tive the incentive which the award fee was designed create by inducing the contractor to improve poor performance or to continue excellent performance.

(2) The contractor shall be furnished the performance evaluation criteria to be used to arrive at the award fee before award of the contract. The goals and objectives should be clearly set forth.

(3) As a part of contract negotiation, the Government should obtain agreement and incorporate into the contract a provision that the Government unilaterally can change the performance evaluation criteria, goals and objectives, weights and rating plan after reasonable advance notice to the contractor. The specific number of days constituting reasonable notice should be agreed to in advance by the parties.

(g) *Organization and administration.*

(1) Individuals will be designated as performance monitors. They will be responsible for evaluating, in assigned areas, the contractor's performance against the established criteria.

(2) A board will be established to evaluate the contractor's performance (based on monitors' reports, contractor's input and other information) and to recommend the amount of the award fee to the fee determination official.

(3) The fee determination official will be an individual who is organizationally above the persons who are directly involved in performance evaluation.

(4) The contractor should be given an opportunity to present matters to the board or the fee determination official on its own behalf.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).)

Effective date: August 26, 1976.

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.76-25059 Filed 8-25-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2402]

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

PART 9230—TRESPASS

Mineral Leasing Regulations

On page 23206 of the FEDERAL REGISTER of Wednesday, June 9, 1976, a notice was published proposing to amend two sections of 43 CFR 3520 and one section of 43 CFR 9230 to clearly state that leasable minerals cannot be mined in commercial quantities prior to the issuance of a lease for that purpose. Comments were requested for a thirty-day period, ending July 10, 1976. Since no comments, suggestions, or objections were received, the rulemaking is adopted as proposed.

Under the authority of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181-287) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), Title 43, Subtitle B, Chapter II is amended as set forth below, effective September 27, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

AUGUST 19, 1976.

1. Section 3520.2-2(a) is revised to read as follows:

§ 3520.2-2 Dating of Leases.

(a) Leases will be dated the first day of the month following the date signed by the lessor, except that upon receipt of a prior written request, a lease may be dated the first day of the month in which it is signed.

* * * * *

2. Section 3521.4-1 is revised to read as follows:

§ 3521.4-1 Preference right lease.

Mining operations carried on prior to the effective date of a lease shall constitute an act of trespass.

3. Section 9239.5-3(b) is amended to read as follows:

§ 9239.5-3 Coal.

* * * * *

(b) *Coal mined when there is no lease in effect.* Any mining of coal which is not pursuant to a coal lease in effect at the time of the mining shall constitute a trespass, and the coal so mined must be paid for on a trespass basis.

[FR Doc.76-25029 Filed 8-25-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20785; RM-2597]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bryan, Texas).

1. The Commission herein considers its notice of proposed rulemaking, 41 FR 17784, in the above-captioned proceeding issued in response to a petition filed by Scott and Davis Enterprises (S&D).[1] The petition proposed the assignment of Channel 285A to Bryan, Texas, as a second FM assignment to the community. S&D is the only commenting party.

2. Bryan, Texas (pop. 33,719), seat of Brazos County (pop. 57,978),[2] is located adjacent to College Station, Texas, approximately 257 kilometers (160 miles) southeast of Dallas and 145 kilometers (90 miles) northwest of Houston. Bryan presently receives local aural service from AM Station KTAM and FM Station KORA-FM (Channel 252A), Bryan. Service is also provided from nearby College Station by daytime-only AM Station WTAW and FM Station WTAW-FM (Channel 221A).

3. S&D sets forth in its supporting comments a level of commercial and economic activity in the Bryan area sufficient to support the assignment of a second FM channel to the community. It points out that, during the period 1960-1970, the population of Bryan increased 22.4 percent and that of College Station 55.1 percent. S&D adds that Bryan-College Station will experience a 40 percent population increase during 1970-1980, and a 232.7 percent increase during 1970-2020. S&D states it will promptly apply for a construction permit to operate on Channel 285A at Bryan if the proposed assignment is granted, and will provide the only "Good Music" format in the Bryan-College Station area, operating with maximum permissible facilities.

