§ 908.12 Public disclosure of information.

* * * * *

(d) When consideration of a weather modification activity report and related information indicates that a proposed project may significantly depart from the practices or procedures generally employed in similar circumstances to avoid danger to persons, property, or the environment, or indicates that the success of Federal research projects may be adversely affected if the proposed project is carried out as described, the Administrator will notify the operator(s) and State officials of such possibility and make recommendations where appropriate. The purpose of such notification shall be to inform those notified of existing practices and procedures or Federal research projects known to NOAA. Notification or recommendation, or failure to notify or recommend, shall not be construed as approval or disapproval of a proposed project or as an indication that, if carried out as proposed or recommended it may, in any way, protect or endanger persons, property, or the environment or affect the success of any Federal research project. Any advisory notification issued by the Administrator shall be available to the public and be included in the pertinent activity report file.

Effective date. These amendments shall be effective on February 15, 1974.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-1077 Filed 1-14-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C-2479]

PART 13—PROHIBITED TRADE PRACTICES

Eccles Motor Company and Julian W. Eccles

Correction

In FR Doc. 73-27021, appearing at page 35301 in the issue for Thursday, December 27, 1973, in the italicized heading under the authority citation, the name "Julia W. Eccles" should read "Julian W. Eccles".

[Docket No. C-2120]

PART 13—PROHIBITED TRADE PRACTICES

Longines-Wittnauer, Inc. and Credit Services, Inc.

ORDER GRANTING REQUEST FOR CORRECTION

The Commission having inadvertently failed to delete paragraph I B(4) of the order to cease and desist issued on December 21, 1971 (37 FR 2579, Feb. 2, 1972), in FR Doc. 73-25475, appearing at page 33279 in the issue for Monday, December 3, 1973, accordingly by its Order Granting Request for Correction ordered that the October 30, 1973, Order Modifying the Cease and Desist Order be corrected by inserting the following paragraph:

It is further ordered, That Paragraph I B(4) be deleted from the order to cease and desist issued against respondents on December 21, 1971.

By the Commission.

Issued: December 11, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-1031 Filed 1-14-74;8:45 am]

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 250—GUIDES FOR THE HOUSEHOLD FURNITURE INDUSTRY

Correction

In FR Doc. 73-26888, appearing at page 34992 in the issue for Friday, December 21, 1973, make the following changes:

1. In the 5th paragraph, the 10th line, reading "cerning it in advertising, labeling or" should be transferred below the 16th line which reads "designations or representations con-"

2. In § 250.5(d)(1), insert the word "and" after the semi-colon.

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[Docket No. 206-12]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Novoloid; Addition to Generic Names and Definitions

On December 21, 1970, the Carborundum Co., Post Office Box 337, Niagara Falls, N.Y. 14302 (applicant), filed an application pursuant to § 303.8 (16 CFR 303.8) of the rules and regulations under the Textile Fiber Products Identification Act, 72 Stat. 1717, et seq., 79 Stat. 124, 15 U.S.C. § 70, et seq. (hereinafter referred to as "Act"), requesting that 16 CFR 303.7, setting forth generic names and definitions of manufactured textile fibers, be amended by adding thereto a new generic name and definition. The requested addition would cover a fiber which, applicant urges, should not be identified by any existing generic name because of being substantially different from fibers in present classifications, both in properties and chemical structure. The name and definition recommended by applicant are as follows:

Novolon [or novoloid]—a manufactured fiber containing at least 85 percent of a cross-linked novolac.

By letter of February 19, 1971, the Commission assigned to applicant's fiber the temporary designation "CA-0001," in accordance with § 303.8 (16 CFR 303.8) of the Commission's rules and regulations under the Act.

On February 25, 1972, a notice of proposed rule making was issued by the Commission in this proceeding and subsequently published in the FEDERAL REGISTER at 37 FR 4724, March 4, 1972. Such Notice announced that the Commission was considering the application, including the following questions:

(1) Whether the fiber described in the application may properly be designated by any existing generic name or names contained in 16 CFR 303.7, and

(2) What, if any, amendment to the rules and regulations under the Act, particularly § 303.7 thereof, may be necessary and proper with regard to matters raised in the application.

The notice further provided that interested parties could participate in this proceeding by submitting their views, arguments, or other pertinent data, in writing, to the Commission.

The applicant described the fiber as follows:

The composition of the fiber may be considered with reference to the basic aspects of the method by which such fibers may be made. A phenolicaldehyde novolac is prepared by condensing a phenolic compound and an aldehyde in the presence of an acid catalyst, a stoichiometric excess of the phenolic compound preferably and customarily being employed. The novolac so obtained is fiberized by any conventional method such as melt spinning. The resulting novolac fibers are then heated in an environment containing formaldehyde and an acid catalyst to effect curing, i. e., cross-linking, of the novolac. Such cross-linking occurs primarily by virtue of methylene bridges formed between the 2, 4, and/or 6 positions of the phenolic structural unit.

