendments of less than 180 days is in the public interest.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standard No. 202, as amended, is further amended effective January 1, 1969, as follows:

Paragraph S4(b)(2) is revised to read as follows:

(2) When measured either 2.5 inches below the top of head restraint or 25 inches above the seating reference point, the lateral width of the head restraint shall be not less than—

(i) 10 inches for use with bench-type seats; and

(ii) 6.75 inches for use with individual seats;

Paragraph S5.1(c) is revised to read as follows:

(c) During a forward acceleration applied to the structure supporting the seat as described below, measure the maximum rearward angular displacement between the dummy torso reference line and the head reference line. When graphically depicted, the magnitude of the acceleration curve shall not be less than that of a half-sine wave having the amplitude of 8g and a duration of 80 milliseconds and not more than that of a half-sine wave curve having an amplitude of 9.6g and a duration of 96 milliseconds.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407; delegation of authority contained in

§ 1.4(c), Part 1, Regulations of the Office of the Secretary of Transportation; 49 CFR 1.4(c))

Issued in Washington, D.C., on October 3, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-12237; Filed, Oct. 8, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2249]

PART 1840—APPEALS PROCEDURES

Subpart 1843—Actions by Director

PART 1850—HEARINGS PROCEDURES

Subpart 1850—Hearings Procedures; General

Subpart 1851—Hearings on Appeals Involving Questions of Fact

Subpart 1852—Contest and Protest Proceedings

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

PART 3530—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS

Subpart 3532—Mining Operations

REPORTER'S FEES

The purpose of the amendments is to provide that the Government shall pay all reporter's fees in hearings in Government contests, and in hearings on appeals involving questions of fact, regardless of which party to the proceedings is ultimately successful. The requirement for payment for copies of a transcript of the proceedings is not changed.

Since all the amendments are administrative in nature and place no additional burden or restrictions on the public, public comment thereon, and a delayed effective date, are determined to be unnecessary. Therefore, these amendments shall take effect immediately upon publication in the FEDERAL REGISTER.

§ 1843.5-1 [Deleted]

1. Section 1843.5-1 is deleted.

§ 1850.0-6 [Amended]

2. Paragraph (b) of § 1850.0-6 is amended by deletion of the last clause in the last sentence thereof reading: "and request for relief from reporter's fees under § 1852.3-6."

3. Section 1851.6 is amended to read:

§ 1851.6 Reporter's fees.

Reporter's fees shall be borne by the Bureau.

4. Section 1851.7 is amended to read:

§ 1851.7 Copies of transcript.

Each party shall pay for any copies of the transcript obtained by him. Unless a summary of the evidence is stipulated to, the Government will file the original copy of the transcript with the case record.

5. Section 1852.3-7 is amended to read:

§ 1852.3-7 Reporter's fees; transcript.

(a) The Government agency initiating the proceedings will pay all reporting fees in hearings in Government contest proceedings, in hearings under the Surface Resources Act of 1955, as amended, in hearings under the Multiple Mineral Development Act of 1954, as amended, where the United States is a party, and in hearings under the Mining Claims Rights Restoration Act of 1955, regardless of which party is ultimately successful.

(b) In the case of a private contest, each party will be required to pay the reporter's fees covering the party's direct evidence and cross-examination of witnesses, except that if the ultimate decision is adverse to the contestant, he must in addition pay all the reporter's fees otherwise payable by the contestee.

(c) Each party to a private contest shall be required by the Examiner to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Such deposits shall be sufficient to cover all reporter's fees for which the party may ultimately be liable under paragraph (b) of this section. Any part of a deposit not used will be returned to the depositor upon the final determination of the case except that deposits which are required to be made when a complaint is filed will not be returned if the party making the deposit does not appear at the hearing, but will be used to pay the reporter's fee. Reporter's fees will be at the rates established for the local courts, or, if the reporting is done pursuant to a contract, at rates established by the contract.

(d) Each party to a Government or private contest shall pay for any copies of the transcript obtained by him.

§ 3532.2 [Amended]

6. The last sentence of § 3532.2(b) is deleted.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68-12234; Filed, Oct. 8, 1968; 8:45 a.m.]

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2248]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

PROCESSING AND GRANTING OF RIGHTS-OF-WAY OVER RESERVATION LANDS ADMINISTERED BY THE NATIONAL PARK SERVICE

This amendment makes special provisions for the processing of right-of-way

applications and for the granting of rights-of-way with respect to reservation lands administered by the National Park Service as units of the National Park System. The amendment places the responsibility for the processing and issuance of such rights-of-way in the National Park Service which already has the responsibility for determining whether appropriation of the lands for the rights-of-way is consistent with the objectives and management programs for the lands involved. The Bureau of Land Management is thus relieved of the performance of a purely ministerial function.

Since the rule modifications here involved relate primarily to agency management and do not affect the general public, notice and public procedure thereon are deemed unnecessary and not in the public interest. Accordingly, the modifications shall become effective upon publication of this notice in the FEDERAL REGISTER.