4. Preclusion would occur only on cochannel 285A in a very small area which is sparsely populated. The impact of the potential preclusion is insignificant. In order to meet the minimum distance separation requirements of our rules, a site 4.8 kilometers (3 miles) north of the community would be required.[3]

5. We have given careful consideration to the proposal in this proceeding and believe Channel 285A should be assigned to Bryan, Texas. Considering the size of Bryan (which qualifies for one or two assignments), its currrent and anticipated growth, the fact that preclusion would be limited to Channel 285A in a very small area which is sparsely populated and the assignment would result in efficient use of radio spectrum, we are of the view that the assignment of Channel 285A to Bryan, Texas would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

§ 73.202 [Amended]

7. In view of the foregoing, *It is ordered*, That effective September 30, 1976, § 73.202(b) of the Commission's Rules, the Table of FM Assignments, is amended to read as follows:

City:	*Channel No.*
Bryan, Tex	252A, 285A

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

[1] We are informed by letter dated October 6, 1975, signed by Stuart F. Pierson, counsel for Scott and Davis Enterprises, that all ownership interest in Scott and Davis Enterprises are now owned by Bob Bell.

[2] All population figures are taken from the 1970 U.S. Census.

[3] On April 9, 1976, the Commission granted the application (BMPH-14767) of Radio Lufkin, Ltd., licensee of KLUF-FM, to modify its existing construction permit so as to specify a transmitter site location 10.5 kilometers (6.5 miles) northwest of Lufkin. We also granted the earlier request of Radio Lufkin to dismiss a prior application (BMPH-14617) to locate the transmitter site for KLUF-FM southwest of Lufkin (a site which would have barred the proposed assignment to Bryan).

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

Adopted: August 17, 1976.

Released: August 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-25055 Filed 8-25-76;8:45 am]

[Docket No. 20803; RM-2629]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; Correction

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Park Falls, Wisconsin).

In the *Report and Order* in the above-entitled proceeding, Mimeo No. 41951, which was released on August 4, 1976, the amendment to the Television Table of Assignments, § 73.606(b) of the Commission's Rules, appearing in paragraph 6 of the *Report and Order* should be amended to read as follows:

§ 73.606 [Amended]

City:	*Channel No.*
Park Falls, Wis	*36+

Released: August 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25054 Filed 8-25-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-20; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors

This notice amends Standard No. 111, Rearview Mirrors, to establish separate requirements for school buses, to increase the amount of reflective surface required for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more, and to extend the coverage of the standard to motorcycles.

By final rule published by the National Highway Traffic Safety Administration (NHTSA) on August 12, 1975 (40 FR 33825), Standard No. 111 (49 CFR 571.111) was amended to allow installation of truck-type mirror systems on multipurpose passenger vehicles and to extend the coverage of the standard to trucks and buses. As amended, the standard specified identical requirements for all types of buses. No distinction was made between commercial buses and school buses. No requirements were set out for motorcycles, as had been proposed in an earlier notice. Further, the standard imposed the same requirements for all multipurpose passenger vehicles, trucks, and buses with a GVWR of more than 10,000 pounds.

At the time of these changes, the NHTSA had completed further research and considered comments submitted by participants in that rulemaking, and determined that the promulgation of separate rearview mirror requirements for motorcycles, school buses, and multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more would ensure the provision of minimum mirror performance levels essential to motor vehicle safety. Therefore, a notice proposing these changes was also published on August 12, 1975 (40 FR 33828), and forms the basis of the present amendments.

Interested persons were afforded an opportunity to submit comments on the proposal by September 26, 1975, and due consideration has been given to the 24 comments received. The National Motor Vehicle Safety Advisory Council did not take a position on the proposed amendments. (Active dockets concerning rearview mirrors are Docket No. 74-20 and Docket No. 71-3a.)

Commenters generally agreed with the NHTSA proposal to establish rearview mirror requirements for motorcycles. However, the Grote Manufacturing Company opposed the optional use of convex mirrors, contending that their use on motorcycles would be hazardous due to the distortion of distance characteristics of convex mirrors and the unfamiliarity of young drivers with them. The NHTSA has decided that both plane and convex motorcycle mirrors should be permitted, since available data does not support the contention that convex mirrors would be hazardous. The SAE Recommended Practice J268(a), "Rear View Mirrors—Motorcycles," specifies criteria for both plane and convex mirrors, and convex mirrors are presently in common usage on motorcycles.

There were also recommendations for both larger and smaller minimum reflective area requirements for motorcycle mirrors, and one recommendation for field-of-view performance requirements instead of a reflective area requirement. The amendment specifies 12.5 in^2 of reflective surface for a plane motorcycle mirror or 10 in^2 of reflective surface for a convex mirror. The NHTSA concludes that these required reflective surface areas will ensure a safe level of rearview visibility on motorcycles. The NHTSA finds the larger reflective area is needed on the plane mirror to offset its smaller field-of-view compared to that of a convex mirror. It is contemplated that field-of-view performance requirements will be developed in future rulemaking.

