his current care and maintenance in the institution in which treatment or care is furnished him, but not more than the amount determined to be the proper charge.

6. In § 3.558, paragraph (a) is revised to read as follows:

§ 3.558 Resumption; incompetents $1,500 estate cases.

(a) Where payment has been discontinued by reason of § 3.557(b), it will not be resumed during hospitalization except as provided in paragraph (b) of this section until proper notice has been received showing the estate is reduced to $500 or less. Payments will not be made for any period prior to the date on which the estate was reduced to $500 or less.

* * * * *

[FR Doc.73-26203 Filed 12-10-73;8:45 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Payment of Benefits During Emergency Closing of School

The following regulatory change provides for continued payment of educational benefits within a certified period of enrollment during which the school is closed due to order of the President or for any emergency situation.

It is found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effectve date of these regulations until 30 days after publication thereof in the FEDERAL REGISTER (§ 1.12 of this chapter) because of the need for an immediate liberalization of the requirements for awarding educational assistance for veterans and eligible persons under 38 U.S.C. Chapters 34 and 35 and for awarding subsistence allowance for veterans under 38 U.S.C. chapter 31.

1. In § 21.261(b), paragraph (1) is amended to read as follows:

§ 21.261 Ordinary leave.

* * * * *

(b) *Charging of ordinary leave.* * * *

(1) For veterans enrolled in educational institutions, leave will not be charged for school holidays and short intermissions between successive terms or periods of instruction within the ordinary school year, provided the veteran was enrolled for the two successive terms. "Ordinary school year" means a period of approximately 9 months which begins in the fall and ends in the spring. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy upon an order of the President or due to an emergency situation. Leave will not be charged for such breaks.

* * * * *

2. Section 21.4203(b)(1) is amended to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(b) *Entrance or reentrance.* * * *

(1) Schools organized on a term, quarter or semester basis may generally report enrollment for the term, quarter or semester or the complete course to the expected date of graduation. Certifications for the ordinary school year may include the summer session. If a certification covers two or more terms or the complete course, the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Enrollment certifications for the complete course are encouraged, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

These VA Regulations are effective December 4, 1973.

Approved: December 4, 1973.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.73-26160 Filed 12-10-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts; Approval of Plan Revisions

On May 31, 1972 (37 FR 10432) and subsequent publications pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of a State plan for implementation of the national ambient air quality standards in the State of Massachusetts.

Massachusetts, after notice and public hearing, submitted a proposed revision to its implementation plan which would relax the sulfur content of number two fuel oil from 0.3 percent to 0.5 percent for the period November 15, 1973 to April 15, 1975 by amending regulation 5.1.3 of the regulations as amended for the Control of Air Pollution in the six Massachusetts Air Pollution Control Districts.

Air quality analysis done by Massachusetts shows that short term standards may be approached or exceeded at a few very congested locations if all distillate fuel was 0.5 percent, however analysis done by EPA Region I office and Massachusetts does not show the annual primary standard being exceeded. However since need for more distillate fuel has been demonstrated for this heating season and since only a small percentage of distillate fuel with a sulfur content greater than 0.3 percent is available, and the State of Massachusetts is implementing an energy conservation program, the Administrator is approving this revision for the period November 15, 1973 to May 15, 1974. During this time the need for the revision for the remainder of the period requested and the area of applicability can be reconsidered by Massachusetts.

The Administrator has determined that this revision is consistent with the requirements of the Clean Air Act and 40 CFR Part 51 as it applies to the period November 15, 1973 to May 15, 1974. Accordingly, this revision is approved for the period November 15, 1973 to May 15, 1974. This revision may not be consistent with these requirements as it applies to the period May 16, 1974 to April 15, 1975. Accordingly, this revision is disapproved for the period May 15, 1974 to April 15, 1975. This approval/disapproval is effective as of November 15, 1973.

The Agency finds that good cause exists for not providing notice and permitting public comment on this action and making it effective immediately upon publication for the following reasons:

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions which are applicable to it so that it may make arrangements to obtain the appropriate fuel.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comments, and further participation would be impracticable.

Dated: December 4, 1973.

RUSSELL TRAIN,
Administrator,
Environmental Protection Agency.

1. Section 52.1125 is amended by adding new lines to the table in paragraph (b) as follows:

§ 52.1125 Compliance schedules.

* * * * *

(b) * * *

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
All sources subject to the requirements of Regulation 5.1.3.	Statewide.....	5.1.3	Nov. 2, 1973	Nov. 15, 1973	May 15, 1974

[FR Doc.73-26213 Filed 12-10-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTCIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

Assignments of Administrative Law Judge

The purpose of these amendments is to clarify agency procedure with respect to assignments of an Administrative Law Judge to proceedings conducted under 40 CFR 164.

