afloat, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

* * * * *

2. In § 1915.47, paragraph (d) is revised to read as follows:

§ 1915.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

3. In § 1915.84, paragraph (a) is revised to read as follows:

§ 1915.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

4. In § 1916.43, paragraph (d) is revised to read as follows:

§ 1916.43 Guarding of deck openings and edges.

* * * * *

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

* * * * *

5. In § 1916.47, paragraph (d) is revised to read as follows:

§ 1916.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

6. In § 1916.84, paragraph (a), is revised to read as follows:

§ 1916.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

7. Section 1917.47 is revised to read as follows:

§ 1917.47 Working surfaces.

When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1917.84(a).

8. In § 1917.84, paragraph (a) is revised to read as follows:

§ 1917.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

9. Section 1918.106 is revised to read as follows:

§ 1918.106 Protection against drowning.

(a) *Personal flotation devices*: Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(b) Employees working on log booms shall be protected by personal flotation devices meaning the requirements of § 1918.106(a).

(c) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(d) Personal flotation devices shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being fastened.

[FR Doc.74-9953 Filed 4-30-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

CLOTHING ALLOWANCE PAYMENTS TO DEPENDENTS OF DECEASED VETERANS

On page 9559 of the FEDERAL REGISTER of March 12, 1974, there was published a notice of proposed regulatory development to amend § 3.1000 to implement the determination that the clothing allowance provided by Public Law 92-328 is a periodic monetary benefit within the purview of 38 U.S.C. 3021 which provides for payment to his dependents of accrued benefits due a deceased veteran. It was also proposed to amend § 3.1001 to implement 38 U.S.C. 3203 as amended by Public Law 92-328 which repealed the requirement for reducing awards of compensation and retirement pay to competent veterans without wives or children who are furnished hospital treatment, institutional, or domiciliary care by the Veterans Administration. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.1000(h) and the introductory portion of paragraph (a) in § 3.1001 are effective August 1, 1972.

Approved: April 24, 1974

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

1. In § 3.1000, paragraph (f) is amended and paragraph (h) is added so that the amended and added material reads as follows:

§ 3.1000 Under 38 U.S.C. 3021.

* * * * *

(f) *Dependents' educational assistance.* Educational assistance allowance or special restorative training allowance under 38 U.S.C. ch. 35, remaining due and unpaid at the date of death of an eligible widow or widower or eligible child is payable to a child or children of the veteran (see paragraphs (a)(2), (a)(3) and (d)(2) of this section), or on the expenses of last sickness and burial (see paragraph (a)(4) of this section). Benefits due and unpaid at the date of death of an eligible wife or husband are payable only on the expenses of last sickness and burial (see paragraph (a)(4) of this section).

* * * * *

(h) *Clothing allowance.* Clothing allowance under 38 U.S.C. 362 remaining due and unpaid at the date of the veteran's death is payable under the provisions of this section.

2. In § 3.1001, paragraphs (a)(1), (2) and (3) and (c) are amended to read as follows:

§ 3.1001 Hospitalized competent veterans.

The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.551(b) which are payable in a lump sum after the veteran's death.

(a) *Basic entitlement*. Where an award of disability pension for a competent veteran without dependents was reduced because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum is payable to the living person first listed as follows:

(1) The veteran's spouse, as defined in § 3.1000(d)(1);

(2) The veteran's children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) The veteran's dependent parents (in equal shares), or the surviving dependent parent, as defined in § 3.1000 (d)(3);

* * * * *

(c) *Lump sum withheld after discharge from institution*. The provisions of paragraphs (a) and (b) of this section will apply in the event of the death of any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated against medical advice or as the result of disciplinary action. (38 U.S.C. 3203).

3. Section 3.1002 is revised to read as follows:

§ 3.1002 Political subdivisions of United States.

No part of any accrued benefits will be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary. (See § 3.1(o)). (38 U.S.C. 3021(b) and 3202(d)).

[FR Doc.74-9908 Filed 4-30-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Dicamba

A petition (PP 1F1131) was filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the herbicide dicamba and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on the raw agricultural commodity asparagus at 1 part per million.

Subsequently, the petitioner amended the petition by proposing establishment of a tolerance for combined residues of dicamba and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on asparagus at 3 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of dicamba residues in eggs, meat, milk or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.227 is amended by revising the paragraph "3 parts per million * * *" to read as follows:

§ 180.227 Dicamba; tolerances for residues.

