## MICROFILM EDITION

### FEDERAL REGISTER

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.
Title 3—The President

PROCLAMATION 4028

National Safe Boating Week, 1971

By the President of the United States of America

A Proclamation

More Americans each year are choosing boating as the ideal way to relax with their families and friends. All too often, however, what starts out as a pleasant cruise ends in tragedy because boatmen fail to teach their families to swim, fail to properly equip their craft with life preservers and other protective devices, or fail to instruct their passengers on the use of such devices prior to a boating cruise.

Every year, about 1,300 lives are lost in boating accidents. These fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize boating safety rules.

Recognizing the need for that emphasis, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 4, 1971, as National Safe Boating Week.

I urge all who use our waterways to acquire those skills essential to their own safety and that of others and to apply them carefully.

I also invite the Governors of the States and the Commonwealth of Puerto Rico to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.

[FR Doc.71-1383 Filed 1-29-71; 9:09 am]
Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Deputy Assistant Secretary (International Affairs) having been abolished is no longer in Schedule C. Effective on publication in the Federal Register (I-30-71), subparagraph (3) of paragraph (a) of § 213.3305 is revoked.

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

Amended 1

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendments

 Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.). The purpose of these amendments is (1) to remove the reference to upland cotton from the definition of quota in § 711.5(f) and (2) to revise certain areas of venue established by State committees as previously published in the Federal Register of October 2 and 16, 1970 (35 F.R. 16355, 16235). Public Law 91–524, approved November 30, 1970, provides that marketing quotas shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops. Section 711.13 provides for establishing areas of venue. Since these amendments remove the reference to upland cotton as the result of Public Law 91–524 and revise certain areas of venue which were recommended by the respective State committees, it is hereby determined and found that compliance with the notice, public procedures, and effective date requirement of 5 U.S.C. 553 is unnecessary and these amendments shall become effective as provided hereinafter.

Part 711—Marketing Quota Review Regulations (35 F.R. 15355, 16235) is amended as follows:

1. Paragraph (f) of § 711.3 is amended by deleting the words “upland cotton” at the beginning of the parenthetical phrase beginning on the fifth line thereof.

2. Section 711.29 is amended by revising the areas of venue for certain States as follows:

Florida


Area III—Calhoun, Gadsden, Jackson, Jefferson, Leon, Liberty, Wakulla.

Area IV—Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

Indiana


Area II—Carroll, Cass, Fulton, Grant, Hamilton, Howard, Miami, Pulaski, Tipton, White.


Area IV—Benton, Boone, Clinton, Fountain, Hendricks, Montgomery, Parke, Putnam, Tippecanoe, Vermillion, Warren.

Area V—Blackford, Delaware, Fayette, Franklin, Henry, Jay, Madison, Randolph, Union, Wayne.

Area VI—Clay, Daviess, Greene, Knox, Martin, Monroe, Orange, Owen, Sullivan, Vigo.

Area VII—Bartow, Brown, Decatur, Hancock, Jackson, Johnson, Lawrence, Morgan, Rush, Shelby.

Area VIII—Crawford, Dubois, Gibson, Harrison, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

Area IX—Dearborn, Clark, Floyd, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.

Minnesota

Counties of: Area I—Fillmore, Houston, Olmsted.

Area II—Meeker, Stearns.

Nebraska

Counties of: Area I—Clark, Nye.

New Mexico

Counties of: Area I—Chaves, Curry, De Baca, Eddy, Harding, Lea, Quay, Roosevelt.

Area II—Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro.

Oklahoma

Counties of: Area I—Alfalfa, Beaver, Blaine, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Oklahoma, Roger Mills, Tecumseh, Woodward.

Area II—Adair, Cherokee, Craig, Creek, Delaware, Lincoln, McIntosh, Mayes, Muskogee, Okfuskee, Okmulgee, Osage.


Pennsylvania

Counties of: Area I—Armstrong, Beaver, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Venango, Warren.


Tennessee


Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Sevier, Union.

Area III—Cumberland, Fentress, Morgan, Overton, Picketts, Putnam, Raleigh, Scott, White.

Area IV—Bledsoe, Bradley, Hamilton, McMinn, Meigs, Monroe, Polk, Roane, Sequatchie.

Area V—Clay, DeKalb Jackson, Macon, Rutherford, Smith, Sumner, Trousdale, Wilson.


Area VII—Benton, Chesterham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Stewart.

Area VIII—Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, Wayne, Williamson.

Area IX—Carroll, Crockett, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

Area X—Chester, Decatur, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.


Effective date: Date of filing with the Director, Office of the Federal Register.


KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.
PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

1970 Crop Price Support Payment

The regulations governing the Extra Long Staple Cotton Program for 1968 and succeeding years (33 F.R. 19159; 34 F.R. 14065) are hereby amended as follows:

1. Section 722.704 is amended by changing paragraphs (a) and (b) to read as follows:

§ 722.704 Price support payment factor.

(a) For 1968, 1969, and 1970 the price support payment factor is 1.000.
(b) For 1971 and succeeding years, the price support payment factor will be announced by an amendment to these regulations.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

§ 722.709 Price support payment.

(a) * * * For 1970, the price support payment rate shall be 92.29 cents per pound.

(b) * * * (Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date: Date of filing with the Director, Office of the Federal Register.


KENNETH E. FRICK, Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 71-3232 Filed 1-29-71; 8:46 am]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts

Transfer of Allotments and Conditions of Eligibility for New Farm Allotments

This amendment of the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

(1) Section 729.19: Expands the income requirement for new farm eligibility to include the income from farming rather than income from the farm for which the allotment is requested and to allow bona fide peanut production experience gained while participating as a member of a partnership to qualify an applicant under the experience requirement for a new farm peanut allotment.

(2) Sections 729.68 and 729.69: Extends the authority to transfer peanut acreage allotments on a permanent basis pursuant to Public Law 91-568, approved December 22, 1970.

Peanut producers are now making plans for the 1971 crop year and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 533 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

1. Subparagraphs (6) and (7) of paragraph (b) of § 729.19 are amended to read as follows:

§ 729.19 Conditions of eligibility for new farm allotment.

(b) * * *

(6) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products; where the farm operator is a corporation, it must have no more than one major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator’s income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family; and a State or county representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual’s ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing peanuts either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide peanut production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. In making a determination of any person’s experience in growing peanuts, no credit shall be given for the person’s interest in peanuts grown on a farm for which no farm peanut allotment was established for such year. Experience in growing peanuts on a farm having a farm allotment by temporary transfer shall be given credit.

2. Section 729.68 is revised to read as follows:

§ 729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.

(a) Authorization of transfers. It is hereby determined and found that transfers of peanut acreage allotments in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

§ 729.69 General explanation. Three types of transfers of farm allotments within the same county are permitted in accordance with the terms and conditions in § 729.69. Transfer by sale would be permanent or controlled by the transferor. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm in the case of sale and lease transfers but not in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

3. Paragraphs (a) and (b) of § 729.69 are revised to read as follows:

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971
§ 729.69 Terms and conditions applicable to transfers under section 538a of the act.

(a) Persons eligible to file applications for transfer—(1) Sale or lease. The owner and operator of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file an application for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) By owner. The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph if the owner is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) When application to be filed. Applications for transfers shall be filed not later than April 1 in the year the transfer is to take effect. This date may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.


Effective date: Date of filing with the Director, Office of the Federal Register. Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK, Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 71-1283 Filed 1-29-71; 8:46 am]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

ELIGIBILITY REQUIREMENTS FOR NEW GROWERS

On pages 18286 and 18287 of the Federal Register (36 F.R. 18286), was published a notice of proposed rule making to issue an amendment to the regulations for determination of acreage allotments for 1969 and subsequent crops of rice.

Interested persons were given 30 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

After consideration of the views and recommendations received, the proposed amendment, as issued in the notice, is adopted with the following additions:

(1) A basis of 35 per cent of his income from farming in the current year more than 50 per cent of his income from farming for the year in which the transfer by sale or lease is to take effect shall be added at the beginning of the amendment.

(2) An authority clause is added.

An effective date provision is added immediately following the authority clause.

In order that this amendment may be applicable not later than January 31, 1971, which is the date principal filing for applications for new grower rice allotments for 1971, it is necessary that this amendment become effective earlier than 30 days after publication in the Federal Register. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.


KENNETH E. FRICK, Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to provide that a person who makes application for a new grower rice allotment must expect to obtain more than 50 percent of his income from farming in the crop year for which the allotment is requested.

The Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (33 F.R. 1470), as amended, is amended as follows:

1. Section 730.69 is amended by revising the first sentence of paragraph (c) (4) and paragraph (d), (2), (3), (4), and (5) to read as follows:

§ 730.69 Determination of allotments for new producers.

3. Section 730.80 is amended by revising the first sentence of paragraph (c) (4) and paragraph (d), (2), (3), (4), and (5) to read as follows:

§ 730.80 Determination of allotments for new farms.

(4) He expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family.

(2) Credit will be allowed for estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the applicant is a partnership, each partner shall expect to obtain more than 50 percent of his income during the current year from farming.

(4) Where the applicant is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm, and the officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the applicant is a trust under a trust arrangement, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from farming.

(2) Credit will be allowed for estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the farm operator is a partnership, each partner shall expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family.

(4) Where the farm operator is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm. The officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the farm operator is a trust under a trust arrangement, the trustee and the beneficiary
Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.765 Lemon Regulation 465.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the said act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; and a reasonable time is permitted by the committee to afford an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1971.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 31, 1971, through February 6, 1971, are hereby fixed as follows:

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<tr>
<th>District</th>
<th>Number of Cartons</th>
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<tr>
<td>District 1</td>
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<td>District 2</td>
<td>66,000 cartons</td>
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<tr>
<td>District 3</td>
<td>100,000 cartons</td>
</tr>
</tbody>
</table>

(2) As used in this section, “handled,” “District 1,” “District 2,” “District 3,” and “carton” have the same meaning as when used in the said amended marketing agreement and order.

§ 910.765 Lemon Regulation 465.


Floyd F. Hedlund,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

Miscellaneous Amendments


The amendments of Part 20 change the telephone numbers of Regions III and IV of the Compliance Regional Offices listed in Appendix D of Part 20 and make other minor editorial changes.

The amendments of Part 30 change § 30.4(c) to clarify that licensees may transfer byproduct material to the Commission, to a specific or general licensee of the Commission or of an Agreement State whose license authorizes him to receive such material, or to any person exempt from the regulations in Part 30 to the extent permitted under the exemption. The amendments also include minor editorial changes in § 30.4.

Because these amendments relate solely to correction, clarification, and minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the Federal Register.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20 and 30, are published as a document subject to codification, to be effective upon publication in the Federal Register.

The centerhead “Permissible Doses, Levels, and Concentrations” which precedes § 20.101 of 10 CFR Part 20 is amended to read “Permissible Doses, Levels, and Concentrations” of § 20.424 which precedes § 20.424(b) is designated as paragraph (a) of § 20.424.

3. The telephone numbers of Regions III and IV of the Compliance Regional Offices in Appendix D of Part 20 are amended to read as follows:

<table>
<thead>
<tr>
<th>Region</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>III</td>
<td>303-537-5006</td>
</tr>
<tr>
<td>IV</td>
<td>303-537-5006</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971
Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10263; Amdt. 91-85]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Temporary Flight Restrictions

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to prohibit the operation of non-essential aircraft in the vicinity of any incident or event which by its nature may generate such a high degree of public interest that the likelihood of hazardous congestion exists.

This amendment was proposed in Notice 70-19, published in the Federal Register on May 2, 1970 (35 F.R. 7030). Of the seven comments received to the notice, only two opposed the proposed rule change. One private citizen believed that no new amendment was required, as, in his opinion, the existing regulations are adequate to handle any hazardous situation that might arise.

The other dissenting opinion expressed the fear that the adoption of the rule as proposed would permit the closing of airspace with minimum reason and notification. Also, that the present system of NOTAM dissemination was an inadequate means of notifying pilots of flight restrictions.

It is the opinion of the FAA that in certain instances the temporary closing of airspace may be the only practical means of relieving an extremely hazardous situation. Furthermore, the fact that airspace at times fails to check NOTAMS is not in itself sufficient reason to reject the proposed rule change. In view of the fact that in recent years certain events, including, but not limited to, civil disturbances and major sporting events, have resulted in hazardous concentrations of air traffic, the FAA believes that this amendment is not only desirable but rather a requirement for the furtherance of air safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended as follows, effective March 1, 1971:

§ 91.91 Temporary flight restrictions.

(a) Whenever the Administrator determines it to be necessary in order to prevent an unsanitary condition of sight-seeing aircraft above an incident or event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster relief aircraft, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.

(b) When a Notice to Airmen has been issued under this Section, no person may operate an aircraft within the designated area unless:

(1) That aircraft is participating in disaster relief activities and is being operated under the direction of the agency responsible for such activities;

(2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;

(3) That operation is specifically authorized under an IFR ATC clearance; and

(4) VFR Flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service Facility specified in the Notice to Airmen, and en route operation through the area is conducted so as not to hamper or endanger relief activities; or

(5) That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen; the operation is conducted in accordance with § 91.79; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service Facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type and color,

(ii) Radio communications frequencies to be used,

(iii) Proposed times of entry and exit of the designated area,

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

(6) VFR Flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service Facility specified in the Notice to Airmen; the operation is conducted in accordance with § 91.79; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service Facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type and color,

(ii) Radio communications frequencies to be used,

(iii) Proposed times of entry and exit of the designated area,

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

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(ii) Radio communications frequencies to be used,

(iii) Proposed times of entry and exit of the designated area,

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

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(i) Aircraft identification, type and color,

(ii) Radio communications frequencies to be used,

(iii) Proposed times of entry and exit of the designated area,

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

§ 601.7 Audit.

Audit of the expenditures for the activities described in the plans may be made after prior consultation with the States or interstate agencies. Records, documents, and information available to the State and interstate agencies pertinent to the audit shall be accessible for the purposes of the audit. Records reflecting the receipt and expenditure of funds, payroll records, and progress records shall be retained for 3 years following the final settlement.

(See § 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 4606c, 4601)

§ 601.65 Assurances from applicant.

(a) * * *

(9) That adequate accounting and financial records will be maintained, reflecting (i) amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (ii) payroll records and kickback statements of laborers and mechanics working at the site. Such records shall be retained for 3 years following final settlement.

(See § 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 4606c, 4601)

NADINE S. CASEY,

Records Management Officer, Water Quality Office, Environmental Protection Agency.

[FR Doc.71-1304 Filed 1-29-71; 8:48 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 726—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

Wage Order; Correction

On January 22, 1971, wage orders revising §§ 728.2 and 729.2 of Title 29, Code of Federal Regulations, to be effective February 3, 1971, were published in the Federal Register at pages 1058 and 1059.

As section 8(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208) provides that the recommendations of the industry committee shall take effect upon the expiration of 15 days after the date of publication, the effective date of these wage orders is corrected from February 3, 1971, to February 6, 1971.

Signed at Washington, D.C., this 27th day of January, 1971.

ROBERT D. MORGAN,

Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-1310 Filed 1-29-71; 8:49 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 601—GRANTS FOR WATER POLLUTION CONTROL

Recordkeeping Requirements

Sections 601.7 and 601.65(a)(9) are amended to read as set forth below. The purpose of this amendment is to establish a specific retention period for the records prescribed by these sections.
Title 38—PENSIONS, BONUSES, AND VETERANS’ RELIEF
Chapter I—Veterans Administration
PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RULES AND REGULATIONS

Approved: January 26, 1971.
By direction of the Administrator.

[Rufus H. Wilson, Associate Deputy Administrator.]

[FR Doc. 71-1299 Filed 1-29-71; 8:47 am]

Title 39—POSTAL SERVICE
Chapter I—Post Office Department
PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements

On pages 432—435 of the Federal Register of January 13, 1971, the Department published a notice of proposed rule making to implement section 3010 (b), (c) of title 39, United States Code, as enacted by Public Law 91-375, consisting of a new § 124.9 in Part 124.

Interested persons were given until January 20, 1971, to submit written data, views, and comments on the proposed regulations. After consideration of the comments received, the Department has determined to adopt the regulations, subject to a number of minor changes as explained below.

Nevertheless, the Department will continue to receive and retain any further written data, views, and comments concerning these regulations that interested persons may submit hereafter to the Assistant General Counsel, Mailability Division, U.S. Postal Service, Washington, D.C. 20260. Such matter will be considered as suggestions for future rule making.

Since section 3010 of title 39, United States Code, becomes effective on February 1, 1971, it is necessary that the implementing regulations be in force on that date. Accordingly, the new § 124.9 proposed in the above-mentioned notice of proposed rule making is hereby adopted, effective February 1, 1971, subject to the following changes:

(1) In paragraph (b) (4) the last sentence is revised and supplemented.

(2) In paragraph (d) (1) the first two sentences are revised and supplemented.

(3) The portion of paragraph (f) (1) preceding the colon is corrected.

(4) In the third sentence of paragraph (f) (2) the words “the addressee must endorse the envelope or other wrapper” are changed to “the addressee must endorse the envelope or other wrapper and also the contents thereof.”


David A. Nelson, General Counsel.

In Part 124 new § 124.9 is added, reading as follows:

§ 124.9 Sexually oriented advertisements.

(a) General. (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can set to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. 3011 and in 18 U.S.C. 1735-37. (2) 39 U.S.C. 3010(d) defines a “sexually oriented advertisement” as “any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing.” It further provides that “material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters.” (3) The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by section 153.5 of this chapter may not be so used, although it may be used in 306(d) of 3 bodily fault to request the recall of a specific piece of mail inadvertently sent. (4) The addressee of the mailing should be able to return to the Postal Service representative, Part U of the application for listing, application for consent to list his name on the Postal Service’s referral list of persons not to be sent sexually oriented advertisements.

(b) Application for listing. (1) A person may invoke the protection of section 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of the Application for Listing Pursuant to 39 U.S.C. 3010, P.S. Form 2501, which may be obtained at any post office, in a self-addressed, stamped envelope or other wrapper.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who...
be available or any person by annual subscription. A subscription year runs from January 1, through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971 through December 31, 1971. Requests for information on subscriptions and requests for subscriptions should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, P.O. Box 677, Washington, DC 20260. Requests for subscriptions must be accompanied by a check for $5,000 payable to the U.S. Postal Service.

