

graphs (a) and (h) of § 2800.0-5 where reference is made to the Secretary of Transportation and Department of the Interior, respectively. The appropriate titles are the Secretary of the Interior and Department of the Interior which were present until the January 1, 1971, edition of Title 43 of the Code of Federal Regulations.

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since the amendment simply corrects earlier obvious errors in rules of long standing.

Section 2800.0-5 paragraphs (a) and (h) are revised to read:

§ 2800.0-5 Definitions.

(a) "Secretary" means the Secretary of the Interior.

(h) "Reservation lands" includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73-842 Filed 1-15-73;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5325]

[Montana 20087]

MONTANA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Rock Creek Streamside Zone

A strip of land of variable width along Rock Creek in and through the following described subdivisions, and as shown on a map titled "Rock Creek Streamside Zone" dated May 1, 1971, copies of which are on file in the office of the Forest Supervisor, Lolo National Forest, Missoula, Mont., the Regional Forester, Northern Region, Forest Service, U.S. Department of Agriculture,

Missoula, Mont., and in the Montana State Office, Bureau of Land Management, Billings, Mont.:

T. 7 N., R. 16 W.

Secs. 6 and 7.

T. 10 N., R. 16 W.

Secs. 6, 7, 18, 19, and 30.

T. 7 N., R. 17 W., Unsurveyed, but when surveyed probably will be,

Secs. 1 and 2.

T. 8 N., R. 17 W., Unsurveyed, but when surveyed probably will be,

Secs. 6, 7, 16, 17, 18, 20, 21, 22, 27, 28, 34, 35.

T. 9 N., R. 17 W., Unsurveyed, but when surveyed probably will be,

Secs. 1, 2, 3, 9, 10, 11, 16, 17, 19, 20, 29, 30, 31, 32.

T. 10 N., R. 17 W., Unsurveyed, but when surveyed probably will be,

Secs. 25, 35, and 36.

The areas described aggregate approximately 2,140 acres in Granite County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,

Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc.73-843 Filed 1-15-73;8:45 am]

[Public Land Order 5326]

[Idaho 4799]

IDAHO

Withdrawal for National Forest Scenic and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

High Mountain Lakes, Mallard-Larkins Area

Devil's Lake

T. 42 N., R. 6 E.,

Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Fawn Lake

T. 42 N., R. 7 E.,

Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Skyland Lake

T. 42 N., R. 7 E.,

Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Northbound Lake

T. 42 N., R. 7 E.,

Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Hero Lake and Gnat Lake

T. 42 N., R. 7 E.,

Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Craig Lake

T. 42 N., R. 7 E.,

Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Heart Lake

T. 42 N., R. 7 E.,

Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Mudd Lake

T. 42 N., R. 7 E.,

Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Larkins Lake

T. 42 N., R. 7 E.,

Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Bacon Lake

T. 42 N., R. 9 E.,

Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Forage Lake

T. 42 N., R. 9 E.,

Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Halo Lake

T. 42 N., R. 9 E.,

Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 42 N., R. 10 E.,

Sec. 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of lot 4, SW $\frac{1}{4}$ of lot 4;

Sec. 19, NW $\frac{1}{4}$ of lot 1.

The areas described aggregate 946.60 acres.

CLEARWATER NATIONAL FOREST

BOISE MERIDIAN

High Mountain Lakes, Mallard-Larkins Area

T. 41 N., R. 7 E.,

Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 42 N., R. 7 E.,

Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 41 N., R. 8 E., unsurveyed, but which when surveyed will be:

Sec. 19, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 185 acres.

The total of the areas described aggregates approximately 1,131.60 acres in Shoshone and Clearwater Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,

Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc. 73-844 Filed 1-15-73; 8:45 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-44; Notice 73-2]

PART 392—DRIVING OF MOTOR VEHICLES

Stopping at Railroad Grade Crossing Controlled by Signal Light

The Director of the Bureau of Motor Carrier Safety is amending § 392.10(b) (3) of the Motor Carrier Safety Regulations for the purpose of eliminating an ambiguity in that subparagraph.

Section 392.10 establishes rules pertaining to stopping at, and proceeding across, railroad grade crossings. Those rules, which apply to all commercial motor vehicles operated in interstate or foreign commerce transporting certain hazardous materials, require, with certain exceptions, the driver of such a vehicle to bring the vehicle to a full stop before crossing railroad tracks at grade. Among the exceptions to this general rule is one, found in paragraph (b) (3) of that section, providing that a stop need not be made at "a railroad grade crossing where a stop and go traffic light controls the movement of traffic".

