§ 462.40 **Conditions of variation.**

(a) The carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

This variation shall be effective upon publication in the FEDERAL REGISTER (8-19-72).

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C. this 15th day of August, 1972.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.72-14082 Filed 8-18-72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1710—FEDERAL DISASTER ASSISTANCE

Assistance to Nonprofit, Private Educational Institutions Damaged or Destroyed by Hurricane and Tropical Storm Agnes

The Office of Emergency Preparedness is issuing regulations implementing section 4 of Public Law 92-385 and Executive Order 11678 of August 16, 1972. The regulations set forth standards and procedures by which nonprofit, private educational institutions which have suffered damage as a result of Hurricane Agnes may apply for grants for the repair, restoration, reconstruction or replacement of facilities, equipment and supplies. These regulations are intended to provide disaster benefits comparable to those provided to public educational institutions.

Since the subject procedures are required immediately to allow interested applicants to proceed with necesary reconstruction or repair for the opening of the Fall school term, I find that it is impracticable and contrary to the public interest to engage in public rule making procedures and to postpone the effective date of these regulations. Therefore, this subpart will become effective immediately upon publication in the FEDERAL REGISTER (8-19-72). All interested parties, however, are invited to submit written comments with respect to the regulations, which may be later revised in light of such comments.

Comments should be filed in triplicate within 15 days after publication of the regulations at the Disaster Programs Office, Office of Emergency Preparedness, Room 320, 604 17th Street NW., Washington, DC 20504.

Accordingly, Subpart E, Assistance to Nonprofit, Private Educational Institutions, is set out below:

Subpart E—Assistance to Nonprofit, Private Educational Institutions Damaged or Destroyed by Hurricane and Tropical Storm Agnes

AUTHORITY: The provisions of this Subpart E are issued pursuant to sec. 4 of Public Law 385, 92d Congress 86 Stat. 554, and Executive Order 11678 dated August 16, 1972.

§ 1710.38 **Purpose.**

The purpose of this subpart is to prescribe the standards and procedures to be followed in implementing section 4 of Public Law 92-385, which provides disaster relief benefits to nonprofit, private educational institutions damaged or destroyed as a result of Hurricane and Tropical Storm Agnes.

Except as otherwise provided in this Subpart, the standards and procedures established by Subparts A and B of this part shall be applicable to the assistance provided under this Subpart E.

§ 1710.39 **Definitions.**

As used in this subpart:

(a) "Educational institution" means:

(1) Any elementary school as defined by section 801(c) of the Elementary and Secondary Education Act of 1965;

(2) Any secondary school as defined by section 801(h) of the Elementary and Secondary Education Act of 1965; or

(3) Any institution of higher education as defined by section 1201 of the Higher Education Act of 1965.

(b) "School or department of divinity" is used herein as defined by section 1201 of the Higher Education Act of 1965.

(c) A "private" institution means one which is established by an agency other than a State or a political subdivision or any combination of either or both, and which is supported in whole or in part by other than public funds and is administered and controlled by other than publicly elected or appointed officials.

(d) A "nonprofit" institution means one which is exempt from taxation under sec. 501 (c), (d) or (e) of the Internal Revenue Code of 1954.

(e) "Educational facilities" includes classrooms and related facilities; and equipment, machinery, and utilities necessary or appropriate for instructional purposes. It does not include athletic stadia or structures or facilities intended primarily for athletic exhibitions, contests, games or other events for which admission is to be charged to the general public; and facilities used primarily for religious instruction or any facility used or to be used primarily in connection with any part of the program of a school or department of divinity.

(f) "Equipment" includes all items necessary for providing educational services, including such items as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(g) "Supplies" means those nonequipment items which are consumed in use or which may not reasonably be expected to last longer than 1 year.

§ 1710.40 **Project applications.**

(a) Private, nonprofit educational institutions in areas declared a major disaster by the President as a result of Hurricane and Tropical Storm Agnes which have suffered loss, damage or destruction not compensated for by insurance or otherwise, may apply for assistance under section 4 of Public Law 92-385 in accordance with procedures established by § 1710.4 of Subpart B of this part.

