

Accordingly, the effective date of the regulations implementing these provisions of Part B of Pub. L. 93-647 is postponed until August 1, 1975. Also the regulations in Parts 205, 233, 234, and 235 of this title as previously published remain in effect until July 31, 1975 and 45 CFR Part 232 does not become effective until August 1, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: July 11, 1975.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.)

JOHN A. SVAHN,
*Acting Administrator, Social
and Rehabilitation Service.*

Approved: July 23, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-19643 Filed 7-28-75;8:45 am]

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN, TITLE IV PARTS A AND B OF THE SOCIAL SECUR- ITY ACT

Paternity and Support: Postponement of the Effective Date of Revocation

Notice of revocation of § 220.48, appearing in Part 220 of this title, was published on June 26, 1975 (40 FR 27030) with an effective date of July 1, 1975. This regulation was revoked because of the repeal of the sections of the Social Security Act on which the regulation was based.

However, the effective date of the repeal of these sections has been postponed until August 1, 1975, by Pub. L. 94-46, signed by the President on June 30, 1975.

Accordingly, the effective date of the notice is postponed until August 1, 1975, and the regulation in § 220.48 of this title as previously published remains in effect until July 31, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: July 11, 1975.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.)

JOHN A. SVAHN,
*Acting Administrator, Social
and Rehabilitation Service.*

Approved: July 23, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-19644 Filed 7-28-75;8:45 am]

CHILD SUPPORT ENFORCEMENT PROGRAM

State Plan Requirements: Postponement of Effective Date of Regulations

In the matter of Part 301—State Plan Approval and Grant Procedures; Part 302—State Plan Requirements; Part 330—Standards for an Effective Pro-

gram; Part 304—Federal Financial Participation.

Final regulations implementing the Child Support Enforcement Program established by Part B of Pub. L. 93-647 were published on June 26, 1975 (40 FR 27156) with an effective date of July 1, 1975.

However, the effective date of Part B of Pub. L. 93-647 has been postponed until August 1, 1975 pursuant to Pub. L. 94-46 signed by the President on June 30, 1975.

Accordingly, the effective date of the regulations implementing this Program is postponed until August 1, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: July 11, 1975.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.)

JOHN A. SVAHN,
*Acting Director, Office of
Child Support Enforcement.*

Approved: July 23, 1975.

CASPAR W. WEINBERGER,
Secretary.

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Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTA- TION BUREAU, DEPARTMENT OF TRANSPORTATION

[MTB Docket No. 1]

ESTABLISHMENT OF MATERIALS TRANS- PORTATION BUREAU AND RULEMAK- ING PROCEDURES

The purpose of this amendment is to restructure Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations to reflect the establishment of the Materials Transportation Bureau within the Department of Transportation and to establish rulemaking procedures applicable to the activities of that Bureau, including those pertaining to hazardous materials and pipeline safety.

This amendment makes a series of technical changes to conform the overall format of Chapter I to the new organizational structure and to provide an arrangement that will accommodate future regulatory issuances. Primary among such future regulatory issuances will be the consolidation, reorganization and reissuance of the hazardous materials regulations now appearing in 14 CFR Part 103, 46 CFR Part 146, and 49 CFR Parts 170 through 179. To facilitate this effort, a separate subchapter is being established in advance.

It also establishes a new Part 102 which describes the procedures applicable to the Bureau, including the Offices of Hazardous Materials Operations and Pipeline Safety Operations, in prescribing public rules and provides for appropriate participation by interested persons. All pending rule-making proceedings initiated by the Hazardous Materials Regulations Board under Part 170 procedures or

by the Office of Pipeline Safety under Part 5 procedures will be continued by the Bureau under new Part 102 procedures.

The new Part 102 provides for general notices of proposed rule making, to be published in the FEDERAL REGISTER, except in cases where the Director finds that notice is impractical, unnecessary, or contrary to the public interest, and except for interpretive rules, general statements of policy, and rules relating to Bureau organization, procedure, or practices. The authority to conduct rule-making proceedings and to issue final rules may be delegated to other officials in the Bureau. Delegations authorizing the Directors of Hazardous Materials Operations and Pipeline Safety Operations to conduct rule-making proceedings within their respective areas of response, but not including the issuance of final rules, are set forth in Appendix A of the new part.