The term "phenolic compound" in the present context refers primarily to the compound phenol itself, from which most novolacs are prepared. However, it also encompasses phenol wherein one or more of the hydrogen atoms are substituted by a monovalent radical, provided, however, that the phenol is not so extensively substituted in the 2, 4 and/or 6 positions as to preclude subsequent cross-linking. Cresol is a primary example of such a substituted phenol. Similarly, the term "aldehyde" refers to any aldehyde capable of condensing with the phenolic compound to form a novolac. Formaldehyde is by far the most commonly used, but other aldehydes such as acetaldehyde may be employed. The novolac melt from which the instant fibers are formed preferably contains at least 50 percent of a novolac produced from phenol and formaldehyde.

Prior to fiberization, up to 15 percent of a suitable additive may be incorporated in the novolac, if desired, to obtain improvements in certain respects.

Applicant stated that the subject fiber is most significantly characterized by remarkable resistance to heat and flame, being infusible and nonflammable; that it is also substantially unaffected by many acids; and that it is insoluble in organic solvents.

The only party (other than applicant) who made submittals in this proceeding was E. I. du Pont de Nemours & Co., Inc. It stated it would support the application if applicant had presented convincing proof that its fiber had real commercial potential at present or in the foreseeable future. It objected, however, to a coined name for the proposed new generic class, preferring instead the term "novolac fiber."

The first question presented is whether any of the existing generic definitions of § 303.7 encompass CA–0001. Applicant and du Pont take the view that they do not. After examination of § 303.7 from this standpoint, it is concluded that CA–0001 is not covered by any of the classifications therein.

Applicant has demonstrated that CA–0001 is a useful and practical fiber which applicant is currently producing and marketing.

No objection has been made to the generic definition proposed by applicant to cover its fiber. After consideration of the matter the Commission has found such definition acceptable, except that it fails to specify whether the percentage figure used ("85 percent of a cross-linked novolac") is a weight or a mol percentage. The Commission has modified the definition to specify a by-weight percentage.

Finally, there is the question of a proper name for the new generic classification. Upon study of this matter the Commission has concluded that the coined term "novoloid" is the best choice in the circumstances.

Further, the Commission, in the interest of delineating the grounds on which it has based this decision and shall base future decisions as to the grant of generic names for textile fibers, sets out the following criteria for grant of such generic names.

1. The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

2. The fiber must be in active commercial use or such use must be immediately foreseen.

3. The grant of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

The Commission believes it is in the public interest to prevent the proliferation of generic names, and will adhere to a stringent application of the abovementioned criteria in consideration of any future applications for generic names and in a systematic review of any generic names previously granted which no longer meet these criteria.

After consideration of the views, arguments, and data submitted pursuant to the Notice of proposed rule making herein and other pertinent information and material available to the Commission, the Commission has determined to amend its rules and regulations under the Textile Fiber Products Identification Act in the manner set forth below.

Section 303.7, *Generic names and definitions for manufactured fibers*, of 16 CFR Part 303 is hereby amended by adding a new paragraph (r) to read as follows:

§ 303.7 Generic names and definitions for manufactured fibers.

* * * * *

(r) *Novoloid.* A manufactured fiber containing at least 85 percent by weight of a cross-linked novolac. (Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e).

Effective date. The amendment to the Commission's rules and regulations prescribed herein shall become effective February 15, 1974.

The designation CA–0001 previously assigned to applicant's fiber for temporary use is hereby revoked as of the effective date of the above amendment.

By the Commission.

Issued: January 15, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74–1066 Filed 1–14–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–20]

PART 1—GENERAL PROVISIONS

Customs Laboratories

Section 1.6 of the Customs regulations lists the addresses and Customs regions of the several Customs laboratories. One Customs laboratory has been moved and several new ones have been established. In order to reflect these changes, it is necessary to amend the Customs regulations.

Accordingly, § 1.6, Customs Regulations, is revised as follows:

§ 1.6 Customs laboratories.

The addresses of the several Customs laboratories and the Customs regions served thereby are as follows:

Address	*Region*
408 Atlantic Avenue, Boston Massachusetts 02210	I
201 Varick Street, New York, New York 10014	II
103 South Gay Street, Baltimore, Maryland 21202	III
P.O. Box 2112, U.S. Customhouse, San Juan, Puerto Rico 00903	IV
Customhouse, 1–3, E. Bay Street, Savannah, Georgia 31401	IV
423 Canal Street, New Orleans, Louisiana 70130	V and VI
301 Broadway, San Antonio, Texas 78205	VI
861 6th Avenue, San Diego, California 92101	VII
300 South Ferry Street, San Pedro, California 90731	VII
630 Sansome Street, San Francisco, California 94111	VIII
610 S. Canal Street, Chicago, Illinois 60607	IX

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because this amendment merely updates addresses, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective January 15, 1974.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: January 3, 1974.

JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74–1244 Filed 1–14–74;8:45 am]

[T.D. 74–21]

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Public International Organizations Entitled to Free Entry Privileges

By Executive Order No. 11718 signed May 14, 1973 (38 FR 12797), the President designated the International Telecommunications Satellite Organization (INTELSAT) as an international organization entitled to enjoy certain privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669). At the same time, the President revoked this status for the Interim Communications Satellite Committee and the International Telecommunications Satellite Consortium.