Since the amendments in this document concern rules of agency organization and procedure, they are excepted from rulemaking procedures by 5 U.S.C. 553(b) and are effective immediately.

Part 164 of Title 40 is amended as follows:

1. By revising § 164.20(c) to read as follows:

§ 164.20 Commencement of proceeding.

* * * * *

(c) Upon the filing of any objections or notice of intent to hold a hearing, the proceeding shall be referred to the Chief Administrative Law Judge by the hearing clerk. The Chief Administrative Law Judge shall refer the proceeding to himself or another Administrative Law Judge who shall thereafter be in charge of all further matters concerning the proceeding, except as otherwise provided or by order of the Chief Administrative Law Judge, the Administrator or Judicial Officer.

2. By revising § 164.40(e) to read as follows:

§ 164.40 Qualifications and duties of Administrative Law Judge.

* * * * *

(e) Absence or change of the Administrative Law Judge. In the case of the absence or unavailability of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge so designated to act by the Chief Administrative Law Judge, the Administrator or the Judicial Officer.

(86 Stat. 984; 7 U.S.C. 136d)

Effective date. These amendments shall become effective on December 11, 1973.

Dated: December 5, 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-26215 Filed 12-10-73;8:45 am]

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

Dimethyl Tetrachloroterephthalate

In response to a petition (PP 3E1388) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Massachusetts, New Hampshire, and Wisconsin, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of September 13, 1973, (38 FR 25455), proposing establishment of a tolerance for combined residues of the herbicide dimethyl tetrachloroterephthalate and its metabolities monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) in or on the raw agricultural commodity rutabagas at 2 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15633), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.185 is amended by revising the heading, and the first and third paragraphs to read as follows:

§ 180.185 Dimethyl tetrachloroterephthalate; tolerances for residues.

Tolerances for combined residues of the herbicide dimethyl tetrachloroterephthalate and its metabolites monomethyl tetrachloroterephthalate and tetrachloroterephthalic acid (calculated as dimethyl tetrachloroterephthalate) are established as follows:

* * * * *

2 parts per million in or on collards, field beans (dry), kale, lettuce, mung beans (dry), peppers, pimentos, potatoes, rutabagas, snap beans (succulent), southern peas (black-eyed peas), soybeans, strawberries, sweetpotatoes, turnips, and yams.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 10, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on December 11, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 5, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-26214 Filed 12-10-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS

PART 1—AVAILABILITY OF RECORDS AND INFORMATION

Deletion of Provisions Relating to Advisory Committee Matters

Part 1 of the Public Health Service regulations (42 CFR Part 1) is hereby amended as set forth below by deleting paragraph (b) of § 1.103 relating to the confidentiality of information in the records or possession of the Service pertaining to advisory committee matters, and making related necessary conforming changes. This provision was included in Part 1 when such regulations were initially promulgated over 15 years ago under the general authority for the promulgation of regulations necessary for the administration of the Service, section 215 of the Public Health

Service Act (42 U.S.C. 216), and has, in effect, been superseded and rendered obsolete insofar as availability of records relating to Committee Activities are concerned by the Federal Advisory Committee Act (Pub. L. 92-463) which became effective January 5, 1973. Such Act generally provides, according to its terms, for public inspection of committee records subject only to the stated exceptions set forth in the Freedom of Information Act (5 U.S.C. 552).

Notice of proposed rulemaking, public rulemaking procedures, and delay in effective date are omitted as unnecessary because, for good cause found the instant amendments merely render Part 1 in conformity with the Federal Advisory Committee Act.

In consideration of the foregoing, Part 1 is hereby amended as set forth below.

Effective date. These amendments shall be effective as of January 5, 1974.

Dated: November 6, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: December 5, 1973.

CASPAR W. WEINBERGER,
Secretary.

1. Section 1.103 is amended by deleting paragraph (b) and revising the introductory sentence of paragraph (c) to read as follows:

§ 1.103 Nonclinical information; disclosure.

* * * * *

(b) [Deleted]

(c) The following types of information in the records or possession of the Service are confidential and, subject to the provisions of paragraph (a) of this section, shall be disclosed only as necessary for the performance of the functions of the Service, or as follows: * * *

* * * * *

§ 1.104 [Amended]

2. Section 1.104 is amended by revising the cross reference "§ 1.103(a) and (b)" to read "§ 1.103(a)".

(Sec. 215, Stat. 690, as amended (42 U.S.C. 216))

[FR Doc.73-26223 Filed 12-10-73;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1204—OFFICIAL SEAL

Sec.
1204.1 Authority.
1204.2 Description.
1204.3 Custody and authorization to affix.