(b) In addition to the procedures specified by paragraphs (a) and (c) of § 1710.8 of Subpart B of this part, the local or State government, as an authorized applicant, must submit the project application on behalf of the nonprofit, private educational institutions within its area of jurisdiction. In addition to the completed application documents specified by OEP instructions, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service ruling letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A-95.

(3) A copy of the following assurances by the nonprofit, private educational institution:

(i) That in addition to owning the facility, it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(ii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times; and that claims for Federal reimbursement do not duplicate funding provided from any other source;

(iii) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(iv) That adequate financial support will be available for maintenance and operation when completed.

(v) That no amounts granted will be used for purposes prohibited by § 1710.41.

§ 1710.41 Limitations.

(a) Grants made under the provisions of this Subpart shall not:

(1) Be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(2) Be used to restore or rebuild any facility used or to be used primarily for religious worship; replace, restore, or repair any equipment or supplies used or to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are used or to be used primarily in connection with any part of the program of a school or department of divinity.

(b) No grants shall be made under this subpart for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized under Public Law 81-815, Title VII of the Higher Education Act of 1965, or the Disaster Relief Act of 1970 if such facility were a public facility.

§ 1710.42 Repair and replacement of facilities.

The repair, restoration, reconstruction, or replacement of facilities belonging to nonprofit, private educational institutions, which facilities have been damaged or destroyed as a result of Hurricane and Tropical Storm Agnes may be eligible under the standards and procedures of paragraphs (a) and (b) of section 1710.11 of Subpart B of this part.

§ 1710.43 Repair, restoration or replacement of equipment or supplies.

Grants may be awarded for the repair, restoration, or replacement of equipment and supplies which were owned on the date of the loss, damage or destruction by a nonprofit, private educational institution, subject to the procedures and standards set forth in § 1710.11 (b) and (c) of Subpart B of this part, except that nonprofit, private educational institutions other than institutions of higher education shall receive grants for supplies as defined in § 1710.39(g) to the extent provided by applicable policies or regulations of the Department of Health, Education, and Welfare relating to comparable public educational institutions: Provided that used or surplus equipment and supplies shall be utilized to the extent practicable.

§ 1710.44 Repair or reconstruction of facilities damaged while under construction.

Federal disaster grants may be provided under the standards and procedures of § 1710.17 of Subpart B of this part for the repair, restoration, reconstruction, or replacement of facilities belonging to nonprofit, private educational institutions, which facilities have been damaged or destroyed as a result of Hurricane and Tropical Storm Agnes while under construction and for the additional costs for completion of any such facilities which were in the process of construction when damaged or destroyed as a result of such major disaster.

Effective date. This regulation shall become effective on the date of its publication in the FEDERAL REGISTER (8-19-72).

Dated: August 17, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-14194 Filed 8-18-72;8:52 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 761—BOOK-ENTRY PROCEDURES

Part 761 of Title 39, Code of Federal Regulations, 37 F.R. 212, is patterned after Subpart O of Treasury Department Circular No. 300 (31 CFR Subpart O Part 306). On April 27, 1972, the Treasury Department amended its regulations 37 F.R. 8671. It has been determined that comparable changes should be made in the regulations of the Postal Service. Accordingly, Part 761 of Title 39, Code of Federal Regulations, is revised to read as follows:

AUTHORITY: The provisions of this Part 761 are issued under 39 U.S.C. 401, 402, 2005.

§ 761.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Postal Service securities in book-entry form) as fiscal agent of the United States acting on behalf of the Postal Service and when indicated acting in its individual capacity.

(b) "Postal Service security" means any obligation of the Postal Service issued under 39 U.S.C. 2005, in the form of a definitive Postal Service security or a book-entry Postal Service security.

(c) "Definitive Postal Service security" means a Postal Service security in engraved or printed form.

(d) "Book-entry Postal Service security" means a Postal Service security in the form of an entry made as prescribed in these regulations on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Postal Service securities as collateral for loans or advances or to secure deposits of public moneys or the performance of an obligation.

(f) "Date of call" is the date fixed in the authorizing resolution of the Board of Governors of the Postal Service on which the obligor will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

§ 761.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry Postal Service securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Postal Service securities and definitive Postal Service securities; (c) otherwise service and maintain book-entry Postal Service securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities; that is, loan title (or series) and maturity date, sold or transferred, and the date of the transaction.