1. In § 2234.1-2, paragraph (a) is amended to read as follows:

§ 2234.1-2 Procedures.

(a) *Application.* (1) The application shall be prepared and submitted in accordance with the requirements of this section. It should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this chapter, except that applications for rights-of-way over or through reservation lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

2. In § 2234.1-3, paragraph (e) is amended by changing the caption, by the addition of a new subparagraph (2) and the renumbering of the existing subparagraph "(2)" to read "(3)."

§ 2234.1-3 Nature of interest.

(e) *Areas of National Park System.*

(2) Pursuant to any statute, including those listed in this subpart, applicable to reservation lands administered by the National Park Service, rights-of-way over or through such lands will be issued by the Director of the National Park Service, or his delegate, under the regulations of this subpart.

3. In § 2234.2-4, paragraph (b) (1) (a) is amended to read as follows:

§ 2234.2-4 Under Title 23, United States Code.

(b) *Application; grants.* (1) (a) Except where an application involves lands wholly within an Indian reservation applications for rights-of-way and material sites under title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, together with four copies of a durable and legible map shall be filed by the appropriate State highway department in the manner prescribed by § 2234.1-2(a). Maps should accurately describe the land or interest in land desired, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the requirements of § 2234.1-2(d) (1), paragraphs (i) through (viii). Applications for lands wholly within an Indian reservation shall be filed in the office of the superintendent of the Bureau of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands administered by the National Park shall be filed with the Director of the National Park Service, Washington, D.C. 20240, who, notwithstanding the provisions of subparagraphs (b) (3) and (4) of this section, shall process such applications and issue grants of rights-of-way in accordance with the regulations of this subpart. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68-12233; Filed, Oct. 8, 1968; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

APPENDIX—EXTENSION OF TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Trust Periods Expiring During Calendar Years 1969 Through 1973, Inclusive

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is

hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended would expire during calendar years 1969 through 1973, inclusive, be, and the same are hereby, extended until January 1, 1974.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 2, 1968.

[F.R. Doc. 68-12241; Filed, Oct. 8, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18125, etc.; FCC 68-996]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Table of Assignments, Lynchburg, Va.

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., Du Quoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.), Docket No. 18125, RM-1254, RM-1257, RM-1261, RM-1263, RM-1266, RM-1255, RM-1282, RM-1258, RM-1262, RM-1249, RM-1264, RM-1269, RM-1268.

1. The Commission has before it for consideration a petition for reconsideration of action taken in the first report and order herein, released July 19, 1968 (FCC 68-737), as it relates to the FM channel assignment adopted for Lynchburg, Va. Channel 244A was assigned therein.

2. In the first report and order, we assigned Channel 244A as a third Class A channel to Lynchburg, Va., in response to a petition (RM-1269) by Griffith Broadcasting Corp. (Griffith). In so acting, we adopted only a portion of petitioner's alternate Plan II which, among other things, would have assigned Channel 252A to Lynchburg by removing it from Lexington, Va., and assigning Channel 244A as a replacement at Lexington. We noted that our assignment of Channel 244A to Lynchburg, rather than 252A, would make a channel available there without the necessity of disturbing the existing assignment at Lexington. We also pointed out, however, that use of Channel 244A at Lynchburg would require selection of a site about 2 miles north-northeast of Lynchburg in order to conform with the spacing requirements of the rules. By timely petition

for reconsideration, which has not been opposed, Griffith again urges assignment of Channel 252A in Lynchburg and substituting Channel 244A for that channel at Lexington.

3. In support of the reconsideration request, Griffith submits that the necessary restrictions imposed on the selection of an acceptable site for Channel 244A at Lynchburg will not permit maximum utilization of Class A facilities in the area. By an accompanying engineering statement, it is shown that operation of a Class A facility about 2 miles northeast of Lynchburg would essentially duplicate the service area of WDSM-FM (Class A, Lynchburg), whereas, if Channel 252A were assigned, a site at the new location authorized for Griffith's AM station, WLLL, located about 4 miles west of Lynchburg, could be utilized. The showing includes a comparison of the 1 mv/m contour of an assumed Class A operation at the WLLL(AM) site (252A) with the existing Class A 1 mv/m contours of Stations WDSM-FM and WWOD-FM and the nighttime protected contours of WWOD(AM) and WLVA (AM), all in Lynchburg, from which it is computed by Griffith that the requested substitution of Channel 252A for 244A would permit a first local nighttime service to an area of 173 square miles, or 26 percent of the area within the predicted Channel 252A 1 mv/m contour. Petitioner also submits that the proposed channel substitutions (244A for 252A at Lexington and 252A for 244A at Lynchburg) would not result in an adverse preclusive impact, pointing out that the changes would result in relieving certain impact areas on the respective channels involved. With respect to adjacent channels, it is maintained that no new preclusion would result, except for Channel 245 in a small area not containing any community greater than 2,500, if Channel 244A were assigned to Lexington.