AUTHORITY: Pub. L. 93-113.

§ 1204.1 Authority.

Pursuant to section 402.(9). of Pub. L. 91-113 the ACTION official seal and design thereof which accompanies and is made part of this document, is hereby adopted, approved, and judicially noticed.

§ 1204.2 Description.

The official seal of ACTION is described as follows:

(a) Within an outer circle of gold;

(b) A stylized shield with horizontal bars of (from top down) red, white, and blue on a white field appears in the center;

(c) A white capital letter "A" symbolizing voluntary action runs through the red, white, and blue shield.

(d) The logotype word "ACTION" appears in red in abutted capital letters above the shield.

(e) Enclosing the shield and "ACTION" is a ring of type in black capital letters spelling the words "THE AGENCY FOR VOLUNTEER SERVICE."

The official seal of ACTION is modified when reproduced in black and white and when embossed, as it appears below.

§ 1204.3 Custody and authorization to affix.

(a) The seal is the official emblem of ACTION and its use is therefore permitted only as provided in this part.

(b) The seal shall be kept in the custody of the General Counsel, or any other person he authorizes, and should be affixed by him, the Director or the Deputy Director to all commissions of officials of ACTION, and used to authenticate records of ACTION and for other official purposes. The General Counsel may redelegate and authorize redelegations of, this authority.

(c) The Director shall designate and prescribe by internal written delegations and policies the use of the seal for other publication and display purposes and those ACTION officials authorized to affix the seal for these purposes.

(d) Use by any person or organization outside of the Agency may be made only with the Agency's prior written approval. Such request must be made in writing to the General Counsel.

MICHAEL P. BALZANO, Jr.,
Director.

[FR Doc.73-26202 Filed 12-10-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TRAINING

[General Order 97, Rev. Amdt. 3]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Midshipmen at the United States Merchant Marine Academy

SEA YEAR TRAINING PAY

Pursuant to the authority vested in the Secretary of Commerce by section 216 of the Merchant Marine Act, 1936, as amended, 52 Stat. 965, 46 U.S.C. 1126, as amended, and delegated to the Assistant Secretary for Maritime Affairs by Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973) the Merchant Marine Training regulations (46 CFR Part 310) are hereby amended. The amendment to the regulations increases the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training. The purpose of the amendment is to implement the Maritime Administration policy that midshipmen shall receive the same rate of pay from their steamship company employers for the sea year training as cadets receive at the Federal academies.

Since the rate of pay received by midshipmen while assigned to subsidized merchant vessels is a matter of public contract with the owners of such vessels, this amendment to the Merchant Marine Training regulations is adopted without notice of proposed rule making.

Part 310 of Title 46 of the Code of Federal Regulations is amended as follows:

(1) Revise the first sentence of paragraph (c) of § 310.58 to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Midshipmen shall receive pay, while attached to merhcant vessels, at the rate of $300.45 per month from their steamship company employers. * * *

(2) Revise paragraph (b) of § 310.60 to read as follows:

§ 310.60 Allowances and expenses.

* * * * *

(b) *Allowances.* Midshipmen receive an allowance of $575 per year toward the cost of uniforms and textbooks for each of the three years at the academy. Midshipmen shall receive no allowance while attached to merchant vessels for sea training.

* * * * *

Effective date. This amendment shall become effective January 1, 1974.

(Sec. 216, P.L. 75-705, as amended, 52 Stat. 965 (46 U.S.C. 1126))

(Catalog of Federal Domestic Assistance Program No. 11-507 U.S. Merchant Marine Academy (Kings Point))

Dated: December 5, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-26248 Filed 12-10-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19550; RM-1859, RM-2049; FCC 73-1252]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments; Illinois; Termination of Proceeding

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Shorewood, Ottawa, Lockport and Crest Hill, Illinois).

1. The Commission has before it the Report and Order and Order to Show Cause (38 FR 22010) adopted in this proceeding on August 2, 1973, 42 FCC 2d 553 (1973).

2. In the above-mentioned document the Commission amended the FM Table by adding an assignment at Crest Hill, Illinois, (Channel 252A) and changing the assignment at Ottawa, Illinois, from Channel 252A to Channel 237A. Van Schoick Enterprises, Inc., the licensee of Station WOLI(FM), operating on the current Ottawa channel, was ordered to show cause why its license should not be modified to specify operation on the new channel. The response to the Order to Show Cause was received on September 14, 1973. It confirmed earlier indications that the licensee, assuming it were properly reimbursed for the expenses of making the change, was prepared to do so. It also mentions that the cost estimate was based on prices which may no longer be in effect when the change is to be made. This will be taken into account as will its concern that the change not take place before the new channel is assigned.