* * * * *

3 parts per million in or on asparagus and sorghum (grain, fodder, and forage).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 31, 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 May 1, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))

Dated: April 26, 1974.

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

[FR Doc.74-9921 Filed 4-30-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

PART 5A-16—PROCUREMENT FORMS

Notification of Proposed Substantial Awards, and Awards Involving Congressional Interest

The following change to the General Services Administration Procurement Regulations (GSPR) prescribes revised instructions and a new form for the notification of proposed substantial contract awards and awards involving Congressional interest.

Subpart 5A-2.4—Opening of Bids and Award of Contracts

Sections 5A-2.407-84 and 5A-2.407-85 are revised as follows:

§ 5A-2.407-84 Notification of proposed substantial awards and awards involving Congressional interest.

(a) Applicability: This section applies to notification of proposed awards resulting from either advertised or negotiated solicitations including modifications and renewals (1) when the dollar value exceeds or is estimated to exceed $100,000 except as shown in (b) below, and (2) when there is Congressional interest regardless of dollar value.

(1) When Congressional interest is involved, GSA Form 2932, Proposed Substantial Contract Awards (see § 5A-16.950-2932), or a facsimile message shall be prepared for transmittal to the Assistant Administrator (AL) containing the following information:

Congressional Interest—(Name of Congressman or Senator)—(State)—Control No. ------—In behalf of (Name of firm and complete address)—If award is not proposed to that bidder, explain why).

(2) In addition to the requirement set forth in (a)(1) above (and in OAD 5410.1, chap. 5), where a Congressional inquiry is made orally with a contracting officer, and award or other information has been promised to a Congressman or Senator, GSA Form 2932, or the facsimile message shall contain the following statement:

Unless notified to the contrary, we will assume that the (Congressman or Senator) has been advised by AL.

(b) Notification of proposed awards exceeding or estimated to exceed $100,000 is not required for products whose points of origin are not readily identifiable or which involve foreign production points.

(c) Codes: The following codes shall be used in the appropriate columns of GSA Form 2932 or in the facsimile message, as applicable.

(1) DO for definite quantity contract;

(2) FSS for Federal Supply Schedule contract;

(3) TC for term contract other than Federal Supply Schedule;

(4) S for small business concern;

(5) O for other than small business concern;

(6) NLS for not labor surplus area;

(7) SLS for substantial labor surplus area;

(8) PLS for persistent labor surplus area;

(9) CUE for concentrated unemployment or underemployment area; and

(10) CEC for certified-eligible concern.

(d) Notification procedure:

(1) The Director (or his equivalent) of the procurement activity (Central Office or regional office) shall be responsible for submitting directly to the

Office of the Assistant Administrator (AL) complete and factual data pertinent to any proposed award of the type described in (a) above.

(2) Regional offices (except Region 3) and the Office Supplies and Paper Products Division (FPO) (New York) shall prepare GSA Form 2932 and transmit the notification directly to the Office of the Assistant Administrator (AL) by facsimile machine except as shown in (4) below.

(i) Telephone numbers for transmittal of facsimile messages of the notifications are as follows:

Area code	*Telephone number*
202	343-5970
202	632-3626
202	632-7944
202	632-7945

(ii) Messages should be directed to the attention of AL, GS Building, Room 6108.

(3) Central Office (except FPO) and Region 3 procurement activities shall prepare GSA Form 2932 and transmit the notification (original only) directly to the Office of the Assistant Administrator (AL). The notification(s) shall be placed in a messenger envelope and addressed as follows:

"PLEASE HAND CARRY Attention: AL GS Bldg. Room 6108."

(4) Notifications covering regional and FPO proposed awards which require Central Office concurrence or approval pursuant to the GSA Delegations of Authority Manual (ADM P 5450.39), shall be submitted as part of the case file to the Central Office. The notification shall be transmitted to the Office of the Assistant Administrator (AL) by the office rendering final concurrence in the proposed award.

(5) The following additional information shall be furnished on the GSA Form 2932 as applicable:

(i) Under Type of Contract insert "A" for advertised and "N" for negotiated, including the applicable negotiation authority in parentheses, i.e., N(2) for negotiated public exigency.