This money will be applied to the subscription price for the person filing. A person who receives a sexually oriented advertisement after his name and address first appears on the list shall continue his name on the List after reaching 3010 at more than one address for the person filing. A person who requests the protection of subsection (e) shall place the sender's name and address and the legend "sexually oriented ad" as provided by paragraph (e) of this section.

(a) authorizes and directs the Postal Service to provide a mark or notice which the sender of a sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed a sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamp, or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and signature of the addressee, and the date of receipt. The addresser and addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and signature of the addressee and the date of receipt.

(b)(1) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(3) The contrast between the background and printing of the sender's name and address and the legend "sexually oriented ad" shall be such as to make the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

(f) Violations. (1) The following is a partial list of conduct which may violate 39 U.S.C. sec. 3010 or 18 U.S.C. sec. 1735:

(1) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not contain the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(i) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing for use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the List for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee, when submitted to the postmaster, the addressee shall endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and (signature of addressee) and the date of receipt. The addresser and addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and (signature of addressee) and the date of receipt.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed
on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) Disposal of Original Form PS 2201. (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b) (1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b) (4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-1327 Filed 1-29-71; 8:49 a.m.]

Title 42—PUBLIC HEALTH
Chapter I—Public Health Service, Department of Health, Education, and Welfare
SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING
PART 73—BIOLOGICAL PRODUCTS
Hepatitis Associated Antibody (Anti-Australia Antigen)

On November 21, 1970, a notice of proposed rule making was published in the Federal Register (35 FR 17984–17985) proposing to amend Part 73 of the Public Health Service regulations by prescribing specific standards of safety, purity, and potency for Hepatitis Associated Antibody (Anti-Australia Antigen).

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication in the Federal Register.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted. As provided in the notice, such standards shall be determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b) (4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-1327 Filed 1-29-71; 8:49 am]

RULING AND REGULATIONS

Sec. 73.5000 Specificity.
73.5004 General requirements.


§ 73.3870 [Amended]

2. Section 73.870 is amended by inserting immediately after the listing "Haemophilus influenzae Typing Serum"

One year."

the following new listing:

Hepatitis Associated Antibody (Anti-Australia Antigen) Six months. (5 C., six months.)

3. Part 73 is amended by assigning the designation "Additional Standards for Diagnostic Substances for Laboratory Tests to Subpart F and by adding immediately after such subpart designation, the following:

Subpart F—Additional Standards for Diagnostic Substances for Laboratory Tests

Hepatitis Associated Antibody (Anti-Australia Antigen)

§ 73.5000 The product.

(a) Proper name and definition. The proper name of this product shall be Hepatitis Associated Antibody (Anti-Australia Antigen) which shall consist of a preparation of serum containing the hepatitis associated antibody.

(b) Source. The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis associated (Australia) antigen which have met the applicable requirements of § 73.501 or from human donors whose blood is positive for hepatitis associated antibody.

§ 73.5001 Reference panel.

A Reference Hepatitis Associated Antibody (Australia Antigen) Panel shall be obtained from the Division of Biologies Standards and shall be used for determining the hepatitis associated antigen.

§ 73.5002 Potency test.

To be satisfactory for release each filling of Hepatitis Associated Antibody (Anti-Australia Antigen) shall be tested against the Reference Hepatitis Associated Antigen (Australia Antigen) Panel and shall be sufficiently potent to be able to detect the antigen in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package enclosure.

§ 73.5003 Specificity.

Each filling of the product shall be specific for hepatitis associated antibody as determined by specificity tests found acceptable to the Director, Division of Biologies Standards.

§ 73.5004 General requirements.

(a) Processing. The processing method shall be one that has been shown to consistently yield a specific and potent final product free of properties which would adversely affect the test results when the product is tested by the methods recommended by the manufacturer in the package enclosure.

(b) Ancillary reagents and materials. All ancillary reagents and materials supplied in the package with the product shall meet generally accepted standards of purity and quality and shall be effectively segregated and otherwise manufactured in a manner (such as heating at 60 C. for 10 hours) that will reduce the risk of contaminating the product and other biological products. Ancillary reagents and materials accompanying the product which are used in the performance of the test as described by the manufacturer's recommended test procedures shall have been shown not to adversely affect the product within the prescribed dating period.

(c) Labeling. In addition to the items required by other applicable labeling provisions of this part, the following shall also be included:

(1) Indication of the source of the product immediately following the proper name on both the final container and package label, e.g., human, guinea pig.

(2) Name of the test method(s) recommended for the product on the package label and on the final container label when capable of bearing a full label (see § 73.600(a)).

(3) A warning on the package label and on the final container label if capable of bearing a full label (see § 73.600(a)) indicating that the product and antigen if supplied, shall be handled as if capable of transmitting hepatitis.

(4) If the product is dried, the final container label shall indicate "Reconstitute date: " and a statement indicating the period within which the product may be used after reconstitution.

(5) The package shall include a package enclosure providing (i) adequate storage and handling instructions, (ii) a description of all recommended test methods, and (iii) warnings as to possible hazards, including hepatitis, in handling the product and any ancillary reagents and materials accompanying the product.

(d) Final container. Final containers shall be sterile, colorless, and transparent.

(e) Samples; protocols; official release. For each filling of the product the following material shall be submitted to the Director, Division of Biologies Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of each filling packaged as for distribution, including all ancillary reagents and materials.

(2) A protocol which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Division of Biologies Standards.

The product shall not be issued by the manufacturer until notification of official
Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

HARRISON LOESCH, Assistant Secretary of the Interior.


[Public Land Order 4990]
[Anchorage 050042]

NEVADA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), as amended and supplemented, it is ordered as follows:

1. The departmental orders of January 31, 1903, May 3, 1919, August 7, 1920, March 30, 1921, May 19, 1921, April 21, 1923, June 4, 1930, October 16, 1931, March 2, 1933, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands, except as to all lands lying inside a line 300-feet landward from the high watermark, measured from a line horizontal to a perpendicular rising from the 1,229-foot elevation of Lake Mohave and the 695-foot elevation of Lake Mohave and the 1,229-foot elevation of Lake Mead:

MOUNT DIABLO MERRIAM

T. 28 S., R. 65 E. (unsurveyed),
Sec. 27, all fractional;
Sec. 26, SE%SE%;
Sec. 33, all;
Sec. 34, all fractional.

T. 23% S., R. 65 E. (unsurveyed),
Secs. 33, 34, all;
Sec. 35, all fractional.

T. 24 S., R. 65 E. (unsurveyed),
Secs. 1, 2, all fractional;
Sec. 3, all;
Sec. 10, E%N%NW%4, SE%NW%4;
Sec. 11, all;
Sec. 12, 13, 14, all fractional;
Sec. 15, El%E%2 all fractional, NW%4NE%;
Sec. 22, NE%NE%4, all fractional;
Sec. 27, SW%NW%4, SW%SE%;
Secs. 34, 35, all fractional.

T. 25 S., R. 65 E. (partially unsurveyed),
Secs. 2, all fractional;
Secs. 3, 10, all;
Secs. 11, 14, all fractional;
Secs. 15, 22, all;
Secs. 23, 26, all fractional;
Secs. 27, 34, all;
Sec. 35, all fractional.

T. 26 S., R. 65 E.
Secs. 2, 3, all fractional;
Secs. 4 through 10, all;
Secs. 11, 15, 14, all fractional;
Secs. 18, 22, all;
Secs. 29, 34, all fractional;
Secs. 27, 34, all;
Sec. 35, all fractional.

T. 27 S., R. 65 E.,
Secs. 1, all fractional;
Secs. 2, 3, 10, 11, 12, all;
Sec. 13, all fractional;
Secs. 14, 15, 22, all;
Secs. 23, 24, 25, 26, all fractional;
Secs. 27, 34, all;
Sec. 36, all fractional.

T. 28 S., R. 65 E.,
Secs. 1, all fractional;
Secs. 2, 3, 10, 11, 12, all;
Sec. 14, all fractional;
Secs. 15, 22, all;
Secs. 23, 24, 25, 26, all fractional;
Secs. 27, 34, all;
Sec. 36, all fractional.
Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-61; Amdt. 173-43]

PART 173—SHIPPERS

Acrolein, Inhibited

The purpose of this amendment is to authorize the transportation of inhibited acrolein, a flammable liquid, in:

1. Class 105A * * * W tank cars having a minimum test pressure of 300 p.s.i. and stenciled “105A200W”;
2. Specification 42B240, 4BA240, and 4BW240 welded steel cylinders; and

On October 27, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making (Docket No. HM-61; Notice No. 70-19 (35 F.R. 16645)), which proposed this amendment as described above. No comments were received.

Accordingly, 49 CFR Part 173 is amended as follows:

In §173.122 paragraph (a) (3) is amended, and paragraph (a) (5) and (6) are added to read as follows:

§173.122 Acrolein, inhibited.

(a) * * *

(3) Specification 105A300W (§§179-109 and 179.101 of this chapter) tank cars. Tank cars must be equipped with 150 p.s.i.g. safety relief valves and be stenciled 105A200W. Tank cars must also be stenciled “For Acrolein Only” near the specification number.

Notes:

1. [Canceled]

(5) Specification 42B240, 4BA240, or 4BW240 (§§178.50, 178.51, 178.61 of this chapter) welded cylinders each having a water capacity not exceeding 500 pounds.

§173.124 This amendment is effective June 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

(6) Specification 51 (§178.245 of this chapter) portable tanks each having a water capacity not exceeding 425 gallons.

This amendment is effective June 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

[Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act of 1958 (49 U.S.C. 1421-1450, 1472(n))]

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON, Acting Administrator, Federal Railroad Administration.

ROBERT A. KATE, Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER, Board Member, for the Federal Aviation Administration.

[Docket No. HM-59; Amdt. 173-42]

PART 173—SHIPPERS

Class A Poisons in Cylinders

The purpose of this amendment is to provide for the use of specification DOT-3A, 3AA, and 3E1800 cylinders for the transportation of certain class A poisonous liquids or gases.

On October 10, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No.
PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Removal of Label Exemption

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to remove certain exemptions from the labeling requirements in §173.402 and to make corresponding changes in §177.815.

On July 23, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-28; Notice 69-20 (34 F.R. 12188), which proposed to remove certain exemptions from the requirements for labeling of packages containing specified classes of hazardous materials. The Board proposed to cancel §173.404(h) since the provision thereof is no longer necessary.

As a basis for removing the exemptions the Board said:

Cargoad and truckload shipments of hazardous materials, except those of classes A or B, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when these shipments are loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or B poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.

These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were based on extended §177.815(h) since the provision thereof is no longer necessary.

§173.328 Poisonous gases and liquids not specifically provided for.

(a) * * *

(b) Specification 3A1800, 3AA1800 or 3E1800 (§§178.36, 178.37, 178.42) cylinders.

(1) Specifications 3A and 3A cylinders must not exceed 125 pounds water capacity (nominal). Cylinders must have valve protection or be packed in strong wooden or metal boxes as described in §173.327(a) of this chapter.

(ii) Specification 3E1800 cylinders must be packed in strong wooden or metal boxes.

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(66s 681-685, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1450 1472(h))

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON, Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE, Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER, Board Member, for the Federal Aviation Administration.

[FR Doc.71-1272 Filed 1-29-71; 8:46 am]

No. 21—Pt. 1—3

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971
There are occurrences when handling personnel, other than those employed by consignees, who contact hazardous materials even though such events are not contemplated at the time of shipment. The loading and unloading of transport equipment, shipments reconsigned to more than one destination and the placement of shipments temporarily in storage are also considered factors beyond the control of the motor carrier industry. Such occurrences as mechanical failure and storage are not uncommon. The Board believes that the absence of labels from certain packages of hazardous materials handled in carloads or less than carloads is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under the supervision of military personnel engaged in firefighting, cleanup operations, enforcement, and the general public. The Board is concerned not only during transportation. The proposal to eliminate will be of benefit to the public for the reasons stated in the notice. For shipments by highway, there are occasions when trucks carry certain classes of transport equipment. In many instances, exterior markings or placarding is not required on motor vehicles. The label on a package, in many instances, serve any additional help over and above the “By requiring the label to be an unnecessary duplication of decals. Further, several of the decals that were applied to the proposal. Their principal comments were: (1) The requirement would be an unnecessary duplication of decals presently employed by the industry; (2) it would be costly ($200,000 per year. The other commenter estimated a cost of 2 cents per label, and an added cost to the liquefied petroleum gas industry of at least 28 million dollars annually. The Board has considered the cost of labeling each package of hazardous materials and believes the benefit to the public exceeds the cost.

Concerning the fourth comment, the Board has stated previously what it believes to be the benefits of the rule change. One commenter provided considerable justification with his proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements. He also stated, "There is probably no container that is more suggestive of its contents or more familiar to the general public than the compressed gas cylinder. This is probably the result of ubiquitous presence of such cylinders at hospitals, buildings and construction sites, welding shops, auto and body shops, auto repair stations, suburban heating systems, and other locations. Indeed, so well known is the bottle configuration of the compressed gas cylinder that a picture of such a cylinder, without more, is used to represent compressed gas in the United Nations label for compressed gas. In view of the foregoing, we are entirely confident that the absence of labels on compressed gas cylinders, when moved in private or contract carriage, would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public.”

The proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public.

RULES AND REGULATIONS

There are occurrences when handling personnel, other than those employed by consignees, who contact hazardous materials even though such events are not contemplated at the time of shipment. The loading and unloading of transport equipment, shipments reconsigned to more than one destination and the placement of shipments temporarily in storage are also considered factors beyond the control of the motor carrier industry. Such occurrences as mechanical failure and storage are not uncommon. The Board believes that the absence of labels from certain packages of hazardous materials handled in carloads or less than carloads is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under the supervision of military personnel engaged in firefighting, cleanup operations, enforcement, and the general public. The Board is concerned not only during transportation. The proposal to eliminate will be of benefit to the public for the reasons stated in the notice. For shipments by highway, there are occasions when trucks carry certain classes of transport equipment. In many instances, exterior markings or placarding is not required on motor vehicles. The label on a package, in many instances, serve any additional help over and above the “By requiring the label to be an unnecessary duplication of decals. Further, several of the decals that were applied to the proposal. Their principal comments were: (1) The requirement would be an unnecessary duplication of decals presently employed by the industry; (2) it would be costly ($200,000 per year. The other commenter estimated a cost of 2 cents per label, and an added cost to the liquefied petroleum gas industry of at least 28 million dollars annually. The Board has considered the cost of labeling each package of hazardous materials and believes the benefit to the public exceeds the cost.

Concerning the fourth comment, the Board has stated previously what it believes to be the benefits of the rule change. One commenter provided considerable justification with his proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements. He also stated, "There is probably no container that is more suggestive of its contents or more familiar to the general public than the compressed gas cylinder. This is probably the result of ubiquitous presence of such cylinders at hospitals, buildings and construction sites, welding shops, auto and body shops, auto repair stations, suburban heating systems, and other locations. Indeed, so well known is the bottle configuration of the compressed gas cylinder that a picture of such a cylinder, without more, is used to represent compressed gas in the United Nations label for compressed gas. In view of the foregoing, we are entirely confident that the absence of labels on compressed gas cylinders, when moved in private or contract carriage, would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public.”

The proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public.

The Board agrees with the commenter that a compressed gas cylinder itself signifies to some degree the presence of a hazard and acknowledges that the silhouette of a cylinder is being proposed for inclusion on the new label for compressed gases. The Board does not agree that by granting an exemption for all cylinders, as proposed by the commenter, the degree of the hazard will be minimized; therefore, the amendment will provide an exemption only for compressed gases classed as nonflammable when carried by a barge or by contract motor carriers. As a further condition of the exemption, it will apply only to those cylinders that are often a burden. However, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.

Concerning the third comment, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.

The Board does not agree that by granting an exemption for all cylinders, as proposed by the commenter, the degree of the hazard will be minimized; therefore, the amendment will provide an exemption only for compressed gases classed as nonflammable when carried by a barge or by contract motor carriers. As a further condition of the exemption, it will apply only to those cylinders that are often a burden. However, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.

Concerning the second comment, the Board is aware that safety requirements are often a burden. However, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.
RULES AND REGULATIONS

173.402 Labeling of explosives or other dangerous articles.

(c) Labels are not required on packages containing hazardous materials when the packages are-
(1) Loaded and unloaded under the supervision of Department of Defense personnel,
(2) Under escort by Department of Defense personnel in a separate vehicle.
(d) Labels are not required on cylinders containing compressed gases classed as nonflammable, when—
(1) The cylinders are carried by private or contract motor carriers, and
(2) The cylinders are not overpacked.
(e) [Canceled]

II. Part 177 is amended as follows:

(a) Labels prescribed in § 173.402 through § 173.414 of this chapter must have been applied to packages by the shipper, unless exempted from the labeling requirements, the exemption being noted on the shipping papers.
(b) Labels are not required on packages containing hazardous materials when the packages are—
(1) Loaded and unloaded under the supervision of Department of Defense personnel, and
(2) Under escort by Department of Defense personnel in a separate vehicle.
(c) Labels are not required on cylinders containing compressed gases classed as nonflammable when—

(1) The cylinders are carried by private or contract motor carriers, and
(2) The cylinders are not overpacked.
(d) [Canceled]

This amendment is effective June 10, 1971.

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173.404 Labels.

(h) [Canceled]

PART 1033—CAR SERVICE

Penn Central Transportation Co. et al.

To Unload Certain Cars of Beets

 Held at Morrisville, Pa.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that there is a critical shortage of hopper cars throughout the country; that numerous shippers are unable to secure the hopper cars required for transportation of their traffic; that certain shippers load substantial numbers of such hopper cars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points on route to billed destination; that fourteen such cars are being held by the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 13, 1971.

The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., January 26, 1971.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 13, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(1) The cylinders are carried by private or contract motor carriers, and
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RULING AND REGULATIONS

Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director of Operations, Office of the Federal Register.