The State of California commented that the SAE Recommended Practice J964a, specified in paragraph S11 of the standard, does not include a procedure for measuring the reflectance of convex mirrors, and suggested that a different procedure be specified. This suggestion is not well taken since, contrary to California's comment, the Recommended Practice does include a procedure for measuring convex mirror reflectance.

This amendment excepts school buses from the general bus requirements specified in paragraphs S6 and S7 of the standard, as amended by this notice, and establishes a new paragraph, S9, which requires school buses to be equipped with outside mirrors of unit magnification with not less than 50 in^2 of reflective surface and, except for forward control vehicles, with a convex cross-view mirror that has a minimum of 40 in^2 of reflective surface and an average radius of curvature not less than 12 inches and not greater than 25 inches.

The Grote Manufacturing Company contended that a 50 in^2 plane mirror on the right side of a school bus is inadequate, but the NHTSA believes that the 50 in^2 mirror in common use offers sufficient reflective area. Likewise, the NHTSA cannot agree with the views of the States of California and Illinois that a 40 in^2 cross-view mirror is insufficient. Manufacturers can meet this requirement with the 7½ inch-diameter convex mirror which is commonly installed on school buses and which has been found to be adequate.

California also opposed the proposal that forward control school buses be excluded from the cross-view mirror requirements, stating that cross-view mirrors might be necessary on some forward control configurations. The NHTSA will consider this aspect of California's comment in future rulemaking in which the agency plans to develop field-of-view performance tests.

The State of Illinois, noting that the proposed amendments specified requirements for cross-view mirrors on school buses, recommended that the title of Standard No. 111, Rearview Mirrors, be shortened to "Mirrors." The NHTSA believes that such a change is unnecessary and might create confusion since the industry has come to associate the existing title with the standard number. Therefore, there is no change in the title of Standard No. 111 even though this amendment adds a provision for cross-view mirrors.

Several commenters, including Blue Bird Body Company, the State of Illinois, and the Grote Manufacturing Company, disagreed with the preamble discussion concerning preemption that appeared in the notice proposing this amendment (40 FR 33828), in regard to Federal versus State requirements for rearview mirrors on school buses. There appears to be some confusion concerning the provision of the National Traffic and Motor Vehicle Safety Act of 1966, Pub. L. 89-563 (15 U.S.C. 1392(d)) that allows states and political subdivisions to impose higher standards of performance than is required by Federal standards in the case of vehicles procured for their own use. Blue Bird Body Company commented that the interpretation in the preamble to the proposal "would allow local governments and other parties to specify potentially conflicting requirements with all NHTSA standards." This is incorrect. Section 103(d) of the National Traffic and Motor Vehicle Safety Act provides that no State or political subdivision of a State shall have author-

ity to establish a motor vehicle safety standard governing the same aspect of performance of a motor vehicle or of motor vehicle equipment as a Federal standard, unless it is identical to the Federal standard. The only exception, also provided in section 103(d) of the Act, is that a State may establish a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than the Federal standard. This means that a State may impose requirements additional to those specified in an applicable Federal standard only if the vehicles are procured specifically for use by the State or its political subdivision. Therefore, a State may not require vehicles manufactured or sold for use by private parties to meet any standards not identical with Federal standards, even if the State standard would require a higher level of performance. Use of the phrase "higher standard of performance" means that the State standard must not conflict with the Federal standard but may contain additional requirements.

The phrase does not mean that a State standard will be subjectively analyzed as a whole to determine its comparable worth in safety terms in relation to a Federal standard. Such an interpretation would create impracticable results. Finally, as stated in the preamble of the notice proposing these amendments, the National Traffic and Motor Vehicle Safety Act of 1966 does not prohibit a nongovernmental purchaser of a vehicle from contracting with a manufacturer or dealer for additional safety features beyond those required by Federal motor vehicle safety standards.

The majority of comments favored the proposal that multipurpose passenger vehicles and trucks with a GVWR of more than 10,000 and less than 25,000 pounds, and buses, other than school buses, with a GVWR of more than 10,000 pounds continue to be equipped with outside mirrors of unit magnification on both sides of the vehicle, each with not less than 50 in^2 of reflective surface.

The Teamsters Union recommended that the proposed 75-square-inch reflective area requirement for trucks and multipurpose vehicles with a GVWR of 25,000 pounds or more be increased to a 96-square-inch requirement. The NHTSA has carefully considered the views of the Teamsters, but must conclude, based on available studies, that the proposed 75-square-inch mirror is adequate for safety purposes. Further, a larger reflective area requirement would prohibit the new truck mirrors that are designed to be mounted below the driver's line of sight. Use of these mirrors is encouraged by the agency since they do not obstruct the forward view of the driver, as do the larger "West Coast" mirrors.

