CCIR Recommendation 329–1. It is apparent that, in the technical sense, acceptance of RCA's proposal would be a major step backward. In the view of the Commission, justification for such a regressive step has not been presented in this proceeding and the proposal of RCA for amendment of § 83.136(a)(3) is, therefore, rejected.

33. In support of their suggested change to proposed § 83.136(c)(2), RCA expressed the belief that the proposed date of January 1, 1973, would place an unwarranted "financial burden" on the shipping community, since adequate time would not be provided for amortization of the new or replacement transmitter. In considering RCA's supporting reason, it is appropriate to take into account: (1) That the amortization of the replacement transmitter would depend upon the date the vessel is retired; (2) whether, in the accounting procedure employed by the particular shipping company, the cost of the transmitter is shown as capital assets or operating expense; (3) that the Commission is not in this proceeding determining the date after which these vessels will no longer be in service (see paragraph 22, above); (4) that the date proposed by the Commission (January 1, 1973) will provide a longer period for amortization of the replacement transmitter(s) than that suggested by RCA, if the process of amortization is involved; and (5) that the matter of "financial burden" is considered and disposed of in paragraph 32, above. In view of these considerations, the Commission is not persuaded there is need to extend the date from January 1, 1973, to January 1, 1975, and RCA's suggestion is, therefore, rejected.

34. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

35. *Accordingly, it is ordered,* That, pursuant to the authority contained in section 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended, Parts 81, 83, and 85 of the Commission's rules are amended effective December 16, 1970, as set forth below.

36. *It is furthered ordered,* That the proceeding in Docket No. 18577 is terminated.

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

Adopted: November 4, 1970.

Released: November 9, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.136, a new paragraph (d) is added to read as follows:

[4] Commissioner Bartley absent.

§ 81.136 Acceptance of transmitters for licensing.

* * * * *

(d) In lieu of the ambient temperature variation requirements for type acceptance testing as set forth in § 2.579(f)(1) of this chapter, equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

2. In § 81.137, the headnote is amended and a new paragraph (d) is added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

* * * * *

(d) Each radiotelegraph transmitter operating on frequencies below 27.5 Mc/s and authorized for use at coast radiotelegraph stations (other than transmitters authorized solely for developmental stations) after January 1, 1971, must be of a type which has been type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at coast radiotelegraph stations and operating on any frequency below 27.5 Mc/s prior to January 1, 1971, may continue to be used until January 1, 1973.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136 is revised to read as follows:

§ 83.136 Emission limitations.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the mean power of emissions originating in transmitters authorized under this part (except radiotelegraph survival craft transmitters and transmitters authorized solely for developmental stations) shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than A3A, A3B, A3H, and A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(2) When using emissions A3A, A3B, A3H, or A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 $\log_{10}$ (mean power in watts) decibels.

(b) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (a) of this section.

(c) The requirements of paragraph (a) of this section shall be applicable to radiotelegraph transmitters operating on any frequency assigned below 27.5 Mc/s:

(1) Which are first installed after January 1, 1971;

(2) which were installed during the period January 1, 1959, to December 31, 1970; and

(3) effective January 1, 1973, to transmitters which were installed prior to January 1, 1959.

2. In § 83.139, a new paragraph (d) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(d) Each radiotelegraph transmitter first authorized to operate in the band 535–27,500 kc/s after January 1, 1971, for use in a ship station (other than transmitters authorized solely for developmental stations), and, after January 1, 1973, all radiotelegraph transmitters operating in the band 535–27,500 kc/s shall be of a type which has been type accepted by the Commission.

3. In § 83.140, a new paragraph (c) is added to read as follows:

§ 83.140 Type acceptance of equipment.

* * * * *

(c) In lieu of the ambient temperature variation requirements for type acceptance testing as set forth in § 2.579(f)(1) of this chapter, equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

C. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska.

1. In § 85.156, a new paragraph (c) is added to read as follows:

§ 85.156 Acceptance of transmitters for licensing in the fixed service.

