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PART I

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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL REGISTER

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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, 1972, and specifies how they are affected.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 534, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), 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 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficent, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.834 (Lemon Regulation 534, 37 F.R. 10341) during the period May 21, 1972, through May 27, 1972, is hereby amended to read as follows:

§ 910.834 Lemon Regulation 534.

* * * * *

(b) *Order.* (1) * * * 295,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-8115 Filed 5-30-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11946, Amdt. 95-220]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current change-over points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to be by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective June 22, 1972 as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

Anchorage, Alaska, LFR; INT NW CRS Anchorage, Alaska, LFR and E CRS Skwentna, Alaska, LFR; 4,200.

INT NW CRS Anchorage, Alaska, LFR and E CRS Skwentna, Alaska, LFR; Skwentna, Alaska R, LFR; 4.400.

Section 95.619 *Blue Federal airway 19* is amended to read in part:

Fish Hook, Fla., LF/RBN; Tiger LF INT, Fla.; *1,500. *1,300—MOCA.

Tiger LF INT, Fla.; Perrine, Fla., VOR; *2,000. *1,600—MOCA.

Section 95.626 *Blue Federal airway 26* is amended to read:

*Anchorage, Alaska, LFR; Willow INT, Alaska; 4,100. *4,100—MCA Anchorage LFR, northwest bound.

Willow INT, Alaska; Talkeetna, Alaska, LF/RBN; *4,800. *4,100—MOCA.

*Talkeetna, Alaska, LF/RBN, Summit, Alaska, LFR; **10,000. *5,000—MCA Talkeetna LF/RBN, northbound. **8,300—MOCA.

Summit, Alaska, LFR; *Wolf INT, Alaska; **9,500. *4,700—MCA Wolf INT, southbound. **8,700—MOCA.

Wolf INT, Alaska; Fairbanks, Alaska, LFR; 3,200.

*Fairbanks, Alaska, LFR; Fort Yukon, Alaska, LF/RBN; **7,000, *3,100—MCA Fairbanks LFR, northeast bound **6,800—MOCA.

Fort Yukon, Alaska, LF/RBN; *Barter Island, Alaska, LF/RBN **12,000. *4,100—MCA Barter Island LF/RBN, southeast bound. **10,800—MOCA.

Section 95.627 *Blue Federal airway 27* is amended to read in part:

Bethel, Alaska, LF/RBN; Nome, Alaska, LFR; *4,000. *3,800—MOCA.

*Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; **6,000. *2,800—MCA Nome LFR, northbound. **5,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Joliet, Ill., VORTAC; South Bend, INT. VORTAC; 1,800. MAA—41,000.

Walnut INT, Calif.; Bassett INT, Calif.; 3,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

Navina INT, Okla.; Tulsa, Okla., VOR; *6,000. *2,500—MOCA.

Tinker, Okla., VOR; Tulsa, Okla, VOR; *3,000. MAA—40,000.

Oklahoma City, Okla., VOR; INT 109° M rad; Oklahoma City, VOR and 275° M rad, McAlester VOR; *3,000. *2,900—MOCA.

INT, 109 M rad, Oklahoma City VOR and 275° M rad, McAlester VOR; INT, 075° M rad, McAlester VOR and 275° M rad, Little Rock VOR; *3,000. *2,900—MOCA.

Gray, Tex., LF/RBN; Arnett INT, Tex.; *3,000. *2,400—MOCA.

Arnett INT, Tex.; Waco, Tex., VOR; *3,000. *2,300—MOCA.

Leon INT, Tex.; Waco, Tex., VOR eastbound only; 2,000.

Arnett INT, Tex.; Acton, Tex., VOR; *3,500. *2,300—MOCA.

Woodside, Calif., VORTAC; Pillar INT, Calif; 4,500.

*Pillar INT, Calif.; Sausalito, Calif., VORTAC; 4,000. *4,500—MRA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Salinas, Calif., VORTAC; Woodside, Calif., VORTAC; 5,000. COP 33 SNS.

Bahama Routes

Section 95.1001 *Direct routes—United States.*

6 Lima is amended to read in part:

Nassau, Bahamas, RBN; Powell INT, Bahamas, *2,000. *1,400—MOCA.

Powell INT, Bahamas; Bimini, Bahamas, RBN; *2,000. *1,300—MOCA.

7 Lima is amended to read in part:

Nassau, Bahamas, RBN; Powell INT, Bahamas; *2,000. *1,400—MOCA.

Powell INT, Bahamas; Grand Bahama, Bahamas, AAFB-RBN; *2,000, *1,400—MOCA.

8 Lima is amended to read in part:

Plantation, Fla., RBN; Pike INT, Fla.; *2,000. *1,400—MOCA.

52–V is amended to read in part:

Wahoo INT, Fla.; Mango DME Fix, Bahamas; *5,000. *1,200—MOCA.

Mango DME Fix, Bahamas; Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

56–V is amended to read in part:

High Cay INT, Bahamas; *Bay Rum INT, Bahamas; **3,500. *6,000—MRA. **1,200—MOCA.
Bay Rum INT, Bahamas; Pleasant INT, Bahamas, *8,000. *1,200—MOCA.

58–V is amended to read in part:

Gorda INT, Bahamas; Bartlett INT, Bahamas; *4,000. *1,200—MOCA.
Bartlett INT, Bahamas; Abaco INT, Bahamas; *10,000. *1,300—MOCA.

63–V is amended to read in part:

Burrows INT, Bahamas; Bay Rum INT, Bahamas; *3,500. *1,200—MOCA.
*Bay Rum INT, Bahamas; High Cay INT, Bahamas; **3,500. *6,000—MRA. **1,200—MOCA.