The obstruction of the forward view due to the mounting location of some of the larger mirrors can create a potential safety hazard, as pointed out by several commenters. However, rather than incorporating mounting location as a requirement of the standard at this time, the NHTSA believes the problem can better be solved through viewing performance requirements to be promulgated in the future.

The State of California suggested that minimum width requirements be specified for side-mounted mirrors, and that truck classification be based on a system other than GVWR. We see no need to specify width requirements. The California comments provided no evidence, and the agency has no indication, that manufacturers would circumvent the purposes of the standard by providing long and narrow side mirrors. No circumvention of this sort has occurred in the case of mirrors currently available on the market. The NHTSA recognizes that truck classification based on GVWR creates some artificiality in the applicability of requirements, but other methods of classification create similar problems. These problems can better be corrected in future rulemaking with the specification of field-of-view performance requirements.

Finally, several commenters recommended that combination plane and convex mirrors be required for large multipurpose passenger vehicles and trucks, in order to increase the field of view. The NHSTA agrees that the use of convex mirrors on larger vehicles would be of some benefit because of the increased field-of-view they would provide. Therefore, the agency publishes in this issue of the FEDERAL REGISTER a proposal to amend Standard No. 111 to specify the optional use of plane and convex mirror combinations on buses other than school buses, multipurpose passenger vehicles, and trucks that have a GVWR of 10,000 pounds or more.

This amendment also clarifies the deflection requirements for inside rearview mirror mountings on passenger cars. The amendment specifies that the mounting is required to "break away" when the test force is applied to the reflective surface of the mirror in any direction that forms an angle of up to 45° with the forward longitudinal direction. The amendment clarifies that the mounting is required to deflect, collapse, or "break away" when the force is applied to the reflective surface in a generally forward direction.

The provision of Standard No. 111 regarding mirror construction is amended to provide that the "average" reflectance value of the reflective film employed on any mirror required by the standard must be at least 35 percent. The purpose of this amendment is to make clear that the failure of any individual point or points on the reflective surface of a mirror to reflect 35 percent of a light source does not constitute a failure to comply with the standard if the average reflectance of the total points comprising the reflective surface is at least 35 percent.

The amendment incorporates into the mirror construction requirements the current test procedures for measurement of average reflectance value found in the Society of Automotive Engineers Recommended Practice J964a, August, 1974.

Standard No. 111 is further amended by this notice to add a definition of the term "mirror of unit magnification." This definition incorporates a previous NHTSA interpretation to the effect that precise "unit magnification" is not required by the standard if any deviations are not in excess of normal manufacturing tolerances. The definition provides that a prismatic day-night adjustment rearview mirror, one of whose positions provides unit magnification, is considered a unit magnification mirror.

The notice proposing these amendments (40 FR 33828) included a proposal that the term "driver's eye reference point" referred to in S5.1.1 and S5.2.1 of the standard as amended by this notice, be changed to "driver's eye reference points" in order to more accurately describe the locations to which the term refers. The notice further proposed that the standard be amended to permit location of the driver's eye reference point at "a nominal location appropriate for any 95th percentile male driver," as had been established in a previously published NHTSA interpretation (32 FR 5498). At the time of the proposal, Standard No. 111 only provided that the location of the driver's eye reference point "shall be that established in Motor Vehicle Safety Standard No. 104." The proposal provided that the location of the eye reference point could be derived through either formula.

In response to four petitions for reconsideration, by final rule issued February 19, 1976 (41 FR 7510), Standard No. 111 was amended to partially adopt the proposed changes regarding driver's eye reference point. The standard was amended to incorporate the previous NHTSA interpretation which allowed location of the driver's eye reference point "at a nominal location appropriate for any 95th percentile adult male driver." The petitioners had requested that this aspect of the proposal be adopted immediately.

Today's amendment completes the adoption of the proposed changes by modifying the term "driver's eye reference point" to read "driver's eye reference points." As amended, the last sentence of S5.1.1 and of S5.2.1 now reads: "The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile adult male driver." Even with these changes, however, there still appears to be much confusion concerning this aspect of the field-of-view performance requirements for passenger cars. General Motors has recommended that the reference to Standard No. 104 in paragraphs S5.1.1 and S5.2.1 be deleted, since that standard's designation of "eye reference points" is ambiguous. In light of the evident confusion, the NHTSA is proposing in this issue of the FEDERAL REGISTER to amend paragraphs S5.1.1 and S5.2.1 of Standard No. 111 to specify that location of driver's eye reference points shall be determined in accordance with the procedure found in SAE Recommended

Practice J1050, "Describing the Driver's Field of View," Section 7 (September, 1973). References to Standard No. 104 and to the "nominal location" method of determining the eye reference points would be deleted from the standard.