The new part also provides for the consideration of petitions for rule making, petitions for reconsideration of adopted rules, and petitions for extension of time to comment on notices of proposed rule making.

The opportunity for an informal hearing is a required procedure with respect to certain rule-making functions administered by the Bureau. Even when they are not required by statute, hearings may be held as a supplementary fact-finding procedure, whenever it is considered necessary or desirable. Any hearing, whether or not required to be held by statute, will be nonadversary, with no formal pleadings and no adverse parties, and any resultant rule will not necessarily be based exclusively on the record of the hearing.

All final rules will be published in the FEDERAL REGISTER, unless, in accordance with section 552(a) of Title 5, United States Code, actual and timely notice has been given to all persons subject to it.

Since this amendment relates to Bureau organization, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations is amended as follows:

1. The caption of Chapter I is amended to read "Materials Transportation Bureau, Department of Transportation".
2. A new Subchapter A is established entitled "Office of the Director, Materials Transportation Bureau". This new Subchapter A begins with Part 100 and ends with Part 105.
3. A new Subchapter B is established entitled "Hazardous Materials". This new Subchapter B begins with Part 106 and ends with Part 169.
4. Existing Subchapter A is redesignated "Subchapter C". This redesignated Subchapter C begins with Part 170 and ends with Part 189.
5. Existing Subchapter B is redesignated "Subchapter D—Pipeline Safety".

PART 170—RULEMAKING PROCEDURES OF THE MATERIALS TRANSPORTATION BUREAU

§ 170.1–170.11 [Reserved]

§§ 170.21–170.35 [Revoked]

5. In Part 170, §§ 170.1 through 170.11 are revoked and reserved and §§ 170.21 through 170.35 are revoked.

6. A note is added following the heading for redesignated Subchapter C to read as follows:

NOTE: The Hazardous Materials Regulations Board was abolished, effective July 7, 1975, and its functions transferred to the Materials Transportation Bureau. Under a delegation of authority contained in 49 CFR 1.64 (40 FR 30821) the authorities previously exercised by the Hazardous Materials Regulations Board and several of the related authorities exercised by its individual members were delegated to the Director of the Materials Transportation Bureau. Accordingly, references to the Hazardous Materials Regulations Board in this subchapter should be read "Materials Transportation Bureau" and "Secretary, Hazardous Materials Board" should be read "Director, Materials Transportation Bureau".

8. Within new Subchapter A a new Part 102 is established to read as follows:

PART 102—RULEMAKING PROCEDURES

Subpart A—General

- Sec. 102.1 Scope.
- 102.3 Delegations.
- 102.5 Regulatory dockets.
- 102.7 Records.
- 102.9 Where to file petitions.

Subpart B—Procedures for Adoption of Rules

- 102.11 General.
- 102.13 Initiation of rule making.
- 102.15 Contents of notices of proposed rule making.
- 102.17 Participation of interested persons.
- 102.19 Petitions for extension of time to comment.
- 102.21 Contents of written comments.
- 102.23 Consideration of comments received.
- 102.25 Additional rule-making proceedings.
- 102.27 Hearings.
- 102.29 Adoption of final rules.
- 102.31 Petitions for rule making.
- 102.33 Processing of petition.
- 102.35 Petitions for reconsideration.
- 102.37 Proceedings on petitions for reconsideration.

APPENDIX A

AUTHORITY: R.S. 4472(7) (46 U.S.C. 170 (7)); sec. 902(h) (1), Pub. L. 85-726, 72 Stat. 784 (49 U.S.C. 1472(h) (1)); sec. 3, Pub. L. 90-481, 82 Stat. 720 (49 U.S.C. 1672); sec. 105, Pub. L. 93-633, 88 Stat. 2157 (49 U.S.C. 1804); sec. 21(a), Pub. L. 93-627, 88 Stat. 2146 (33 U.S.C. 1520); (18 U.S.C. 834); (49 CFR 1.64).

Subpart A—General

§ 102.1 Scope.

This part prescribes general rule-making procedures for the issue, amendment, and repeal of regulations of the Materials Transportation Bureau of the Department of Transportation.

§ 102.3 Delegations.