* * * * *

(c) Each radiotelegraph transmitter first authorized in an Alaska-public fixed station after January 1, 1971, for operation on a frequency assignment below 27.5 Mc/s and subject to this part (other than transmitters authorized solely for developmental stations) must be a type which has been type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at an Alaska public-fixed station prior to January 1, 1971, may continue to be used until January 1, 1973.

[F.R. Doc. 70-15291; Filed, Nov. 12, 1970; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Columbus, Ga.—Phenix City, Ala., Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Columbus (Georgia)—Phenix City (Alabama) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 23, 1970. Due consideration has been given to all relevant material presented with the result that Troop County, in the State of Georgia, has been deleted from the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.58, as set forth below, designating the Columbus (Georgia)—Phenix City (Alabama) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.58 Columbus (Georgia)—Phenix City (Alabama) Interstate Air Quality Control Region.

The Columbus (Georgia)—Phenix City (Alabama) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:
Chattahoochee County.
Harris County.
Muscogee County.
Stewart County.
In the State of Alabama:
Chambers County.
Lee County.
Russell County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: October 5, 1970.

B. J. STEIGERWALD,
Acting Commissioner, National Air Pollution Control Administration.

Approved: October 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-15379; Filed, Nov. 12, 1970; 8:50 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Sioux City Interstate Air Quality Control Region

On August 11, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12726) to amend Part 81 by designating the Metropolitan Sioux City Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on August 20, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.86, as set forth below, designating the Metropolitan Sioux City Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.86 Metropolitan Sioux City Interstate Air Quality Control Region.

The Metropolitan Sioux City Interstate Air Quality Control Region (Iowa-Nebraska-South Dakota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Plymouth County. Woodbury County.
Sioux County.

In the State of Nebraska:

Dakota County.

In the State of South Dakota:

Union County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: October 9, 1970.

ROBERT PERMAN,
Acting Commissioner, National Air Pollution Control Administration.

Approved: October 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-15380, Filed, Nov. 12, 1970; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-38; Amdt. No. 179-5]

PART 179—SPECIFICATIONS FOR TANK CARS

Interlocking Couplers

On September 9, 1970, the Hazardous Materials Regulations Board published Docket No. HM-38; Amendment No. 179-4 (35 F.R. 14216) prescribing, among other things, that all tank cars built after November 30, 1970, must be equipped with interlocking automatic couplers that will resist car telescoping and jacknifing in derailments and emergency stops, and that are approved by the Federal Railroad Administrator.

The purpose of this amendment to the Hazardous Materials Regulations is to specify those couplers which have thus far been approved. The date of the requirement for equipping tank cars with approved couplers has been extended to January 1, 1971, in response to petitions for reconsideration.

Since this amendment imposes no added burden on any person, public notice and procedure thereon are unnecessary, and the amendment may be made effective in less than 30 days. In consideration of the foregoing, section 179.14 is amended as follows:

§ 179.14 Tank car couplers.

All tank cars built after January 1, 1971, must be equipped with interlocking automatic couplers that will resist car telescoping and jacknifing in derailments and emergency stops, and that have been approved by the Federal Railroad Administrator. As of November 13, 1970, couplers designated by Association of American Railroads Catalog Nos. F70BHT, F70BHTE, F71BHT, F72BHT, F73HT, F73HTE, F79BHT, and F79BHTE are approved.

This amendment is effective upon publication in the FEDERAL REGISTER.

(Secs. 831-835 of Title 18, United States Code, and sec. 9 of the Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on November 12, 1970.

CARL V. LYON,
Acting Administrator Federal Railroad Administration.