65–V is amended to read in part:

Nassau, Bahamas, VOR; *Sydney INT, Bahamas; **2,000. *4,000—MRA. **1,400—MOCA.
Sydney INT, Bahamas; Major INT, Bahamas; *3,000. *1,200—MOCA.

Section 95.5000 *High altitude RNAV routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; MAA

J852R is amended to read in part:

Lucky, Nev., W/P, Modesto, Calif., W/P; 264.4; 111, Lucky, 36°43'59" N., 117°57'36" W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J855R is amended to read in part:

Lucky, Nev., W/P, Modesto, Calif, W/P; 264.4; 111, Lucky, 36°43'59" N., 117°57'36" W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J857R is added to read:

Kremmling, Colo., W/P, Ioka, Utah, W/P; 169.9; 110, Kremmling, 40°09'11" N., 108°-49'19" W.; 260°/080° to COP, 257°/077° to Ioka; 18,000; 45,000.
Ioka, Utah, W/P, Fairfield, Utah, W/P; 83.6; 48.6, Ioka, 40°15'11" N., 111°10'42" W.; 257°/077° to COP, 256°/076° to Fairfield; 18,000; 45,000.

J882R is amended to read in part:

Calumet, Ky., W/P, Dayton, Ohio, W/P; 115.7; 57.8, Calumet, 39°03'04" N., 84°25'-13" W.; 000°/180° to COP, 001°/181° to Dayton; 18,000; 45,000.
Dayton, Ohio, W/P, Milan, Ohio, W/P; 125.4; Not required; 013°/193° to Milan; 18,000; 45,000.

J883R is amended to read in part:

Minneapolis, Minn., VORTAC, Denmark, Wis., W/P; 238.6; 130; Minneapolis, 44°46'02" N., 90°22'10" W.; 093°/273° to COP, 100°/280° to Denmark; 18,000; 45,000.

J895R is added to read:

Social Circle, Ga., W/P, Stokes, Va., W/P; 269.5; 160, Social Circle, 35°21'49" N., 81°-09'59" W.; 050°/230° to COP, 055°/235° to Stokes; 18,000; 45,000.
Stokes, Va., W/P, Atlantic City, N.J., W/P; 288.3; 105, Stokes, 37°36'52" N., 77°43'07" W.; 055°/235° to COP, 061°/241° to Atlantic City; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

J924R is added to read:

Avenal, Calif., W/P, Washington, Calif., W/P; 228.5; 185, Avenal, 38°42'14" N., 120°31'-07" W.; 336°/156° to COP, 334°/154° to Washington; 20,000; 45,000.
Washington, Calif., W/P, Quartz, Oreg., W/P, 181.2; 50, Washington, 40°14'54" N., 120°-48'31" W.; 334°/154° to COP, 333°/153° to Quartz; 20,000; 45,000.
Quartz, Oreg., W/P, Sumner, Wash., W/P; 290; 125, Quartz, 44°28'17" N., 121°40'47" W.; 333°/153° to COP, 329°/149° to Sumner; 18,000; 45,000.

J925R is added to read:

Minneapolis, Minn., VORTAC, Heidy, Minn., W/P; 128.4; 64.2, Minneapolis, 44°38'21" N., 94°41'53" W.; 236°/056° to COP, 231°/051° to Heidy; 18,000; 45,000.
Heidy, Minn., W/P, Bonesteel, Nebr., W/P; 151.9; 96.9, Heidy, 43°17'09" N., 97°54'32" W.; 230°/050° to COP, 228°/048° to Bonesteel; 18,000; 45,000.
Bonesteel, Nebr., W/P, Sand, Nebr., W/P; 116.8; 81.8, Bonesteel, 42°03'37" N., 100°-30'57" W.; 228°/048° to COP, 225°/045° to Sand; 18,000; 45,000.
Sand, Nebr., W/P, Denver, Colo., VORTAC; 121.9; 113.4, Sand, 40°40'40" N., 103°14'-24" W.; 226°/046° to COP, 221°/041° to Denver; 18,000; 45,000.
Bremen, Ga., W/P, Birmingham, Ala., W/P; 84.3; Not required; 267°/087° to Birmingham; 18,000; 45,000.
Birmingham, Ala., W/P, Meridian, Miss., W/P; 123.3; 73.3, Birmingham, 32°54'19" N., 88°02'20" W.; 229°/049° to COP, 225°/045° to Meridian; 18,000; 45,000.
Meridian, Miss., W/P, Burkeville, La., W/P; 255.7; 150, Meridian, 31°25'32" N., 91°31'-15" W.; 243°/063° to COP, 239°/059° to Burkeville; 18,000; 45,000.
Burkeville, La., W/P, Humble, Tex., W/P; 110.8; 55.4, Burkeville, 30°20'37" N., 94°22'-41" W.; 239°/059° to COP, 238°/058° to Humble; 18,000; 45,000.

J934R is added to read:

Greater Southwest, Tex., VORTAC, Texarkana, Ark., W/P; 155.2; 77.8; Greater Southwest, 33°10'40" N., 95°33'33" W.; 065°/245° to COP, 069°/249° to Texarkana; 18,000; 45,000.
Texarkana, Ark., W/P, Money, Miss., W/P; 196.9; 98.4, Texarkana, 33°31'57" N., 92°-06'40" W.; 082°/262° to COP, 086°/266° to Money; 18,000; 45,000.
Money, Miss., W/P, Columbus, Miss., W/P; 82.1; Not required; 086°/266° to Columbus; 18,000; 45,000.
Columbus, Miss., W/P, Birmingham, Ala., W/P; 81.7; 25, Columbus, 33°32'39" N., 88°-01'13" W.; 076°/256° to COP, 080°/260° to Birmingham; 18,000; 45,000.
Birmingham, Ala., W/P, Bremen, Ga., W/P; 84.3; Not required; 087°/267° to Bremen; 18,000; 45,000.