These amendments should have only a minimal economic and environmental impact, since manufacturers are currently equipping vehicles with the same type mirrors that are required by the amendments.

In consideration of the foregoing, the amendments of Motor Vehicle Safety Standard No. 111 (49 CFR 571.111) are adopted without change, as set forth below.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Effective date: February 26, 1977.

Issued on August 17, 1976.

JOHN W. SNOW,
Administrator.

Section 571.111 is added to read as follows:

§ 571.111 Standard No. 111; Rearview Mirrors.

S1. *Scope.* This standard specifies requirements for the performance and location of rearview mirrors.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, school buses and motorcycles.

S4. *Definition.* "Unit magnification mirror" means a plane or flat mirror with a reflective surface through which the angular height and width of the image of an object is equal to the angular height and width of the object when viewed directly at the same distance except for flaws that do not exceed normal manufacturing tolerances. For the purposes of this regulation a prismatic day-night adjustment rearview mirror one of whose positions provides unit magnification is considered a unit magnification mirror.

S5. *Requirements for passenger cars.*

S5.1. *Inside rearview mirror.* Each passenger car shall have an inside rearview mirror of unit magnification.

S5.1.1. *Field of view.* Except as provided in S5.3, the mirror shall provide a field of view with an included horizontal angle measured from the projected eye point of at least 20 degrees, and sufficient vertical angle to provide a view of a level road surface extending to the horizon beginning at a point not greater than 200 feet to the rear of the vehicle when the vehicle is occupied by the driver and four passengers or the designed occupant capacity, if less, based on an average occupant weight of 150 pounds. The line of sight may be partially obscured by seated occupants or by head restraints. The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile male driver.

S5.1.2. *Mounting.* The mirror mounting shall provide a stable support for the mirror, and shall provide for mirror adjustment by tilting in both the horizontal and vertical directions. If the mirror is in the head impact area, the mounting shall deflect, collapse or break away without leaving sharp edges when the reflective surface of the mirror is subjected to a force of 90 pounds in any forward direction that is not more than 45° from the forward longitudinal direction.

S5.2 *Outside rearview mirror—driver's side.*

S5.2.1. *Field of view.* Each passenger car shall have an outside mirror of unit magnification. The mirror shall provide the driver a view of a level road surface extending to the horizon from a line, perpendicular to a longitudinal plane tangent to the driver's side of the vehicle at the widest point, extending 8 feet out from the tangent plane 35 feet behind the driver's eyes, with the seat in the rearmost position. The line of sight may be partially obscured by rear body or fender contours. The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile male driver.

S5.2.2. *Mounting.* The mirror mounting shall provide a stable support for the mirror, and neither the mirror nor the mounting shall protrude farther than the widest part of the vehicle body except to the extent necessary to produce a field of view meeting or exceeding the requirements of S5.2.1. The mirror shall not be obscured by the unwiped portion of the windshield, and shall be adjustable by tilting in both horizontal and vertical directions from the driver's seated position. The mirror and mounting shall be free of sharp points or edges that could contribute to pedestrian injury.

S5.3. *Outside rearview mirror passenger's side.* Each passenger car whose inside rearview mirror does not meet the field of view requirements of S5.1.1 shall have an outside rearview mirror of unit magnification installed on the passenger's side. The mirror mounting shall provide a stable support and be free of sharp points or edges that could contribute to pedestrian injury. The mirror need not be adjustable from the driver's seat but shall be capable of adjustment by tilting in both horizontal and vertical directions.

S6 *Requirements for multipurpose passenger vehicles, trucks, and buses, other than school buses, with GVWR of 10,000 pounds or less.*

S6.1. Each multipurpose passenger vehicle, truck and bus, other than a school bus, with a GVWR of 10,000 pounds or less shall have either—

(a) Mirrors that conform to the requirements of S5; or

(b) Outside mirrors of unit magnification, each with not less than 19.5 in^2 of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

S7. *Requirements for multipurpose passenger vehicles and trucks with a GVWR of more than 10,000 and less than 25,000 pounds and buses, other than school buses, with a GVWR of more than 10,000 pounds.*

S7.1. Each multipurpose passenger vehicle and truck with a GVWR of more than 10,000 pounds and less than 25,000 pounds and each bus, other than a school bus, with a GVWR of more than 10,000 pounds shall have outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S8. *Requirements for multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more.*

S8.1 Each multipurpose passenger vehicle and truck with a GVWR of 25,000 pounds or more shall have outside mirrors of unit magnification, each with not less than 75 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S9. *Requirements for school buses.*

S9.1. *Outside rearview mirrors.* Each school bus shall have outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S9.2. *Outside cross view mirror.* Each school bus, except those which are forward control vehicles, shall have a convex mirror with at least 40 in^2 of reflective surface with an average radius of curvature not less than 12 inches and not greater than 25 inches, installed with a stable support, and mounted so as to provide the driver a view of the front bumper and the area in front of the bus.