By the Commission, Railroad Service Board.

[Seal] ROBERT L. OSWALD, Secretary.

[F.R. Doc.71-1302 Filed 1-29-71;7:38 am]

[S.O. 1061]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of January, 1971.

It appearing, that an acute shortage of hopper cars exists on the railroad named in section (a) paragraph 1 hereinafter; that shippers located on the lines of this carrier are being deprived of hopper cars, contrary to the public interest; that coal stockpiles still retained in services for which they have been designated by the car owner; that such modifications, changes, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission hereby finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice. It is ordered, That:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars; Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to the return of hopper cars:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all hopper cars owned by the Missouri-Kansas-Texas Railroad Co.3

(2) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, provided such loading is available at unloading point, backhauling of empties is prohibited.

(3) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer for service in the interest of the public and foreign commerce. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahl, Director, Office of Operations, Interstate Commerce Commission.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shippers any loading of hopper cars contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, ICC R.E.R. No. 376, issued by E. J. McFarland, or reissues thereof.

(c) Application; The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., January 27, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Fr. Doc.71-1303 Filed 1-29-71;7:38 am)

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 39]

Oil REG. 1—OIL IMPORT REGULATION

Petroleum Allocations

This amendment of section 9 of Oil Import Regulation 1 (Revision 5) provides for the making of allocations of imports of crude oil and unfinished oils for petrochemical plants in Districts I-IV and District V for the allocation period January 1, 1971 through December 31, 1971.

While the Administrator, Oil Import Administration, shall make allocation of imports of crude oil and unfinished oils under section 9 of Oil Import Regulation 1 (Revision 5) for the allocation period January 1, 1971 through December 31, 1971, pending a decision on the proposed amendment to section 7 which appeared in the Federal Register for November 28, 1970 (35 F.R. 12699), he is directed to issue, under each such allocation which is in excess of 1,300,000 barrels, a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is the greater. If such an allocation does not exceed 1,300,000 barrels, a license shall be issued in the full amount of the allocation.

This amendment of section 9 makes no changes in the system of allocating imports of crude oil and unfinished oils to petrochemical plants in Districts I-IV and District V. The formulation of orderly programs of importation, including those involving exchanges of oil, dependent upon the making of allocations and the issuance of license thereunder. In the circumstances, the public interest would not be served by giving notice of proposed rulemaking or by delaying the effective date of this amendment. Accordingly, this Amendment 29 shall take effect immediately.

Section 9 of Oil Import Regulation 1 (Revision 5) (34 F.R. 19975) is amended to read as follows:

Sec. 9 Allocations: petrochemical plants; Districts I-IV, District V.

(a) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in Districts I-IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrel per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1970, multiplied by 112 percent.

(b) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrel per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1970, multiplied by 11.9 percent.

(c) No allocation for Districts I-IV made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 35 percent of the allocation. However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of imports.
imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) Each allocation made pursuant to this section shall be reduced by the amount of any licenses issued to the applicant under an interim allocation for the allocation period.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.


FRED J. RUSSELL,
Under Secretary of the Interior.


G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71–1422 Filed 1–29–71; 10:34 am]
Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

MILK IN PUGET SOUND MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Banquet Hall, Norwegian Center (Norselander Restaurant), 300 Third Avenue West, Seattle, WA, beginning at 9:30 a.m., local time, on February 8, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Puget Sound Producers' Plan Committee:

Proposal No. 1—A, General nature of plan.

The plan will be based upon a 3-year rolling average of production during the base-earning period with production history protected for producers who reduce production.

At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering through another market shall within 90 days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in the market shall within 90 days be given base milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. All milk in deliveries of 50 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 60-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

The following paragraphs outline the general conditions for determining production history bases, Class I bases, and base rules.

B. Base earning period for production history bases. A producer's share in the market shall within 90 days be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base earning period should be at least the last 4 months of each of the last 3 calendar years. For the initial issuance of production histories, the calendar years of 1968, 1969, and 1970 would be used.

For subsequent issuance in parts of December 1968, January 1969, and February 1969 which prevented normal delivery of milk in certain areas of the milk shed, if any of those months are among the 4 lowest months of those calendar years, the production history of producers who could not deliver milk because of storm conditions or were forced to dump milk at the farm shall be adjusted by determining a daily average delivery from the actual days of delivery by those producers in such months.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver in all of 3 calendar years.

3. If a producer delivers milk during at least the last 4 months of a calendar year, he shall be considered as having delivered in that calendar year for purposes of determining a production history base. His deliveries in the last 4 months of a year shall be adjusted to reflect the market's 4 lowest months of production in that calendar year and used to determine his history of production. This adjustment is to insure that production by such producers in a portion of a calendar year which is used to determine a production history base will be equitable with production of other producers during the market's 4 lowest months of production.

4. A production history base once issued and not transferred or forfeited shall be protected for future years if a producer reduces his production, but not below the Class I base issued to him, and such production history base meets the following criteria:

a. It was used to determine a Class I base under the Class I base plan effective September 1, 1967, and the producer has not transferred or forfeited the Class I base issued to him under those provisions.

b. The production history base was issued under the new plan and was based upon deliveries in 3 calendar years, and

c. It was not based either wholly or partially upon production history received by transfer other than under the Intrafamily provisions, or that transferred as protected production history base.

d. Method to determine the first production history bases for different categories of producers under the new plan.


An average determined by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months, except that

a. A person issued a Class I base under the provisions which became effective September 1, 1967, and who retained and used such base in all months after its issuance may use the production history from which his Class I base was determined if it was higher than the average deliveries determined above.

b. For a producer delivering milk when the new plan starts and who did not deliver milk in all of 1968, 1969, and 1970.

A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

b. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

c. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during an 8-month period divided by the number of days in that 8-month period and shall use 80 percent of that average as his history of production.

d. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period divided by the number of days in that 4-month period and shall use 99 percent of that average as his history of production.

e. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period divided by the number of days in that 4-month period and shall use 99 percent of that average as his history of production.

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971
a. Persons who become producers because the plant to which they ship milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2, above.

b. Persons who were producers for another market and who start delivering milk to this market from the farm operated during the preceding calendar year shall receive only the Class III price for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period as for old producers pursuant to paragraphs 1 and 2, above. Such base would be usable only from that same farm.

c. Persons beginning milk production shall receive only the Class III price for up to their first 90 days of delivery. They would then receive base milk pursuant to paragraph 5, below, until they were issued a production history base on a succeeding February 1 from procedures as outlined in paragraph 2, above.

d. Persons who previously had a designated supply relationship with the market's 4 low months of each of the 3 calendar years prior to the effective date of the new plan becomes effective and then a market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases and the following:

F. Amount of Class I base to issue. 1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20-percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20-percent reserve.

G. Calculation of percentage to use to determine Class I base from production history base. A percentage shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective and then a new percentage shall be determined on succeeding February 1's. A percentage once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating base milk to producers who were not issued a Class I base.

H. Reallocation of bases. Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:

a. A producer's protected production history base.

b. A base determined as follows:

For a producer delivering milk in all of the last 3 calendar years—an average computed by dividing his deliveries during those 3 years by the number of days in the 3 years.

For any other producer—an average computed from procedures as outlined in paragraph C2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history base of an producer by the percentage determined under paragraph E.

G. Forfeiture of bases (base rules). Producers who are issued production history bases and Class I bases but do not forfeits as provided below.

1. A producer who does not deliver the average of his Class I base in the market's 4 low months of each calendar year shall forfeit all production history base and Class I base held and all credit for deliveries made prior to the 69-day period of nondelivery.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 6 consecutive days shall immediately forfeit all production history base and Class I base held and all credit for deliveries made prior to the 6-day period of nondelivery.

H. Transfers of bases. Transfer of a herd and farm shall be allowed the production history base is issued, by the sum of the production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to maintain a I year provisions in the current order.

7. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of
bases and compliance with all base rules currently in effect.

8. A person who transfers all of his production history base and Class I base to another person after the new plan begins shall receive only the Class III price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base.

9. There should be no provisions which will increase excessively the value of bases, require issuance of base certificates, or require notification of clearing of pending transfers with third parties. The current Class III base committee, Harding, and provisions similar to those in §1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

10. The provisions of §1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

1. The provisions of §1125.124(c)(3) (a) and (b) should authorize a base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forfeiture of production history base and/or Class I base or to restore forfeited bases where appropriate. The committee should also be authorized to permit transfer of base not currently in effect and paid for by the owner under the original provisions if the committee feels such transfer is appropriate.

Proposed by the Equal Marketing Committee:

Proposal No. 2—A. General nature of plan.

The plan will be based upon a 5-year rolling average of production during the base-earning period with production history protected for producers who demonstrate production in the market. At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period or during the last 7 months before the effective date of the new plan shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering by transfer from another market, or during the last 4 months of those days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in the market during the market's lowest milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers. Within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. A break in deliveries of 90 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 90-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

In computing production history bases and Class I bases, a producer shall not receive any credit for production under the provisions of the Class I base plan which became effective September 1, 1967, unless the transfer was within the family.

The following paragraphs outline the general conditions for determining production history bases and base rules.

B. Base earning period for production history bases. A producer's share in the market should be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base-earning period should be the market's 4 lowest months of production in each of the last 3 calendar years. For the initial issuance of production history bases, the calendar years of 1968, 1969, and 1970 shall be used.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver milk in all of 1969 or 1970.

3. If a producer delivers milk during at least the last 7 months before the effective date of the new plan shall use 60 percent of that average as his history of production. Also, a producer who delivers milk in at least the last 7 months before the effective date of the new plan shall use 80 percent of that average as his history of production.
For a producer who starts deliveries later than 7 months before the effective date of the new plan, a production history base will not be issued at the start of the new plan, but he will be given base milk according to paragraphs 5 below until he is issued a production history base on a subsequent February 1.

3. For producers who enter the market after a new plan is issued:
   a. Persons who become producers because they no longer will produce milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2 above.
   b. Persons who were old producers for another market and who start delivering milk to this market from the farm operated during the base-earning period shall receive only the Class II base for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period. The old producers pursuant to paragraphs 1 and 2 above, such base would be usable only from that same farm.
   c. Persons who are not issued a production history base, that is, who were not issued a Class I base, shall be allowed base milk by use of a percentage which will reflect their association with the market, that is, the supply-demand relationship of the market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases by 1.00.

D. Amount of Class I base to issue

1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20 percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20 percent reserve.

E. Calculation of percentage to use to determine Class I base from production history bases

A percentage of the Class I base shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective, and then a new percentage shall be determined on succeeding February 1's. A percentage once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating the production history bases to producers who were not issued a Class I base.

F. Reallocation of bases

Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:
   a. A producer’s protected production history base;
   b. A base determined as follows:
      For a producer delivering milk in all of the last 3 calendar years— an average computed by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months.
   For any other producer— an average computed from procedures as outlined in paragraph C 2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history for each producer by the percentage determined under paragraph E.

G. Forfeiture of bases (base rules)

Producers who are not issued production history bases and Class I bases but do not make use of those bases should forfeit bases as provided below.

1. A producer who does not deliver the average of his Class I base in the market's 4 lowest months of production in a calendar year shall forfeit, on the next February 1, a portion of his protected production history base. He should forfeit protected production history base in proportion to the amount that Class I base held exceeds his average delivery during those 4 months.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 60 consecutive delivery days shall forfeit all production history base and Class I base held and all credit for deliveries made prior to the 60-day period of non-delivery. When such a producer returns to the market, he shall forfeit, on the next February 1, a portion of his protected production history base as if any other person beginning production. His deliveries up to his first 90 days shall be paid for at the Class I price and after that he shall receive base milk and/or a Class I base provided in paragraph C 3, above.

H. Transfers of base

Transfer of base should be permitted so as to encourage new producers to acquire base by transferring less than the amount to earn bases. It should also permit an old producer to acquire additional base by transfer rather than only by increasing production. The base rules should be such as to prevent bases from taking on an unreasonable value.

1. Both production history bases and Class I bases may be transferred from one producer to another under the conditions specifically set out below.

2. Transfers may be made intrafamily without restrictions when a herd and farm is transferred as an operating unit. This will include transfers to an estate and from an estate to a member of the family.

Also, any transfers of Class I base within a family under the current Class I base plan which was associated with the transfer of a herd and farm shall be allowed the production history base issued under the plan which became effective September 1, 1967, and any production delivered by the transferee producer during the base-earining period and prior to the effective date of the new plan shall be base milk delivered by the transferee for use in computing a production history base under the new plan.

3. The rules for requesting transfer of base to the person to whom base can be transferred, the amounts of base that can be transferred, and the effective date of transfer under the current order provisions are contained in § 1125.133. Subsections (a), (2), (9), and (b), (c), and (f) are to be changed by other provisions of this proposal. The remaining portions of § 1125.133 should remain the same except for the inclusion of references to production history base as well as to Class I base.

4. Transfers which are not intrafamily pursuant to paragraph 2, above, shall be subject to the following conditions:
   a. The amount of production history base and Class I base to be transferred by the transferee producer, 25 percent shall be forfeited and the other 75 percent may be transferred to the other producer.
   b. Production history base received by the transferee producer may be used with his own deliveries to determine production history bases in the succeeding years as follows:
      On the 1st following February 1, 67 percent of amount received.
      On the 2nd following February 1, 45 percent of amount received.
      On the 3rd following February 1, 30 percent of amount received.
   c. The protected production history base of the producer receiving the base may be increased by 30 percent of the production history base transferred.
   d. A production history base determined while using transferred production history cannot be used as a protected production history base.
   e. The transferor producer's Class I base, credit for production used to determine future production history bases, and protected production history base shall be reduced pro rata by the transfers and forfeitures above.
   f. There should be no time restrictions on the transfer of the new production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to retain the 1-year provisions for the current base plan.
   g. Transfers should be placed on the transfer of the production history base and Class I base after issuance of such bases to producers under certain conditions. This will require such producers to demonstrate their permanent
PROPOSED RULE MAKING

association with the market before they are permitted to transfer bases to other producers. These restrictions should be as follows:

a. Bases issued to beginning producers should not be transferable until 3 years after production history and Class I bases are first issued to the producer, except that if a producer discontinues dairy production, his base may be transferred effective on the first day of the next month.

b. Bases issued to producers pursuant to the producer-handler provision, the nonpool plant provision, and the producers for other market provision, should not be transferable until 3 years after production history bases and Class I bases are first issued to the producer.

c. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules currently in effect.

d. A person who transfers all of his production history base and Class I base to other persons after the new plan becomes effective will receive only the Class I price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base. The same provisions shall apply to any operator using the same unit and/or other production facilities if the new operator is a member of the immediate family of the producer who transferred his production history base and Class I base, is an affiliate of such a person, or is a business unit of which such a person is a part.

e. There should be no provisions which would or result in excessively the value of bases, require issuance of base certificates, or require notification of clearance of pending transfers with third parties.

2. Hardship provisions. Hardship provisions similar to those in §1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

a. The provisions of §1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

b. The provisions of §1125.124(c)(3)(i) and (ii) should authorize a producer base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forfeiture of production history base and/or Class I base to transfer forfeited bases where appropriate. The committee should also be authorized to permit transfer of base not otherwise permissible under the order provisions if the committee feels such transfer is appropriate.

Proposed by William Brouwer, Lynden, Washington:

Proposal No. 3. Provide that all producers be paid the same uniform price irrespective of their deliveries in any preceding period.

Proposed by Mrs. Glen Hardy, Everett, Washington:

Proposal No. 4. Provide that all producers receive the same blend price for all milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 16 West Harrison Street, Suite 266, W. W. 66118, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.


Clayton Yeutter, Administrator, Consumer and Marketing Service.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

21 CFR Parts 14, 121

[DOCKET No. FDC—70]

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING

Standard of Identity and Food Additive Regulations; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing

In the matter of establishing a standard of identity and food additive regulations for cocoa with dioctyl sodium sulfosuccinate for manufacturing:

HISTORY

1. In the Federal Register of December 24, 1968 (33 F.R. 19197), a notice was published proposing establishment of a standard of identity (§14.14) for cocoa with dioctyl sodium sulfosuccinate for manufacturing. The proposal was based on a food standard petition submitted by American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965.

2. Published December 24, 1968 (33 F.R. 19203), was a notice of filing of a food additive petition (FAP 6J2039) by the same firm proposing that food additive regulation §121.1157 be amended to provide for safe use of dioctyl sodium sulfosuccinate as a dispersing agent in cocoa and proposing issuance of a new food additive regulation to provide for safe use of "cocoa with dioctyl sodium sulfosuccinate for manufacturing" in dry beverage bases.

2. Received comments were considered and in the Federal Register of July 23, 1969 (34 F.R. 12177), a food standard order was published adding said standard identity. In the proposed identity, Part 1, the order, issued under sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act, provided 30 days for filing objections and a 60-day delay in effective date. Also published July 23, 1969 (35 F.R. 12188), was a food additive order acting on FAP 6J3039 by adding paragraph (e) to §121.1157 and by adding §121.1229 to Part 121. This order, issued under section 409 of the act, provided 30 days for filing objections but was effective on its date of publication.

3. In the Federal Register of December 16, 1969 (34 F.R. 14140), notice was given that the Chocolate Manufacturers Association of the United States of America, Washington, D.C. 20006, had filed objections and requested a public hearing.

The Commissioner of Food and Drugs concluded that reasonable grounds had been given for a hearing on the issue of whether dioctyl sodium sulfosuccinate in cocoa would accomplish its intended effect; that is, to rapidly disperse cocoa in dry beverage bases when such bases are being mixed with water or milk. The Commissioner rejected the other objections by said Association, having concluded they were not supported by reasonable grounds. Accordingly, the effective date of §§14.14, 121.1157(e), and 121.1229 was stayed pending resolution of said issue at a public hearing.

4. In the Federal Register of March 31, 1970 (35 F.R. 5547), a notice was published scheduling the hearing to begin May 4, 1970, for the purpose of receiving evidence relevant and material to said issue, and also scheduling a prehearing conference for April 27, 1970, for stated purposes.