Executive Order 11718 extends the benefits of section 3 of the International Organizations Immunities Act (22 U.S.C. 288b), providing for the duty-free treatment of the baggage and effects of alien officers and employees of international organizations, only to the representatives to the Board of Governors of INTELSAT and their alternates, and only to the extent those benefits were enjoyed by the representatives to the Interim Communications Satellite Committee and their alternates under Executive Order 11227.

The names of public international organizations currently entitled to free entry privileges are set forth in section 148.87(b) of the Customs Regulations, together with the number and date of the Executive Order by which they were designated.

§ 148.87(b) [Amended]

Section 148.87(b) is amended by the following addition (in proper alphabetical order) and deletions:

Addition:

Organization	Executive order	Date
International Telecommunications Satellite Organization (Intelsat)—Limited privileges only	11718	May 14, 1973

Deletions:

Organization	Executive order	Date
Interim Communications Satellite Committee	11227	June 2, 1965
International Telecommunications Satellite Consortium	11227	Apr. 30, 1966

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 1, 59 Stat. 669; 19 U.S.C. 66, 1498, 1624, 22 U.S.C. 288)

Inasmuch as these amendments merely correct the listing of organizations entitled by law to claim free entry privileges as public international organizations, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: January 3, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-1246 Filed 1-14-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 60—USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 31430 of the FEDERAL REGISTER of November 14, 1973 (38 FR 31430), there was published a notice of proposed rule making to add a new Part 60 to 25 CFR relating to the preparation of proposed plans for the use or distribution of judgment funds appropriated in satisfaction of awards made by the Indian Claims Commission and the United States Court of Claims. The regulations were proposed pursuant to the Act of October 19, 1973 (Public Law 93-134; 87 Stat. 466, 467, 468).

Interested persons were given 53 days, beginning on November 14, 1973, and ending on January 5, 1974, in which to submit written comments, views or objections regarding the proposed regulations. Pursuant to section 6(c) of Public Law 93-134, a public hearing on the proposed regulations was held December 13, 1973, at Denver, Colorado, notice of which was published December 4, 1973, in the FEDERAL REGISTER (38 FR 33401). Before, at, and since the hearing, numerous comments, suggestions and objections, both oral and written, on the proposed regulations have been received. Careful consideration has been given to these views and the result has been to make the changes in the proposed regulations which are published below as final rules. The following sections of the proposed regulations were modified (sections not listed were not changed):

Section 60.1 *Definitions.* Deletions and modifications in the definitions were made to conform with the changes made in the other sections of Part 60.

Section 60.3 *Time limits.* This section was revised to eliminate self-imposed time limits which might in some cases prevent compliance with statutory deadlines. Other changes were made to reflect more completely the statutory provisions and to eliminate the detailing of administrative mechanics.

Section 60.4 *Conduct of hearings of record.* Revision of this section was made to authorize an Area Director to designate an appropriate Departmental official to conduct hearings in his stead.

Section 60.5 *Submittal of proposed plan by Secretary.* Modifications were made in this section to eliminate references to matters of internal administration. The last sentence was deleted as a possible interference with meeting the deadlines established by the Act.

Section 60.6 *Submittal of proposed legislation by Secretary.* This section was renumbered § 60.7. The last sentence of the section was eliminated as being unnecessary.

Section 60.7 *Extension of period for submitting plans.* This section was renumbered § 60.6.

Section 60.8 *Enrollment aspects of plans.* The first part of the section was modified to simplify the language and to eliminate the detailing of matters of internal administration. The last sentence was deleted as being unnecessary.

Section 60.9 *Programming aspects of plans.* This section was slightly modified to make it possible to consider all relevant factors in programming judgment funds.

Section 60.10 *Per capita payment aspects of plans and protection of funds accruing to minors and legal incompetents.* This section was revised to clarify its provisions and to provide fully for all authorized methods of handling per capita payments made to deceased beneficiaries, minors, and legal incompetents.

Section 60.11 *Investment of judgment funds.* This section was revised to provide, in addition to investment of judgment funds by the Secretary, for investments by tribes after approval of plans or enactment of use or distribution legislation.

Section 60.12 *Insuring the proper performance of effective plans.* The first sentence of the section was modified to reflect the possibility that an official of the Department of the Interior other than the Area Director might work with tribal governing bodies in establishing timetables.

Public Law 93-134 requires that plans for the use or distribution of judgments awarded by the Indian Claims Commission or the United States Court of Claims shall be submitted by the Secretary of the Interior to the Congress within one hundred and eighty (180) days after the appropriations of the funds to pay the judgments, or within 180 days of the date of the Act for judgments for which funds were appropriated before the date of the Act. An additional delay in the effective date of these regulations will further shorten the time remaining to prepare plans pursuant to them. The revisions made in the proposed regulations, and reflected in these final regulations, are in consonance with the comments received and within the limits of the underlying laws; and no benefits would be gained by deferring the effective date. Therefore, good cause exists and is so found that the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553(d) should be dispensed with under the exception provided in subsection 553 (d) (3). Accordingly, the new Part 60 as written below will be effective on January 15, 1974.