The Director has received a number of inquiries about the purport of the language quoted above. Some persons have asked for a definition of the term "stop and go traffic light." Others have asked whether the rule permits a commercial motor vehicle subject to its terms to proceed through a red light. Still others have asked about compliance with the rule in case a driver encounters an inoperative signal or a so-called blinker signal.

These inquiries indicate that § 392.10(b) (3), as it presently stands, is not as clear as it might be, and that a modification in its language to eliminate possible ambiguity is in order. Therefore, the Director is revising the subparagraph to make it clear that the driver of a commercial motor vehicle transporting certain hazardous materials, as specified in § 392.10(a) (1) through (6), must stop when approaching a railroad grade

crossing that is equipped with train approach signals or gates, or by a highway traffic signal unless, under local law, he is permitted to proceed through the highway traffic signal without stopping or reducing speed.

Since this amendment merely eliminates an ambiguity and does not add to the rule's substantive burden, notice and public procedure thereon are unnecessary, and it is effective on January 16, 1973.

In consideration of the foregoing, § 392.10(b) (3) of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) is revised to read as follows:

§ 392.10 Railroad grade crossings; stopping required.

(b) A stop need not be made at:

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

This amendment is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389, respectively.

Issued on January 5, 1973.

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

[FR Doc. 73-871 Filed 1-15-73; 8:45 am]

[Docket No. MC-38; Notice 73-1]

PART 395—HOURS OF SERVICE OF DRIVERS

Adverse Driving Conditions

The Director of the Bureau of Motor Carrier Safety is revising § 395.10 of the Motor Carrier Safety Regulations, which provides for special rules on the maximum hours a driver may drive when he encounters adverse driving conditions, such as bad weather or traffic congestion.

In normal circumstances, the regulations, 49 CFR 395.3(a), provide that a driver may not drive for more than 10 hours following 8 consecutive hours off duty. The purpose of the special adverse driving conditions rule was to take account of the fact that a driver may encounter conditions that arise after he has been dispatched and that make it impossible or hazardous for him to complete, within his remaining lawful driving time, a run that was originally scheduled in good faith to consume no more than that amount of driving time. The Bureau has, however, received a number of disturbing reports that the flexibility provided by § 395.10 has been

abused. It appears that some carriers are scheduling runs during periods when adverse driving conditions are known to exist, so that drivers will almost certainly be compelled to violate the 10-hour limitation. In one documented instance, a passenger carrier was dispatching drivers in one direction on a scheduled 4-hour run when drivers coming into the terminal from the other direction on the same run were reporting that current driving conditions had extended it to 6 or more hours. This was done in spite of the fact that some of the drivers being dispatched had less than 6 allowable driving hours remaining.

Information of this type led the Director to issue a notice of proposed rule making on May 18, 1972, in which he announced that he was considering revising § 395.10 (37 FR 11684). The principal features of the proposal were that: (a) It would have defined "adverse driving conditions" so that conditions which were foreseen or could have been foreseen in the exercise of reasonable prudence when a run was begun would not have been deemed "adverse" within the meaning of the rule; (b) it would have required a driver who encountered adverse conditions to stop driving when he reached "the nearest place offering safety for vehicle occupants and security for the vehicle and its cargo"; and (c) it would have made explicit the previously implied restriction against driving for more than 12 hours without 8 consecutive hours off duty.

The proposal drew an unusually large response considering its subject matter, and, unlike many of the Bureau's rule making actions in the past, quite a few of the persons who filed comments did so as members of the general public not associated with the motor carrier industry.

The majority of the comments were directed to the three issues noted above. Carriers argued that the "foreseen or could have been foreseen in the exercise of reasonable prudence" standard required them to exercise a greater degree of prescience about weather conditions than could reasonably be expected. One carrier submitted in tabular form an hour-by-hour description of the weather conditions and reports at its home terminal, along its routes, and at its destination terminal for a sample period. This and other submissions indicated that during the winter, particularly in the Midwest, weather conditions are so protean as to defy rational prediction. Granting this to be the case, there remain instances in which the existence of adverse driving conditions en route is not a matter of prediction. There are times when those conditions are a certainty, as the case described above makes clear. In those circumstances, the rules do not, and should not, permit a carrier to dispatch drivers with full knowledge that they will not be able to complete their driving tasks within the allowable hours of service. To countenance such operating practices would amount to sanctioning wanton disregard of the public interest in safe highways.