5. The prehearing conference began and was completed April 27, 1970; the public hearing began May 4, 1970, and was concluded May 5, 1970. Four expert witnesses were called by the petitioner (American Cyanamid Co.) and five were called by the objector (Chocolate Manufacturers Association).

6. On June 23, 1970, the Hearing Examiner, Mr. William E. Brennan, submitted his report in this matter to the Commissioner of Food and Drugs. The report is part of the public record. The Commissioner, through the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fithers Lane, Rockville, MD 20852.

Having considered the record of the public hearing, the Hearing Examiner's Report dated June 25, 1970, and other relevant material, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046),
At least one method is patented. (Tr. 215, 226.)

16. Several tests were run by the American Cyanamid Co., chocolate manufacturers, and other cocoa manufacturers. These tests showed that the DSS-treated samples were more easily dispersible in water and milk. (Tr. 60-61, 96, 112, 123, 129, 130-33, 147; P. 4.)

17. Tests were run at the U.S. Cocoa Co. plant by U.S. Cocoa Co., and American Cyanamid Co., employees. They treated cocoa powder and press cakes in runs of up to 525 pounds. The results were comparable to those obtained at the American Cyanamid Co.'s plant. The U.S. Cocoa Co.'s President testified that these results could be duplicated in runs of up to 5,000 pounds.

18. The size of a commercial run of cocoa may vary from 500 to 5,000 pounds. (Tr. 66, 71, 94.)

19. In the majority of test runs, on both cocoa mixes and cocoa alone, the amount of DSS used did not exceed 0.4 percent by weight of the cocoa. (Tr. 57, 59, 79, 80, 87; O. 3, P. 4.)

20. Some of the members of the Chocolate Manufacturers Association members who treated the cocoa themselves were able to duplicate the significant improvements in wetting times which the American Cyanamid Co. obtained in tests conducted by the Ambrosia Chocolate Co., a member of said Association, on 20-pound batches of cocoa treated by them with Complemix 50 in water, the non-treated control required a wetting time of 14 minutes whereas the treated cocoa took only 6 minutes. A witness from the Ambrosia Chocolate Co., testified that these results were promising and that the tests conducted by the American Cyanamid Co. showed that this improvement could be duplicated with untreated powders. (Tr. 159, 165-67, 186, 206-9, 242, 244, 247, 301-3, 314; O. 3.)

21. Tests were conducted by witnesses for both parties showing the use of alcohol, isopropanol, water, and an undisclosed natural food substance as the solvent for DSS. Alcohol 23A and isopropanol are compared in their effectiveness as solvents for DSS. (Tr. 63, 74, 78, 86, 124, 156, 162-64, 206, 220-23, 236, 318, 325; O. 2, 6.)

22. Alcohol 23A is denatured alcohol prepared to be suitable for use in food products. (Tr. 156.)

PROPOSED CONCLUSIONS

1. Diocetyl sodium sulfosuccinate can be added to cocoa in conformity with the...
regulations concerning cocoa with diocetyl sodium sulfosuccinate for manufacturing (21 CFR 14.14, 121.1137(e), and 121.1229) so as to accomplish the intended effect of facilitating production of dry beverage bases with cocoa that will tend to accomplish the intended effect of facilitating production of basic resources of medical libraries and related instrumentalities under section 396 (formerly section 397) of the Public Health Service Act. In implementing amendments to such section made by the Medical Library Assistance Extension Act of 1970, Public Law 91-212. The proposed amendments were prepared with the advice and assistance of the Board of Regents of the National Library of Medicine.

In addition, it is proposed to amend such regulations to reflect Reorganization Plan No. 3 of 1966 and Reorganization Orders of the Secretary of Health, Education, and Welfare of March 13 and April 1, 1968 (32 F.R. 4894, 5426).

Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 59a, Subpart B, of the Public Health Service regulations as follows:

1. Amend the title of Subpart B to read as follows:

Subpart B—Grants for Establishing, Expanding and Improving Basic Resources

2. Revise the issuing authority for Subpart B appearing immediately after the title to read as follows:


3. Delete all references in Subpart B to "Surgeon General" and substitute the term "Secretary" or "Secretary's" in lieu thereof, respectively.

4. Amend §59a.11 to read as follows:

§59a.11 Applicability.

The provisions of this subpart apply to grants for establishing, expanding and improving basic resources as authorized by section 396 of the Public Health Service Act.

5. Amend §59a.12 by deleting paragraphs (c), (e), and (f) and substituting in lieu of paragraph (c) the following new paragraph:

§59a.12 Definitions.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) [Deleted]

(f) [Deleted]

6. Revise §59a.15 to read as follows:

§59a.15 Grant awards.

(a) General. Within the limits provided by law and in such denominations as the Secretary shall determine, the Secretary shall award grants to those applicants whose proposals for establishment, expansion, or improvement will in his judgment best promote the purposes of section 396 of the Act.

(b) Determination of award amount. The amount of any award, not to exceed $500,000, shall be determined by the Secretary:

(1) On the basis of the scope of medical library or related services provided by the applicant in relation to the population and purposes served by it, taking into account the following factors: (i) The number of graduate and undergraduate students, and physicians and other practitioners in the sciences related to health making use of the applicant's library resources;

(ii) The type of supportive staff, if any, available to the applicant's library;

(iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;

(iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;

(v) The geographic area served by such applicant and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities; and

(vi) Such other factors as the Secretary may determine to be necessary for the orderly administration of the grant program hereunder, no grant shall be made for less than $1,000.

(c) Payments. The Secretary shall from time to time make payments or provide materials, to a grantee of all or a portion of any grant made hereunder, out of any money available, or to be incurred, for the grant purposes and in such amounts and installments as the Secretary, in his judgment, may deem necessary for the orderly administration of the medical library or related instrumentalities. This provision relating to grant payments shall also be applicable to
awards pursuant to section 308 of the Act.

7. Revise § 59a.16(a) to read as follows:

§ 59a.16 Termination.

(a) Termination by the Secretary.

Any grant awarded may be revoked or terminated by the Secretary in whole or in part, at any time when, in his judgment, the grantee has failed in any material respect to comply with the Act or the regulations of this part. The grantee shall be promptly notified in writing of such determination and given the reasons therefor. Within 10 days after receipt of such notice, or such longer period as the Secretary may allow, the grantee may request a reconsideration of such termination and shall be afforded an opportunity to present orally or in writing, such information or argument as may be pertinent.

§ 59a.21 [Amended]

8. Amend § 59a.21 by deleting after the word "Secretary" in the second sentence, the words "of Health, Education, and Welfare".

9. Revise § 59a.16(a) to read as follows:

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. Any proposed amendment contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

A new departure procedure has been developed for Rohnerville Airport, CA, requiring climb via a heading of 309° T (290° M). Additional 700-foot transition area is required to provide controlled airspace protection for aircraft climbing from 700 feet to 1,200 feet above the surface. The transition area has also been described for simplicity and ease of charting.

In consideration of the foregoing, the FAA proposes the following airspace action.

§ 71.181 (36 F.R. 2140) the description of the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles north-northeast of the VORTAC, within 2.5 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°13′15″ N., longitude 124°07′53″ W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc. 71-1170 Filed 1-29-71; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Arcata, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 23007, Worldway Postal Center, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. Any proposed amendment contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

A new departure procedure is proposed for Murray Airport, California, via a 309° T (290° M) bearing to intersect V27. A portion of 700-foot transition area is required to provide controlled airspace protection for aircraft climbing from 700 feet to 1,200 feet above the surface. In addition, a new ILS RWY-27 approach is proposed incorporating a 20 NM DME arc transition centering from the Fortuna, Calif., VORTAC 136° radial to the point of intersection with the Arcata, Calif., ILS localizer southeast course, on the south by latitude 40°18′00″ N., longitude 124°05′29″ W., extending 3 miles north-northwest of the airport.

In consideration of the foregoing, the FAA proposes the following airspace action.

§ 71.181 (36 F.R. 2140) the description of the Arcata, Calif., transition area is amended to read as follows:

ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°18′00″ N., on the northeast by a line 2 miles north of and parallel to the ILS localizer southeast course, on the south by latitude 40°45′00″ N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 306° bearings from the Murray Airport latitude 40°45′18″ N., longitude 124°06′29″ W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace area will be reduced from 1,200 feet above the surface, bounded on the north by latitude 41°16′00″ N., on the northeast by a line 2 miles east of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34′00″ N., thence to latitude 40°32′00″ N., longitude 124°30′00″ W., on the west by longitude 124°30′00″ W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial; that airspace area will be reduced 36 miles east of the VORTAC, and that airspace within an arc of a 20-mile radius circle centered on the Propunye Airport, VORTAC NO extending counterclockwise from the northeast edge of V27 to the south edge of V195.

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971
This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

Lee E. Warren, Acting Director, Western Region.

PROPOSED RULE MAKING

ENVIRONMENTAL PROTECTION AGENCY

(42 CFR Part 479)

REGULATION OF FUEL ADDITIVES

Advance Notice of Proposed Rule Making

Section 211 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), authorizes the Administrator of the Environmental Protection Agency to regulate any motor vehicle fuel or fuel additive which produces emissions that will endanger public health or welfare, or which produces emissions that will significantly impair the performance of any emission control system or device which the Administrator determines would be generally used within a reasonable time if the fuel or fuel additive in question were to be regulated. Before he prescribes such regulations, the Administrator is required to consider scientific data on the need for regulation of such fuel or fuel additive and, in certain situations, to make findings on the technological and economic feasibility and consequences of such regulations.

An extensive body of information exists which indicates that the addition of alkyl lead to gasoline, for the purpose of increasing the octane of that fuel, results in automobile exhaust emissions of lead particles that pose a threat to public health; and that these particles also render inoperative catalytic converters which are devices currently being developed to enable the internal combustion engine to meet the emission standards for hydrocarbons and carbon monoxide required to be prescribed under section 202(b)(1)(A) of the Clean Air Act, as amended.

Notice is hereby given that the Agency, in accordance with the requirements of section 211, is considering available relevant scientific, medical, economic, and technological data concerning the use of alkyl lead in motor vehicle gasolines, with the intention of proposing controls or prohibitions on the use of that additive on the earliest date possible. It is anticipated that regulations will be proposed which provide for general availability by July 1, 1974, of lead-free gasoline of an octane quality suitable for 1975 and subsequent model year light duty vehicles; and for reduction of the lead content of the current "regular" and "premium" grades of gasoline from their present average of approximately 2.5 grams per gallon to no more than 0.5 grams per gallon; such reduction to be achieved as quickly as is technologically possible. Although no schedule for reduction of lead content of "regular" and "premium" grades of gasoline has been developed, the Agency intends that gasoline of an octane quality suitable for vehicles currently in use will be allowed to be sold for as long as the demand exists, insofar as that is consistent with the goal of a maximum lead content of 0.5 grams per gallon.

This advance notice of proposed rule-making is published with the intention of informing the public of the Agency's actions and plans in this important area of concern, and for the purpose of providing the automobile and refining industries notice of impending regulation relevant to their immediate and long-range planning.


William D. Ruckelshaus, Administrator.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Communications Technology and Services; Diversification of Control; Federal, State, or Local Relationships; and Technical Standards; Extension of Time

Order. In the matter of: Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule-making and/or legislative proposals; Docket No. 18397-A. Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18891. Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television systems field and/or formulation of legislative proposals in this respect; Docket No. 18892. Amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems; Docket No. 18894.

1. On January 15, 1971, American Broadcasting Co., All-Channel Television Society, Association of Maximum Service Telecasters, Inc., and National Association of Broadcasters filed a "Motion for Extension of Time" in Docket No. 18397-A. No opposition to this motion has been filed.

2. The background of this matter is contained in the Order in Docket No. 18397-A, FCC 70-1244 (released Dec. 8, 1970). The joint petitioners now urge that there has been an inadequate period of time for them to prepare "exhaustive, sophisticated, and valuable critiques" of the studies presented.

3. The Commission has carefully considered the present petition, and will extend the time for reply comments to February 10, 1971. An extension beyond this date seems impracticable since we have determined to conduct hearings in this general area commencing March 11, 1971, and sufficient time must be allowed for study of comments prior to the date of hearings. In this regard, we intend shortly to issue an order describing procedural considerations applicable to the upcoming hearings.

In view of the foregoing: It is ordered, That the "Motion for Extension of Time" described above is granted in part and is denied in part as described below.

It is further ordered, That the time for filing reply comments in the above-captioned proceedings is extended to and including February 10, 1971.


Released: January 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION

[Seal]

Ben P. Whale
Secretary.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

Correction

In F.R. Doc. 71-774 appearing on page 942 in the issue for Wednesday, January 20, 1971, the reference to "§ 5457-1(a)" in the second last line of the introductory text of § 5456-3(c)(2) should read "§ 5457-1(a)".

1 As indicated in our above cited Order, FCC 70-1244, the four above-captioned dockets are so closely related that it is desirable to maintain the same filing dates in all of them.

2 Commissioner Houser not participating.
FEDERAL POWER COMMISSION

[18 CFR Parts 3, 32, 33, 34, 35, 36, 45, 159]

[Docket No. R-408]

SCHEDULES OF FEES TO BE PAID BY ELECTRIC PUBLIC UTILITY COMPANIES AND NATURAL GAS COMPANIES AND FOR MISCELLANEOUS SERVICES

Notice of Further Extension of Time

January 22, 1971.

On January 19, 1971, the Independent Natural Gas Association filed a request for a further extension of time to and including February 5, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including February 5, 1971, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rulemaking issued November 25, 1970 (35 F.R. 18324, 19641), in the above-designated matter.

GORDON M. GRANT,
Secretary.

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X 1]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS; REFINERS; DISTRICT V

Notice of Proposed Rule Making

Section 11 of Oil Import Regulation I (Revision 5), as amended by Amend-

ment 26 (36 F.R. 52), provides for tentative allocations of imports of crude oil into District V for the allocation period January 1, 1971, through December 31, 1971. The schedule set forth in paragraph (b) of section 11, as amended by Amendment 26, is designed to achieve the equitable distribution of approximately 145,000 b/d. In fact, however, the quantity available for allocation in District V for the calendar year 1971 will be approximately 222,000 b/d. Accordingly, it is proposed that section 11 be amended to read as set forth below. Final action upon this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Although tentative allocations of imports of crude oil into District V were authorized by section 11, as amended by Amendment 26, formulation of orderly programs of importation, including those involving exchange of oil, requires prompt issuance of regulations prescribing the manner in which regular import allocations will be made for District V for the allocation period January 1, 1971, through December 31, 1971. For that reason in view of the notice that was given in this regard by amendment 26, it is not in the public interest to give 30 days notice of proposed rule making concerning this amendment. Instead, comments concerning this amendment should be submitted within fifteen (15) days from the date of the publication of this notice in the Federal Register. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, JR.,
Acting Administrator,
Oil Import Administration.

DEPARTMENT OF STATE
Agency for International Development

PRINCIPAL DIPLOMATIC OFFICER IN CAMBODIA

Delegation of Authority Regarding Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 184 from the Secretary of State of November 3, 1961 (26 F.R. 10008), I hereby delegate to the principal diplomatic officer of the United States in Cambodia, with respect to the administration of the foreign assistance program in that country, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

1. Unpublished Delegation of Authority of January 10, 1956;
2. Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective immediately.


JOHN A. HANNAH, Administrator.

[FR Doc. 71-1285 Filed 1-29-71; 8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Loan and Contract Servicing

The redelegation of authority to Regional Administrators, et al., with respect to loan and contract servicing, published at 35 F.R. 16104, October 14, 1970, is amended by revising section 3 to read as follows:

Sec. B. Authority redelegated with respect to specific programs. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Housing Services and Property Management Division, Area Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development in connection with servicing loans and grants for college housing under title IV of the Housing Act of 1950 (12 U.S.C. 1749a-1749e) and loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1969 (12 U.S.C. 1701q), except the following power and authority:

1. To sue and be sued.
2. To establish the rate of interest on Federal loans and advances.
3. To issue notes or other obligations for purchase by the Secretary of the Treasury.
4. To issue rules and regulations.
5. To exercise the power and authority under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).
6. To make the determination to:
   a. Consent to the modification of any agreement to which the Government is a party with respect to time of payment on any installment of principal or interest due the Government, or any required deposit into a fund or reserve, under section 402(c)(8) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(8));
   b. Authorize postponement of a scheduled payment due the Government or deposit of any required deposit into a fund or reserve;
   c. Foreclose on any property, or commence any legal action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement;
   d. Accept deeds in lieu of foreclosure; or
   e. Purchase prior liens on such property.

(Administrator's delegation of authority to redelege published at 35 F.R. 16028, and other authorities cited therein)

[FR Doc. 71-1809 Filed 1-29-71; 8:49 am]
NOTICES

NEW MEXICO PRINCIPAL MERIDIAN
CARSON NATIONAL FOREST
Trost Lakes Recreation Area

T. 27 N., R. 5 E.,
Sec. 1, S 1/2 SW 1/4 NW 1/4;
Sec. 2, SW 1/4 sec. 1, lots 3, 4, N 1/2 SW 1/4 NE 1/4,
S 1/2 NE 1/4 SW 1/4, SE 1/4 SW 1/4, N 1/2 SW 1/4 NW 1/4,
S 1/2 NW 1/4 SW 1/4, NE 1/4 SE 1/4 NW 1/4, and N 1/2
NW 1/4 SE 1/4 NW 1/4;
Sec. 3, E 1/4 lot 1 and N 1/2 NE 1/4 SE 1/4 NE 1/4;
Sec. 4, S 1/2 sec. 1, lots 1, 2 and E 1/4 sec. 2, 3, 4;
Sec. 5, N 1/4 NW 1/4, SW 1/4 SE 1/4, NW 1/4 SW 1/4,
S 1/2 SW 1/4 SE 1/4, and SW 1/4 NW 1/4.

The areas described aggregate 1,629.43
acres more or less.