For the purposes of this part, "Director" means the Director of the Materials Transportation Bureau or any of the following to whom he has delegated au-

thority to conduct rulemaking proceedings:

- (a) Director, Office of Hazardous Materials Operations.
- (b) Director, Office of Pipeline Safety Operations.

§ 102.5 Regulatory dockets.

(a) Information and data considered relevant by the Director relating to rule-making actions, including notices of proposed rule making; comments received in response to notices; petitions for rule making and reconsideration; denials of petitions for rule making and reconsideration; records of additional rule-making proceedings under § 102.25; and final regulations are maintained by the Materials Transportation Bureau at the Trans Point Building, 2100 2nd Street, SW, Washington, D.C. 20590.

(b) Any person may examine any docketed material at the offices of the Materials Transportation Bureau at any time during regular business hours after the docket is established, except material which the Director determines should be withheld from public disclosure under applicable provisions of any statute administered by the Director and section 552(b) of Title 5, United States Code, and may obtain a copy of it upon payment of a fee.

§ 102.7 Records.

Records of the Materials Transportation Bureau relating to rule-making proceedings are available for inspection as provided in section 552(b) of Title 5, United States Code, and Part 7 of the Regulations of the Office of the Secretary of Transportation (Part 7 of this title).

§ 102.9 Where to file petitions.

Petitions for extension of time to comment submitted under § 102.19, petitions for hearings submitted under § 102.27, petitions for rule making submitted under § 102.31, and petitions for reconsideration submitted under § 102.35 must be submitted to: Director, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, 2100 2nd Street, SW, Washington, D.C. 20590.

Subpart B—Procedures for Adoption of Rules

§ 102.11 General.

Unless the Director, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule.

§ 102.13 Initiation of rule making.

The Director initiates rule making on his own motion. However, in so doing, he may, in his discretion, consider the recommendations of other agencies of the United States or of other interested persons including those of any technical ad-

visory body established by statute for that purpose.

§ 102.15 Contents of notices of proposed rule making.

(a) Each notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed regulation;

(4) A statement of the time within which written comments must be submitted; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 102.17 Participation by interested persons.

(a) Any interested person may participate in rule-making proceedings by submitting comments in writing containing information, views or arguments.

(b) In his discretion, the Director may invite any interested person to participate in the rule-making proceedings described in § 102.25.

§ 102.19 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than 10 days before expiration of the time stated in the notice. It is requested, but not required, that three copies be submitted. The filing of the petition does not automatically extend the time for petitioner's comments. A petition is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the FEDERAL REGISTER.

§ 102.21 Contents of written comments.

All written comments must be in English. It is requested, but not required, that five copies be submitted. Any interested person must submit as part of his written comments all the material that he considers relevant to any statement of fact made by him. Incorporation of material by reference is to be avoided. However, if such incorporation is necessary, the incorporated material shall be identified with respect to document and page.

§ 102.23 Consideration of comments received.

All timely comments and the recommendations of any technical advisory body established by statute for the purpose of reviewing the proposed rule concerned are considered before final action is taken on a rule-making proposal. Late

filed comments are considered so far as practicable.

§ 102.25 Additional rule-making proceedings.

The Director may initiate any further rule-making proceedings that he finds necessary or desirable. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Director or his representative and interested persons at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Director at which a transcript of minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

§ 102.27 Hearings.

(a) If a notice of proposed rule making does not provide for a hearing, any interested person may petition the Director for an informal hearing. The petition must be received by the Director not later than 20 days before expiration of the time stated in the notice. The filing of the petition does not automatically result in the scheduling of a hearing. A petition is granted only if the petitioner shows good cause for a hearing. If a petition for a hearing is granted, notice of the hearing is published in the Federal Register.

(b) Sections 556 and 557 of Title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, nonadversary, fact-finding proceedings, at which there are not formal pleadings or adverse parties. Any regulation issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(c) The Director designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 102.29 Adoption of final rules.

Final rules are prepared by representatives of the office concerned and the Office of the General Counsel. The regulation is then submitted to the Director for his consideration. If the Director adopts the regulation, it is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

§ 102.31 Petitions for rule making.

(a) Any interested person may petition the Director to establish, amend, or repeal a regulation.