Sec.
60.1 Definitions.
60.2 Purpose.
60.3 Time limits.
60.4 Conduct of hearings of record.
60.5 Submittal of proposed plan by Secretary.
60.6 Extension of period for submitting plans.
60.7 Submittal of proposed legislation by Secretary.
60.8 Enrollment aspects of plans.
60.9 Programing aspects of plans.
60.10 Per capita payment aspects of plans and protection of funds accruing to minors and legal incompetents.
60.11 Investment of judgment funds.
60.12 Insuring the proper performance of approved plans.

AUTHORITY: 5 U.S.C. 301; 87 Stat. 466, 467, 468.

§ 60.1 Definitions.

As used in this Part 60, terms shall have the meanings set forth in this section.

(a) "Act" means the Act of October 19, 1973 (P.L. 93-134; 87 Stat. 466, 467, 468).

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director or his equivalent of any one of the Area Offices of the Bureau of Indian Affairs or his authorized representative.

(e) "Superintendent" means the Superintendent or Officer in Charge of any one of the Agency Offices or other local offices of the Bureau of Indian Affairs or his authorized representative.

(f) "Congressional Committees" means the Committees on Interior and Insular Affairs of the Senate and House of Representatives of the United States.

(g) "Indian tribe or group" means any Indian tribe, nation, band, pueblo, community or identifiable group of Indians, or Alaska Native entity.

(h) "Tribal governing body" means, as recognized by the Secretary, the governing body of a formally organized or recognized tribe or group; the governing body of any informally organized tribe or group, the governing body of a formally organized Alaska Native entity or recognized tribe in Oklahoma, and for the purposes of the Act the recognized spokesmen or representatives of any descendant group.

(i) "Plan" means the document submitted by the Secretary, together with all pertinent records, for the use or distribution of judgment funds, to the Congressional Committees.

(j) "Enrollment" means that aspect of a plan which pertains to making or bringing current a roll of members of an organized, reservation-based tribe with membership criteria approved or accepted by the Secretary, a roll of members of an organized or recognized entity in Oklahoma, or Alaska or elsewhere, or a roll prepared for the purpose of making per capita payments for judgments awarded by the Indian Claims Commission or United States Court of Claims; or which pertains to using an historical roll or records of names, including tribal rolls closed and made final, for research or other purposes.

(k) "Program" means that aspect of a plan which pertains to using part or all of the judgment funds for tribal social and economic development projects.

(l) "Per capita payment" means that aspect of a plan which pertains to the individualization of the judgment funds in the form of shares to tribal members or to individual descendants.

(m) "Use or distribution" means any utilization or disposition of the judgment funds, including programing, per capita payments, or a combination thereof.

(n) "Individual beneficiary" means a tribal member or any individual descendant, found by the Secretary to be eligible to participate in a plan, who was born on or prior to, and is living on, the approval date of the plan.

(o) "Approval date" means the date that a plan is approved by the Congress. Except for a plan disapproved by either House, the approval date of a plan shall be the sixtieth (60) day after formal submittal of a plan by the Secretary to the Congressional Committees, excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three (3) calendar days to a day certain. In the event a proposed plan is disapproved by either House, or in the event the Secretary is unable to submit a plan and therefore proposes legislation, the approval date shall be the date of the enabling legislation for the disposition of the judgment funds.

(p) "Minor" is an individual beneficiary who is eligible to participate in a per capita payment and who has not reached the age of eighteen (18) years.

(q) "Legal incompetent" is an individual beneficiary eligible to participate in a per capita payment and who has been declared to be under a legal disability, other than being a minor, by a court of competent jurisdiction, including tribal courts.

(r) "Attorney fees and litigation expenses" means all fees and expenses incurred in litigating and processing tribal claims before the Indian Claims Commission or the United States Court of Claims.

§ 60.2 Purpose.

The regulations in this part govern the preparation of proposed plans for the use or distribution, pursuant to the Act, of all judgment funds awarded from the date of the Act to Indian tribes and groups by the Indian Claims Commission or the United States Court of Claims, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation.

§ 60.3 Time limits.

(a) The Secretary shall cause to begin as early as possible the necessary research to determine the identity of the ultimate or present day beneficiaries of judgments. Such research shall be done under the direction of the Commissioner of Indian Affairs. The affected tribes or groups shall be encouraged to submit pertinent data. All pertinent data, including cultural, political and historical material, and records, including membership, census and other rolls shall be considered. If more than one entity is determined to be eligible to participate in the use or distribution of the funds, the results of the research shall include a proposed formula for the division or apportionment of the judgment funds among or between the involved entities.

(b) The results of all research shall be provided to the governing bodies of all affected tribes and groups. The Area Director shall assist the affected tribe or group in arranging for preliminary sessions or meetings of the tribal governing body, or public meetings. The Area Director shall make a presentation of the results of the research and shall arrange for expertise of the Bureau of Indian Affairs to be available at these meetings to assist the tribe or group in developing a use or distribution proposal, bearing in mind that under the Act not less than twenty (20) per centum of the judgment funds, including investment income thereon, is to be used for tribal programs unless the Secretary determines that the particular circumstances of the affected Indian tribe clearly warrant otherwise.

§ 60.4 Conduct of hearings of record.

(a) As soon as appropriate after the tribal meetings have been held and the Commissioner has reviewed the tribal proposal(s), the Area Director, or such other official of the Department of the Interior as he shall designate to act for him, shall hold a hearing of record to receive testimony on the tribal proposal(s).