MICHAEL T. SOLAN,
Land Office Manager.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHICAGO MERCANTILE EXCHANGE
Designation as Contract Market for
Grain Sorghums

Pursuant to the authorization and di-
rection contained in the Commodity Ex-
change Act, as amended (7 U.S.C. 1, et
seq., Supp. I), the Secretary hereby designate the Chicago Mercantile Exchange of Chi-
cago, Ill., as a contract market for grain
sorghums effective on this date, as shown
below. The said exchange has applied for,
and has otherwise complied with the re-
quiments imposed by the said Act as a
condition precedent to, such designation.

The designation is subject to suspen-
sion or revocation in accordance with the
provisions of the said Act. For the pur-
pose of any such suspension or revoca-
tion, this designation and the orders is-
sued by the Secretary of Agriculture on
September 12, 1936, August 22, 1955, June
13, 1968, July 19, 1968, and March 13,
1970 designating the said exchange as a
contract market for the commodities
specified in such orders may constitute
either a single designation or several
designations.

Issued this 27th day of January 1971.

PHILIP C. OLSSON,
Acting Assistant Secretary.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO
Notice of Proposed Withdrawal and Preservation of Lands


The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 12600, for the withdrawal of land described, from location and entry under the general mining laws. The applicant desires the lands in connection with the Trout Lakes Recreation Area as well as the Camajillo Lakes and Canjilon Creek Campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of determining the existing and potential demand for the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CIVIL AERONAUTICS BOARD

[Docket No. 23098; Order 71-1-119]
EASTERN AIR LINES, INC.
Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of January 1971.

By tariff revisions* marked to become effective February 8, 1971, Eastern Air Lines, Inc. (Eastern), proposes to establish multiple trip first-class and tourist fares in the New York-Miami market.* The first-class fare is $369.44 and the tourist fare is $276.85 for five one-way trips to be completed within a 6-month period. The tickets are restricted to one user, are nontransferable, and valid any time, every day. The discount from five one-way trips at the regular coach fare between New York and Miami is 24 percent. The tariff is marked to expire in 6 months.

Complaints against the proposal have been filed by Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northwest), and Northwest Airlines, Inc. (Northwest), all of whom request suspension and investigation of the filing. The thrust of the complaints is that the proposal, if permitted to become effective, will generate little new traffic; and thus will result in a net dilution of revenues. Complaints further assert that Eastern's use of an incremental costing technique in forecasting the profit impact of its proposal is inappropriate, and understates the costs associated with the fare.

In support of its proposal and in an-
swer to the complaints, Eastern asserts that it wishes to determine to what ex-
tent frequent travelers will respond to fare discounts designed to encourage their further travel. It submits that its experiment would be directed to persons who hail several reservations for traveling between New York and Miami—business, vacation, weekend visits for property management, etc. It is Eastern's thesis that additional travel will result in a net dilution of revenues. Com-
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plaints further assert that Eastern's use of an incremental costing technique in forecasting the profit impact of its proposal is inappropriate, and understates the costs associated with the fare.

1 Revisions to Eastern Air Lines, Inc. Tariff CAB 324.
2 National and Northeast have filed de-

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Inc.'s CAB No. 122, are suspended and Board, the fares and provisions in East­ern Air Lines, Inc., which are hereby made parties to this proceeding.

On the contrary, we do not find a significant difference in the value of service between the carrier’s proposal and existing available services involving individual travel. Finally, we have serious doubts that the proposal is economically viable, particularly in view of its potential diver­sionary effects.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust, unreasonable, unjustly discrimina­tory, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, are suspended and their use deferred to and including May 8, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.


4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the above-named tariffs and served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink, Secretary.

[FR Doc.71-1307 Filed 1-29-71;8:48 am]

[Docket No. 22962]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority January 19, 1971.

By Order 70-12-116, dated December 16, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreements, which encompass a portion of the pas­senger resolutions adopted at Honolulu, relate to resolutions involving adminis­trative, procedural, or technical provi­sions which do not affect basic fare levels.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclu­sions in Order 70-12-116 will herein be­come final.

Accordingly, it is ordered, That:

The subject portions of Agreements CAB 22036, CAB 22051, CAB 22068, and CAB 22095 be and hereby are approved.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink, Secretary.

[FR Doc.71-1306 Filed 1-29-71;8:48 am]

[Docket No. 23005]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 11, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitizmaurice.


[FR Doc.71-1305 Filed 1-29-71;8:48 am]

[Docket No. 22962]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 11, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitizmaurice.


[TARIFF COMMISSION

[AA1921—69/70]

GLASS FROM JAPAN

Notice of Investigations and Hearings

Having received advice from the Treasury Department on January 7, 1971, that clear plate and clear float glass from Japan is being, or is likely to be, sold in the United States at less than fair value (investigation AA1921-69); and having received advice from the Treasury Department on January 7, 1971, as amended by subsequent advice received on January 28, 1971, that clear sheet glass from Japan is being, and is likely to be sold in the United States at less than fair value (investigation AA1921-70): the U.S. Tariff Commission has instituted investigations with re­spect to both matters under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 167b(a)); and having received advice from the Treasury Department that clear sheet glass is being, or is likely to be, sold in the United States at less than fair value (investigation AA1921-70): the U.S. Tariff Commission has instituted investigations with re­spect to both matters under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 167b(a)); and having received advice from the Treasury Department that clear sheet glass is being, or is likely to be, sold in the United States at less than fair value (investigation AA1921-70): the U.S. Tariff Commission has instituted investigations with re­spect to both matters under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 167b(a));

Hearing. A public hearing in connec­tion with each investigation will be held in the Tariff Commission’s Hearing Room, 805 15th and E Streets NW., Washington, DC. The hearing with respect to the imports of clear plate and clear float glass will begin at 10 a.m., e.s.t., on February 24, 1971. The hearing with respect to clear sheet glass will begin at the conclusion of the afore­mentioned hearing. All parties will be given opportunity to be present, to pro­duce evidence, and to be heard at such hearings. Interested parties desiring to appear at either public hearing should notify the Secretary of the Tariff Com­mission, in writing, at his office in Wash­ington, D.C., at least 5 days in advance.
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of the date set for the hearing. All parties entering an appearance for either hearing will be notified of the earliest time at which they must be available at such hearing.


By order of the Commission.

[SEAL] KENNETH R. MASON, Secretary.

[FR Doc.71-1156 Filed 1-29-71:8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL MARITIME COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.30 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Maritime Commission to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SWEY

Executive Assistant to the Commissioners.

[FR Doc.71-1369 Filed 1-31-71:8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing


Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier:

(a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or

(b) Within 60 days of the date set for the hearing. All parties entering an appearance for either hearing will be notified of the earliest time at which they must be available at such hearing.


By order of the Commission.

[SEAL] KENNETH R. MASON, Secretary.

[FR Doc.71-1156 Filed 1-29-71:8:45 am]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

6352—C2—ML-71—Kidd's Communications Inc. (KMA367), Modification of license to change control frequency to 73.26 MHz at location No. 2: 215 East 18th Street, Bakersfield, CA. All other terms of the existing license to remain unchanged.

3757—C2—P-71—Rock County Telephone Co. (New), C.P. for a new 2-way station to be located at 2.5 miles east Bassett, Nebr., to operate on frequency 152.81 MHz.

3758—C2—P-71—The Northeastern Telephone Co. (New), C.P. for a new 2-way station to be located at 2 miles north of Arnold, Nebr., to operate on frequency 152.72 MHz.

3759—C2—MF-71—Bell Telephone Co. of Wisconsin (KBA10), Modification of C.P. to change the antenna system operating on frequency 454.400, 454.475, and 454.600 MHz at location No. 1: 729 North Broadway, Milwaukee, WI.

3760—C2—P-71—Cahill Answering Services, Inc. (KQZ774), C.P. for additional channel to operate on frequency 188.76 MHz located at 203 South Capitol Avenue, Lansing, MI.

3761—C2—P-71—Airsignal International, Inc. (KIF553), C.P. to replace transmitter operating on frequency 43.38 MHz and change the antenna system for same located at 42 North Third Street, Memphis, TN.

3762—C2—P-71—Kalamazoo Telephone Answering Service (KQGT730), C.P. to change the antenna system and relocate facilities operating on 152.03 MHz to 6735 Parkview, Kalamazoo, MI.

3763—C2—MF-71—Kalamazoo Telephone Answering Service (KF9951), Modification of C.P. to change the antenna system and relocate facilities operating on 152.24 MHz to 5735 Parkview, Kalamazoo, MI.

3764—C2—P-71—Radio Communications Corp. (KLP608), C.P. to change the antenna system and relocate facilities operating on frequency 43.125 MHz to 0.25 mile southeast of Hart and Chillum Road, Batavia, IL.

3783—C2—P-71—The Telephone Co. of Pennsylvania (New), Amended to add a new 1-way station to operate on frequency 152.26 MHz at the following locations: locations the above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Radio Relay, Mobile-Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

FEDERAL MARITIME COMMISSION
ALASKA BARGE AND TRANSPORT, INC.
Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1356, 46 U.S.C. 633a). Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573 within 20 days after publication of this notice in the Federal Register. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.
transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is controlled by ice. Cargo must be held at the carrier's dock in Seattle until shortly after midsummer, and while all vessels engaged in the movement depart for the Arctic as a flotilla so as to arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return south of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation and applicant doubts that the movement is common carriage subject to regulations.

This exception from the tariff filing requirements and regulations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35, Shipping Act, 1916.


By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[FR Doc. 71-1315 Filed 1-29-71; 8:40 am]

[Independent Ocean Freight Forwarder License 1029]

CARIBE SHIPPING CO., INC.

Order of Revocation

By letter dated December 28, 1970, Caribe Shipping Co., Inc., Pier No. 9, Post Office Box 5267, San Juan PR 00904, has advised the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1029 would be automatically revoked or suspended if a valid surety bond was filed with the Commission or on or before January 20, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of an applicant to maintain a valid surety bond on file.

Caribe Shipping Co., Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in General Orders, Commission Order No. 1 (revised) section 7.64(g) (dated Sept. 29, 1970): It is ordered, That the Independent Ocean Freight Forwarder License No. 1029 be revoked by the Commission. Revocation of License No. 1029 is effective January 20, 1971.

It is further ordered, That a copy of this order be published in the Federal Register and served upon Caribe Shipping Co., Inc.

W. JARREL SMITH, JR., Deputy Managing Director.

[FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971]
NOTICES

SEcurities AND EXchange COMMISSION [812-2892]

E. F. Hutton TAX-EXEMPT FUND Notice of Application To Amend Order of Exemption


Notice is hereby given that E. F. Hutton Tax-Exempt Fund (California Series 1, New York Series 1, and Subsequent Series) (Applicant), c/o E. F. Hutton & Co., Inc., One Chase Manhattan Plaza, New York, NY 10005, a unit investment trust registered under the Investment Company Act of 1940 (Act) has filed an amended application pursuant to section 6(e) of the Act for an order of the Commission modifying the order (Investment Company Act Release No. 6274) issued by the Commission granting applicant an exemption from the provisions of section 14(a) of the Act.

Applicant includes California Series 1, New York Series 1, and all subsequent series named “E. F. Hutton Tax-Exempt Fund.” Each Series is to be governed by a Trust Agreement under which E. F. Hutton & Co., Inc., is to act as sponsor and the United States Trust Company of New York is to act as trustee. The Trust Agreement for each series is to contain terms and conditions of trust common to all series. Pursuant to each such Trust Agreement, the sponsor is required to have deposited with the trustee between $2 million and $10 million principal amount of bonds for each series which the sponsor was to have accumulated for such purpose and simultaneously with such deposit was to have received from the trustee registered certificates for between 2,000 and 10,000 units representing the entire ownership of a series.

Applicant states in its amended application that the Trust Agreements will hereafter provide that the sponsor will deposit with the trustee between $2 million and $20 million principal amount of bonds for each series which the sponsor was to have accumulated for such purpose and simultaneously with such deposit will receive from the trustee registered certificates for between 2,000 and 20,000 units which will represent the entire ownership of the series.

Section 6(e) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 12, 1971, request that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. Any person filing such a request shall, at any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission’s own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

Orval L. DeBois,
Secretary.

[FR Doc.71-1182; Filed 1-29-71; 8:45 am]

[70-4066]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Amendment of Articles of Incorporation To Increase Authorized Shares of Common Stock and Solicitation of Proxies in Connection Therewith

JANUARY 26, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designated sections 6(a) 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to submit to its stockholders at its annual meeting to be held April 5, 1971, a proposal to amend its Articles of Incorporation to increase from 30 million to 40 million the aggregate number of authorized shares of common stock, par value $2.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the GPU holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 29,792,689 outstanding shares of common stock. GPU intends to solicit proxies by mail, in person, or by telephone or telegraph, by directors, officers, and regular employees of GPU.

It is stated that the fees and expenses, excluding the Pennsylvania excise tax (in excess of $50,000) on the sale of shares of GPU stock, in connection with the proposed amendment will not exceed $5,030, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be served on any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that GPU proposes to submit to its stockholders at its annual meeting to be held April 5, 1971, a proposal to amend its Articles of Incorporation to increase from 30 million to 40 million the aggregate number of authorized shares of common stock, par value $2.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the GPU holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 29,792,689 outstanding shares of common stock. GPU intends to solicit proxies by mail, in person, or by telephone or telegraph, by directors, officers, and regular employees of GPU.

It is stated that the fees and expenses, excluding the Pennsylvania excise tax (in excess of $50,000) on the sale of shares of GPU stock, in connection with the proposed amendment will not exceed $5,030, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be served on any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

Orval L. DeBois,
Secretary.

[FR Doc.71-1298 Filed 1-29-71; 8:48 am]

[70-4068]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks

JANUARY 26, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp., 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and
amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. The persons referred to in the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel, of about $20 million, is estimated at $35 million. Its 10 sponsor companies are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

In order to obtain interim financing for its initial inventory of nuclear fuel, Vermont Yankee proposes to issue and sell notes at the original rate of interest of 1 1/2 percent per annum and will not be prepayable. The names of the Banks and the maximum amounts to be borrowed from each are as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Bankers Trust Co., New York, N.Y.</td>
<td>$6,750,000</td>
</tr>
<tr>
<td>First National Bank of Boston, Mass.</td>
<td>6,750,000</td>
</tr>
<tr>
<td>Crittenden Trust Co., Burlington, Vt</td>
<td>100,000</td>
</tr>
<tr>
<td>Vermont Bank &amp; Trust Co., Burlington, Vt</td>
<td>200,000</td>
</tr>
<tr>
<td>Vermont National Bank, Brattleboro, Vt</td>
<td>100,000</td>
</tr>
<tr>
<td>The Equitable National Bank and Trust Co., Burlington, Vt</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td>14,000,000</td>
</tr>
</tbody>
</table>

The credit agreement with the Banks, referred to above, initially provided for loans aggregating $8 million to mature February 1, 1971, of which $6 million has been borrowed. Vermont Yankee is not in a position to pay such notes at maturity and requires additional funds (the combined total of which is $14 million), as well as to be reimbursed for or to pay for or to reimburse Vermont Yankee for payments made for fabrication, construction and acquisition of nuclear fuel, until a more permanent arrangement can be made. It is presently anticipated that the interest and amortization herein will be paid through the sale of the longer-term notes to another bank (see File No. 70-1968).

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $19,500, including legal fees of $17,500.

Notice is further given that any interested person may, not later than February 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to contest. He may also request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the deponent at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 29(a) and 106 thereof or take such other action as it may deem appropriate. Persons who request a hearing shall be advised as to whether a hearing is ordered. Any person entitled by reason of notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements therefof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]  OSTER, L. DEBOIS, Secretary.

FEDERAL RESERVE SYSTEM

First Banc Group of Ohio, Inc.

Notice of Application for Approval of Acquisition of Shares of Bank

January 25, 1971

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor to merger to The Citizens National Bank of Wooster, Wooster, Ohio.

Section 3(a)(3) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or
(2) Any other proposal of acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of any combination or conspiracy in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the Federal Register, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, January 25, 1971.

[SEAL]  KENNETH A. KENTON, Deputy Secretary.

[FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971]
Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county suffered damage or destruction resulting from fire occurring on January 12, 1971.

Office
Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.


THOMAS S. KLEuppe, Administrator.

[FR Doc.71-1267 Filed 1-29-71; 8:45 am]

DECLARATION OF DISASTER LOAN AREA

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to business property located in Winchester, N.H.; Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city suffered damage or destruction resulting from fire occurring on January 19 and 20, 1971.

Office
Small Business Administration District Office, 55 Pleasant Street, Concord, NH 03301.


THOMAS S. KLEuppe, Administrator.

[FR Doc.71-1267 Filed 1-29-71; 8:45 am]

MOTOR CARRIERS OF PROPERTY

INTERSTATE COMMERCE COMMISSION


The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 113), published in the Federal Register, issue of April 7, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the Commission, Washington, D.C., official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such protest service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY


No. MC 51146 (Sub-No. 196 TA), filed January 22, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Containers and containers ends, from Lenexa, Kan., to Madisonville, Ky., and St. Louis, Mo., for 180 days. Supporting shipper: National Container Corp., Midland, Michigan, 636 South Cicero Avenue, Chicago, IL 60683 (J. E. Barton, Midwest District Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.


No. MC 110796 (Sub-No. 4 TA), filed January 22, 1971. Applicant: WILLIAMS-SVENGREN CO., 300 Post Road, Scituate, RI 02181. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Cargo, in bulk, from points in New York State to points in New Jersey. Supporting shipper: Bellerose Bros., Post Office Box 227, East Rutherford, NJ 07073. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.
transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment between Maryland and Pennsylvania, through Buffalo and Pittsburgh, for 180 days. Supporting shipper: John P. Thompson, 450 Capitol Life Building, Denver, CO 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Cosmetics, toilet preparations, toilet articles and premiums, and (2) equipment and supplies used in connection with the commodities described in Item 1, from Boulder, Colo., to points in Boulder, Gilpin, Larimer, and Weld Counties, Colo., for 180 days. Supporting shipper: Avon Products, Inc., 83rd and College, Kansas City, MO 64114. Send protests to: District Supervisor R. L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202. By the Commission.