§ 761.3 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure provided for in this part to any Postal Service securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Postal Service securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Postal Service securities.

(b) A Reserve Bank as fiscal agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure to Postal Service securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Postal Service securities deposited with a Reserve Bank as fiscal agent of the United States.

(c) Any person having an interest in Postal Service securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Postal Service securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 761.4 Transfer or pledge.

(a) A transfer or pledge of book-entry Postal Service securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States acting on behalf of the Postal Service), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provisions of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Postal Service securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Postal Service securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Postal Service securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as a fiscal agent of the United States acting on behalf of the Postal Service) in a book-entry account under this part, including securities in book-entry form under § 761.3(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Postal Service securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Postal Service securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Postal Service securities either in its individual capacity or as fiscal agent of the United States acting on behalf of the Postal Service is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Postal Service securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Postal Service securities into definitive Postal Service securities and deliver them in accordance with such instructions; no such conversion shall effect existing interests in such Postal Service securities.

(e) A transfer of book-entry Postal Service securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 761.5 Withdrawal of Postal Service securities.

(a) A depositor of book-entry Postal Service securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Postal Service securities to itself or on its order to a transferee.

(b) Postal Service securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form.

§ 761.6 Delivery of Postal Service securities.

A Reserve Bank which has received Postal Service securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Postal Service securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve Bank) may obtain Postal Service securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 761.7 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Postal Service securities of registered Postal Service securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this part for any purpose specified in § 761.3(a). Registered Postal Service securities deposited thereafter with a Reserve Bank for any purpose specified in § 761.3 shall be assigned for conversion to book-entry Postal Service securities. The assignment, which shall be executed in accordance with the provisions of Part 760 of this subchapter and Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve Bank of ____________ as fiscal agent of the United States acting on behalf of the Postal Service for conversion to book-entry Postal Service securities."

§ 761.8 Servicing book-entry Postal Service securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Postal Service securities shall be charged in the Postal Service Fund on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Postal Service Fund on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

ROGER P. CRAIG,
Deputy General Counsel.

AUGUST 16, 1972.

[FR Doc.72-14072 Filed 8-18-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tricyclohexyltin Hydroxide

A petition (PP 0F1005) was filed jointly by M&T Chemicals, Inc., Post Office Box 1104, Rahway, NJ 07065, and The Dow Chemical Co., Post Office Box 512, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide tricyclohexyltin hydroxide including its metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodities apples and pears at 2 parts per million.

Subsequently, the petitioners amended the petition by proposing establishment of tolerances for residues of the insecticide in or on fat, meat, and meat byproducts of cattle at 0.2 p.p.m. and in milk fat, reflecting negligible residues in milk, at 0.05 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 16798.)

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are established.

2. The proposed tolerances for meat and milk are adequate to cover residues resulting from the proposed use and § 180.6(a)(2) applies. No poultry feed items are involved.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

Tolerances are established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples and pears.

0.2 part per million in meat, fat, and meat byproducts of cattle.

0.05 part per million in milk fat reflecting negligible residues in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-19-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-14130, Filed 8-18-72;8:53 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-59R]

PART 56—PIPING SYSTEMS AND APPURTENANCES

Reference Specifications, Standards, and Codes; Correction

In F.R. Doc. 72-4448 appearing at page 6187 in the issue of Saturday, March 25, 1972, the amendatory paragraph 11 appearing on page 6189 is corrected by changing in the seventh line "ASTM-A 375" to read "ASTM A-376."

Dated: August 15, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-14108 Filed 8-18-72;8:51 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 1-9; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Exterior Protection

The purpose of this notice is (a) to amend Motor Vehicle Safety Standard No. 215 *Exterior Protection,* 49 CFR 571.215, to permit the removal of bumper hitches during the required impacts; (b) to amend the headlamp adjustment requirements of S5.3.1 of the standard; and (c) to terminate rule making with respect to other amendments proposed to S5.3.1 of the standard by notice of December 15, 1971 (36 F.R. 23831).