[F.R. Doc. 70-15382; Filed, Nov. 12, 1970; 9:10 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-7; Notice No. 70-17]

PART 391—QUALIFICATIONS OF DRIVERS

PART 392—DRIVING OF MOTOR VEHICLES

Miscellaneous Amendments; Action on Petitions for Reconsideration

On April 16, 1970, the Federal Highway Administrator issued a complete revision of the driver qualification rules in Part 391 of the Motor Carrier Safety Regulations as well as amendments to other rules related to the qualifications of drivers (35 F.R. 6458). In response to four petitions for reconsideration of the Administrator's action, plus numerous informal inquiries seeking guidance about interpretation of the new rules, the Director of the Bureau of Motor Carrier Safety, under the authority delegated to him by the Administrator, is amending several provisions of the rules in order to eliminate ambiguities and to facilitate achieving their objectives. In addition, the Director is now disposing of the formal petitions for reconsideration.

The major substantive change to the regulations is the revocation of the prohibition against the use of contact lenses by drivers of commercial vehicles. The Bureau of Motor Carrier Safety has given additional consideration to the question whether drivers can safely depend on contact lenses to correct defects in their vision. Reports have been received from the American Optometric Association, medical officers in Federal service who are familiar with the risks and advantages of use of contact lenses, and other sources. The available evidence indicates that there are distinct disadvantages to contact lenses, such as the special techniques necessary to clean them, the possibility of irritation to the cornea by foreign objects, and, of course, the risk of accidental dislodgment. On the other hand, knowledgeable persons report that contact lenses have many advantages: They allow persons who must wear corrective lenses to have a more complete field of vision, and they are the preferred type of corrective lenses for individuals who have had cataract operations. On this state of the record, the Director has decided to permit the use of contact lenses by drivers if, upon medical evaluation, it appears that they are able to tolerate contact lenses well. In order to reduce the risks of accidental dislodgment, the Director has decided to require drivers using contact lenses to have a spare lens or set of lenses on their persons while they are driving.

Two organizations representing drivers asked the Director to revoke § 391.15 of the regulations. That section provides for the disqualification of drivers under certain circumstances. The issues raised by the petitioners were fully considered at the time the rules were first issued. Nothing new has been introduced to indicate that it would be in the interests of safety to permit persons who have been convicted of serious offenses involving the operation of a vehicle or whose operators' licenses are no longer valid to continue to operate heavy vehicles on the public highways. Nor can it be said that the safety of the traveling public would be enhanced by permitting drivers who have been proven unsafe under the processes of State law to be rehabilitated by the grievance machinery written into collective bargaining agreements. As the Administrator indicated in his preamble to the revised Part 391 (35 F.R. 6459), the Federal Government's responsibility for safety on the highways cannot be fulfilled by abdication in favor of grievance machinery designed to settle private labor-management disputes. The fact still remains that, as far as the Bureau of Motor Carrier Safety is concerned, safety is not and will not be an exclusive subject for labor-management bargaining.

For these reasons, the Director declines to accept the suggestion that § 391.15 be revoked in its entirety. For the same reasons, he denies petitions requesting him to incorporate in § 395.25 (requiring carriers to review drivers' records and screen out those who are unfit to continue driving) a mechanism for review of carriers' determinations by joint labor-management panels.

One petitioner asked that § 391.7, prohibiting persons from aiding or abetting violations of the driver-qualification rules, be deleted or revised so that it would not apply to labor union representatives. Section 391.7 adds no new offense; it merely restates existing law (18 U.S.C. 2), which makes one who aids or abets in the commission of a criminal offense punishable as a principal. It is clear that union representatives have no immunity from prosecution under the statute in a case where all of the elements of culpability are established. Hence, there is no basis for acceding to this request, and it is denied.

Under § 391.65, a motor carrier who uses a driver regularly employed by another carrier (as in interline service) must secure a copy of the driver's medical certificate and retain the copy in its files. One petitioner asked that this requirement be deleted and that the using carrier be allowed to rely upon a general certificate of the supplying carrier to the effect that the driver is fully qualified. In light of the significance of medical qualification, and the fact that the availability of the driver's medical certificate serves to indicate that the carrier who regularly employs the driver has its records in order, the Director has decided to deny the request. There appears to be very little burden involved in complying with the rule as it presently stands.