[SEAL]

ROBERT L. OSWALD, Secretary.
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**Proclamations:**

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**Executive Orders:**

- July 3, 1905 (revoked by PLO 1969)...
- 11579 (superseded in part by EO 11579)...
- 11248 (amended by EO 11581)...
- 11495 (revoked by EO 11578)...
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**Proposed Rules:**

- 1211
# Proposed Rules:

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**Notes:**
- Proposed Rules:
- OIA (Ch. X):
- NSA (Ch. X):
- Federal Register
- Proposed Rules:
- Public Land Orders:
- See PLO 4989
- See PLO 4991
- See PLO 4992
- Proposed Rules:
- Proposed Rules:
ENVIRONMENTAL PROTECTION AGENCY

National Primary and Secondary Ambient Air Quality Standards and Air Pollution and Control

Notice of Proposed Standards and List of Air Pollutants
PROPOSED RULE MAKING

Notice of Proposed Standards for Sulfur Oxides, Particulate Matter, Carbon Monoxide, Photochemical Oxidants, Hydrocarbons, and Nitrogen Oxides

Section 109 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, proposed national primary and secondary ambient air quality standards for each pollutant for which air quality criteria were issued prior to enactment of the amendments. The section also provides that after December 31, 1970, the Administrator shall, simultaneously with his issuance of air quality criteria and information on control techniques for a pollutant, publish proposed national primary and secondary ambient air quality standards for that pollutant. Primary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria and allowing an adequate margin of safety, to protect the public health. Secondary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria to protect the public welfare from any known or anticipated adverse effects of an air pollutant.

Prior to December 31, 1970, air quality criteria had been issued for these five pollutants: Sulfur oxides and particulate matter (34 F.R. 1988, 4880); carbon monoxide, photochemical oxidants, and hydrocarbons (34 F.R. 1988, 4880). The Administrator had determined that nitrogen oxides, which are present in the ambient air as a result of emissions from numerous and diverse mobile and stationary sources and for which air quality criteria were not issued prior to December 31, 1970, are air pollutants which adversely affect public health and welfare. In accordance with section 109 of the Act, the following are published in a notice in this issue of the Federal Register:

1. A list of air pollutants, required to be published no later than January 30, 1971, which identifies nitrogen oxides as air pollutants for which air quality criteria will be issued and for which national primary and secondary ambient air quality standards will be promulgated, and

2. An announcement of the issuance of air quality criteria for nitrogen oxides.

Pursuant to section 109 of the Clean Air Act, notice is hereby given of proposed national primary and secondary ambient air quality standards as set forth in Part 410 below, which would be added to Chapter IV of Title 40, Code of Federal Regulations. With respect to carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides, adverse health effects have been observed to occur at levels below the levels of the proposed primary standards. For each of these pollutants, therefore, the proposed secondary standard has been specified at the level of the proposed primary standard.

The characteristics of the six air pollutants named above are, briefly, as follows:

**Sulfur oxides.** Sulfur oxides, which arise primarily from the combustion of sulfur-containing fossil fuels, are prevalent in polluted air. Their presence in the ambient air has been associated with a variety of respiratory diseases and increased mortality rates. They represent a significant economic burden and have a nuisance impact. Sulfur dioxide is an indicator of the presence of sulfur oxides in polluted air and is an important index of the effects which have been associated with these contaminants.

Detailed information on sulfur oxides is presented in the document "Air Quality Criteria for Sulfur Oxides" (NAPCA Publication No. AP-80), which provided a basis for the development of the standards set forth below.

**Particulate matter.** Particulate matter refers to any matter dispersed in the air, whether solid or liquid, in which the individual particles are larger than small molecules but smaller than 0.1 microns. Particles smaller than 0.1 microns in diameter originate in the atmosphere principally through condensation and combustion, while larger particles arise principally from erosion and abrasion. Particulate matter of technological origin is pervasive in its distribution and is associated with a variety of adverse effects on public health and welfare. Particulate matter in the respiratory tract may affect the body itself, or it may act in conjunction with gases, altering their sites or their mode of action. Particles cleared from the respiratory tract by transfer to the lymph, blood, or gastrointestinal tract may produce effects elsewhere in the body.

Detailed information on particulate matter is presented in the document "Air Quality Criteria for Particulate Matter" (NAPCA Publication No. AP-49), which provided a basis for the development of the standards set forth below.

**Carbon monoxide.** Carbon monoxide is the product of incomplete combustion of carbonaceous materials and is widely prevalent in ambient air. It is absorbed through the lungs and reacts primarily with the hemoglobin in red blood cells. It decreases the oxygen carrying capacity of the blood and reduces the availability of oxygen transported to vital tissues by the blood.

Detailed information on carbon monoxide is presented in the document "Air Quality Criteria for Carbon Monoxide" (NAPCA Publication No. AP-62), which provided a basis for the development of the standards set forth below.

**Photochemical oxidants.** Photochemical oxidants are produced in the atmosphere when reactive organic substances, principally reactive hydrocarbons, and nitrogen oxides are exposed to sunlight and atmospheric ozone. Exposure of the mucous membranes, damage to vegetation, and deterioration of materials. They affect the clearance mechanism of the lungs and alter resistance to respiratory bacterial infection. Photochemical oxidants have been implicated as accelerators in the aging process.

Detailed information on photochemical oxidants is presented in the document "Air Quality Criteria for Photochemical Oxidants" (NAPCA Publication No. AP-63) which provided a basis for the development of the standards set forth below.

**Hydrocarbons.** Hydrocarbons are primarily associated with the processing, marketing, and use of petroleum products and are widely prevalent in the ambient air. They are also related to certain combustion processes. The principal hydrocarbon formed in the combustion process is nitric oxide. This compound has not been shown to have health or welfare effects.

**Nitrogen oxides.** Nitrogen oxides result from the fixation of nitrogen and oxygen at high temperatures and are typically associated with combustion processes. The principal nitrogen oxide formed in the combustion process is nitric oxide. This compound has not been shown to have health or welfare effects. Nitrogen and nitrogen dioxide are closely related in atmospheric transport and transformation. Nitrogen dioxide in ambient air has been associated with a variety of respiratory diseases. Nitrogen dioxide is essential to the production of photochemical smog. At higher concentrations, its presence has been implicated in the corrosion of electrical components as well as vegetation damage.

Detailed information on nitrogen oxides is presented in the document "Air Quality Criteria for Nitrogen Dioxide" (EPA Publication No. AP-84) which provided a basis for the development of the standards set forth below.

The air quality criteria documents referred to above are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Prices are as follows:

<table>
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<tbody>
<tr>
<td>Sulfur oxides (AP-50)</td>
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<td>Particulate matter (AP-49)</td>
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<tr>
<td>Carbon monoxide (AP-62)</td>
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<td>Hydrocarbons (AP-64)</td>
<td>1.75</td>
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<tr>
<td>Photochemical oxidants (AP-63)</td>
<td>1.75</td>
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<tr>
<td>Nitrogen oxides (AP-84)</td>
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Orders for any of the above documents should be accompanied by a check or money order payable to the Superintendent of Documents. A copy of the summary-and-conclusions chapter of each air quality criteria document are available free of charge from the Air Pollution Control Office, Environmental Protection Agency, 600 Fishters Lane, Rockville, MD 20852. At­tention: Publications Section.

Interested persons may submit written comments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17-59, 5600 Fishters Lane, Rockville, MD 20852. All relevant comments received not later than 45 days after the publication of this proposal will be considered. The standards, modified as the Administrator deems appropriate after consideration of comments, will be promulgated no later than 90 days from the date of publication of this notice, as required by the Act.

This notice of proposed rulemaking is issued under the authority of section 4, Public Law 91-604, 84 Stat. 1679.


WILLIAM D. RUCKESHAUS, Administrator.

A new Part 410 would be added to Chapter IV, Title 40, Code of Federal Regulations, as follows:

PART 410—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

§ 410.1 Definitions.
(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.
(b) "Act" means the Clean Air Act, as amended (Public Law 91-604).
(c) "Agency" means the Environmental Protection Agency.
(d) "Administrator" means the Administrator of the Environmental Protection Agency.

§ 410.2 Scope.
(a) National primary and secondary ambient air quality standards under section 109 of the Act are set forth in this part.
(b) National primary ambient air quality standards define levels of air quality which the Administrator judges are necessary, with an adequate margin of safety, to protect the public health. National secondary ambient air quality standards define levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Such standards are subject to revision, and additional primary and secondary standards may be promulgated as the Administrator deems necessary to protect the public health and welfare.
(c) The promulgation of national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of any State.
(d) The proposal, promulgation, or revision of national primary and secondary ambient air quality standards shall not prohibit any State from establishing ambient air quality standards for that State or any portion thereof which are more stringent than the national standards.

§ 410.3 Measurement corrections.
All measurements of air quality are corrected to a reference temperature of 20° C. and to a reference pressure of 760 millimeters of mercury.

§ 410.4 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).

§ 410.5 National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).

Appendix A—Method for Determination of Sulfur Dioxide (Pararosaniline Method).

Appendix B—Procedure for Determination of Suspended Particulates (High Volume Method).


Appendix F—Method for Determination of Nitrogen Dioxide in the Atmosphere (24-Hour Sampling Method).


Appendix I—Method for Measurement of Methanol.

Appendix J—Method for Measurement of Nitrous Oxide.


Appendix L—Method for Measurement of Hydrocarbons (Flame Ionization Method).


Appendix N—Method for Measurement of Methanol.

Appendix O—Method for Measurement of Nitrous Oxide.


Appendix S—Method for Measurement of Methane.

Appendix T—Method for Measurement of Methanol.

Appendix U—Method for Measurement of Nitrous Oxide.


Appendix Y—Method for Measurement of Methanol.

Appendix Z—Method for Measurement of Nitrous Oxide.


Appendix EE—Method for Measurement of Methanol.

Appendix FF—Method for Measurement of Nitrous Oxide.


Appendix HH—Method for Measurement of Hydrocarbons (Flame Ionization Method).

Appendix II—Method for Measurement of Methane.

Appendix JJ—Method for Measurement of Methanol.

Appendix KK—Method for Measurement of Nitrous Oxide.


Appendix PP—Method for Measurement of Methanol.

Appendix QQ—Method for Measurement of Nitrous Oxide.


Appendix SS—Method for Measurement of Hydrocarbons (Flame Ionization Method).

Appendix TT—Method for Measurement of Methane.

AppendixUU—Method for Measurement of Methanol.

AppendixVV—Method for Measurement of Nitrous Oxide.


Appendix AAA—Method for Measurement of Methanol.

Appendix BBB—Method for Measurement of Nitrous Oxide.
PROPOSED RULE MAKING

§ 410.11 National primary and secondary ambient air quality standards for nitrogen dioxide.

The national primary and secondary ambient air quality standards for nitrogen dioxide, measured by a method referenced to the 24-hour sampling method, as described in Appendix F to this part, are: 10 ppb of nitrogen dioxide, measured at the 95th percentile, on three days of a seven-day period.

APPENDIX A

PART 1—METHOD FOR DETERMINATION OF SULFUR DIOXIDE (PARABENZAMINE METHOD)

1. Principle and applicability of method.

1.1 Sulfur dioxide is absorbed from air in a solution of potassium tetrachloromercurate (TGM). A mercuric compound is formed, which resists oxidation by the oxygen in the air, is formed. Once formed, this complex is stable to strong oxidants (e.g., ozone, oxidants, and disinfectants) for several hours.

1.2 The complex is reacted with para-benzamidine and formaldehyde to form an intermediate, which is reacted with a reducing agent (e.g., sodium metabisulfite). The absorbance of the solution is measured spectrophotometrically.

2. Concentrations of sulfur dioxide in the range of 25 to 1,000 mg/m³ can be measured under the conditions given. Higher concentrations can be analyzed by using smaller gas samples, a larger collection volume, or a suitable aliquot of the collected sample.

2.1 The lower limit of detection of sulfur dioxide in 10 ml. TCM is 0.10 g. (based on twice the standard deviation) representing a concentration of 25 mg/m³ SO₂ (0.01 ppm) in an air sample of 50 liters.

2.2 Beer’s Law is followed through the working range from 0.0 to 1.0 absorbance units (0 to 27 μg. of sulfite ion in 25 ml. final solution computed as SO₂).

2.3 Interferences. 3.1 The effects of the principle known interferences have been minimized or eliminated. No oxides of nitrogen or nitrous oxide and nitric oxide interfere. Ozone has no effect if determined by sulfamic acid, Na₂SO₃/Na₂S₂O₅, or by ozone by time-delay and heavy metals by EDTA (ethylenediaminetetraacetic acid di-sodium salt) at 100 mg/l of solution in water and bring to mark in a 1,000-ml volumetric flask. The pH of this solution should be approximately 4.0, but it has been shown that there is no appreciable difference in absorbance efficiency for the range of pH 3 to 6. The absorbent solution is normally stable for 6 months. If a precipitate forms, discard the reagent.

2.4 Analysis.

2.4.1 Sample Collection. The absorbing reagent is normally standardized at 546 nm at an effective spectral band of less than 15 nm. When reagent blank problems may occur with interfering compounds, the reagent blank may be used to correct the absorbance readings.

2.4.2 Apparatus. A dichlorosulfitomercurate complex, (TGM) A, is prepared by adding 0.1 N iodine solution to 10 ml. of absorbing reagent. After 5 minutes, the flask is allowed to stand at room temperature for a day before standardizing. To standardize, weigh 1.2 g. of potassium iodate, 12.7 g. of sodium thiosulfate, and 20 g. of sodium carbonate to a 250-ml. beaker. Add 20 g. of potassium iodide and 35 ml. of water. Stir until all is dissolved, then dilute to 1,000 ml. with distilled water.

2.4.3 Iodine Solution (0.1 N.—Prepare a stock solution by dissolving 10 g. sodium thiosulfate (Na₂S₂O₃-5H₂O) in 1,000 ml. freshly boiled, cooled, distilled water and add 0.1 g. sodium carbonate to the solution. Allow the solution to stand 1 day before standardizing. To standardize, weigh 0.20 g. of potassium iodate, 12.7 g. of sodium thiosulfate, and 20 g. of sodium carbonate to a 250-ml. beaker. Add 20 g. of potassium iodide and 35 ml. of water. Stir until all is dissolved, then dilute to 1,000 ml. with distilled water.

2.4.4 Starch Indicator Solution. Triturate 0.20 g. soluble starch and 0.002 g. mercuric chloride. Stopper the flask. After 5 minutes, titrate with stock thiosulfate solution until a violet color appears. Continue the titration until the blue color remains. Calculate the normality of the stock solution and complete the titration.

2.4.5 Working Sulfite-TCM Solution—Add 100 ml. of stock thiosulfate solution to 1,000 ml. distilled water. Prepare fresh daily.

2.4.6 Sodium Thiosulfate Titrant (0.01 N)—Dilute 100 ml. of the stock thiosulfate solution to 1,000 ml. with freshly boiled distilled water.

2.4.7 Sodium Thiosulfate Titrant (0.01 N)—Dilute 100 ml. of the stock thiosulfate solution to 1,000 ml. with freshly boiled distilled water.

2.4.8 Standardized Sulfate Solution for Preparation of Working Sulfito-TCM—Dilute 0.30 g. sodium metabisulfite (Na₂S₂O₃-5H₂O) or 0.40 g. sodium sulfate (Na₂SO₄) in 500 ml. freshly boiled, cooled, distilled water. (Sulfite solution is unstable; it is best to use freshly boiled, boiled, cooled, distilled water. Prepare fresh daily.)

2.4.9 Working Sulfito-TCM Solution—Pipet accurately 2 ml. of the standard solution into a 100-ml. volumetric flask and bring to mark with 0.04 M TCM. Calculate the concentration of sulfur dioxide in the working solution:

\[ \text{mg SO}_2/\text{ml} = \left( \frac{A - B}{N} \right) \times 35.67 \times 10^3 \]

where:
- \( A \) = absorbance of working solution
- \( B \) = absorbance of reagent blank
- \( N \) = normality of stock solution

2.4.10 Preparation of Stock Solution—A specially purified (99-100 percent pure) solution of para-benzamidine, which is free of any known interfering compounds, was prepared in the required quantity available in the required 20 percent concentration (Harleco®). If this cannot be done, the stock solution may be prepared by dissolving 0.200 g. of the purified dye in 100 ml. of 1 N hydrochloric acid in a 100-ml glass-stoppered graduated flask (see General Instructions for the purification and assay procedures).

• Hartmann-Ledon, 60th and Woodland Avenue, Philadelphia, PA 19148.
PROPOSED RULE MAKING

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971

1.011 Pararosaniline Reagent.—To a 250-ml volumetric flask, add 20 ml stock para-
rosaniline solution. Add an additional 0.2 ml stock pararosaniline solution. If stock provides the desired results, store stock solutions below 30°C. This reagent is stable for at least 9 months.

7. Procedure. 7.1 Sampling—Procedures are described for short term (30 min.) and
long term (24-hr.) sampling. One can select different combinations of sampling rate and time to meet special needs. Fixing sample volume at 30 liters maintains linear-
ity between absorbance and concentration over this dynamic range.

7.1.1 30-Minute Sampling—Insert a
midget impinger into the sampling system. Figure 1. Add 10 ml. TCM solution to the
impinger. Collect sample at 1 liter/min. for 30 min. Shield the absorbing reagent from
direct sunlight during and after sampling by covering the impinger with aluminum foil, to prevent deterioration. Record the actual volume of air by multiplying the flow rate by the time in minutes. Remove and stop the impinger. If the sample must be stored for more than a day before analysis, keep it at 5° C in a refrigerator (see 4.2).

7.1.2 24-Hour Sampling—Place 15-20 ml.
TCM solution in a midget impinger or 50
ml. in a larger impinger and collect the sample at 0.3 liter/min. for 24 hours. Make sure the impinger does not dry out during the run with the absorbing reagent un-
der the impinger. During collection and storage protect from direct sunlight. Record the total volume of sample multiplied by the flow rate by the time in minutes. If storage is necessary, refrigerate at 5° C. (see 4.2).