4. Further review of petitioner's proposal as it concerns Lexington has brought to our attention an earlier proceeding in Docket No. 16991 (FCC 67-277, 6 FCC 2d 793), where it was our expressed proposal and intention to remove all unused FM assignments listed in the Table of Assignments located within the area known as the "National Radio Quiet Zone" (NRQZ). Lexington is located well within the NRQZ defined geographically by section 73.215. It is now apparent that deletion of Channel 252A assigned to Lexington was inadvertently omitted at the time we deleted unoccupied assignments in seven other communities located in the zone. In view of our previous intention and action in Docket 16991, we do not consider it appropriate to replace Channel 252A at Lexington if it is assigned to Lynchburg (Lynchburg is outside the NRQZ).

5. Based upon petitioner's additional showings, we believe that the petition for reconsideration should be granted and Channel 252A at Lexington reassigned to Lynchburg. The assignment would not restrict selection of transmitter sites by potential applicants with respect to spacing requirements, thus affording an opportunity to provide maximum service to

the public in the Lynchburg area. For the reasons cited in paragraph 4 above, we are not now assigning a replacement channel at Lexington, although we note that Channel 244A appears to meet the separation requirements there. Our consideration for any future petition proposing assignment of Channel 244A, or any other channel, to Lexington will include an evaluation of the impact it may have on the operations being conducted by the National Radio Astronomy Observatory at Green Bank and the Naval Radio Research Station at Sugar Grove, both in West Virginia.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective November 12, 1968, § 73.202(b) of the Commission's rules, is amended, insofar as the communities listed below are concerned, to read as follows:

(a) Amend the following entry to read:

| City | Channel No. |
|----------------|------------------|
| Lynchburg, Va. | 252A, 261A, 269A |

(b) Delete the following entry:

| City | Channel No. |
|----------------|-------------|
| Lexington, Va. | 252A |

7. *It is further ordered*, That the petition for reconsideration filed in this proceeding by Griffith Broadcasting Corp. is granted to the extent indicated herein and in all other respects is denied.

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

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12282; Filed, Oct. 8, 1968; 8:49 a.m.]

PART 73—RADIO BROADCAST SERVICES

Report and Order Regarding Television Table of Assignments, Fort Smith, Ark.

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations, Television Table of Assignment (Fort Smith, Ark.).

1. The Commission here considers the rule making to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to assign Channel 40 to Fort Smith, Ark. The petitioner, George T. Hernreich trading as KFPW Broadcasting Co., was the only party filing comments in this proceeding.

2. As stated in the notice, adopted July 10, 1968 (FCC 68-713), petitioner is one

¹ Commissioner Cox abstaining from voting. Commissioner Johnson absent.

of the applicants for Channel 24 at Fort Smith and this petition was filed in order to avoid a comparative hearing with Broadcasters Unlimited, the other applicant; see Dockets Nos. 18046 and 18047. Petitioner adduced additional facts to support the view that a third channel assignment should be made at Fort Smith.

3. Briefly the considerations are as follows: Fort Smith is the third largest city in Arkansas (population 52,991, 1960 Census; and 66,716 under a special 1967 census). Fort Smith is the county seat of Sebastian County, the fourth most populous in Arkansas (66,685 persons, 1960 Census). Fort Smith has had a special growth in the past two decades (1940 population 36,584; and 1950 population 47,942) primarily as a result of the development of the Arkansas River for navigation. Fort Smith is one of the southwest's most important manufacturing centers located in the center of a rapidly expanding industrial area. 110 new outlets have been established in the past 11 years and 325 manufacturers have expanded over the same period. Current trade sales of \$186 million are expected to increase to about \$230 million by 1970. The area is abundant with natural resources and Fort Smith is the shopping center of a large area with an effective 1966 buying income of \$443 million. This trade area encompasses segments of western Arkansas and eastern Oklahoma.

4. The staff verified that Channel 40 could be assigned to Fort Smith in compliance with all mileage separation requirements. Also the area has ample channels to supply any foreseeable needs. From the public interest viewpoint, assignment of Channel 40 would make possible the construction of two additional television broadcast stations to meet the needs of Fort Smith which is effectively served only by Station KFSA-TV, Channel 5. In the circumstances, assignment of Channel 40 to Fort Smith, Ark., would serve the public interest, convenience and necessity.

5. Authority for adoption of this amendment is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *It is ordered*, That § 73.606(b) of the Commission's rules, Television Table of Assignments, is amended, effective November 12, 1968 to include:

| City | Channel No. |
|------------------|-------------|
| Fort Smith, Ark. | 5, 24, 40 |

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

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

Adopted: October 2, 1968.

Released: October 4, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12282; Filed, Oct. 8, 1968; 8:49 a.m.]

¹ Commissioner Johnson absent.