One petition argued that the written examination requirement, contained in § 391.35 of the rules, could be used as a device to discriminate against minority groups. It was said that such discrimination could flow from the carrier's right to impose more stringent, or additional, requirements than those mandated by the regulations. The argument reflects a misunderstanding of the purport of § 391.35. It specifies that a written examination shall be given to ascertain whether a person who seeks to drive a commercial vehicle possesses adequate knowledge of the Motor Carrier Safety Regulations. It further specifies that the examination shall consist of 30 or more questions taken from the list of questions published as Appendix C to the Motor Carrier Safety Regulations. A person who correctly answers 70 percent of the questions given has successfully completed the examination. While it is true that a carrier may give a separate and additional examination, the required one is a self-contained entity. The carrier must keep complete records of the questions asked and the answers given—whether or not the applicant is successful. Thus, the carrier's files will contain information from which it can be determined whether a carrier's decision to refuse to employ a person on grounds of lack of knowledge or mental acuity has a valid basis. Concededly, there is no guarantee that cases of invidious discrimination will disappear overnight. However, the situation created by the new rules—in which there is objective evidence of the applicant's performance on a written examination—is preferable to a situation in which unlawful discrimination could be completely hidden behind a subjective judgment.

Some petitions objected to the medical qualifications found in § 391.41 as unduly stringent, particularly insofar as the disqualification of drivers with heart disease is concerned. In this area, however, the Director believes that the risks involved are so well known and so serious as to dictate the utmost caution. Hence, except as noted below, the physical qualification standards are unchanged. Nor is any major substantive change being made in § 391.47, which provides for decision in cases of conflicting medical examinations. In a doubtful case, issues related to the medical qualifications of a prospective driver must be resolved not only on the basis of expert medical opinion, but also after evaluating the type of service in which the prospective driver will work if he is permitted to qualify. Hence, there is good reason to retain the Director's authority to determine whether, in the event of conflicting medical opinions, a prospective driver is physically qualified. For this reason, a suggestion that the power to decide conflicts be vested in a third physician chosen jointly by the carrier and the labor union representing drivers has not been adopted.

As noted above, the rules are being changed in several respects for the purpose of improving their clarity. The major changes, and the reasons for them, are as follows.

1. Section 391.11(b)(5) has been revised to make it clear that a driver must have general knowledge of the methods and procedures for securing cargo on the vehicles he drives. The purpose of this requirement is to ensure that each driver is capable of checking his vehicle before

he begins a trip to ascertain that it has been properly loaded and that the load is properly secured. In the case of a vehicle which has not been properly loaded, or upon which the load has not been properly secured, the driver must have the capability of detecting the errors and obtaining their correction before he takes the vehicle on the highway. However, it is not necessary for the driver physically to perform the corrective action himself or to be educated in loading and securement techniques for vehicles other than those he operates.

2. The driver disqualification rules in § 391.15(b) have been revised to express their intent more clearly. Under those rules, every driver will have a clean slate on January 1, 1971, when the rules first take effect. Conviction of serious offenses committed thereafter will disqualify a person from driving a commercial vehicle for 3 years following the date of conviction. (For this purpose, the forfeiture of bond or collateral is treated as being the same as a conviction.) Furthermore, a driver whose driving privileges have been suspended or revoked by any State authority will be disqualified until the date those privileges have been restored. Upon restoration, he is no longer disqualified.

3. By inadvertence, no time limit was prescribed for the inquiry to State agencies, which § 391.23(b) requires of a motor carrier investigating the backgrounds of applicants for driver positions. This error has been corrected to make it clear that the inquiry must be made within the same time limit as the inquiries to prior employers under § 391.23(c): 30 days from the date the driver's employment begins.