J940R is added to read:

Seattle, Wash., VORTAC, Amber, Wash., W/P.; 189.9; 94.9, Seattle, 47°23'03" N. 119°-58'52" W.; 069°/249° to COP, 073°/253° to Amber; 18,000; 45,000.
Amber. Wash., WP, Avery, Idaho, W/P; 80.9; 40.5, Amber, 47°13'48" N., 116°40'08" W.; 073°/253° to COP, 076°/256° to Avery, 18,-000; 45,000.
Avery, Idaho, W/P, Holter, Mont., W/P; 156.6; 78.3, Avery, 47°01'38" N., 113°47'16" W.; 076°/256° to COP, 079°/259° to Holter; 18,000; 45,000.
Holter, Mont., W/P, Klein, Mont., W/P; 144.6; 60, Holter, 46°42'21" N., 110°27'45" W., 079°/259° to COP, 091°/271° to Reva; 18,-000; 45,000.
Klein, Mont., W/P, Reva, S. Dak., W/P; 223.-8; 118, Klein, 46°04'18" N., 105°40'20" W.; 083°/263° to COP, 091°/271° to Reva; 18,-000; 45,000.
Reva, S. Dak., W/P, Turtle Creek, S. Dak., W/P; 200.7; 10.4, Reva, 45°13'48" N., 100°-55'15" W.; 091°/271° to COP, 098°/278° to Turtle Creek; 18,000; 45,000.
Turtle Creek, S. Dak., W/P, Heidy, Minn., W/P; 120.6; 60, Turtle Creek, 44°26'35" N., 97°19'33" W.; 098°/278° to COP, 100°/280° to Heidy; 18,000; 45,000.
Heidy, Minn., W/P, Oranto, Iowa, W/P; 129.7; 64.7, Heidy, 43°47'52" N., 94°34'33" W.; 097°/277° to COP, 103°/283° to Oranto; 18,000; 45,000.
Oranto, Iowa, W/P, Dickeyville, Wis., W/P; 123.4; 61.7, Oranto, 43°06'57" N., 91°50'21" W.; 103°/283° to COP, 109°/289° to Dickyville; 18,000; 45,000.

J941R is added to read:

Greater Southwest, Tex., VORTAC, Bridgeport, Tex., W/P; 44.3; 22.1, Greater Southwest, 33°01'43" N., 97°24'06" W.; 296°/116° to COP, 296°/116° to Bridgeport; 18,000; 45,000.
Bridgeport, Tex., W/P, Crowell, Tex., W/P; 113.8; 33.2, Bridgeport, 33°30'18" N., 98°-20'41" W.; 290°/110° to COP, 289°/109° to Crowell; 18,000; 45,000.
Crowell, Tex., W/P, Texico, N. Mex., VORTAC; 154.3; 47.6, Crowell, 34°15'34" N., 100°-42'34" W.; 269°/089° to COP, 266°/086° to Texico; 18,000; 45,000.
Texico, N. Mex., VORTAC, Palma, N. Mex., W/P; 124.6; 30, Texico, 3435'55" N., 103°25'-53" W.; 272°/092° to COP, 268°/088° to Palma; 18,000; 45,000.
Palma, N. Mex., W/P, Volcano, N. Mex., W/P; 67.6; 33.8, Palma, 35°00'26" N., 105°58'-56" W.; 268°/088° to COP, 267°/087° to Volcano; 18,000; 45,000.
Volcano, N. Mex., W/P, Defiance, N. Mex., W/P; 114.7; 57.4, Volcano, 35°16'01" N., 107°-48'31" W.; 267/087° to COP, 264°/084° to Defiance; 18,000; 45,000.
Defiance, N. Mex., W/P, Peak, Ariz., WP; 116.4; 58.7, Defiance, 35°33'18" N., 11008'52 W.; 265°/085° to COP, 262°/082° to Peak; 18,000; 45,000.
Peak, Ariz., W/P, Boulder City, Nev., VORTAC; 173; 86.5, Peak, 35°51'09" N., 113°05'-48" W.; 262°/082° to COP, 260°/080° to Boulder City; 18,000; 45,000.

J950 is amended to read in part:

Huffman, Tex., W/P, Scurry, Tex., W/P; 156.5; 78.3, Huffman, 31°15'42" N., 95°44'18" W.; 329°/149° to COP, 329°/149° to Scurry; 18,000; 45,000.
Scurry, Tex., W/P, Cole, Okla., W/P; 172.6; 86.3, Scurry, 33°49'03" N., 96°55'30" W.; 331°/151° to COP, 331°/151° to Cole; 18,000; 45,000.

J954R is added to read:

Martinsburg, W. Va., W/P, Balsam, Ohio, W/P; 162.6; 120.6, Martinsburg, 40°12'44" N., 80°13'35" W.; 302°/122° to COP, 298°/118° to Balsam; 18,000; 45,000.
Balsam, Ohio, W/P, Burt, Ohio, W/P; 105.3; Not required; 317°/137° to Burt; 18,000; 45,000.