S10. *Requirements for motorcycles.*

S10.1. Each motorcycle shall have either a mirror of unit magnification with not les than 12.5 in^2 of reflective surface, or a convex mirror with not less than 10 in^2 of reflective surface and an average radius of curvature not less than 20 inches and not greater than 60 inches, installed with a stable support, and

mounted so that the horizontal center of the reflective surface is at least 11 inches outward of the longitudinal centerline of the motorcycle. The mirror shall be adjustable by tilting in both the horizontal and vertical directions.

S11. *Mirror construction.* The average reflectance value of the reflective film employed on any mirror required by this standard, determined in accordance with SAE Recommended Practice J964a, August 1974, shall be at least 35 percent. If a mirror is of the selective position prismatic type, the reflectance value in the night driving position shall be at least 4 percent.

[FR Doc.76-24907 Filed 8-25-76;8:45 am]

[Docket No. 73-03; Notice 07, et al.]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Effective Dates for School Bus Requirements

Docket No. 73-03; Notice 07; Docket No. 73-20; Notice 010; Docket No. 73-34; Notice 04; Docket No. 75-02; Notice 03; Docket No. 75-03; Notice 05; Docket No. 75-07; Notice 03; Docket No. 75-24; Notice 03.

This notice announces that the effective dates of the redefinition of "school bus" and of six Federal motor vehicle safety standards as they apply to school buses are changed to April 1, 1977, from the previously established effective dates. This notice also makes a minor amendment to Standard No. 220, School Bus Rollover Protection, and adds a figure to Standard No. 221, School Bus Body Joint Strength.

The Motor Vehicle and Schoolbus Safety Amendments of 1974 (the Act) mandated the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, Pub. L. 93-492, section 202 (15 U.S.C. 1392(i)(1)(A)). These amendments included a definition of school bus that necessitated a revision of the existing definition used by the NHTSA in establishing safety requirements. The Act also specified that the new requirements "apply to each schoolbus and item of schoolbus equipment which is manufactured . . . on or after the expiration of the 9-month period which begins on the date of promulgation of such safety standards." (15 U.S.C. 1392(i)(1)(B).)

Pursuant to the Act, amendments were made to the following standards: Standard No. 301-75, Fuel System Integrity (49 CFR 571.301-75), effective July 15, 1976, for school buses not already covered by the standard, (40 FR 483521, October 15, 1975); Standard No. 105-75, Hydraulic Brake Systems (49 CFR 571.105-75), effective October 12, 1976 (41 FR 2391, January 16, 1976); and Standard No. 217, Bus Window Retention and Release (49 CFR 571.217), effective for school buses on October 26, 1976 (41 FR 3871, January 27, 1976).

In addition, the following new standards were added to Part 571 of Title 49 of the Code of Federal Regulations, effective October 26, 1976: Standard No. 220, School Bus Rollover Protection (41 FR 3874, January 27, 1976); Standard No. 221, School Bus Body Joint Strength (41 FR 3872, January 26, 1976); and Standard No. 222, School Bus Passenger Seating and Crash Protection (41 FR 4016, January 28, 1976). Also, the existing definition of "school bus" was amended, effective October 27, 1976, in line with the date set by the Act for issuance of the standards.

The Act was recently amended by Pub. L. 94-346 (July 8, 1976) to change the effective dates of the school bus standards to April 1, 1977 (15 U.S.C. 1392(i)(1)(B)). This notice is intended to advise interested persons of these changes of effective dates. In the case of Standard No. 301-75, the change of effective date is reflected in a conforming amendment to S5.4 of that standard. A similar amendment is made in S3 of Standard No. 105-75.

The agency concludes that the October 27, 1976, effective date for the redefinition of "school bus" should be postponed to April 1, 1977, to conform to the new effective dates for the upcoming requirements. If this were not done, the new classes of school buses would be required to meet existing standards that apply to school buses (e.g., Standard No. 108 (49 CFR 571.108)) before being required to meet the new standards. This would result in two stages of compliance, and would complicate the redesign efforts that Congress sought to relieve.