The amendment to permit removal of trailer hitches was proposed on January 22, 1972 (37 F.R. 1059), in response to a petition for rule making by General Motors, who stated that factory installation of trailer hitches would have to be discontinued if their removal were not permitted during testing. In proposing the amendment, the agency noted that if factory installation were to cease, as appeared likely, the effect would probably be to increase the number of hitches installed after purchase.

Two comments expressed reservations about the proposal. The Automobile Club of Southern California expressed concern about the effects of the trailer hitch on the fuel tank in rear end collisions. The Center for Auto Safety stated that the proper functioning of a trailer hitch is essential for safe towing and that the hitch should therefore be regulated in the same manner as the other safety systems specified in the standard. Even if the standard were to apply to hitches, however, the applicable requirement would be the no-contact requirement of S5.3.6, and it is not at all certain that compliance with this requirement would produce a superior trailer hitch. This discontinuance of factory installations would probably not improve the situation in any case. The improvements in trailer hitches which the Center and the Automobile Club seek would thus appear to lie outside the scope of Standard No. 215. The proposed amendment is therefore being adopted as proposed.

In response to the proposal, a question has been raised concerning the intent of the requirement that "the aim of each headlamp shall be adjustable in accordance with the applicable requirements of Standard No. 108." General Motors stated that the reference should be more specific and suggested a reference to Table 1 of SAE Recommended Practice J599b, Lighting Inspection Code. American Motors stated that it considers two of the SAE Standards subreferenced by Standard No. 108—SAE J579a and

J580a—to be based entirely on laboratory bench tests and not upon on-vehicle tests.

This agency disagrees with American Motors, and considers J580a to be an on-vehicle test as well as a laboratory bench test. It has concluded, however, that J580a and the other SAE Standards referenced by Standard No. 108 are less suited to the purposes of Standard No. 215 than are the provisions of the lighting inspection procedure of SAE J599b. Standard No. 215 is intended to protect the headlamps so that they can be adjusted to throw a satisfactory pattern of light. Accordingly, it has been decided to amend the last sentence of S5.3.1 of Standard No. 215 to refer to the table in SAE Recommended Practice J599b that sets out the aiming requirements for headlamps.

The notice of proposed rule making published on December 15, 1971, proposed to require the lights to be operable after the test impacts and to require them to meet the photometric requirements of Standard No. 108. Upon review of the comments and further evaluation of the potential effects of the proposed requirements, it has been concluded that neither is likely to produce a significant upgrading of vehicle protection, and that their costs would far outweigh their benefits.

The preamble to the notice indicated that the intent of the operability requirement was to prevent filament breakage. Most of the comments pointed out that the SAE requirements incorporated by Standard No. 108 do not prohibit filament failure during endurance tests, and in fact expressly permit replacement in the event of failure. This is consistent with the prevailing treatment of bulb replacement as a part of routine maintenance. In light of this fact, and of the small amount of time and energy involved in replacing a bulb, it has been decided not to adopt the proposed requirement that the lamps (i.e., the bulbs) be operable.

The photometric requirements of Standard No. 108 are those of several SAE lighting standards. Each of these standards consists of a series of laboratory test procedures. On review of the comments, which are unanimous in their claim that the SAE laboratory procedures are difficult to adapt to the circumstances of Standard No. 215 and that they go beyond the stated purpose of the standard, it has been decided not to adopt the photometric requirements. Thus, the protective criteria with respect to lighting will continue to be visibility, headlamp aiming, and freedom from cracks.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 215 Exterior protection, 49 CFR 571.215, is amended as follows:

1. S5.3.1 is amended to read:

S5.3.1 Each lamp or reflective device, except license plate lamps, shall be free of cracks and shall comply with the applicable visibility requirements of S4.3.1.1 of Standard No. 108 (§ 571.108). The aim of each headlamp shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J599b, July 1970, measured with a mechanical aimer conforming to the requirements of SAE standard J602a, July 1970.

2. S6.1.5 is added to read:

S6.1.5 Trailer hitches are removed from the vehicle.

Effective date: September 1, 1972.

Because this amendment modifies an existing rule in a manner that imposes no additional substantive requirements, it is found for good cause shown that an effective date less than 180 days from the date of issuance is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority, 49 CFR 1.51)

Issued on August 14, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-14050 Filed 8-16-72;10:43 am]