(b) The hearing shall be held after appropriate public notice beginning at least twenty (20) days prior to the date of such hearing, and after consultation with the governing body of the tribe or group regarding the date and location of the hearing, to obtain the testimony of members of the governing body and other representatives, spokesmen or members of the tribe or group on the proposal(s).

(c) All testimony at the hearing shall be transcribed and a transcript thereof shall be furnished to the Commissioner and the tribal governing body immediately subsequent to the hearing. Particular care shall be taken to insure that minority views are given full opportunity for expression either during the hearing or in the form of written communications by the date of the hearing.

(d) Whenever two or more tribes or groups are involved in the use or distribution of the judgment funds, including situations in which two or more Area Offices are concerned, every effort shall be made by the Area Director or Directors to arrange for a single hearing to be conducted at a time and location as convenient to the involved tribes and groups as possible. Should the tribes and groups not reach agreement on such time or place, or on the number of entities to be represented at the hearing, the Commissioner, after considering the views of the affected tribes and groups, shall within twenty (20) days of receipt of such advice by the Area Director, designate a location and date for such hearing and invite the participation of all entities he considers to be involved and the Commissioner's decision shall be final.

§ 60.5 Submittal of proposed plan by Secretary.

Subsequent to the hearing of record, the Commissioner shall prepare all pertinent materials for the review of the Secretary. Pertinent materials shall include:

(a) the tribal use or distribution proposal or any alternate proposals;

(b) a copy of the transcript of the hearing of record;

(c) a statement on the hearing of record and other evidence reflecting the extent to which such proposal(s) meets the desires of the affected tribe or group, including minority views;

(d) copies of all pertinent resolutions and other communications or documents received from the affected tribe or group, including minorities;

(e) a copy of the tribal constitution and bylaws, or other organizational document, if any; a copy of the tribal enrollment ordinance, if any; and a statement as to the availability or status of the membership roll of the affected tribe or group;

(f) a statement reflecting the nature and results of the investment of the judgment funds as of thirty (30) days of the submittal of the proposed plan, including a statement concerning attorney fees and litigation expenses;

(g) a statement justifying any compromise proposal developed by the Commissioner in the event of the absence of agreement among any and all entities on the division or apportionment of the funds, should two or more entities be involved;

(h) and a statement regarding the feasibility of the proposed plan, including a timetable prepared in cooperation with the tribal governing body, for the implementation of programing and roll preparation.

Within one hundred and eighty (180) days of the appropriation of the judgment funds the Secretary shall submit

a proposed plan, together with the pertinent materials described above, simultaneously to each of the Chairmen of the Congressional Committees, at the same time sending copies of the proposed plan and materials to the governing body of the affected tribe or group. The one hundred and eighty (180) day period shall begin on the date of the Act with respect to all judgments for which funds have been appropriated and for which enabling legislation has not been enacted.

§ 60.6 Extension of period for submitting plans.

An extension of the one hundred and eighty (180) day period, not to exceed ninety (90) days, may be requested by the Secretary or by the governing body of any affected tribe or group submitting such request to both Congressional Committees through the Secretary, and any such request shall be subject to the approval of both Congressional Committees.

§ 60.7 Submittal of proposed legislation by Secretary.

(a) Within thirty (30) calendar days after the date of a resolution by either House disapproving a plan, the Secretary shall simultaneously submit proposed legislation authorizing the use or distribution of the funds, together with a report thereon, to the Chairmen of both Congressional Committees, at the same time sending copies of the proposed legislation to the governing body of the affected tribe or group. Such proposed legislation shall be developed on the basis of further consultation with the affected tribe or group.

(b) In any instance in which the Secretary determines that circumstances are not conducive to the preparation and submission of a plan, he shall, after appropriate consultation with the affected tribe or group, submit proposed legislation within the 180-day period to both Congressional Committee simultaneously.

§ 60.8 Enrollment aspects of plans.

An approved plan that includes provisions for enrollment requiring formal adoption of enrollment rules and regulations shall be implemented through the publication of such rules and regulations in the FEDERAL REGISTER. Persons not members of organized or recognized tribes and who are are not citizens of the United States shall not, unless otherwise provided by Congress, be eligible to participate in the use or distribution of judgment funds, excepting heirs or legatees of deceased individual beneficiaries.

§ 60.9 Programing aspects of plans.

In assessing any tribal programing proposal the Secretary shall consider all pertinent factors, including the following: the percentage of tribal members residing on or near the subject reservation, including former reservation areas in Oklahoma, or Alaska Native villages; the formal educational level and the general level of social and economic adjustment of such reservation residents; the nature of recent programing affecting the subject tribe or group and particularly the reservation residents; the needs and aspirations of any local Indian communities or districts within the reservation and the nature of organization of such local entities; the feasibility of the participation of tribal members not in residence on the reservation; the availability of funds for programing purposes derived from sources other than the subject judgment; and all other pertinent social and economic data developed to support any proposed program.

§ 60.10 Per capita payment aspects of plans and protection of funds accruing to minors and legal incompetents.