J957R is added to read:

Simon, Fla., W/P., Badger, S.C., W/P; 122.8; 61.4, Simon, 31°39'03" N., 80°52'58" W.; 020°/200° to COP, 023°/203° to Badger; 18,000; 45,000.
Badger, S.C., W/P, Florence, S.C., VORTAC; 105; 52.5, Badger, 35°25'22" N., 80°03'27" W.; 024°/204° to COP, 026°/206° to Florence; 18,000; 45,000.
Florence, S.C., VORTAC, Richmond, Va., W/P; 226.6; 83.3, Florence, 35°26'25" N., 78°49'13" W.; 033°/213° to COP, 037°/217° to Richmond; 18,000; 45,000.
Richmond, Va., W/P, Marburg, Va., W/P; 61; Not required; 015°/195° to Marburg; 18,000; 45,000.

J971R is amended to read in part:

Hye, Tex., W/P, Acton, Tex., W/P; 137.8; 68.9, Hye, 31°20'06" N., 98°03'39" W.; 008°/188° to COP, 008°/188° to Acton; 18,000; 45,000.

J987R is amended to read in part:

Loon Lake, N.Y., W/P, Kingston, N.Y., W/P; 166.1; 77.1, Loon Lake, 43°08'31" N., 74°01'24" W.; 190°/010° to COP, 185°/005° to Kingston; 18,000; 45,000.
Kingston, N.Y., W/P, Empire, N.J., W/P; 53.7; 26.8, Kingston, 41°13'34" N., 73°56'01" W.; 201°/021° to COP, 202°/022° to Empire, 18,000; 45,000.

J991R is added to read:

Greater Southwest, Tex., VORTAC, Tulsa, Okla., W/P; 211.6; 105.8, Greater Southwest, 34°30'36" N., 96°25'41" W.; 008°/188° to COP, 007°/187° to Tulsa; 18,000; 45,000.

Tulsa, Okla., W/P., Redfield, Mo., W/P; 109.3; 20, Tulsa, 36°30'23" N., 95°38'07" W.; 012°/192° to COP, 016°/196° to Redfield; 18,000; 45,000.

Redfield, Mo., W/P, Lawson, Mo., W/P; 104.7; 70, Redfield, 38°58'08" N., 94°22'27" W.; 016°/196° to COP, 016°/196° to Lawson; 18,000; 45,000.

Lawson, Mo., W/P, Woolstock, Iowa, W/P; 184.8; 125.3, Lawson, 41°35'03" N., 93°50'21" W.; 358°/178° to COP, 358°/178° to Woolstock; 18,000; 45,000.
VORTAC; 155.1; 77.5, Woolstock, 43°51'31" N., 93°32'50" W.; 358°/178° to COP, 360°/180° to Minneapolis; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Bullfrog INT, Mich., via S alter.; Muskegon, Mich., VOR via S alter.; *2,500. *2,000—MOCA.

James INT, Mich., via S alter.; Grand Rapids, Mich., VOR via S alter.; *2,700. *2,300—MOCA.

Grand Rapids, Mich., VOR via S alter.; Sun INT, Mich., via S alter.; *2,700. *2,100—MOCA.

Sun INT, Mich., via S alter.; Lansing, Mich., VOR via S alter.; *2,600. *2,000—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Biscayne Bay, Fla., VOR via E alter.; INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR via E alter; *1,500. *1,400—MOCA.

INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR via E alter.; Palm Beach, Fla., VOR via E alter.; 2,000.

Hartford, Conn., VOR; Eagle INT, Conn.; *3,000. *2,100—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Humphrey INT, Wash.; Chinook INT, Wash.; 10,000.

Chinook INT, Wash.; Tieton INT, Wash.; eastbound 7,000; westbound 10,000.

Mud Lake INT. Wash., via S alter.; Chinook INT, Wash., via S alter; 10,000.

Chinook INT, Wash., via S alter.; Tieton INT, Wash., via S alter.; eastbound 7,000; westbound 10,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Portland INT, Tenn.; Bowling Green, Ky., VOR; *2,700. *2,500—MOCA.

Section 95.6009 *VOR Fedral airway 9* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Cuba INT, Tenn., via W alter.; *2,000. *1,800—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Animas INT, N. Mex.; *Cedar INT, N. Mex.; eastbound **9,000; westbound **11,000. *11,000—MCA Cedar INT, westbound. **8,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Woodsboro INT, Tex., via N alter.; *Austwell INT, Tex., via N alter.; **1,700. *3,000—MRA. **1,200—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Miami, Fla., VOR; *Seminole INT, Fla.; **2,000. *2,300—MRA. **1,200—MOCA.

Seminole INT, Fla.; *Copeland INT, Fla.; **2,000. *2,500—MRA. **1,100—MOCA.

St. Petersburg, Fla.; VOR via W alter.; *Crayfish INT, Fla., via W alter.; **1,600. *4,000—MRA. *5,000—MCA Crayfish INT, northbound. **1,400—MOCA.

Crayfish INT, Fla., via W alter.; Cross City, Fla., VOR via W alter.; *5,000. *1,200—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Zenith INT, W. Va.; Elkins, W. Va., VOR; 8,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Milan INT, Mich.; Salem, Mich., VOR; *2,600. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Key West, Fla., VOR; Tiger INT, Fla.; *2,000. *1,300—MOCA.

Tiger INT, Fla.; Flamingo INT, Fla.; *2,500. *1,200—MOCA.

Flamingo INT, Fla.; Rancho INT, Fla.; *2,000. *1,600—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Animas INT, N. Mex., *Cedar INT, N. Mex.; eastbound **9,000; westbound **11,000. *11,000—MCA Cedar INT, westbound. **8,700—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Newman, Tex., VOR; Salt Flat, Tex., VOR; *8,800. *8,700—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

St. Petersburg, Fla., VOR via W alter; *Crayfish INT, Fla., via W alter.; **1,600. *4,000—MRA. **1,400—MOCA.