The Director has decided that both of these interests can best be accommodated by providing, as he has, that adverse driving conditions are defined as conditions which were not "apparent on the basis of information known to a person dispatching the run at the time it was begun." This formulation would prevent use of the 2-hour allowance for bad weather or heavy traffic in cases where any rational motor carrier must know that those conditions will certainly be faced. On the other hand, it does not require carriers to be, or attempt to be, weather prophets.

When a driver is en route and encounters adverse driving conditions, what must he do? Many comments pointed out that, under the proposed rule, he would have been required to seek a place to stop immediately and to utilize considerable discretion in determining whether that place was adequately safe or secure, or both. In most cases, however, the most secure and safe location is the final destination, provided it can be reached within a reasonable time. It appears, therefore, that the best policy in the majority of cases is to permit the driver to continue to drive until it becomes more clear whether or not he can complete his run within the 10-hour allowable driving time plus the 2 extra hours that accrue because of the adverse conditions. Thus, the revised rule provides that a driver who encounters adverse driving conditions and is unable to complete his run within the 10-hour maximum driving time, may within 2 additional hours, complete the run or stop at a safe and secure place.

Some persons opposed any limitation on maximum driving time of drivers who encounter adverse driving conditions. One group of comments suggested that it would always be preferable, in the interests of safety, for the driver to drive until he reaches his destination, regardless of the duration of his driving stint.

The Director has concluded, however, that there is a point at which the hazards of driver fatigue outweigh the hazards or discomfort of an unscheduled stop. That point approaches when the 10-hour limitation has been exceeded. To permit continued, unrestricted operation of a commercial motor vehicle by a driver who has been driving for more than 10 hours without adequate rest is risky at best; to allow the driver to exceed 12 driving hours invites catastrophe. Another viewpoint on this issue was that carriers who were inclined to violate the purport of § 395.10 in the past are unlikely to honor it after the section is revised to clarify its terms. The Director is of the opinion that enforcement of § 391.10 will be enhanced by making it less ambiguous. In addition, the secondary impact of the revised rule (in labor-management relations and the operative rules of tort law, to name a few instances) should make both carriers and drivers more inclined to adhere to its mandate.

It should be emphasized that, for the most part, the revision is an attempt to restate the present rule in a clearer fashion. Some persons who filed comments evidently misapprehended this point. For example, some drivers objected to what they believed was a general extension of the 10-hour rule to allow 12 hours' driving time under all circumstances. No such change was intended, and none is being made.

In consideration of the foregoing, § 395.10 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR), is revised to read as follows:

§ 395.10 Adverse driving conditions.

(a) Except as provided in paragraph (b) of this section, a driver who encounters adverse driving conditions (as defined in paragraph (c) of this section) and cannot, because of those conditions, safely complete the run within the 10-hour maximum driving time permitted

by § 395.3(a) may drive and be permitted or required to drive a motor vehicle for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted or required to drive—

(1) For more than 12 hours in the aggregate following 8 consecutive hours off duty; or

(2) After he has been on duty 15 hours following 8 consecutive hours off duty.

(b) A driver who is driving a motor vehicle in the State of Alaska and who encounters adverse driving conditions (as defined in paragraph (c) of this section) may drive and be permitted or required to drive a motor vehicle for the period of time needed to complete the run. After he completes the run, that driver must be off duty for 8 consecutive hours before he drives again.

(c) "Adverse driving conditions" means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

Effective date. This revision is effective on April 1, 1973.

This revision is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on January 5, 1973.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc.73-872 Filed 1-15-73; 8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3540]

MINERAL COLLECTION FROM CERTAIN ACQUIRED NATIONAL FOREST SYSTEM LANDS

Permits

The purpose of this amendment is to incorporate into the regulations provisions for authorizing mineral collectors to enter upon acquired National Forest System lands, within areas herein designated, to collect mineral specimens under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety. Presently there are no regulations authorizing such authority. The proposed regulations are based on the authority of the Act of March 4, 1917 (16 U.S.C. 520).

It is the policy of the Department of Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management (210), Washington, D.C. 20240 until February 19, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.).