(a) Per capita payments shall be made in accordance with conditions to be prescribed in the plan. The shares of deceased individual beneficiaries, enhanced by investment earnings, shall be held in special accounts until paid to the decedents' heirs or beneficiaries as provided in the plan.

(b) Protection of the shares of minors and legal incompetents shall be part of approved plans containing per capita payment aspects. The Commisioner shall insure the protection of such shares, whether they be handled individually or collectively. As in the case of the per capita shares of deceased beneficiaries, investment income on the per capita shares of minors and incompetents shall accrue to those shares and shall be the property of such minors and incompetents. Per capita shares and investment income accruing on the per capita shares of deceased individual beneficiaries, minor and incompetents, as well as the principal thereof, shall not be subject to State and Federal income taxes and shall not be considered as income or resources under the Social Security Act, as amended.

(c) All per capita shares or portions thereof which are not paid but which remain unclaimed with the Federal Government shall be maintained separately and be enhanced by investment, and shall be subject to the provisions of the Act of September 22, 1961 (75 Stat. 584). No per capita share or a portion thereof shall be transferred to the U.S. Treasury as "Monies Belonging to Individuals Whose Whereabouts are Unknown."

§ 60.11 Investment of judgment funds.

As soon as possible after the appropriation of judgment funds and pending approval of a plan or the enactment of legislation authorizing the use or distribution of the funds, the Commissioner shall invest such funds pursuant to 25 U.S.C. 162a. Investments of judgment funds and of investment income therefrom will continue to be made by the Commissioner after the approval of a plan or enactment of use or distribution legislation to the extent funds remain available for investment under such plan or legislation, and provided that thereafter investments of judgment funds made available for tribal use are not undertaken by the tribe pursuant to authorizing law. Invested judgment funds, including investment income therefrom, shall be withdrawn from investment only as currently needed under approved plans or legislation authorizing the use or distribution of such funds.

§ 60.12 Insuring the proper performance of approved plans.

A timetable prepared in cooperation with the tribal governing body shall be included in the plan submitted by the Secretary for the implementation of all programing and enrollment aspects of a plan. At any time within one calendar year after the approval date of a plan, the Area Director shall report to the Commisisoner on the status of the implementation of the plan, including all enrollment and programing aspects, and thenceforth shall report to the Commissioner on an annual basis regarding any remaining or unfulfilled aspects of a plan. The Area Director shall include in his first and all subsequent annual reports a statement regarding the maintenance of the timetable, a full accounting of any per capita distribution, and the expenditure of all programing funds. The Commissioner shall report the deficient performance of any aspect of a plan to the Secretary, together with the corrective measures he has taken or intends to take.

Dated: January 11, 1974.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.74-1298 Filed 1-11-74;1:40 pm]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS

Pursuant to the authority in sections 8(g)(2) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667), (hereinafter referred to as the Act) 29 CFR Ch. XVII is amended by adding a new Part 1954.

The new Part 1954 contains interpretations of the statutory provisions of the Act and implementing regulations relating to evaluation of State plans approved under section 18(c) of the Act. Section 18(f) of the Act requires the Assistant Secretary to make a continuing evaluation of the manner in which each State having a plan approved under section 18(c) of the Act is carrying out such plan. This evaluation is to be made on the basis of reports submitted by the States and from the Assistant Secretary's own inspections.

Subpart B of the new Part describes the several reports required of States with approved plans. As part of the evaluation system, States will be required to submit quarterly and annual

reports to the appropriate Regional Office. Subpart B of the regulations also outlines another portion of the program for continuing evaluation of State programs through visits to States with approved plans and audits of the State programs.

Because of the continuing public interest in the approval and operation of State plans; the legal requirements of the Act to provide continuing evaluation of the plans; and the need to make a final determination on approval of the plan pursuant to section 18(e) of the Act, the Occupational Safety and Health Administration has decided to initiate a public complaint procedure under section 18(f) of the Act. This complaint procedure provides an opportunity for public input into the evaluation of the actual operations of the approved State plans just as previous regulations provided for such input into plan approval and review of changes to State plans. (See 29 CFR Part 1902 and 29 CFR Part 1953).

Such a complaint procedure for Federal grant-in-aid programs is recommended by the Administrative Conference of the United States[1] as a mechanism for affording program beneficiaries and interested persons the opportunity for involvement in the approval and evaluation process of Federal agency grant programs which will lead to improved program operations and demonstrate the agency's responsiveness to the public.

Subpart C of Part 1954, therefore, describes the procedures for submission of complaints from any interested person about the operation or administration of a State plan or plans. Response to these complaints constitutes another means by which the Assistant Secretary may secure additional data to assist his evaluation of approved State plans, as required by the Act. A complaint about State program administration (CASPA) may be made by any interested person and an investigation may be made and a report prepared if the oral or written complaint presents reasonable grounds to believe that the complaint is warranted. If it is determined that an investigation or report is not warranted, the complainant shall be notified and informed of the opportunity to obtain informal review of this determination. Where a report is prepared or an investigation made on the basis of the complaint a copy of the results will be furnished to the complainant as well as the State and become part of the evaluation of the State plan. The complainant's name will be considered confidential. In addition, by July 1, 1974, States with approved plans will also be required to establish a method or methods of notifying employees, employers and the public of these complaint procedures.

