

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Billings Intrastate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Billings Intrastate Air Quality Control Region (Montana) as set forth in the following new § 81.88 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Montana and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., August 26, 1970, in the Council Chambers, Second Floor, City Hall, 220 North 27th Street, Billings, Mont. 59101.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.88 is proposed to be added to read as follows:

§ 81.88 Metropolitan Billings Intrastate Air Quality Control Region.

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

In the State of Montana:

Carbon County. Yellowstone County.
Stillwater County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: August 12, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air
Pollution Control Administration.

[F.R. Doc. 70-10709; Filed, Aug. 14, 1970;
8:49 a.m.]

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Cheyenne Intrastate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Cheyenne Intrastate Air Quality Control Region (Wyoming) as set forth in the following new § 81.89 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Wyoming and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., August 28, 1970, in Federal Courtroom No. 2, Post Office Building, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report

prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.89 is proposed to be added to read as follows:

§ 81.89 Metropolitan Cheyenne Intrastate Air Quality Control Region.

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

In the State of Wyoming:

Albany County. Laramie County.
Goshute County. Platte County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: August 12, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air
Pollution Control Administration.

[F.R. Doc. 70-10710; Filed, Aug. 14, 1970;
8:49 a.m.]

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Hospital Insurance Benefits; Election Not To Use Lifetime Reserve Days for Inpatient Hospital Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations include the policies applicable to a beneficiary's right to elect not to use the lifetime reserve of 60 additional days, or a portion thereof, for inpatient hospital services furnished to him after he has been furnished 90 days of such services in a spell of illness.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in

sections 1102, 1812, and 1871, 49 Stat. 647, as amended, 79 Stat. 291, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Dated: July 16, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 6, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

Subpart A of Regulations No. 5 is amended as set forth below.

1. Section 405.110 is amended by revising paragraph (a) to read as follows:

§ 405.110 Inpatient hospital services; scope of benefits.

(a) *Benefits.* An individual who meets the requirements set forth in § 405.102 is eligible to have payment made on his behalf to a participating hospital (see Subpart J of this Part 405 and § 405.150), subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, for:

(1) Inpatient hospital services (see § 405.116) furnished to him for up to 90 days during a spell of illness; plus

(2) An additional 60 days of inpatient hospital services furnished to him during such spell of illness—less 1 day for each day of inpatient hospital services in excess of 90 received during any preceding spell of illness. Payment may be made for such additional days unless the provider furnishing such services has on record the individual's signed election not to have payment made for such services. The additional days are referred to in this subpart as lifetime reserve days. They are available with respect to inpatient hospital services furnished after December 31, 1967, even though the spell of illness started before 1968. (See §§ 405.117–405.119 for regulations relating to election not to use lifetime reserve days.)

2. Sections 405.117–405.119 are added to read as follows:

§ 405.117 Election not to use lifetime reserve days.

(a) *General.* An election not to use lifetime reserve days may be made by the beneficiary (or by someone acting on his behalf (see § 405.118)) at the time of admission to a hospital or at any time thereafter, subject to the limitations on retroactive elections described in paragraph (c) of this section. A beneficiary will be deemed to have elected not to use his lifetime reserve days to cover inpatient days where the charges for covered services furnished to him on such days are equal to or less than the applicable coinsurance amount. (See § 405.115(b).)

(b) *Election made prospectively.* Ordinarily, an election not to use reserve days will apply prospectively. If the election is filed at the time of admission to a hospital it may be made effective beginning with the first day of hospitalization, or with any day thereafter. If filed later it

may be made effective beginning with any day after the day it is filed.

(c) *Retroactive election.* A beneficiary may, while he is still in the hospital, or within a period of 90 days following his discharge, execute a retroactive election not to use his reserve days for inpatient hospital services already furnished to him, provided that (1) the beneficiary or some other person or organization agrees to pay the hospital for the services in question, or (2) the hospital agrees to accept the retroactive election.

Example. Prior to July 1, A had used 90 days of inpatient hospital services in a spell of illness. Beginning July 1, he was hospitalized for 10 days. A was informed of his election right on July 1 at the time of his admission and indicated that he wanted to use his reserve days for that stay. One month after being discharged from the hospital, A informed the hospital that he now wished to save his reserve days for a future stay. A agreed to pay the hospital for the services he received during the 10 days of hospitalization and he was permitted to file a retroactive election not to use his reserve days for such stay effective July 1.