A new subpart is added to Part 3540 to read as follows:

Subpart 3541—Mineral Collection Permits

- Sec.
3541.0-1 Purpose.
3541.0-2 Objectives.
3541.0-3 Definitions.
3541.1 Lands to which applicable.
3541.2 Permit requirements.
3541.3 Fees for issuance of permits.
3541.4 Terms and conditions of permits.
3541.5 Penalty for violations.
3541.6 Trespass.

AUTHORITY: Act of March 4, 1917 (16 U.S.C. 520).

Subpart 3541—Mineral Collection Permits

§ 3541.0-1 Purpose.

The purpose of the regulations in this Subpart 3541 is to authorize mineral collectors to enter upon lands pursuant to § 3501.2-6(d) of this chapter for the purpose of searching for and removing mineral specimens.

§ 3541.0-2 Objectives.

The objective is to make certain acquired lands within the National Forest System available to mineral collectors at a reasonable fee and under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety.

§ 3541.0-3 Definitions.

For purposes of the regulations in this Subpart 3541,

(a) "Chief" is the Chief of the Forest Service or his delegate.

(b) "Fee" is a user charge for searching for and removing mineral specimens. It includes a reasonable amount to defray the cost of rehabilitation and revegetation of the lands.

(c) "Permit" is the authorization issued upon payment of a fee to a permittee to search for or remove mineral specimens.

(d) "Permittee" is the holder of a permit.

§ 3541.1 Lands to which applicable.

The acquired lands for which a permit may be obtained are clearly identifiable by boundary markings and corner monuments at each site and by a boundary map available for public inspection in the offices of the forest supervisor and district ranger in charge of the lands. Areas designated for mineral collecting are described as follows:

EMERALD CREEK GARNET AREA

Lying approximately 8 airline miles south of Fernwood and 4 airline miles west of Clarkia, on the East Fork of Emerald Creek, Clarkia Ranger District, St. Joe National Forest, Idaho.

MOAT MOUNTAIN SMOKY QUARTZ AREA

Lying approximately 2.5 airline miles southwest of North Conway and 1,000 feet south of Thompson Falls on Elm Brook, town of Hales Location, Saco Ranger District, White Mountain National Forest, N.H.

§ 3541.2 Permit requirements.

Any individual who desires to search for or remove mineral specimens on acquired National Forest System lands must first have a permit to do so on the lands involved, signed by the authorized representative of the Bureau of Land Management. Permits can be secured in person or by mail from the forest supervisor or district ranger in charge of the area.

§ 3541.3 Fees for issuance of permits.

Fees will be determined by the Director and will be based on charges for comparable privileges on private and State lands, including recognition of the costs of supervising the activities of permittees, maintaining and providing im-

provements, and rehabilitating and revegetating the lands disturbed by mineral collecting.

§ 3541.4 Terms and conditions of permits.

The permit will contain terms and conditions which are deemed necessary by the Director and by the Chief to achieve the objectives of the regulations in this subpart, including, but not limited to, the following:

(a) Limits on the amount of material that may be taken by a permittee per day, calendar year, or other period of time, and the total number of days per calendar year any permittee shall be permitted to collect on any site.

(b) Prohibition or restriction of the use of explosives.

(c) Specifications as to the type of tools and equipment which may be used.

(d) Measures to be taken to prevent destruction of other natural resources or antiquities, to rehabilitate the land after removal of mineral specimens, and to protect the environment in any other respect deemed desirable.

(e) Use of fire.

(f) Cleanup.

(g) Avoidance of hazards.

§ 3541.5 Penalty for violations.

Permits are subject to immediate cancellation if any of the terms and conditions are violated. In such case no portion of the fee will be refunded. The Director may refuse to issue a permit to any individual who violated the terms and conditions of any prior permit.

§ 3541.6 Trespass.

Removal of mineral specimens from any National Forest System lands described in § 3541.1 without, or in violation of, a permit issued under the regulations in this subpart is a trespass against the United States. Trespassers will be liable in damages to the United States and may be subject to criminal prosecution.

HARRISON LOESCH,

Assistant Secretary of the Interior.

JANUARY 10, 1973.

[FR Doc. 73-841 Filed 1-15-73; 8:45 am]

DEPARTMENT OF LABOR

Employment Standards
Administration

[20 CFR Part 726]

BLACK LUNG BENEFITS

Requirements for Coal Mine Operators Insurance

Pursuant to authority contained in sections 422 and 423 of title IV of the