The new Part 1954 contains statutory interpretations and procedural rules based on these interpretations. Part 1954 was submitted for comment to the Advisory Committee on Intergovernmental Relations. No substantive comments or objections were received. To date, twenty-three State plans have been approved, the earliest on November 30, 1972. Because formal procedures for evaluation of the administration and operation of these plans are necessary to assure adequate protection of worker safety and health and to encourage State responsibilities for and improvement of their programs for worker safety and health, as mandated by the Act, the new Part 1954 shall be effective January 15, 1974.

Interested persons may however, submit written data, views and arguments concerning these regulations until February 14, 1974. The submissions are to be addressed to the Director, Office of Federal and State Operations 8th Floor, 1726 M Street NW., Washington, D.C. 20210. The regulations may be re-examined in light of these comments.

The new Part 1954 reads as follows:

Subpart A—General

Secs.
1954.1 Purpose and scope.
1954.2 Monitoring system.
1954.3 Concurrent authority. [Reserved]

Subpart B—State Monitoring Reports and Visits to State Agencies

1954.10 Reports from the States.
1954.11 Visits to State agencies.

Subpart C—Complaints About State Program Administration (CASPA)

1954.20 Complaints about State program administration.
1954.21 Processing and investigating a complaint.
1954.22 Notice provided by States.

AUTHORITY: Sec. 8(g)(2), Pub. L. 91-596, 84 Stat. 1600 (29 U.S.C. 657(g)(2)); sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart A—General

§ 1954.1 Purpose and scope.

(a) Section 18(f) of the Williams-Steiger Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) provides that "the Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved * * * is carrying out such plan."

(b) This Part 1954 applies to the provisions of section 18(f) of the Act relating to the evaluation of approved plans for the development and enforcement of State occupational safety and health standards. The provisions of this Part 1954 set forth the policies and procedures by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12-71, 38 FR 3754, May 12, 1971) will continually monitor and evaluate the operation and administration of approved State plans.

(c) Following approval of a State plan under section 18(c) of the Act, workplaces in the State are subject to a period of concurrent Federal and State authority. The period of concurrent enforcement authority must last for at least three years. Before ending Federal enforcement authority, the Assistant Secretary is required to make a determination as to whether the State plan, in actual operation, is meeting the criteria in section 18(c) of the Act including the requirements in Part 1902 of this chapter and the assurances in the approval plan itself. After an affirmative determination has been made, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out section 18(f) of the Act), 9, 10, 13, and 17 of the Act shall not apply with respect to any occupational safety or health issues covered under the plan. The Assistant Secretary may, however, retain jurisdiction under the above provisions in any proceeding commenced under sections 9 or 10 of the Act before the date of the determination under section 18(e) of the Act.

(d) During this period of concurrent Federal and State authority, the operation and administration of the plan will be continually evaluated under section 18(f) of the Act. This evaluation will continue even after an affirmative determination has been made under section 18(e) of the Act.

§ 1954.2 Monitoring system.

(a) To carry out the responsibilities for continuing evaluation of State plans under section 18(f) of the Act, the Assistant Secretary has established a State Program Performance Monitoring System. Evaluation under this monitoring system encompasses both the period before and after a determination has been made under section 18(e) of the Act. The monitoring system is a three phased system designed to assure not only that developmental steps are completed and that the operational plan is, in fact, at least as effective as the Federal program with respect to standards and enforcement, but also to provide a method for continuing review of the implementation of the plan and any modifications thereto to assure compliance with the provisions of the plan during the time the State participates in the cooperative Federal-State program.

(b) Phase I of the system begins with the initial approval of a State plan and continues until the determination required by section 18(e) of the Act is made. During Phase I, the Assistant Secretary will secure monitoring data to make the following key decisions: (1) What should be the level of Federal enforcement; (2) Should plan approval be continued; and (3) What level of technical assistance is needed by the State to enable it to have an effective program.

(c) Phase II of the system relates to the determination required by section 18(e) of the Act. The Assistant Secretary must decide, after no less than three years following approval of the plan, whether or not to relinquish Federal authority to the State for issues covered by the occupational safety and health program in the State plan. Phase II will be a comprehensive evaluation of

[1] Recommendation 31, Enforcement of Standards in Federal Grant-in-Aid Programs, adopted December 7, 1971.

the total State program, drawing upon all information collected during Phase I.

(d) Phase III of the system begins after an affirmative determination has been made under section 18(e) of the Act. The continuing evaluation responsibility will be exercised under Phase III, and will provide data concerning the total operations of a State program to enable the Assistant Secretary to determine whether or not the plan approval should be continued or withdrawn.

(e) The State program performance monitoring system provides for, but is not limited to, the following major data inputs: (1) Quarterly and annual reports of State program activity; (2) Visits to State agencies; (3) On-the-job evaluation of State compliance officers; and (4) Investigation of complaints about State program administration.

§ 1952.3 Concurrent authority. [Reserved]

Subpart B—State Monitoring Reports and Visits to State Agencies

§ 1954.10 Reports from the States.