(d) *Period covered by election.* An individual may elect not to use reserve days for only one period of consecutive days in a single hospital stay. If an election (whether made prospectively or retroactively) is made effective beginning with the first day for which reserve days are available, it may be terminated by the individual at any time. Thereafter, the remaining days of his hospital stay are covered under the hospital insurance program to the extent that reserve days are available. Thus, an individual who has private insurance which covers hospitalization beginning with the first day after the first 90 days of benefits have been exhausted may terminate his election as of the first day not covered by the private insurance plan. If an election not to use reserve days is made effective beginning with any day after the first day for which reserve days are available, it must remain in effect until the end of that stay, unless it is revoked as provided in § 405.119.

§ 405.118 Election where beneficiary incapacitated.

Where a beneficiary is physically or mentally unable to file an election not to use his reserve days, such an election may be filed by any person who is authorized to execute a request for payment on behalf of the beneficiary for services furnished to him by a provider of services, e.g., a relative (see § 405.1664 for persons authorized to request payment), provided the beneficiary has private insurance which will pay for the hospitalization or some other person agrees to pay the hospital for the services. If the beneficiary does not have private insurance and no other person agrees to pay the hospital for the services, then only the beneficiary's legal representative may file an election on the beneficiary's behalf.

§ 405.119 Revocation of election.

A beneficiary who elected not to use his reserve days for a period of hospital-

ization may revoke this election while he is still in the hospital or within a period of 90 days following his discharge, provided that a claim has not been filed to have payment made to the hospital under Part B of title XVIII of the Act for medical and other health services (see section 1861(s) of the Act) furnished to him on the hospital days in question by, or under arrangements made by, the hospital. If the beneficiary is incapacitated, any individual who is permitted to sign the request for payment on behalf of the beneficiary for services furnished to him by a provider of services (see § 405.1664 for persons authorized to request payment) may file the revocation on the beneficiary's behalf. The revocation must be submitted to the hospital in writing and should specify the name of the hospital and the admission date of the stay or stays to which it applies. An election not to use reserve days may not be revoked after the beneficiary dies.

[F.R. Doc. 70-10642; Filed, Aug. 14, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-21; Notice 70-11]

GLAZING AND WINDOW CONSTRUCTION

Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering amending paragraphs (a), (b), and (c) of § 393.61 and § 393.63 of Part 393 of the Motor Carrier Safety Regulations.

Section 393.61(a) pertains to windows in trucks and truck tractors. The proposed amendment would enlarge the minimum area of required windows on trucks and truck tractors manufactured after January 1, 1972. The enlargement is considered necessary to provide greater emergency escape areas for persons in the vehicle during a crash, a fire, or other accident. Human factors data show that the size of the average vehicle occupant has increased since the date the section was originally issued. The larger opening appears necessary to allow speedy exit of a 95th percentile male.

Section 393.61 (b) and (c) and § 393.63 pertain to bus windows. The Director of the Bureau of Motor Carrier Safety proposes to amend these sections to make them consistent with the proposed Motor Vehicle Safety Standard pertaining to bus windows which the Director of the National Highway Safety Bureau has this day published (see p. 13025 of this issue).

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendments. Comments must identify the docket (No.

MC-21) and must be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20591. All comments received before the close of business on November 12, 1970, will be considered. All comments will be available for examination in the docket at Room 5306, 400 Seventh Street SW., Washington, D.C., before and after the closing date for comments.

In consideration of the foregoing the Director of the Bureau of Motor Carrier Safety proposes to amend paragraphs (a), (b), and (c) of § 393.61 and § 393.63 of Part 393 of Title 49, Code of Federal Regulations to read as set forth below.

Proposed effective date: January 1, 1972.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48 (35 F.R. 4959) and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4 (35 F.R. 9209).

Issued in Washington, D.C., on August 7, 1970.

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

§ 393.61 Window construction.

(a) *Windows in trucks and truck tractors.* Every truck and truck tractor, except vehicles engaged in armored car service, shall have, in addition to the area provided by the windshield, at least one window on each side of the driver's compartment. On vehicles manufactured before January 1, 1972, each required window shall have sufficient area to contain either an ellipse having a major axis of 18 inches and a minor axis of 13 inches or an opening containing 200 square inches formed by a rectangle 13 by 17 3/4 inches with corner arcs of 6-inch maximum radius. On vehicles manufactured on and after January 1, 1972, each required window shall have sufficient area to contain an ellipse having a major axis of 20 inches and a minor axis of 13 inches. The major axis of either ellipse or the long axis of the rectangle shall not make an angle of more than 45° with the surface on which the unladen vehicle stands. If the cab is designed with a folding door or doors or with clear openings where doors or windows are customarily located, then no windows shall be required in such locations.