This notice also amends Standard No. 220 in response to an interpretation request by Blue Bird Body Company, and Sheller-Globe Corporation's petition for reconsideration of the standard. Both companies request confirmation that the standard's requirement to operate emergency exits during the application of force to the vehicle roof (S4(b)) does not apply to roof exits which are covered by the force application plate. The agency did not intend to require the operation of roof exits while the force application plate is in place on the vehicle. Accordingly, an appropriate amendment has been made to S4(b) of the standard.

With regard to Standard No. 220, Sheller-Globe also requested confirmation that, in testing its school buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less, it may test with a force application plate with dimensions other than those specified in the standard. The standard does not prohibit a manufacturer from using a different dimension from that specified, in view of the NHTSA's expressed position on the legal effect of its regulations. To certify compliance, a manufacturer is free to choose any means, in the exercise of due care, to show that a vehicle (or item of motor vehicle equipment) would comply if tested by the NHTSA as specified in the standard. Thus the force application plate used by the NHTSA need not be duplicated by each manufacturer or compliance test facility. Sheller-Globe, for example, is free to use a force application plate of any width as long as it can certify its vehicle would comply if tested by the NHTSA according to the standard.

In a separate area, the agency corrects the inadvertent omission of an illustration from Standard No. 221 as it was issued January 26, 1976 (41 FR 3872). The figure does not differ from that proposed and, in that form, it received no adverse comment.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. The changes in effective dates for the school bus standards are not evaluated because they were accomplished by law and not by regulatory action.

The change of effective date for the redefinition of "school bus" will result in savings to manufacturers who will not be required to meet existing school bus standards between October 27, 1976, and April 1, 1977. The agency calculates that the only standard that would not be met would be the requirement in Standard No. 108 for school bus marker lamps. In view of the agency's existing provision for the marking of light school buses in Pupil Transportation Standard No. 17 (23 CFR 1204), it is concluded that the absence of this equipment until April 1, 1977, will not have a significant adverse impact on safety.

The interpretative amendment of Standard No. 220 and the addition of a figure to Standard No. 221 are not expected to affect the manufacture or operation of school buses.

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

§ 571.105-75 [Amended]

1. In Standard No. 105-75 (49 CFR 571.105-75), the date "October 12, 1976" in S3 is changed to "April 1, 1977".

§ 571.220 [Amended]

2. The first sentence of S4(b) of Standard No. 220 (49 CFR 571.220) is amended to read:

S4. *Requirements.*

* * * * *

(b) Each emergency exit of the vehicle provided in accordance with Standard No. 217 (§ 571.217) shall be capable of opening as specified in that standard during the full application of the force and after release of the force, except that an emergency exit located in the roof of the vehicle is not required to be capable of being opened during the application of the force.

§ 571.221 [Amended]

3. The figure set forth below is added to Standard No. 221 (49 CFR 571.221), following paragraph S6.1.3.

§ 571.301-75 [Amended]

4. In Standard No. 301-75 (49 CFR 571.301-75), the date "July 15, 1976" in S5.4 is changed to "April 1, 1977".

EFFECTIVE DATES

1. Because the listed amendments do not impose additional requirements of any person, the National Highway Traffic Safety Administration finds that an immediate effective date of August 26, 1976 is in the public interest.

2. The effective date of the redefinition of "school bus" in 49 CFR Part 571.3 that was published in the issue of December 31, 1976 (40 FR 60033) is changed to April 1, 1977.

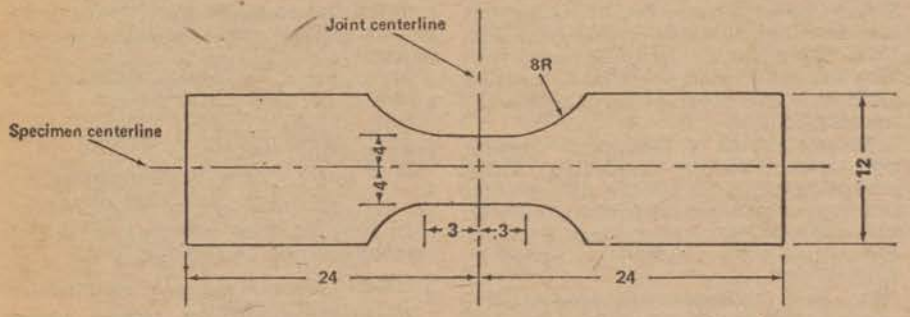
3. The effective dates of Standard Nos. 105–75, 217, 301–75, 220, 221, and 222 (as they apply to school buses) are April 1, 1977, in accordance with Pub. L. 94–346.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Pub. L. 94–346, Stat. (15 U.S.C. § 1392(1)(1)(B)); delegation of authority at 49 CFR 1.50)

Issued on August 17, 1976.