(a) In addition to any other reports required by the Assistant Secretary under sections 18(c)(8) and 18(f) of the Act and § 1902.3(1) of this chapter, the State shall submit quarterly and annual reports as part of the evaluation and monitoring of State programs.[1]

(b) Each State with an approved State plan shall submit to the appropriate Regional Office an annual occupational safety and health report in the form and detail provided for in the report and the instructions contained therein.

(c) Each State with an approved State plan shall submit to the appropriate Regional Office a quarterly occupational safety and health compliance and standards activity report in the form and detail provided for in the report and the instructions contained therein.

§ 1954.11 Visits to State agencies.

As a part of the continuing monitoring and evaluation process, the Assistant Secretary or his representative shall conduct visits to the designated agency or agencies of State with approved plans at least every 6 months. An opportunity may also be provided for discussion and comments on the effectiveness of the State plan from other interested persons. These visits will be scheduled as needed. Periodic audits will be conducted to assess the progress of the overall State program in meeting the goal of becoming at least as effective as the Federal program. These audits will include case file review and follow-up inspections of workplaces.

Subpart C—Complaints About State Program Administration (CASPA)

§ 1954.20 Complaints about State program administration.

(a) Any interested person or representative of such person or groups of persons may submit a complaint concerning the operation or administration of any aspect of a State plan. The complaint may be submitted orally or in writing to the Assistant Regional Director for Occupational Safety and Health (hereinafter referred to as the Assistant Regional Director) or his representative in the Region where the State is located.

(b) Any such complaint should describe the grounds for the complaint and specify the aspect or aspects of the administration or operation of the plan which is believed to be inadequate. A pattern of delays in processing cases, of inadequate workplace inspections, or the granting of variances without regard to the specifications in the State plans, are examples.

(c)(1) If upon receipt of the complaint, the Assistant Regional Director determines that there are reasonable grounds to believe that an investigation should be made, he shall cause such investigation, including any workplace inspection, to be made as soon as practicable.

(2) In determining whether an investigation shall be conducted and in determining the timing of such investigation, the Assistant Regional Director shall consider such factors as: (i) The extent to which the complaint affects any substantial number of persons; (ii) The number of complaints received on the same or similar issues and whether the complaints relate to safety and health conditions at a particular establishment; (iii) Whether the complainant has exhausted applicable State remedies; and (iv) The extent to which the subject matter of the complaint is pertinent to the effectuation of Federal policy.

§ 1954.21 Processing and investigating a complaint.

(a) Upon receipt of a complaint about State program administration, the Assistant Regional Director will acknowledge its receipt and may forward a copy of the complaint to the designee under the State plan and to such other person as may be necessary to complete the investigation. The complainant's name and the names of other complainants mentioned therein will be deleted from the complaint and the names shall not appear in any record published, released or made available.

(b) In conducting the investigation, the Assistant Regional Director may obtain such supporting information as is appropriate to the complaint. Sources for this additional information may include "spot-check" follow-up inspections of workplaces, review of the relevant State files, and discussion with members of the public, employers, employees and the State.

(c) On the basis of the information obtained through the investigation, the Assistant Regional Director shall advise the complainant of the investigation findings and in general terms, any corrective action that may result. A copy of such notification shall be sent to the State and it shall be considered part of the evaluation of the State plan.

(d) If the Assistant Regional Director determines that there are no reasonable grounds for an investigation to be made with respect to a complaint under this Subpart, he shall notify the complaining party in writing of such determination. Upon request of the complainant, or the State, the Assistant Regional Director, at his discretion, may hold an informal conference. After considering all written and oral views presented the Assistant Regional Director shall affirm, modify, or reverse his original determination and furnish the complainant with written notification of his decision and the reasons therefore. Where appropriate the State may also receive such notification.

§ 1954.22 Notice provided by State.

(a)(1) In order to assure that employees, employers, and members of the public are informed of the procedures for complaints about State program administration, each State with an approved State plan shall adopt not later than July 1, 1974, a procedure not inconsistent with these regulations or the Act, for notifying employees, employers and the public of their right to complain to the Occupational Safety and Health Administration about State program administration.

(2) Such notification may be by posting of notices in the workplace as part of the requirement in § 1902.4(c)(2)(iv) of this chapter and other appropriate sources of information calculated to reach the public.

Signed at Washington, D.C., this 8th day of January 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1243 Filed 1-14-74;8:45 am]

[1] Such quarterly and annual reports forms may be obtained fro mthe Office of the Assistant Regional Director in whose Region the State is located.

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Chief Medical Director

Section 2.93 is revised to read as follows:

§ 2.93 Chief Medical Director is delegated authority to enter into sharing agreements authorized under provisions of 38 U.S.C. 5053 and § 17.210 of this chapter and whith may be negotiated pursuant to provisions of 41 CFR 8-3.204(c); contracts with medical schools, clinics and any other group or individual capable of furnishing such services to provide scarce medical specialist services at VA facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel); and when a sharing agreement or contract for scarce medical specialist services is not warranted, contracts authorized under the provisions of 38 U.S.C. 213 for medical and ancillary services.

The delegation of authority is identical to § 17.98 of this chapter.

Approved: January 8, 1974.

By direction of the Administrator.

RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-1067 Filed 1-14-74;8:45 am]