(b) *Bus windows.* (1) Except as provided in subparagraph (3) of this paragraph, every bus manufactured before January 1, 1972, having a seating capacity of more than eight persons shall have, in addition to the area provided by the windshield, adequate means of escape for passengers through windows. The adequacy of such means shall be determined in accordance with the following standards: For each seated passenger

space provided, inclusive of the driver there shall be at least 67 square inches of glazing if such glazing is not contained in a push-out window; or at least 67 square inches of free opening resulting from opening of a push-out type window. No area shall be included in this minimum prescribed area unless it will provide an unobstructed opening sufficient to contain an ellipse having a major axis of 18 inches and a minor axis of 13 inches or an opening containing 200 square inches formed by a rectangle 13 inches by 17 3/4 inches with corner arcs of 6-inch maximum radius. The major axis of the ellipse and the long axis of the rectangle shall make an angle of not more than 45° with the surface on which the unladen vehicle stands. The area shall be measured either by removal of the glazing if not of the push-out type or of the movable sash if of the push-out type, and it shall be either glazed with laminated safety glass or comply with paragraph (c) of this section. No less than 40 percent of such prescribed glazing or opening shall be on one side of any bus.

(2) A bus manufactured on and after January 1, 1972, having a seating capacity of more than 10 persons shall have push-out windows in conformity with Motor Vehicle Safety Standard No. -----, Part 571 of this title.

(3) A bus manufactured before January 1, 1972, may conform to Motor Vehicle Safety Standard No. -----, Part 571 of this title, in lieu of conforming to subparagraph (1) of this paragraph.

(c) *Push-out window requirements.* (1) Except as provided in subparagraph (3) of this paragraph, every glazed opening in a bus manufactured before January 1, 1972 and having a seating capacity of more than eight persons, used to satisfy the requirements of paragraph (b) (1) of this section, if not glazed with laminated safety glass, shall have a frame or sash so designed, constructed, and maintained that it will yield outwardly to provide the required free opening when subjected to the drop test specified in Test 25 of the American Standard Safety Code referred to in § 393.60. The height of drop required to open such push-out windows shall not exceed the height of drop required to break the glass in the same window when glazed with the type of laminated glass specified in Test 25 of the Code. The sash for such windows shall be constructed of such material and be of such design and construction as to be continuously capable of complying with the above requirement.

(2) On a bus manufactured on and after January 1, 1972, having a seating capacity of more than 10 persons, each push-out window shall conform to Motor Vehicle Safety Standard No. -----, Part 571 of this title.

(3) A bus manufactured before January 1, 1972, may conform to Motor Vehicle Safety Standard No. -----, Part 571 of this title, in lieu of conforming to subparagraph (1) of this paragraph.

§ 393.63 Windows, markings.

(a) On a bus manufactured before January 1, 1972, each bus push-out window and any other bus escape window glazed with laminated safety glass required in § 393.61 shall be identified as such by clearly legible and visible signs, lettering, or decalcomania. Such marking shall include appropriate wording to indicate that it is an escape window and also the method to be used for obtaining emergency exit.

(b) On a bus manufactured on and after January 1, 1972, each push-out window required in § 393.61 shall be marked to conform to Motor Vehicle Safety Standard No. -----, Part 571 of this title.

(c) A bus manufactured before January 1, 1972, may mark each push-out window to conform to Motor Vehicle Safety Standard No. -----, Part 571 of this title in lieu of conforming to paragraph (a) of this section.

[F.R. Doc. 70-10593; Filed, Aug. 14, 1970; 8:45 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 2-10; Notice 2]

BUS WINDOW RETENTION AND RELEASE

Proposed Motor Vehicle Safety Standard

On October 14, 1967, an advance notice of proposed rule making was issued concerning a possible standard with respect to bus side and rear windows, push-out type windows, and emergency exits (32 F.R. 14278). The purpose of this notice is to propose a standard that would require buses to meet minimum requirements in these areas.

The proposed standard would require side and rear windows on all buses, including school buses, to be retained in a manner that would assure adequate resistance to outward forces.

The notice proposes that buses, other than school buses, be required to have push-out windows that provide unobstructed openings that collectively amount, in total square inches, to 67 times the number of designated seating positions in the bus. Push-out windows would be required to meet requirements for accessibility, force limits, opening dimensions, and markings to assure identification and adequate instructions for operation as emergency exits.

In view of discipline problems associated with mandatory quick-release and exit devices throughout a school bus which may interfere with the school bus driver's task, and the added risk of children falling from moving school buses, push-out windows for school buses would remain optional.

The standard would not be applicable to bus windshields. Windshield retention requirements for bus windshields are