7.2 Analysis

7.2.1 Sample Preparation—After collection, if a precipitate is observed in the sample, remove it by centrifugation.

7.2.1.1 30-Minute Sample—Transfer the sample quantitatively to a 25-ml volumetric
flask containing a control solution, add 5 ml. stock reagent blank to tempera-
ture; use about 5 ml. distilled water for dilution. If a precipitate is observed in the sam-
ple, quantitatively to a 25-ml volumetric flask; use about 5 ml. distilled water for
dilution. To each flask containing 50 ml. for the larger impinger, with absorbing solution, add 1 ml. stock para-
sulfite solution (4% solution to 32-
ml. volumetric flask: Prepare a control solution by adding 1 ml. stock para-
sulfite solution and 8 ml. TCM solution to a 25-ml. volumetric flask. To each flask containing other sample, control solution or reagent blank, add 1 ml. 0.6 percent sulfamic acid and 1 ml. 0.6 percent formal-
dehyde solution, then 5 ml. pararosaniline
accurately pipet in 2 ml. 0.2 percent formal-
dehyde solution, then 5 ml. pararosaniline
solution, then 5 ml. pararosaniline

8. Procedure

8.2.1 Gas Collection—Collect the sample by the following formula:

\[ V = \frac{P_{\text{obs}} \times V_{\text{ref}}}{P_{\text{ref}}} \]

where:

- \( V \) = Volume of air sampled, liters
- \( V_{\text{ref}} \) = Volume of air at 25° C. and 760 mm. Hg., liters
- \( P_{\text{obs}} \) = Pressure and time to meet special needs. Fixing sample volume at 30 liters maintains linear-

9.2 Sulfur Dioxide Concentration—Com-
pute the concentration of sulfur dioxide in the sample by the following formula:

\[ C = \frac{V_{\text{obs}} \times V_{\text{ref}}}{P_{\text{obs}}} \times \frac{F_{\text{obs}}}{F_{\text{ref}}} \]

where:

- \( C \) = Sulfur dioxide concentration, parts per million
- \( V_{\text{obs}} \) = The sample volume corrected to 25° C. and 760 mm. Hg., liters
- \( V_{\text{ref}} \) = The sample volume corrected to 25° C. and 760 mm. Hg., liters
- \( F_{\text{obs}} \) = Temperature correction factor
- \( F_{\text{ref}} \) = Temperature correction factor

Ordinarily, the correction for pressure is slight and may be neglected.

9.3 Conversion of mg./m.® to p.p.m.—If
obtained, the concentration of sulfur dioxide may be calculated in p.p.m. S02 at standard conditions as follows:

\[ \text{p.p.m. } \text{SO}_2 = \frac{\text{mg. } \text{SO}_2/\text{m}^3}{3.85 \times 10^4} \]

10. Bibliography. 1. West, P. W. and Gaeke, G. C., "Fixation of Sulfur Dioxide as Sulfito-
ate, Urea, III and Subsequent Colorimetric Determination". Anal. Chem. 28, 1816 (1956).
3. Lyles, G. R., Dawling, F. B., and Blan-
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mic Needles as Critical Orifices in Air Sam-

PART 2

A. Gaseous calibration. Certified permea-
tion tubes containing liquidized sulfur diox-
ide are available from the National Bureau of Standards and may be used for gaseous calibration.
tubes may be calibrated as follows: Obtain sulfur dioxide at a rate of 0.2 to 0.4 μg./min. (0.08 to 0.15 Atl./min. at standard conditions of 25° C. and 1 atmosphere.) A permeation tube with an effective length of 2 cm., and outer diameter of 0.63 cm., will yield the desired permeation rate if held at a constant temperature of 20° C. Using the system shown in Figure 2, calibrate the tube gravimetrically by the linear portion from the line that best fits the data for a typical calibration curve are listed in Table 1. A plot of the concentration of sulfur dioxide in μg./m³ (X-axis) against absorbance of the final solution (Y-axis) will yield a straight line, the reciprocal of the slope of which is the factor for conversion of absorbance to μg./m³. This factor includes the correction for collection efficiency. Any deviation from linearity at the lower concentration range indicates a change in collection efficiency of the sampling system. Actually, the standard concentrations of 25 μg./m³ and below of sulfur dioxide are slightly below the dynamic range of the method. If this is the range of interest, the diluent air stream must be adjusted to deliver these lower concentrations, and the total volume of air collected must be increased to obtain sufficient color within the dynamic range of the procedure. The calibration factor must be reestablished, if collection efficiency differs significantly from that obtained above 25 μg./m³. The remainder of the analytical procedure is the same as described in section 7.

Table 1—Typical Calibration Data

<table>
<thead>
<tr>
<th>Concentrations</th>
<th>Amount of SO₂ in μg. for 30 liters</th>
<th>Absorbance of sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>0.45</td>
<td>0.01</td>
</tr>
<tr>
<td>25</td>
<td>0.75</td>
<td>0.02</td>
</tr>
<tr>
<td>30</td>
<td>3.0</td>
<td>0.08</td>
</tr>
<tr>
<td>50</td>
<td>1.0</td>
<td>0.17</td>
</tr>
<tr>
<td>100</td>
<td>15.0</td>
<td>0.24</td>
</tr>
<tr>
<td>150</td>
<td>30.0</td>
<td>0.51</td>
</tr>
<tr>
<td>200</td>
<td>60.0</td>
<td>0.78</td>
</tr>
<tr>
<td>500</td>
<td>150.0</td>
<td>2.18</td>
</tr>
<tr>
<td>1000</td>
<td>300.0</td>
<td>6.85</td>
</tr>
</tbody>
</table>

Where:

F = 1.1 × 10⁻⁹ = factor, as derived from equation 9.2.
A = Absorbance of solution for 30 liters of sample and a volume of 25 ml. for the colored solution.

Data for a typical calibration curve are listed in Table 1. A plot of the concentration of sulfur dioxide in μg./m³ (X-axis) against absorbance of the final solution (Y-axis) will yield a straight line, the reciprocal of the slope of which is the factor for conversion of absorbance to μg./m³. This factor includes the correction for collection efficiency. Any deviation from linearity at the lower concentration range indicates a change in collection efficiency of the sampling system. Actually, the standard concentrations of 25 μg./m³ and below of sulfur dioxide are slightly below the dynamic range of the method. If this is the range of interest, the diluent air stream must be adjusted to deliver these lower concentrations, and the total volume of air collected must be increased to obtain sufficient color within the dynamic range of the procedure. The calibration factor must be reestablished, if collection efficiency differs significantly from that obtained above 25 μg./m³. The remainder of the analytical procedure is the same as described in section 7.

![Diagram](https://example.com/diagram.png)
Particulate concentrations of suspended particles in ambient air can be determined using a sampler that allows suspended particles to flow through a covered housing and through a multiple stage filter. The mass concentration of suspended particulate can be computed by measuring the mass of collected particulate and the volume of air sampled.

1. Principle and applicability. 1.1 Air is drawn into a covered housing and through a filter by means of a high-flow rate blower at a flow rate of 1.70 m³/min. to 60 ft³/min.) that allows suspended particles having diameters of less than 100 μm. (Stokes equivalent diameter) to pass to the filter surface. The particles are ordinarily collected on a glass-fiber filter within the size range of 100 to 6.1 μm diameter.

1.2 The mass concentration of suspended particulate in the ambient air (μg/m³) is computed by measuring the mass of collected particulate and the volume of air sampled.

1.3 This method is applicable to measurement of the mass concentration of suspended particulate in ambient air. This method does not control the flow of air during sampling and for this reason is most applicable to trend measurement. The size of the sample collected is usually adequate for other analyses.

2. Range and sensitivity. 2.1 When the sampler is operated at an average flow rate of 1.70 m³/min. (60 ft³/min.) for 24 hours, an adequate sample will be obtained even in an atmosphere having concentrations of suspended particulate as low as 1 μg/m³.

2.2 Weights are determined to the nearest microgram per cubic meter (μg/m³). Weights are determined to the nearest microgram per cubic meter (μg/m³).

2.3 Weights are determined to the nearest milligram; air flow rates are determined to the nearest 0.03 m³/min. (1.0 ft³/min.) times are determined to the nearest 2 min. and mass concentrations are reported to the nearest microgram per cubic meter.

3. Interferences. 3.1 Particulate that is oily, such as photochemical smoke or wood smoke, may block the filter and cause a rapid drop in air flow at a nonuniform rate. Dense fog or high humidity can cause the filter to become too wet and severely reduce the air flow through the filter.

3.2 Glass-fiber filters are comparatively insensitive to change in relative humidity, but particulate can be hygroscopic.

4. Precision, accuracy, and stability. 4.1 At an average mass concentration of 112 μg/m³ of particulate matter in ambient air, the standard deviation is 10 μg/m³ (corresponding to a relative standard deviation of 9 percent); at an average of 39 μg/m³, the standard deviation is 6 μg/m³ (corresponding to a relative standard deviation of 15 percent).

4.2 The accuracy with which the sampler measures the true average concentration depends upon the degree of constant air flow rate maintained in the sampler. The air flow rate is affected by the concentration and the nature of the dust in the atmosphere, which may clog the filter and significantly reduce the air flow rate. Under these conditions the error in the measured average concentration may be as much as ±50 percent or more of the true average concentration, depending on the amount of reduction of air flow rate and on the variation of the mass concentration of dust with time during the 24-hour sampling period.

5. Apparatus. 5.1 Sampling.

5.1.1 Sampler—The sampler consists of three units: (1) the face plate and gasket, (2) the filter adapter assembly, and (3) the motor unit. Figure 1 shows an exploded view of these parts, their relationship to each other, and how they are assembled. The sampler must be capable of passing environmental air through a 405.5 cm² (63 in²) portion of a clean 20- by 25-cm. (8- by 10-in.) glass-fiber filter at a rate of at least 1.70 m³/min. (60 ft³/min.). The motor must be capable of continuous operation for 24-hour periods with input voltages ranging from 110 to 220 volts, 50-60 cycles alternating current and must have third-wire safety ground. The housing for the motor unit may be of any convenient construction so long as the unit remains air-tight and leak-free. The life of the sampler motor can be extended by lowering the voltage by about 10 percent with a small "buck or boost" transformer between the sampler and power outlet.

5.1.2 Sampler Shelter—It is important that the sampler be properly installed in a suitable shelter. The shelter is subjected to extremes of environmental conditions such as high and low temperatures, extremes of humidity, and all types of air pollutants. For these reasons the materials of the shelter must be chosen carefully. Properly painted exterior plywood or heavy gauge aluminum serve well. The shelter must be mounted vertically in the shelter so that the glass-fiber filter is parallel with the ground. The shelter must be provided with a roof so that the filter is protected from precipitation and debris. The clearance area between the edge of the roof and the main housing should be 646 ± 6 cm² (100 ± 10 in²). The main housing should be rectangular, with dimensions of 29 by 36 cm. (11½ by 14 in.)

Figure 2. Apparatus for gravimetric calibration and field use.

Figure 3. Permeation tube schematic for laboratory use.
5.1.3 Rotameter—Marked in arbitrary units, frequently 0 to 70, and capable of being calibrated.

5.1.4 Orifice Calibration Unit—Consisting of a metal tube 7.6 cm. (3 in.) ID and 15.9 cm. (6 1/2 in.) OD with a male thread of the same size as the inlet end of the high-volume air sampler. A single metal plate 9.2 cm. (3 5/8 in.) in diameter and 0.24 cm. (% in.) thick with a central orifice 2.9 cm. (1 1/8 in.) in diameter is held in place at the air inlet end with a female threaded ring. The other end of the tube is flanged to hold a loose female threaded coupling, which screws on to the inlet of the sampler. An 18-hole metal plate, and integral part of the unit, is positioned between the orifice and sampler to simulate the resistance of a clean glass-fiber filter.

5.1.5 Differential Manometer—Capable of measuring to at least 40 cm. (16 in.) of water.

5.1.6 Plow Measuring Device—Positive measuring to at least 40 cm. (16 in.) of water.

5.2 Analysis.

5.2.1 Calibration. measure atmospheric pressure to the nearest mm.

7.1 Sampling. Sample 24 hours before the weighed filters are in contact, and place in a filter folder. Record on the folder the filter number, location, and any other factors, such as meteorological conditions or reading of nearby buildings, that might affect the measurement. If the sample is defective, void it at this time. In order to obtain a valid sample, the high-volume sampler must be operated with all connected tubes and tubing that were used during the calibration.

7.1.3 Maintenance.

7.1.3.1 Rotameter—Replace brushes before they are worn to the point where motor damage can occur.

7.1.3.2 Face Plate Gasket—Replace when the margin of the gasket is no longer sharp. Seal the gasket to the face plate with rubber cement or double-sided adhesive tape.

7.1.3.3 Rotary Valve—clean as required, using alcohol.

7.2 Analysis.

7.2.1 Equilibrate the exposed filters for 24 hours in the balance room, then reweigh. After they are weighed, the filters may be saved for detailed chemical analysis.


8.1 Sampling—Since only a small portion of the total air sampled passes through the rotameter during measurement, the rotameter must be calibrated against actual air flow with the orifice calibration unit. Before the orifice calibration unit can be used to calibrate the rotameter, the orifice calibration unit itself must be calibrated against the primary displacement standard.

8.1.1 Orifice Calibration Unit—Attach the orifice calibration unit to the intake end of the positive displacement primary standard and attach a high-volume motor blower unit so that a series of constant orifice coefficient. The coefficient for the calibration orifice positioning in 5.1.4 has been shown experimentally to be constant over the normal operating range of the high-volume sampler (0.6 to 2.3 m^3/min., 20 to 70 T/min.)


9.1.1 Calculate the true air volume measured by the positive displacement primary standard.

\[ Q = Q_1 = \frac{P_1 - P_m}{(V_m)^2} \]

9.1.2 Calculate flow rate:

\[ Q = \frac{V_a}{T} \]

9.1.3 Calculate air volume:

\[ Q = \frac{V_a}{T} \]

9.1.4 Time of flow, min.

\[ T = \text{Time of flow, min.} \]

9.2 Sample Volume.

9.2.1 Convert the initial and final rotameter readings to m^3/min. using calibration curve of 9.1.2.

9.2.2 Calculate volume of air sampled.
§ 3 Calculate mass concentration of suspended particulate.

\[ \text{S.P.} = \frac{(W_f - W_i) \times 10^9}{V} \]

S.P. = Mass concentration of suspended particulate, \( \text{g/m}^3 \)

\( W_i \) = Initial weight of filter, g.
\( W_f \) = Final weight of filter, g.
\( V \) = Air volume sampled, m³.

10^9 = Conversion of g to \( \text{g/m}^3 \).


Appendix C

METHOD FOR CONTINUOUS MEASUREMENT OF CARBON MONOXIDE (NONDISPERSSIVE INFRARED SPECTROMETRY)

1. Principle and applicability. 1.1 The measuring principle makes use of absorption of radiation by CO in the infrared region. The absorption is measured by a photometer with two parallel beams and a selective detector. A source emits energy in the infrared region. One beam passes through a reference cell filled with nonabsorbing gas. Both beams pass into a detector cell, which contains CO. The CO in the detector absorbs the infrared radiation only at its characteristic frequencies and thus the detector is sensitive only to those frequencies. With no CO in the sample cell, the detector is balanced for equal absorption from both beams. Any CO present in the sample cell will absorb some of the radiation and reduce the amount entering the detector from that beam. This reduces the temperature and hence the pressure in one chamber of the detector, causing a diaphragm to be displaced. This movement is detected electronically and amplified to provide an output signal.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure, as is sometimes done with the calibration gases.

2. Range and sensitivity. (See definitions.)

2.1 Instruments are available that measure the range of 0 to 48 mg/m³ (0-50 p.p.m.), which is the range most commonly used for urban atmospheric sampling; most instruments measure in additional ranges—typically 0 to 20 and 0 to 115 mg/m³.

2.2 Sensitivity is 1 percent of full-scale response per 0.6 mg/m³ (0.5 p.p.m.).

3. Interferences. 3.1 The degree of interference varies among individual instruments. The effect of carbon dioxide interference at normal concentrations is minimal. The primary interference is caused by water vapor. With no corrective measures, interference from water may be as high as 12 mg/m³. Water vapor interference may be minimized by (a) passing the air sample through silica gel or similar drying agents, (b) maintaining constant humidity in the sample and calibration gases by refrigeration, (c) saturating the air sample and calibration gases to maintain constant humidity, (d) using narrow-band, interference-free filters, or (e) combining some or all of these measures.

3.3 Hydrocarbons at ambient levels do not cause interferences. Effects of specific hydrocarbons are generally rated on the manufacturer's specification sheets for the individual analyzer.

4. Precision, accuracy, and stability. 4.1 Precision with standard calibration gases is ±0.5 percent full scale in the 0-58 mg/m³ range.

4.2 Accuracy is dependent on instrument linearity and absolute concentration of the carrier gases under test. The calibration gases used shall be ±1 percent of full scale in the 0-58 mg/m³ range.

4.3 Effects of variations in ambient room temperature are considerable. Changes as much as 0.5 mg/m³ per °C have been noted. The effects can be minimized by operating the analyzer in a controlled-temperature room. Further, pressure changes between sample and reference chambers will cause proportional changes in the reading. If cell temperature and pressure are assumed constant, however, zero drift observed with various instruments is less than ±1 percent in 24 hours.

5. Apparatus—5.1 Commercially available NDIR carbon monoxide analyzer. Instruments should be installed on location and demonstrated, preferably by the manufacturer, to meet or exceed manufacturers specifications and those described in this method. The analyzer consists of an infrared source, sample and reference gas cells, a detector capable of sensing differences between levels of infrared energy in the two cells, and a control, power supply, and amplifier unit.

5.2 Sample introduction system. Pump, flow control valve, and flowmeter.

5.3 Particulate filter (in-line). To keep sample clean, porosity of the filter should be 2 to 10 microns.

5.4 Moisture control. For systems with which constant humidity control is desired, reference units are available in some commercial instruments. Drying tubes (with sufficient capacity to operate for 72 hours) containing indicating silica gel or equivalent drying agent may be used for short-term sampling.

5.5 Reagents—5.1 Zero gas. Nitrogen or helium containing less than 0.1 mg/m³ carbon monoxide.

5.6 Calibration gases. Gases needed for linearity checks are determined by the range of operation of instruments. Calibration gases corresponding to 10, 20, 40, and 80 percent of full scale are needed. Gases must be provided with certification or guaranteed analysis of carbon monoxide content.