(b) Each petition filed under this section must—

(1) Set forth the text or substance of the regulation or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(2) Explain the interest of the petitioner in the action requested; and

(3) Contain any information and arguments available to the petitioner to support the action sought.

§ 102.33 Processing of petition.

(a) *General.* Unless the Director otherwise specifies, no public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Director determines that the petition contains adequate justification, he initiates rulemaking action under this Subpart B.

(c) *Denials.* If the Director determines that the petition does not justify rule making, he denies the petition.

(d) *Notification.* Whenever the Director determines that a petition should be granted or denied, the Office of the General Counsel prepares a notice of that grant or denial for issuance to the petitioner, and the Director issues it to the petitioner.

§ 102.35 Petitions for reconsideration.

(a) Any interested person may petition the Director for reconsideration of any regulation issued under this part. It is requested, but not required, that three copies be submitted. The petition must be received not later than 30 days after publication of the rule in the FEDERAL REGISTER. Petitions filed after that time will be considered as petitions filed under § 102.31. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Director within the prescribed time.

(c) The Director does not consider repetitive petitions.

(d) Unless the Director otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.

§ 102.37 Proceedings on petitions for reconsideration.

(a) The Director may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any regulation he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate. Whenever the Director determines that a petition should be granted or denied, the Office of General Counsel prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and the Director issues it to the petitioner. The Director may consolidate petitions relating to the same rules.

(b) It is the policy of the Director to issue notice of the action taken on a petition for reconsideration within 90 days after the date on which the regulation in question is published in the FEDERAL REGISTER, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the petitioner and published in the FEDERAL REGISTER.

stantial, notice of that fact and the date by which it is expected that action will be taken is issued to the petitioner and published in the FEDERAL REGISTER.

APPENDIX A

Pursuant to § 102.3, the following officials of the Materials Transportation Bureau are authorized to conduct rule-making proceedings under this part, as specified in this appendix.

(a) The Director, Office of Hazardous Materials Operations, is authorized to conduct all rule-making proceedings, except the issuance of final rules and the grant or denial of petitions for reconsideration, under:

(1) Chapter 39 of Title 18, U.S. Code, as it relates to hazardous materials;

(2) R.S. 4472(7), 46 U.S.C. 170(7), except to the extent it relates to (i) ship's stores and supplies or (ii) the bulk transportation of hazardous materials which are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel without mark or count;

(3) Section 892(h) (1) of the Federal Aviation Act, as amended, 49 U.S.C. 1472(h) (1); and

(4) The Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., except to the extent it relates to (i) ship's stores or supplies, (ii) the bulk transportation of hazardous materials which are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel without mark or count, or (iii) pipelines.

(b) The Director, Office of Pipeline Safety Operations, is authorized to conduct all rule-making proceedings, except issuance of final rules and the grant or denial of petitions for reconsideration, under:

(1) Chapter 39 of Title 18, U.S. Code, as it relates to pipelines;

(2) The Natural Gas Pipeline Safety Act of 1968, as amended, 49 U.S.C. 1671 et seq.;

(3) Section 21(a) of the Deepwater Port Act of 1974, 33 U.S.C. 1520(a); and

(4) The Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., as it relates to pipelines.

Effective date: This amendment is effective July 23, 1975.

(18 U.S.C. 831-835, 33 U.S.C. 1520(a) (46 U.S.C. 170(7), 49 U.S.C. 1472(h) (1), 49 U.S.C. 1671 et seq., 49 U.S.C. 1801 et seq., 49 CFR 1.04.)

Issued in Washington, D.C., on July 23, 1975.

HERBERT H. KAISER, JR.,

Acting Director,

Materials Transportation Bureau.

[FR Doc.75-18621 Filed 7-23-75; 8:45 am]

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-67; Notice No. 75-12]

PART 392—DRIVING OF MOTOR VEHICLES

PART 395—HOURS OF SERVICE OF DRIVERS

Sleeper Berths; Dual Occupancy

The Director of the Bureau of Motor Carrier Safety is revoking § 395.6, Sleeper berth, occupation, of the Federal Motor Carrier Safety Regulations (49 CFR 395.6) which deals with occupation of sleeper berths, and is establishing a new