JOHN W. SNOW,
Administrator.

FIGURE 1



All dimensions in inches

[FR Doc.76-24906 Filed 8-25-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1250]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of August 1976.

It appearing, That an acute shortage of covered hopper cars and boxcars for transporting shipments of grain, grain screenings, soybeans, or grain products exists in certain sections of the country; that some carriers have adequate supplies of open hopper cars; that use of these cars for transporting grain, grain screenings, soybeans, or grain products is precluded by certain tariff provisions requiring the use of covered hopper cars or boxcars, thus curtailing shipments of grain, grain screenings, soybeans, or grain products and creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars and boxcars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1250 Service Order No. 1250.

(a) *Substitution of hopper cars for covered hopper cars or boxcars.* 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) *Substitution of cars.* Subject to the concurrence of the shipper, the carrier may substitute open hopper cars for shipments of grain, grain screenings, soybeans, or grain products, whether from the point of origin or from an intermediate in-transit point, regardless of tariff provisions requiring the use of covered hoppers or boxcars.

(2) *Minimum weights.* The minimum weights per shipment of grain, grain screenings, soybeans, or grain products transported in open hopper cars substituted for covered hopper cars or boxcars shall be the minimum weight specified in the tariffs for shipments made in covered hopper cars or boxcars regardless of the number of open hopper cars required to be used to secure the minimum weight.

(3) In shipping grain, grain screenings, soybeans, or grain products in open hopper cars in lieu of covered hopper cars or boxcars as provided herein, the shipper shall be deemed to have acknowledged the terms and conditions of the contract of carriage embodied in the bill of lading that the carrier shall not be liable for injury, loss, or damage to the lading resulting from a defect or vice in such property.

(4) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1250.

(5) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "HFA", "HK", "HM", "HMA", "HT", or "HTA".

(6) The term "covered hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO".

(7) The term "boxcars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XL", "XLI", "XM", or "XMI".

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 23, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384 as amended; (49 U.S.C. 1, 12, 15, 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 a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order 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, members Lewis R. Teeple, Thomas J. Byrne and William J. Love. Member Lewis R. Teeple not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24941 Filed 8-25-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Cibola National Wildlife Refuge, Arizona and California and Bitter Lake National Wildlife Refuge, New Mexico

The following special regulations are issued and are effective August 26, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of deer on Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Arizona—bow and arrow, from October 22 through November 7, 1976, inclusive; gun, from November 12 through November 21, 1976, inclusive. California—bow and arrow, from August 21 through September 13, 1976, inclusive; gun, from September 25 through November 7, 1976, inclusive. The areas designated by signs as open to hunting comprise 7,500 acres and are delineated on maps available at refuge headquarters, Blythe, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

(2) Campfires will be permitted only in designated areas. All other open fires are prohibited.

(3) Wildlife observation is permitted within the two closed hunting zones. Persons are permitted to use only established routes of travel.

(4) Cibola Lake, located in Zone 1, is closed to fishing and boating from October 1 through March during the waterfowl use period.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the North Tract as follows: bow hunting, from September 18 through October 3, 1976, inclusive; general hunting, from November 6 through November 21, 1976, inclusive. This hunting area, comprising approximately 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

AUGUST 19, 1976.

[FR Doc.76-25028 Filed 8-25-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 222—ENDANGERED FISH OR WILDLIFE

General Permit Requirement

On August 18, 1976, interim regulations were published in the FEDERAL REGISTER to implement the provisions of Pub. L. 94-359, which would allow the regulated disposal of certain pre-Act endangered species parts or products held in the course of a commercial activity prior to December 28, 1973.

The interim regulations established a new Subpart B of Part 222 which provides for the issuance of certificates of exemption. Such certificates of exemption will entitle the holder to engage in or carry on certain activities otherwise prohibited.

However, § 222.21 of Subpart C of this part appears to be in conflict with the new subpart B. It is the purpose of this amendment to eliminate any potential conflict and to make the existing regulations conform with the latest promulgation.

Accordingly, existing § 222.21 is amended as hereinafter set out.

This amendment is effective August 26, 1976.

JACK W. GEHRINGER,
Deputy Director.

In Subpart C of this part, § 222.21 is revised to read as follows:

§ 222.21 General permit requirement.

No person shall take, import, export, or engage in any other prohibited activity involving, any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce, without a valid permit issued pursuant to this part.

[FR Doc.76-24992 Filed 8-25-76;8:45 am]