Crayfish INT, Fla., via W alter.; *Scallop INT, Fla., via W alter., **3,400. *3,000—MRA. **1,200—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Waukon, Iowa, VOR; Nodine, Minn., VOR; 3,000.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Key West, Fla., VOR; Tiger INT, Fla.; *2,000. *1,300—MOCA.

Tiger INT, Fla.; Flamingo INT, Fla.; *2,500. *1,200—MOCA.

Flamingo INT, Fla.; Miami, Fla., VOR; *2,000. *1,300—MOCA.

Flamingo INT, Fla., via W alter.; *Vega INT, Fla., via W. alter.; *5,000. *3,100—MOCA. **1,500—MOCA.

Vega INT., Fla., via W alter.; *Seminole INT, Fla., via W alter.; **3,100. *3,100—MRA. **1,500—MOCA.

Seminole INT, Fla., via W alter.; Swamp INT, Fla., via W alter.; *2,300. *1,100—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Bullfrog INT, Mich.; Muskegon, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6229 *VOR Federal airway 229* is amended to read in part:

Hartford, Conn., VOR; Eagle INT, Conn.; *2,700. *2,100—MOCA.

Section 95.6242 *VOR Federal airway 242* is amended to read in part:

Mobile, Ala., VOR; Brookley, Ala., VOR; 1,800.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Cincinnati, Ohio, VOR via W alter; Bath INT, Ind., via W alter., 2,800.

Wilson INT, Ohio; Milan INT, Mich.; *2,500. *2,000—MOCA.

Milan INT, Mich.; Salem, Mich., VOR; *2,600. *2,200—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Roswell, N. Mex., VOR; Dora INT, N. Mex., *6,500. *5,600—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Rainelle, W. Va., VOR; *Natural Well INT, Va.; 6,000. *6,000—MRA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Biscayne Bay, Fla., VOR; INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR; *1,500. *1,400—MOCA.

INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR; Pike INT, Fla.; *2,000. *1,200—MOCA.

Section 95.6425 *VOR Federal airway 425* is amended to read in part:

Brookley, Ala., VOR; Axis INT, Ala.; 2,000.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Klamath Falls, Oreg., VOR; Tulelake DME Fix, Calif.; southeast bound 14,000; northwest bound 9,000.

Tulelake DME Fix, Calif.; Hallelujah INT, Calif.; *14,000. *10,100—MOCA.

Hallelujah INT, Calif.; Reno, Nev., VOR; 10,000.

Section 95.6463 *VOR Federal airway 463* is amended to read in part:

Anchorage, Alaska, VOR; *Alexander INT, Alaska; **2,000. *5,000—MCA Alexander INT, northwest bound **1,300—MOCA.

Alexander INT, Alaska; Sevenmile INT, Alaska; *6,400. *5,400—MOCA.

Section 95.6498 *VOR Federal airway 498* is amended to read in part:

McGrath, Alaska, VOR; Nixon DME Fix, Alaska; northwest bound *6,000; southeast bound *4,500. *3,500—MOCA.

Nixon DME Fix, Alaska; Galena, Alaska, VOR; *6,000. *5,500—MOCA.

Section 95.7065 *Jet Route No. 65* is amended by adding:

From, to, MEA, MAA

Roswell, N. Mex., VORTAC; Truth or Consequences, N. Mex., VORTAC; 24,000; 45,000.

Truth or Consequences, N. Mex., VORTAC; Phoenix, Ariz., VORTAC; #23,000; 45,000.
#MEA is established with a gap in navigation signal coverage.

Section 95.7152 *Jet Route No. 152* is amended to read in part:

Rosewood, Ohio, VORTAC; Johnstown, Pa., VORTAC; 18,000; 45,000.

Johnstown, Pa., VORTAC; Harrisburg, Pa., VORTAC; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on May 22, 1972.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-8032 Filed 5-30-72;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[MEMO 712]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

REVOCATION OF DELEGATION OF AUTHORITY

Under and by virtue of the authority vested in me by § 0.76(k) of Title 28 Code of Federal Regulations, Administrative Division Memo No. 712, delegating authority for suspending or terminating collection action, is hereby revoked. This redelegation is being published in the internal Department of Justice directives system, Order 2100.1.

Dated: May 23, 1972.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[FR Doc.72-8113 Filed 5-30-72;8:46 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

ESTABLISHMENT OF PROCEDURES FOR OBTAINING VARIATIONS FROM SAFETY AND HEALTH REGULATIONS

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), 29 CFR Part 1920 is hereby revised to read as set forth below for the purpose of consolidating the procedures established under this Act for obtaining variations from safety and health regulations with those now applicable under the Williams-Steiger Occupational 651 et seq.). Certain materials now contained in 29 CFR Parts 1915, 1916, 1917, and 1918 are revoked to accomplish this purpose.

As these regulations concern only matters of procedure, notice of proposed rule making, public participation therein and delay in effective date are not required (5 U.S.C. 553). Accordingly, upon publication of this document in the FEDERAL REGISTER, Chapter XVII of Title 29 of the Code of Federal Regulations is amended to read as set forth below.

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

§ 1915.4 [Revoked]

1. 29 CFR 1915.4 is revoked.

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

§ 1916.4 [Revoked]

2. 29 CFR 1916.4 is revoked.

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

§ 1917.4 [Revoked]

3. 29 CFR 1917.4 is revoked.

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

§ 1918.5 [Revoked]

4. 29 CFR 1918.5 is revoked.