(ii) Under Point of Production show the name (plant or operational unit), address (including county), and the dollar value for each production point. When the name of the supplier (subcontractor) is different from the contractor, show the supplier's or subcontractor's name, address (including county), and applicable dollar value for each point of production. When the offer does not clearly indicate a specific production point for the item(s) (i.e., several sources shown for one item), the word undeterminable shall be stated in the Point of Production column, and the various production points (name, address, and county) will be listed. Where there are multiple production points and specific items and their points of production are not shown, or when the number of production points exceeds 10, show the word multiple and indicate immediately after in parentheses the total number of production points.

(iii) For definite quantity awards only, show (a) the quantity(s) and unit(s) in parentheses under each production point, (b) the name of the requisitioning activity(s) adjacent to the applicable quantity(s), and (c) the requirement or portion thereof for overseas use.

(iv) The contracting officer shall print or type his name and telephone number at the bottom of each report in the event additional information is required by the Office of the Assistant Administrator (AL).

(e) Release of awards.

(1) Unless notified to the contrary, regional and Central Office procurement activities may release awards of the type described in (2) through (4) above, or information pertinent thereto, upon the expiration of 2 full workdays (48 hours) after the time and date of transmittal of the GSA Form 2932 or the facsimile message to the Office of the Assistant Administrator (AL).

(2) Regional and Central Office procurement activities shall be responsible for submission of a copy of GSA Form 2932 marked COPY to FPE after release of the award. The copy of the notification shall indicate the date of award and shall include the contract number assigned.

(3) Pre-award release inquiries from offerors shall be processed in accordance with § 5A-2.407-1(c).

(f) Proposed exigency or emergency awards and cases where the acceptance time in an offer is about to expire.

(1) Regional and Central Office procurement activities shall transmit notifications as determined by the Director (or his equivalent) of the Central Office or regional procurement activity directly to the Office of the Assistant Administrator (AL) by telephone (Area Code 202-343-4072) followed by a completed GSA Form 2932 annotated confirming notification.

(2) Release of notifications which require priority processing by the Office of the Assistant Administrator (AL) shall be at the time and date specified by the Office of the Assistant Administrator (AL).

5A-2.407-85 Erroneous award to higher bidder.

(a) *If no deliveries have been made.* If, through error, award is made to other than the lowest responsible bidder and no delivery has been made prior to the discovery of the error, the vendor should be advised of the error and should be requested to consent to a cancellation of the award. In all cases, the contracting officer shall secure advice from the Office of the General Counsel or Regional Counsel, as appropriate, before requesting cancellation. If, in the case of a regional award approved by the Central Office, a vendor refuses to consent to cancellation, complete details of the case shall be submitted to the appropriate division Director for a decision and the vendor shall be advised to suspend action pending the receipt of such decision.

(b) *If partial delivery has been made.* If, through error, award is made to other than the lowest responsible bidder and partial delivery has been made prior to discovery of the error, the vendor shall be advised immediately of such error and instructed to make no further deliveries. In all cases, the contracting officer shall secure advice from the Office of the General or Regional Counsel, as appropriate, before taking any other action. Depending on the final decision and if it changes the contractual relationship, the appropriate Finance Division shall be advised accordingly in writing. A copy of the document containing the decision on the case shall also be forwarded to the Director, Procurement Division, as appropriate, for information.

(c) *If delivery has been completed.* If, through error, award is made to other than the lowest responsible bidder and delivery has been completed prior to discovery of the error, all pertinent details of the case shall be submitted in writing to the appropriate Finance Division and to the Office of General Counsel or Regional Counsel, as appropriate, for advice on necessary action.

The table of contents for Part 5A-16 is amended to delete § 5A-16.950-6380 and to add the following new entry:

5A-16.950-2932 GSA Form 2932, Proposed Substantial Contract Awards.

NOTE: A copy of the form illustrated in § 5A-16.950-2932 is filed with the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 5-1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: April 9, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

SUBPART 5A-16.9 ILLUSTRATIONS OF FORMS

§5A-16.950-2932 GSA Form 2932, Proposed Substantial Contract Awards.

5A-16.950-2932

PROPOSED SUBSTANTIAL CONTRACT AWARDS							CONTROL NUMBER		DATE
FSS FILE	TYPE OF CONTRACT	CONTRACT PERIOD	NAME AND ADDRESS OF COMPANY	SIZE OF BUSI-NESS	COMMODITY	POINT OF PRODUCTION (Including county)	LABOR AREA CLASS.		ESTIMATED VALUE
			(See § 5A-2.407-84.)						$
INFORMATION CALL - NAME				TITLE			TELEPHONE NO. (Incl. area)		

AL SERVICES ADMINISTRATION GSA FORM 2932 (2-74)

[FR Doc.74-9801 Filed 4-30-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19856; FCC 74-388]

PART 13—COMMERCIAL RADIO OPERATORS

Deletion of Certain Limitations on Scope of Operating Authority of Ship Radiotelephone Operator Permits

1. On November 5, 1973, we released a notice of proposed rulemaking in the above-entitled matter (38 FR 31018, November 9, 1973). The notice provided for the filing of comments and reply comments, and the time allowed, as extended, for such filings has expired.