4. Section 391.25 requires carriers to make annual reviews of the drivers they employ. As originally issued, the rule did not require carriers to make any written record after a driver's record is reviewed. Thus, neither a carrier nor the Bureau's investigative personnel could determine, with respect to any particular driver, whether the duties imposed by § 391.25 had in fact been carried out. In order to eliminate this potential trouble spot, a new sentence has been added to the section, requiring carriers to place in the driver's qualification file a note stating the name of the person who performed the review and the date upon which he did so. No particular format or wording is specified; however, it will be sufficient if the following language appears on the jacket of the driver's file: "Review of driving record performed on [date] by [name of reviewer]". A coordinate change is being made in § 391.51, which specifies the contents of driver qualification files.

5. Amendments to § 391.41 (b)(4) and (b)(6) now make it clear that only those persons who are currently suffering from cardiovascular disease or high blood pressure are physically disqualified to drive.

6. Informal discussions with interested persons pointed up a lack of clarity in § 391.47 as issued. This section deals with conflicts of medical evaluations about a person's ability to meet the physical qualifications for drivers. As it was originally worded, paragraph (c) of § 391.47 did not make it altogether clear that, in the event a conflict is resolved favorably to the individual involved, he could be employed as a driver. The paragraph has now been revised to eliminate doubt on that point.

Except to the extent set forth above, the several petitions for reconsideration are denied.

In consideration of the foregoing, Part 391 and § 392.9a of the Motor Carrier Safety Regulations (Subchapter B of Chapter III) in 49 CFR are amended as set forth below.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on November 2, 1970.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

I. Part 391 of title 49, CFR is amended as follows:

A. Subparagraph (b)(5) of § 391.11 is revised to read as follows:

(5) Is familiar with methods and procedures for securing cargo in or on the motor vehicle he drives.

B. Paragraph (b) of § 391.15 is revised to read as follows:

(b) A driver is disqualified—

(1) For 3 years after he has been convicted of, or forfeited bond or collateral upon, a charge of committing any of the following criminal offenses:

(i) A felony committed after December 31, 1970 and involving the use of a vehicle by that driver; or

(ii) A crime committed after December 31, 1970 and involving the manufacturing, knowing transportation, knowing possession, sale, or habitual use of amphetamines, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug; or

(iii) Operating a vehicle after December 31, 1970 and while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug; or

(iv) Leaving the scene of an accident after December 31, 1970, if the accident resulted in personal injury or death; or

(2) For the duration of the driver's loss of his privilege to operate a commercial vehicle on public highways, either temporarily or permanently, by reason of the suspension, revocation, withdrawal, or denial of an operator's license or permit, until that privilege is restored by the authority that suspended, revoked, withdrew, or denied it.

C. Subparagraph (b)(8) of § 391.21 is amended by changing the word "law" to read "laws".

D. The first sentence of paragraph (b) of § 391.23 is amended to read as follows:

(b) The inquiry to State agencies required by paragraph (a)(1) of this section must be made within 30 days of the date the driver's employment begins and shall be made in the form and manner those agencies prescribe.

E. Section 391.25 is amended by adding the following sentence at the end of the section:

A note, setting forth the date upon which the review was performed and the name of the person who reviewed the driving record, shall be included in the driver's qualification file.

F. Section 391.27 is amended by changing the word "Date" in the form following paragraph (c) to read "Date of conviction".

G. Subparagraphs (b)(4) and (6) of § 391.41 are revised to read as follows:

(4) has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

* * * * *

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a motor vehicle safely;

H. Section 391.43 is amended by adding the following sentences at the end of the paragraph captioned "Head-eyes" in the form following paragraph (e):

If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

J. Section 391.43 is further amended by changing the word "spectacles" in the form following paragraph (e) to read "lenses".

K. Paragraph (c) of § 391.47 is revised to read as follows:

(c) If the the Director determines that the person is physically qualified to drive a motor vehicle, a motor carrier may accept the medical examiner's certificate issued to that person pursuant to § 391.43.

L. Paragraph (b) of § 391.51 is amended by renumbering subparagraphs (3) and (4) as subparagraphs (4) and (5), respectively, and by adding the following new subparagraph after subparagraph (2):

(3) The note relating to the annual review of his driving record required by § 391.25.