5.7 Span gas. The calibration gas corresponding to 60 percent of full scale may be used to span the instrument.

7. Procedure. 7.1 Calibrate the instrument as described in 5.1. All gases (zero, calibration, and span) must be introduced into the entire analyzer system. Figure 1 shows a typical flow schematic. For specific operating instructions, refer to the manufacturer’s manual.

8. Calibration—8.1 Calibration curve. Determine the linearity of the detector response at the operating flow rate and temperature. Prepare a calibration curve or check the curve furnished with the instrument. Introduce zero gas and set the zero control to indicate a recorder reading of zero. Introduce span gas and adjust the span control to indicate the proper value on the recorder scale (e.g. on 0-53 mg/m³ scale set 46 mg/m³ at 20 percent recorder chart). Recheck zero and span until adjustments are no longer necessary. Introduce intermediate calibration gases and plot the curve obtained. If the smooth curve is not obtained, calibration gases should be suspected.

9. Sensitivity. 9.1 No calculations are involved in this procedure since the concentration is determined directly from the calibration curve.

9.2 Carbon monoxide concentration in mg/m³ can be converted to p.p.m. as follows:
Definitions of performance specifications used in this method—Range. The minimum and maximum measurement limits.

Output. Electrical signal which is proportional to the measurement; intended for connection to readout or data processing devices. Usually expressed as millivolts or milliamps full scale at a given impedance.

Full scale. The maximum measuring limit for the instrument.

Minimum detectable sensitivity. The smallest amount of input concentration that can be detected as the concentration approaches zero.

Accuracy. The degree of agreement between a measured value and the true value; usually expressed as ± percent of full scale.

Lag time. The time interval from a step change in input concentration at the instrument inlet to the first corresponding change in the instrument output.

Time to 90 percent response. The time interval from a step change in the input concentration at the instrument inlet to a reading of 90 percent of the ultimate recorded concentration.

Rise time (maximum). The interval between initial response time and time to 90 percent response after a step increase in input concentration.

Fall time (maximum). The interval between initial response time and time to 90 percent response after a step decrease in input concentration.

Zero drift. The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is zero; usually expressed as percent full scale.

Span drift. The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is a stated upper calibration point; usually expressed as percent full scale.

Precision. The degree of agreement between repeated measurements of the same concentration and is expressed as the average deviation of the single results from the mean.

Operational period. The period of time over which the instrument can be expected to operate unattended within specifications.

Interference. An undesired positive or negative output caused by a substance other than the one being measured.

Interference equivalent. The portion of indicated output caused by the presence of an interferent.

Operating temperature range. The range of ambient temperature over which the instrument will meet all performance specifications.

Operating humidity range. The range of ambient relative humidity over which the instrument will meet all performance specifications.

Lining time. The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

Suggested minimum performance specifications for NDIR carbon monoxide analyzers.

Sample introduction

Span drift (maximum) - 3% per week not to exceed 1% per 24 hours.

Precision (maximum) - ± 0.5%.

Interference equivalent (maximum).

Operating temperature range (minimum).

Operating humidity range (minimum).

Linearity (maximum) - 1%.

Analytical system

Figure 1. Carbon monoxide analyzer flow diagram.

APPENDIX D

METHOD FOR DETERMINATION OF OXIDANTS (NEUTRAL BUFFERED POTASSIUM IODIDE METHOD)

1. Principle and applicability. 1.1 A sample of ambient air is drawn through a chromic acid, since dust or foreign materials may interfere.

2.3 Direct sunlight will affect the iodine solution. Thus, potassium iodide solution must be protected from direct sunlight.

3.2 The oxidant reading contains a contribution of 10 percent of the molar concentration of NO₂ to the NO concentration value, which describes a condition of the atmosphere and is not the total concentration of the oxidizing species present.

3.3 Glassware should be cleaned with a solution of chromic acid, since dust or foreign materials may interfere.

3.4 Direct sunlight will affect the iodine concentration.

4. Precision, accuracy, and stability. 4.1 A ± 5 percent relative standard deviation can be obtained at a concentration of 1900 µg/m³ (0.5 p.p.m.) of ozone.

4.2 Accuracy cannot be defined, since the sensitivity of the potassium iodide reagent varies widely with the different oxidizing species.
PROPOSED RULE MAKING

13. Analysis should be completed immediately after sampling to obtain consistent results. This is necessary because some oxidants release iodine slowly to enhance color, while fading due to slow decomposition of iodine may occur.

5. Apparatus—5.1 Absorber. All-glass impingers or absorbing reagent in bottle. These impingers may be purchased from major glassware suppliers. Two absorbers in series are needed to insure complete collection of the sample.

5.3 Air pump. Capable of drawing 2 liters/min. through the absorbers. The pump should be equipped with a needle valve at the inlet side to regulate flow. At a critical orifice (0.57), the pump must be capable of maintaining 0.7 atmosphere vacuum.

5.6 Drying tube. Containing an indicating drying agent to protect flowmeter.

5.9 Prescrubber. Tube filled with granular Mercox, 1 cm. long acting as a critical orifice can be used to give a flow of approximately 0.5 liters/min.

6. Reagents—6.1 Purified water. Used for all reagents. To distilled or deionized water in a Kjeldahl distillation apparatus, add a crystal of potassium permanganate and a crystal of barium hydroxide, and redistill.

6.2 Absorbing reagent. Dissolve 12.0 g. potassium dihydrogen phosphate (KH₂PO₄), 14.2 g. anhydrous disodium hydrogen phosphate (Na₂HPO₄) (51.9 g. dodecahydrate), 1.3 g. sodium hydroxide in flask or beaker on a hot alkaline, 14.2 g. anhydrous disodium hydrogen phosphate (KH₂PO₄), crystals in 35 ml. concentrated sulfuric acid and add to 750 ml. distilled water. Place a 15-25 cm. sheet of a flash-fired glass-filter paper, 11 cm. in diameter, equipped with glass rod attachments to prevent the filter from touching metal. Saturate the filter with 15 ml. chromium trioxide solution. Place the filter in an oven set at 65-70° C. for 1 hour. A freshly prepared filter is brownish pink. At the end of this time remove the filter and fold every 1.5 cm. along the 15 cm. dimension in an accordion fashion. While the filter is folded, cut the 15 cm. length into strips 50 cm. long. The strip will not matching. Before the filtering process is started, the pump must be capable of maintaining 0.7 atmosphere vacuum. Saturate the filter with 15 ml. chromium trioxide solution.

7. Procedure—7.1 Sampling. Assemble the apparatus as shown in Figure 1. Use ground-glass connections upstream from the impinger. Humboldt to-bottle connections with Tygon tubing may be used. Each system is equipped with glass impingers or absorption tubes. Pipet 10 ml. absorbing reagent into each first absorber and place MnO₂, prescrubber on system. Pipet 10 ml. absorbing reagent into the scrubber and the sampling train for 15 min. at 2 liters/min. If an absorbance reading at 352 nm. is obtained, repeat until zero or constant absorbance is obtained. This system blank absorbance should be subtracted from the absorbance of the first absorber when analyzing for oxidants. Remove the prescrubber. Pipet 10 ml. absorbing reagent into each absorber. Draw ambient air through the sample probe and place the 15-cm. long acting as a critical orifice capillary to determine the concentration of the oxidant gas. Place the 15-cm. long acting as a critical orifice capillary to determine the concentration of the oxidant gas.

8. Analysis. Pipet 1 ml. standard iodine solution into 15 ml. volumetric flask. Dilute to mark with absorbing reagent. Prepare fresh before use. Into a series of 25 ml. volumetric flasks, pipet 0.5, 1, 2, 3, and 4 ml. of diluted standard iodine solution, and dilute to the mark with absorbing reagent. Mix thoroughly, and immediately read the absorbance of each at 27° C., 25° C., and 15° C. in an exposed absorbing reagent as the reference.

9. Calculations—9.1 Sampling. Correct the volume of air sampled to the volume at standard conditions of 25° C. and 760 mm. Hg.

P = Volume of air at standard conditions, liters.

V = Volume of air sampled at conditions, liters.
P = Barometric pressure of mercury, mm. Hg.

Temperature of sample, °C.

9.2 Calculate ozone concentration in mg./m³ at standard conditions.

\[ \text{mg. O}_3/\text{m}^3 = \frac{V}{V_0} \times \frac{\text{mg. O}_3/\text{m}^3}{1000} \times 10^9 \]

Derivation of above equation:

\[ (1) \text{Total } \text{mg. O}_3 = \text{[No. (meq./ml.)} \times (10 \text{ ml.}) + (24,000 \text{ mg. O}_3/\text{ml.}) \times 10^{-3}] \]

\[ (2) \text{Normality of diluted calibration solution} = \frac{V}{V_0} \]

\[ (3) \text{Therefore, Total } \text{mg. O}_3 = \frac{\text{[No. (meq./ml.)} \times (10 \text{ ml.}) + (24,000 \text{ mg. O}_3/\text{ml.}) \times 10^{-3}]}{1000} \times 10^9 \]

\[ \text{Sampling, standards, and efficiencies—} \]

8.1 Sampling. The flowmeter must be calibrated with the sampling train assembled and solution in the absorbers. Connect the wet test meter to the sample probe and calibrate the flowmeter.

8.2 Analysis. Pipet 1 ml. standard iodine solution into 15 ml. volumetric flask. Dilute to mark with absorbing reagent. Prepare fresh before use. Into a series of 25 ml. volumetric flasks, pipet 0.5, 1, 2, 3, and 4 ml. of diluted standard iodine solution, and dilute to the mark with absorbing reagent. Mix thoroughly, and immediately read the absorbance of each at 27° C., 25° C., and 15° C. in an exposed absorbing reagent as the reference. Calculate the concentration of the solutions as total mg. O₃ as follows:

\[ N = \frac{\text{Absorbance at } 27° \text{ C.} - \text{Absorbance at } 15° \text{ C.}}{0.8} \]

Plot absorbance versus total mg. O₃.

8.3 Sampling efficiency. Sampling efficiency in the first absorber may be 90-95 percent depending upon the impinging orifice and the ozone concentration. When two absorbers are placed in series essentially all ozone is collected.

9. Calculations—9.1 Sampling. Correct the volume of air sampled to the volume at standard conditions of 25° C. and 760 mm. Hg.

P = Volume of air at standard conditions, liters.

V = Volume of air sampled at conditions, liters.
P = Barometric pressure of mercury, mm. Hg.

Temperature of sample, °C.

9.2 Calculate ozone concentration in mg./m³ at standard conditions.

\[ \text{mg. O}_3/\text{m}^3 = \frac{V}{V_0} \times \frac{\text{mg. O}_3/\text{m}^3}{1000} \times 10^9 \]

Derivation of above equation:

\[ (1) \text{Total } \text{mg. O}_3 = \text{[No. (meq./ml.)} \times (10 \text{ ml.}) + (24,000 \text{ mg. O}_3/\text{ml.}) \times 10^{-3}] \]

\[ (2) \text{Normality of diluted calibration solution} = \frac{V}{V_0} \]

\[ (3) \text{Therefore, Total } \text{mg. O}_3 = \frac{\text{[No. (meq./ml.)} \times (10 \text{ ml.}) + (24,000 \text{ mg. O}_3/\text{ml.}) \times 10^{-3}]}{1000} \times 10^9 \]

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PROPOSED RULE MAKING

1. Principle and applicability. 1.1 The sampling system is an integral part of the most commercial total hydrocarbon analyzers designed to measure continuously the concentration of hydrocarbons (and other organic compounds) in the atmosphere. The sample line is attached to the inlet and the sample is pumped into a flame ionization detector. A sensitive electrometer coupled with a potentiometric recorder is then used to monitor the increase in intensity resulting from the introduction into a hydrogen flame of a sample of air containing any organic compound (e.g., hydrocarbons, aldehydes, alcohols). The response is approximately proportional to the number of carbon-hydrogen bonds in the sample. The recorder is calibrated using methane and the results are reported as methane equivalents. See addendum for description of method for measurement of methane.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure as is done with calibration gases.

2. Range and sensitivity. 2.1 The range of the analyzer may be varied so that full scale may be 2.6 mg./m³ (4 p.p.m.) to 10,000 mg./m³ (5,000 p.p.m.) hydrogen as methane by varying the attenuation and the sample flow rate to the detector. The range of 0.1 to 20 p.p.m. is normally used for meteorological sampling.

2.2 Sensitivity is 1 percent of full scale recorder response.

3. Interferences. 3.1 Ethane is the hydrocarbon most likely to break through the carbon column when ambient urban air is sampled. The life of the column is measured by introducing known concentrations of ethane in amounts equal to the daily average peak in the urban area (ref. 1). This service life has been found to be as long as 6 days. The column must be purged with helium every 3 days.

4. Precision, accuracy, and stability. 4.1 Precision is ±1 percent for successive identical samples under identical conditions.

4.2 Accuracy is dependent upon the accuracy of standards used to calibrate the instrument.

5. Apparatus. 5.1 Continuous hydrocarbon analyzers. The range and sensitivity required for the Beckman 108A and 109A analyzers is as follows:


7. Procedure. 7.1 For specific operating instructions, see the manufacturer's manual.

8. Calibration and efficiencies. 8.1 Calibration of the recorder is directly for hydrocarbon concentration.

9. Calculations. 9.1 The recorder is read directly for hydrogen concentration.
to 10 minutes. Disconnect the zero gas and connect the span gas to the column so that span gas passes through the column before the analyzer. Allow the instrument to run for 5 to 10 minutes. Remove the old column and insert a freshly purged carbon column. Observe the new column in the same way as the old column. Disconnect the gas source during blank testing, then adjust the zero control to bring the recorder pen to the same reading (in p.p.m.) indicated by the span. Disconnect the gas source during blank testing, then adjust the span control to the indicated value in p.p.m. Repeat zero and span adjustment until no further adjustments are required. Connect the column back to sample air. Check to see that the sample pressure gauge reading is still the same as originally set. Turn off the zero and span cylinder valves.

Sampling and Analysis

1. Principle and applicability. Nitrogen dioxide is collected by bubbling air through a sodium hydroxide solution. A diazotization of the nitramine is produced, which cannot be analyzed immediately.

2. The nitrite ion produced during sampling is determined colorimetrically by reacting the sampled gas with a phosphate buffer, a sulfanilamide, and a N-(1-naphthyl)-ethylenediamine dichloride. The methods of sampling and analysis are applicable to field conditions. The gas samples are collected by passing the air through a tube containing sufficient distilled water, and the blank is corrected by passing the blank through the same equipment.

3. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and 1.000 ml. of distilled water in 250 ml so that a 1.000 mg./ml. standard is obtained.

4. Calibration. Calibrate the apparatus by using a standard solution containing 25 mg NO₂/m³. Pipet 1.000, 500, 100, 200, and 250-ml. volumetric flasks and dilute to 500 ml. with distilled water.

5. Calibration. Calibrate the apparatus by using a standard solution containing 25 mg NO₂/m³. Pipet 1.000, 500, 100, 200, and 250-ml. volumetric flasks and dilute to 500 ml. with distilled water.

6. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

7. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

8. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

9. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

10. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

11. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

12. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

13. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

14. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

15. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

16. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

17. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

18. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

19. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

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25. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

26. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

27. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

28. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

29. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.

30. Analysis. Absorbing reagent. Dissolve 4.0 g. of sodium hydroxide and dilute to 1.000 ml. with distilled water.
PROPOSED RULE MAKING

Figure 1

[Diagram of a flow process with labeled parts and a colorimeter.

FEDERAL REGISTER, VOL. 36, NO. 21—SATURDAY, JANUARY 30, 1971]
ENVIRONMENTAL PROTECTION AGENCY
AIR POLLUTION PREVENTION AND CONTROL

List of Air Pollutants; Issuance of Air Quality Criteria

Section 108(a)(1) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, and from time to time thereafter revise, a list that includes each air pollutant which in his judgment has an adverse effect on public health or welfare, which is present in the ambient air as a result of emissions from numerous or diverse mobile or stationary sources, and for which no air quality criteria were issued prior to the enactment of the amendments. Within twelve (12) months from the inclusion of a pollutant on the list, the Administrator is required to issue air quality criteria for such pollutant.

The Administrator, after evaluating available information, has concluded that nitrogen oxides clearly meet the above requirements. Evaluation of other air pollutants, including fluorides, polycyclic organic matter, and odorous substances, is being conducted, and the list will be revised as the Administrator deems appropriate. Accordingly, there is hereby established a list of air pollutants under section 108(a)(1) of the Act, as follows:

**List of Air Pollutants**

1. **NITROGEN OXIDES**

Pursuant to sections 108 (a) and (d) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604) notice is hereby given that the Administrator of the Environmental Protection Agency, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, has today issued the document “Air Quality Criteria for Nitrogen Oxides” (EPA Publication No. AP-84). As required by the Act, issuance of this document follows the inclusion of nitrogen oxides in the list of air pollutants published above.

The air quality criteria reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of nitrogen oxides in varying quantities in the ambient air.

Notice is further given that the information on control techniques for nitrogen oxides required to be issued pursuant to section 109(b) of the Act was issued on March 19, 1970 (35 F.R. 4768) in the following documents:
- Control Techniques for Carbon Monoxide, Nitrogen Oxide, and Hydrocarbon Emissions from Mobile Sources (NAPCA Publication No. AP-66)
- Control Techniques for Nitrogen Oxide Emissions from Stationary Sources (NAPCA Publication No. AP-67)

The control techniques documents were transmitted to the Governor of each State, and to the agency in each State that is designated by the Governor as the official State air pollution control agency for purposes of the Act.

Pursuant to section 109(a)(2) of the Clean Air Act, as amended, there are published in this issue of the Federal Register proposed national primary and secondary ambient air quality standards for nitrogen oxides, which the Administrator is required to publish simultaneously with the issuance of air quality criteria and information on control techniques.

Copies of the documents whose issuance is announced herein are available to the general public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

WILLIAM D. RUCKELSHAUSS, Administrator.

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