3. Language in the earlier document indicated that we would evaluate any response from the licensee of Station WOLI(FM) and would adopt appropriate orders. Neither in the station's response nor elsewhere is there any new information from any source to raise any question regarding the decision to effect a change in the Ottawa channel. Accordingly, the license for the station in question will be modified to specify operation on the new channel. This change will become effective with the expiration of the station's license on December 1, 1973, and the benefiting party shall provide reimbursement of legitimate and prudent out-of-pocket expenses in effectuating the change. If a delay arises in the use of Channel 252A at Crest Hill and hence in the matter of reimbursement, the licensee of Station WOLI(FM) may continue to operate on its present channel.

4. *Accordingly, it is ordered,* That effective 3 a.m., December 1, 1973, with the expiration of its license and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license, held by Van Schoick Enterprises, Inc. for Station WOLI(FM) at Ottawa, Illinois, is terminated insofar as it specifies operation on Channel 252A and any renewal of this license shall specify operation on Channel 237A subject to the following conditions:

(a) The licensee shall submit to the Commission by January 2, 1974, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WOLI on Channel 237A at Ottawa, Illinois.

(b) The licensee may continue to operate on Channel 252A until the new party at Crest Hill is ready to operate on this frequency or may effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 237A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(c) The licensee shall not commence operation on Channel 237A until the Commission specifically authorizes it to do so.

5. Authority for the actions taken herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

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

Adopted: November 28, 1973.

Released: December 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-26220 Filed 12-10-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Reclassification of Fresh Meat Cutters as Wholesalers

The purpose of these amendments is to reclassify fresh meat cutters as wholesalers. This change subjects fresh meat cutters to the rules of Subpart K of the Phase IV price regulations and obviates the need for further compliance with the food manufacturing rules provided under Subpart Q of those regulations.

Various names are used in different sections of the country to describe firms primarily engaged in fresh meat cutting at the wholesale level. Meat "wholesalers", "processors", "fabricators", "breakers", "boners", "jobbers" and "purveyors" are all engaged in purchasing for resale meat which is in carcass form or in the form of primal cuts or sub-primal cuts and further cutting it into smaller and more specific meat items. A "primal cut" is a basic section of the carcass, such as (in the case of beef) the shoulder (chuck), the rib, the loin, and the hind (round) section. Sub-primal cuts are smaller sections not yet reduced to table or oven size.

Typically, a "breaker" principally cuts carcasses into primal cuts, while a "boner" specializes in removing bones from large cuts of meat. A "purveyor" usually buys primal cuts and sub-primal cuts which he further cuts into steaks, chops, stewmeat and other specific meat portions which he supplies to hotels, restaurants, airlines, steamships, hospitals, colleges, and similar retail or institutional users.

All of these fresh meat cutters purchase for resale fresh beef, veal, pork or lamb and are engaged in varying degrees in cutting, boning, tying, slicing, trimming and aging fresh meat before reselling it. Most of them are price category III firms and are not also engaged in the manufacturing of cooked, canned or otherwise processed "prepared" meat items.

Heretofore, fresh meat cutters have been classified as meat manufacturers essentially because they did not fall within the definition of wholesaling or retailing. Wholesaling and retailing is the business of purchasing and reselling property without substantially changing the form of that property. Usually, a stock of goods of uniform consistency and value which is cut up or otherwise subdivided or apportioned is not considered changed in form merely by virtue of having been subdivided. However, in the case of meat in carcass or primal cut form the item is not homogenous but is composed of many distinct components of widely different intrinsic quality and value. The purpose of cutting up the carcass is not merely to obtain more convenient portions of meat but essentially to isolate for resale the distinct constituent parts of the carcass—e.g., in the case of pork, the hams, hocks, spareribs, fat back, bacon, shoulder meat, etc. It follows that when the carcass is broken down and resold in its various forms as illustrated above it is "substantially changed in form."

Several reasons exist for reclassifying fresh meat cutters as wholesalers. In the first place, the definitional distinction which has been made becomes increasingly less valid to the extent that meat moves through the chain of distribution in stages of increasingly smaller "cuts". For example, a meat purveyor which purchases from a breaker a sub-primal cut consisting entirely of meat for pork chops will merely cut the item into chops according to the thickness and leanness specified by the retail customer. In this respect, the meat purveyor is engaged in an activity which can be distinguished from that performed by retail grocery meat departments only in terms of the class of purchaser concerned and perhaps the volume of sales.

Second, the fact that the cutting of meat often results in a substantial

[1] Commissioner Reid concurring in the result.