PART 1920—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

5. Part 1920 of Title 29 of the Code of Federal Regulations is revised to read as follows:

Sec.
1920.1 Purpose.
1920.2 Variances.

AUTHORITY: The provisions of this Part 1920 issued under 44 Stat. 1444; 33 U.S.C. 941.

§ 1920.1 Purpose.

This part governs the procedure for the granting of variations from the safety and health regulations established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act. The part provides the same procedures under this Act as are available for considering variances under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

§ 1920.2 Variances.

(a) Variances from standards in Parts 1915 through 1918 of this chapter may be granted in the same circumstances in which variances may be granted under sections 6(b)(6)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances from Parts 1915–1918 of this chapter are those published in Part 1905 of this chapter.

(b) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from §§ 1910.13 through 1910.16 of this chapter which adopt Parts 1915–1918 of this chapter, shall be deemed a variance from the standard under both the Longshoremen's and Harbor Workers' Compensation Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of May 1972.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-8124 Filed 5-30-72;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-51R]

APRA HARBOR, GUAM

Anchorage Grounds, Security Zones and Regulated Navigation Areas

The purpose of this amendment to the Coast Guard anchorage regulations and security of vessel regulations is to establish anchorage grounds in Apra Outer Harbor, Guam, prescribe general regulations governing the establishment of security zones in waters of the United States, and prescribe specific security zones in Apra Outer Harbor. This amendment also establishes Apra Outer Harbor as a Regulated Navigation Area.

Section 110.238 establishes a general anchorage in Apra Harbor where vessels may anchor without restriction. This section also establishes two anchorages for the use of vessels carrying explosives or bulk dangerous cargoes. In addition, certain limitations on the use of naval anchorages and mooring buoys are prescribed.

Part 127 of this document prescribes regulations relating to security zones. These are general regulations that apply to all security zones unless specific regulations are promulgated for an individual security zone. These regulations also contain the procedures for requesting the establishment of a security zone. Section 127.1401 establishes security zones in Apra Outer Harbor, Guam.

Part 128 of this document establishes Regulated Navigation Areas. The regulations imposed on vessels in a Regulated Navigation Area are intended to provide for the safety of navigation when the condition of a harbor warrants a higher standard than provided by the rules of the road. Section 128.1401 limits the speed of vessels in Apra Outer Harbor, controls the entrance of vessels into the harbor, and restricts the movements of vessels within Apra Outer Harbor.

These amendments are based on a notice of proposed rule making published in the Wednesday, March 15, 1972, issue of the FEDERAL REGISTER (37 F.R. 5392) and Public Notice 14–71–04 issued by the Commander, Fourteenth Coast Guard District on October 29, 1971. The description of the Apra Harbor Regulated Area in the notice of proposed rule making was corrected in the Saturday, April 8, 1972, issue of the FEDERAL REGISTER (37 F.R. 7103).

Four comments were received, three from petroleum companies using the petroleum dock of the Guam Oil Co. and one from the Marianas Yacht Club, which are within the established Security Zone B. The comments from the petroleum industry were to the effect that the establishment and enforcement of the Security Zone could impose an undue expense and delay on vessels using the Guam Oil and Refining Co. dock. The

comment from the Marianas Yacht Club was to the effect that the establishment of Security Zone B would restrict the use of land and water areas of the yacht club.

The Coast Guard is of the opinion that the restraints imposed by these regulations are necessary because of safety and national security considerations.

The Commander, Fourteenth Coast Guard District, has advised all commenters that the Captain of the Port will try to minimize disruptions of waterfront activities through close liaison with them.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

PART 110—ANCHORAGE REGULATIONS

1. By amending Part 110 by adding a new § 110.238 to read as follows:

§ 110.238 Apra Harbor, Guam.

(a) *The anchorage grounds*—(1) *General anchorage.* The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13°27'29" N., longitude 144°39'32" E.; thence to latitude 13°27'18" N., longitude 144°39'18" E.; thence to Spanish Rocks at latitude 13°27'09.5" N., longitude 144°37'20.6" E.; thence along the shoreline to the point of beginning, except those areas described in subparagraphs (2) and (3) of this paragraph.

(2) *Explosives Anchorage 702.* In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27'26.9" N., longitude 144°38'-08.2" E.

(3) *Explosives Anchorage 703.* In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27'30" N., longitude 144°38'-29" E.

(4) *Naval Anchorage A.* The area enclosed by a line beginning at latitude 13°26'44.3" N., longitude 144°37'38.8" E.; thence to latitude 13°26'59" N., longitude 144°37'37.8" E.; thence to 13°26'44.3" N., longitude 144°37'37.8" E.; thence to latitude 13°26'59" N., longitude 144°37'37.8" E.; thence to latitude 13°26'56.6" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'-19.4" E.; thence to latitude 13°26'39.2" N., longitude 144°39'19.4" E.; thence to latitude 13°26'37.4" N., longitude 144°-37'57" E.; thence to the point of beginning.

(5) *Naval Anchorage B.* The area enclosed by a line beginning at latitude 13°26'40.7" N., longitude 144°39'48.5" E.; thence to latitude 13°26'50.6" N., longitude 144°39'59" E.; thence to latitude 13°26'48" N., longitude 144°40' 01.2" E.; thence to latitude 13°26'38" N., longitude 144°39'51.2" E.; thence to the point of beginning.

(b) *The regulations*—(1) *General Anchorage.* Any vessel may anchor in the General Anchorage except vessels carrying—

(i) Explosives; or

(ii) Flammable liquids, combustible liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisonous substances in bulk.