M. Subparagraph (c)(3) of § 391.51 is revised to read as follows:

(3) The responses of State agencies and past employers to the motor carrier's inquiries concerning the driver's driving record and employment pursuant to § 391.23.

II. § 392.9a in Part 392 of 49 CFR is revised to read as follows:

§ 392.9a Corrective lenses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses must wear properly prescribed spectacles or contact lenses at all times while he is driving. If a driver wears contact lenses

while driving, he must have a spare lens or set of lenses on his person when he drives.

[F.R. Doc. 70-15246; Filed, Nov. 12, 1970; 8:45 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3d Rev. S.O. 1009; Amdt. No. 1]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of November 1970.

Upon further consideration of Third Revised Service Order No. 1009 (35 F.R. 16931), and good cause appearing therefor:

It is ordered, That:

Section 1033.1009 Service Order 1009 (Railroad Operating Regulations for Freight Car Movement).

Third Revised Service Order No. 1009 be, and it is hereby, amended by substituting the following paragraph (a), subparagraph (1), subdivisions (i), (ii), and (vii) for paragraph (a), subparagraph (1), subdivisions (i), (ii), and (vii) thereof:

§ 1033.1009 Service Order 1009.

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

(1) *Placing of Cars.* (i) Loaded cars, which after placement will be subject to demurrage rules applicable to detention of cars awaiting unloading, shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination.

(ii) Empty cars, assigned to the exclusive use of a shipper, which after placement will be subject to demurrage rules applicable to cars awaiting loading, shall be actually or constructively placed within 48 hours, exclusive of Sundays and holidays, following arrival at loading point. Exceptions: Empty cars of private ownership held pursuant to instructions of the car owner. Empty cars of railroad ownership listed in the Official Railway Equipment Register, ICC R.E.R. No. 377, issued by E. J. McFarland, Agent, or reissues thereof, as having mechanical designations XT, RAM, RCD, RPM, RSM, RSTM, FA, FC, and all Class S-Stock Car Types.

* * * * *

(vii) (*a*) Cars assigned to the exclusive use of a shipper must be listed on assignment lists posted in the office of the Chief Transportation Officer of the serving carrier, the office of the Chief Transportation Officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, shipper to whom assigned, and date car assignment became effective.

(*b*) Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than 10 days before the effective date of the car assignment. Freight cars in assigned service on October 31, 1970, shall be considered as having been in such assignments for 10 days or longer: *Provided*, That the assignment lists are prepared and posted, as required herein, not later than November 15, 1970.

(*c*) Freight cars so assigned may be removed from the provisions of this section by the car owner on its own initiative, or at the request of the assignee: *Provided*, That the assignee notifies, in writing, the originating railroad and car owner (if different from originating railroad) 1 day in advance of his desire to release such cars from assignment. Carriers must remove cars from assignments in accordance with assignee's request. Cars removed from assignment, whether at the request of the assignee or upon the initiative of the carrier, shall not be reassigned to the same shipper at the same origin within less than 15 days.

* * * * *

Effective date. This amendment shall become effective at 11:59 p.m., November 9, 1970.

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

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

By the Commission, Railroad Service Board.

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

[F.R. Doc. 70-15306; Filed, Nov. 12, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Utilization of Excess Federal Personal Property

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 917, 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 430; 16 U.S.C. 777i), § 80.41 of Part 80, Title 50, Code of Federal Regulations is revised as set forth below. Since this revision places no restriction on the public, it shall be effective upon publication in the FEDERAL REGISTER.

§ 80.41 Utilization of excess Federal personal property.

In the interest of achieving program objectives at minimum cost, expanding abilities, and enhancing program accomplishments States are encouraged to consider fulfilling personal property requirements through utilization of excess Federal property. Such utilization will be applied to needs documented in approved projects, according to law and related policy.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 6, 1970.

[F.R. Doc. 70-15263; Filed, Nov. 12, 1970; 8:46 a.m.]