2. The Notice proposed to delete the paragraphs (e) (2) and (f) (7) in Section 13.61 of our rules as obsolete, and to amend § 13.61(h) (4), essentially, so as to permit the operation of a ship radiotelephone station by a person holding a restricted operator permit for a station with no more than 100 watts power (400 watts peak envelope power), and thus make Part 13 consistent with an existing provision in Part 83 of our rules. These changes were considered to be mostly noncontroversial and of an editorial, nonsubstantive nature.

3. Two comments were received in response to our Notice, one from the Northern California Marine Radio Council (NCMRC), and one from the Southern California Marine Radio Council (SCMRC). Both commenters concurred generally in the proposed amendments to Part 13 of the rules, but SCMRC suggested that the change in Section 13.61(h) (4) be further revised to include coast as well as ship stations. As we understand the SCMRC suggestion, it desires rule changes to provide that the specified maximum power output for a station that may be operated by a person holding a restricted operator permit be the same, generally, for both a coast and a ship station. In short, we understand that SCMRC desires that the operator requirements for a coast station not be greater by class than for a ship station. SCMRC stated that if this revision would be beyond the scope of the Notice of Proposed Rule Making, then it requested its comment to be treated as a Petition for Further Rule Making.

4. At present, our rules specify, with certain exceptions not relevant here (e.g. coast stations employing a frequency below 30 MHz) in § 13.61(h) (4) as herein amended, and § 83.159, that a ship station with power output up to 100 watts (400 watts PEP) may be operated by a person holding a restricted operator permit; whereas a person holding that class of operator permit may operate a very high frequency (VHF) coast station on frequencies with a power output up to 250 watts (1,000 watts PEP) pursuant to §§ 13.61(h) (7) and 81.152(d) of the rules.

5. With respect to the request of SCMRC, concerning VHF operation, we point out that under our present rules a coast station with an output power up to 250 watts (1000 watts PEP) may be operated by a person holding a restricted operator permit as provided for in §§ 13.61(h) (7) and 81.152(d) of the rules. To adopt the further change suggested by SCMRC to § 13.6(h) (4) would, in that section, essentially, require that coast stations, if any, operating at more than 100 watts (400 watts PEP) and up to 250 watts (1000 watts PEP) use an operator holding at least a third class operator permit, instead of a restricted operator permit as now allowed. Additionally, any such provision in subparagraph (4) of § 13.61(h) would conflict with the existing provisions in subparagraph (7) and the provisions of § 81.152 (d) of the rules. We do not believe this is, substantively, what SCMRC desires, and it appears to us the relief requested by SCMRC for VHF coast stations already exists in the rules as herein explained. With respect to the SCMRC request as it applies to coast station operations on frequencies below 30 MHz, the potential for interference on these lower frequencies is much greater than in the VHF (156-162 MHz) maritime band. Consequently, we believe it is not advisable, at this time, for safety and opera-

tional reasons, to lower the operator requirements for these coast stations. Accordingly, we will not adopt the SCMRC suggestion or grant its request for a Further Notice of Proposed Rule Making, as they apply to coast stations operating on frequencies below 30 MHz.

6. In view of the froegoing, we find the proposed rule changes to be necessary and in the public interest.

7. *Accordingly, it is ordered,* Pursuant to sections 4(i), 303(l)(1) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended effective May 31, 1974 as set forth below.

8. *It is further ordered,* That the Petition for Further Rule Making filed by SCMRC is denied.

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

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

Adopted: April 16, 1974.

Released: April 25, 1974.

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

1. Part 13 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 13.61, paragraphs (e)(2) and (f)(7) are deleted and shown as reserved and paragraph (h)(4) is amended to read as follows:

§ 13.61 Operating authority.