(2) *Anchorages 702 and 703.* (i) Vessels carrying cargoes described in subparagraph (1) of this paragraph must—

(*a*) Use Anchorage 702 or 703, unless otherwise directed by the Captain of the Port;

(*b*) Use of the mooring buoy therein when directed by the Captain of the Port; and

(*c*) Display a red (Bravo) flag.

(ii) Without permission from the Captain of the Port, no vessel may enter or remain in Anchorage 702 or 703 when a vessel occcupying the anchorage is displaying a red (Bravo) flag.

(iii) When Anchorage 702 or 703 is not occupied by a vessel carrying cargoes described in subparagraph (1) of this paragraph, it may be used as a general anchorage.

(3) *Naval anchorages A and B.* (i) Except as provided in subdivision (ii) of this subparagraph, nonnaval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(4) *General regulations.* (i) Vessels may use the naval mooring buoys in the General Anchorage without charge for a period up to 72 hours if authorized by the Captain of the Port. Vessels so moored shall promptly move at their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than 65 feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the harbor for more than 30 consecutive days without permission of the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46 (c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

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2. By revising the heading of Subchapter L to read as follows:

SUBCHAPTER L—WATERFRONT FACILITIES; SECURITY ZONES; AND REGULATED NAVIGATION AREAS

3. By adding new Parts 127 and 128 to read as follows:

PART 127—SECURITY ZONES

Subpart A—General

Sec.

Subpart B—Security Zones

AUTHORITY: The provisions of this Part 127 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b); E.O. 10173, E.O. 11249; 3 CFR 1949–1953 Comp. p. 356, 3 CFR, 1964–1965 Comp. p. 349; 49 CFR 1.46(b).

Subpart A—General

§ 127.01 Purpose of part.

The purpose of this part is to—

(a) List security zones;

(b) Prescribe regulations applicable to security zones; and

(c) Prescribe the procedures for establishing security zones.

§ 127.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or Captain of the Port, as defined in § 6.01–3 of this chapter, or his designated representative.

(b) "Security zone" means an area of land, water or land and water designated as a security zone by the Captain of the Port.

§ 127.10 Purpose of a security zone.

The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature—

(a) Vessels,

(b) Harbors,

(c) Ports, and

(d) Waterfront facilities—

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 127.15 General security zone regulations.

Unless otherwise provided in the special regulations in Subpart B of this part—

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in a security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board or take or place any article or thing on board any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

§ 127.20 Establishment of security zones; procedures.

(a) Any person may request that a security zone be established. Such request must include—

(1) The name of the person submitting the request;

(2) The location;

(3) The date, time, and duration;

(4) A description of activities planned for the security zone; and

(5) The reason for the security zone.

(b) Each request must be submitted to the Captain of the Port who has jurisdiction over the location. (See Part 3 of this chapter.)

(c) When a Captain of the Port establishes a security zone, he—

(1) Publishes notice of the security zone in the FEDERAL REGISTER and the Local Notice to Mariners; and

(2) Requests local newspapers and broadcasting stations to disseminate the information.

(d) When there is insufficient time to give notice by means of publication as specified in paragraph (c) of this section, the Captain of the Port broadcasts the necessary information in Notice to Mariners followed by publication of notice in the FEDERAL REGISTER.

Subpart B—Security Zones

§ 127.1401 Apra Harbor, Guam.

(a) *Security zones.* (1) *Security Zone A.* The waters of the Pacific Ocean and Apra Outer Harbor within an elliptical area of 650 yards radius centered at the southwest and north corners of Navy Wharf H. (Southwest corner is at latitude 13°27'43.6'' N., longitude 144°-38'55'' E.; the north corner is at latitude 13°27'44.6'' N., longitude 144°39'00'' E.)

(2) *Security Zone B.* A 680-yard-wide area in Apra Outer Harbor contiguous to and bordering Security Zone A.

(3) *Security Zone C.* The area within 100 feet of the Power Plant Barge located at latitude 13°26'40.5'' N., longitude 144°40'13.5'' E.

(4) *Security Zone D.* The area within 100 feet of Navy Wharf D.

(5) *Security Zone E.* The area within 100 feet of Navy Wharf E.

(6) *Security Zone F.* The area within 100 feet of Navy Wharf H.

(b) *Special regulations.* (1) Section 127.15 does not apply to Security Zones A and B except when a vessel berthed at Navy Wharf H is displaying a red (Bravo) flag by day or a red light at the masthead by night.

(2) Vessels may enter Security Zone B when transiting the harbor without the permission of the Captain of the Port.

(3) Unless the Captain of the Port orders the vessel to leave, any vessel berthed at a waterfront facility may remain in Security Zone B without the permission of the Captain of the Port.

PART 128—REGULATED NAVIGATION AREAS

Subpart A—General

Subpart B—Regulated Navigation Areas

AUTHORITY: The provisions of this Part 128 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C 1655(b)(1); Proc No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950), E.O. 10637, 3 CFR, 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b).

Subpart A—General

§ 128.01 Purpose of part.

The purpose of this part is to—

(a) List Regulated Navigation Areas;

(b) Prescribe regulations applicable to Regulated Navigation Areas; and

(c) Prescribe the procedures for establishing Regulated Navigation Areas.

§ 128.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or the Captain of the Port, as defined in § 6.01–3 of this chapter, or his designated representative.

(b) "Regulated Navigation Area" means the water area within a defined boundary for which regulations have been established under this part.

§ 128.10 Establishment procedures.

(a) Any person may request that a Regulated Navigation Area be established. Such request must include—

(1) The name of the person submitting the request;

(2) The location;

(3) The date, time, and duration;

(4) A description of activities planned for the Regulated Navigation Area; and

(5) The reason for the Regulated Navigation Area.