* * * * *

(e) * * *

(2) [Reserved]

* * * * *

(f) * * *

(7) [Reserved]

(h) * * *

(4) Ship stations licensed to use telephony at which the power is more than 100 watts carrier power or 400 watts peak envelope power, or

* * * * *

[FR Doc.74-9912 Filed 4-30-74;8:45 am]

[Docket No. 19730; FCC 74-394]

PART 89—PUBLIC SAFETY RADIO SERVICES

Licensing of School Bus Operators

1. On May 8, 1973, the Commission issued a notice of proposed rulemaking in the above-entitled matter. The notice was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12619). These regulations govern eligibility of school bus operators and permissible communications in radio systems authorized in the Special Emergency Radio Service. Comments were requested by July 10, 1973, and reply comments on or before July 25, 1973. Five comments were similarly filed with the Commission: Boulder County Sheriffs Departments, California Association of Public School Business Officials, Northern California Chapter of the Association of Public Safety Communications Officers, Inc.

2. In the notice, we proposed to amend § 89.511 (a) and (d) of Subpart P to make persons or organizations operating school buses on a regular basis, over regular routes, eligible within this service, and to permit communication equipment authorized for use by school bus operators to be used for the transmission of messages pertaining to either the efficient operation of the school bus or the safety and general welfare of the students they are engaged in transporting. Section 89.511(a) presently permits only school bus operations in rural areas to obtain authorization to operate a communication system in the Special Emergency Radio Service. Under the provisions of § 89.511(d), the communications system may be used for the "transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs."

3. The proposed amendment was supported by the California Association of Public School Business Officials and it was opposed by the Washington Ambulance Service, Northern California Chapter of the Association of Public Safety Communications Officers, Inc., (NCAPCO), and the Boulder County Sheriff's Department.

4. Essentially, those parties who opposed the proposed rules did so because they felt that the use of Special Emergency frequencies should be limited to communications of an emergency nature and that non-emergency communications should not be permitted. The basic reason for this position was their contention that existing Special Emergency frequencies are already crowded and additional communications will further crowd these frequencies.

5. The Commission acknowledges that some additional crowding of these frequencies will occur. We feel, however, that the greater public interest will be served by the amendment of the rules as proposed. As stated in the Notice, the limitations (those which limit licensing to persons or organizations operating school buses in "rural" areas and which allow "only messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs") undoubtedly served useful purposes at the time they were adopted. However, the nature of school bus operations has now changed and it has become desirable to permit expanded use of the available frequencies. For example, the comments submitted by the California Association of Public School Business Officials contained the following statement:

> In school bus transportation, including physically handicapped, there are literally hundreds of daily adjustments in schedules to cover broken down buses, sick drivers, children left at school, blocked roads, etc., when these occur, there is no time for written requests, etc., they must be taken care of immediately.

Thus the use of radio is an important tool in maintaining bus service schedules. The Commission believes that bus drivers should have the capability to notify the proper school officials in the event of delays so that other arrangements can be made immediately to pick up children who will be reached on time.

6. Therefore, after weighing the arguments and balancing the various interests of the parties, the Commission has decided to amend § 89.511 (a) and (d) of our rules. In so doing, the Commission is extending eligibility in this service to persons or organizations operating school buses on a regular basis over regular routines. Additionally, as to permissible communications, stations licensed to school bus operators may be used to transmit messages pertaining to either the efficient operation of the school bus service or the safety and general welfare of the students they are engaged in transporting.

7. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to extend eligibility under § 89.511(a) and extend permissible communications under § 89.511(d).

8. *Accordingly, it is ordered,* Pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, that § 89.511 (a) and (d) of the Commission Rules are amended effective May 31, 1974, as set forth below.

9. *It is further ordered,* That the proceedings in Docket 19730 are hereby terminated.

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

Adopted: April 16, 1974.

Released: April 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In § 89.511, paragraphs (a) and (d) are amended to read as follows:

§ 89.511 School buses.

(a) *Eligibility.* Persons or organizations operating school buses on a regular basis over regular routes are eligible in this service.

* * * * *

(d) *Permissible communications.* Stations licensed to school bus operators may be used to transmit messages pertaining to either the efficient operation of the school bus service or the safety and general welfare of the students they are engaged in transporting.

[FR Doc.74-9913 Filed 4-30-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 74-7]

CHANGE IN SUBCHAPTER HEADING

The title of Subchapter B of Chapter III of title 49, CFR is being changed from "Motor Carrier Safety Regulations" to "Federal Motor Carrier Safety Regulations." The purpose of this change is to