(b) The request must be submitted to the Captain of the Port having jurisdiction over the location (see Part 3 of this chapter).

Subpart B—Regulated Navigation Areas

§ 128.1401 Apra Outer Harbor, Guam.

(a) The following is a Regulated Navigation Area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47'' N., longitude 144°35'07'' E.; thence to Spanish Rocks at latitude 13°27'09.5'' N., longitude 144°37'20.6'' E.; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1'' N., longitude 144°-39'52.5'' E. (the northwest corner of Polaris Point); thence to latitude 13°26'40.2'' N., longitude 144°39'28.1'' E.; thence to latitude 13°26'32.1'' N., longitude 144°39'02.8'' E.; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42'' N., longitude 144°36'58.5'' E.; thence to the beginning.

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, and public vessels of the United States, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Except for public vessels of the United States, vessels over 100 gross tons—

(i) Shall steady on the entrance range at least 2 miles west of the entrance when approaching Apra Harbor;

(ii) May not enter the harbor until any outbound vessel over 65 feet in length has cleared the harbor entrance; and

(iii) Shall steady on the range when departing Apra Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47'' N., longitude 144°35'07'' E.; thence to latitude 13°-27'14.1'' N., longitude 144°39'14.4'' E.; thence to latitude 13°26'35.2'' N., longitude 144°39'46.4'' E.; thence to latitude 13°26'30.8'' N., longitude 144°39'44.4'' E.

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

Effective date. This amendment becomes effective on July 1, 1972.

Dated: May 24, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72–8118 Filed 5–30–72;8:48 am]

[CGFR 72–94R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

San Joaquin River, Calif.

This amendment adds regulations for the U.S. Navy Highway Bridge No. 10 between Rough and Ready Island and Stockton to permit the draw to remain closed to the passage of vessels from June 15, 1972, through October 13, 1972 in order that the bridge may be redecked.

This rule is issued without notice of proposed rule making because of limited use of this reach of waterway by vessels. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.714(a)(2) to reflect that this bridge is now owned by the U.S. Navy, and

2. Adding the following sentence to paragraph (a)(2) to § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California.

(a) * * *

(2) U.S. Navy Highway Bridge No. 10 between Rough and Ready Island and Stockton. The draw shall open on signal if at least 12 hours' notice has been given. However, from June 15, 1972, through October 13, 1972, the draw need not open for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 4–9, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision should be effective on June 15, 1972, except the sentence in § 117.714(a)(2) beginning with "However, from" and ending with "vessels." shall be effective June 15, 1972, and terminate October 13, 1972.

Dated: May 26, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72–8229 Filed 5–30–72;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Oregon Under the Federal Meat Inspection Act

Statement of consideration. The Governor of Oregon has advised that the State of Oregon is no longer in a position to continue administering the State meat inspection program after June 30, 1972, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Oregon had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Act. However such titles contemplate a continuous, on-going program, and in view of the termination date now applicable to the Oregon program it is hereby determined that the Oregon requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of the Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the State of Oregon which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Region for Meat and Poultry Inspection Program, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111, Telephone: A–C 415–556–8622.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State	*Effective date of designation*
Oregon	July 1, 1972

(Secs. 21 and 301(c), 34 Stat. 1260, as amended, 21 U.S.C. 621, 661; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rule making proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5–31–72).

Done at Washington, D.C., on May 26, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72–8273 Filed 5–30–72;8:55 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Regions I and VI; Rescission

On March 10, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5131), a notice of proposed changes in district organization within Customs Regions I and VI. This proposed rule making would have consolidated the Customs districts of Providence, R.I., and Bridgeport, Conn., into the Boston district, and the Customs districts of Port Arthur and Galveston, Tex., into the Houston district.

It has been determined that it is not in the public interest to proceed with the proposed reorganization at this time. Accordingly, the notice is hereby rescinded.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

MAY 19, 1972.

[FR Doc.72-8133 Filed 5-30-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 966, 980]

TOMATOES GROWN IN FLORIDA

Termination of Proposed Rule Making To Amend Limitation of Shipments Regulation

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, was published in the January 5, 1972, FEDERAL REGISTER (37 F.R. 81). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The Florida Tomato Committee met on May 11, 1972, and unanimously recommended that the proposed amendment not be put into effect at this time.

After consideration of all relevant matters, including the committee's recommendation and other available information, it is hereby found that this proceeding which was initiated by the aforesaid notice of rule making should be and is hereby terminated.

Dated May 25, 1972, to become effective upon signing.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-8130 Filed 5-30-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 24322; EDR-221B]

REPORTING DATA PERTAINING TO FREIGHT ORIGIN-DESTINATION TRAFFIC MOVEMENT

Certain Air Carriers and Foreign Air Carriers; Extension of Time for Filing Comments

MAY 25, 1972.

The Board, by circulation of notice of proposed rule making EDR-221, dated March 16, 1972, and published at 37 F.R. 6109, gave notice that it had under consideration the enactment of a new part of the economic regulations to establish a system of reporting freight origin-destination (O&D) traffic movement by certain air carriers and foreign air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 24, 1972. On April 21, 1972, by supplemental notice of proposed rule making EDR-221A, published at 37 F.R. 8679, the undersigned, pursuant to delegated authority, extended the time for submitting comments to June 1, 1972.

Subsequently, letters were received from counsel for Scandinavian Airlines System and Swissair, requesting that the time for filing comments be extended by an additional 60 days. Both requests allege that additional time is needed in order that the two foreign carriers may evaluate the expense and feasibility of supplying the statistics which would be required under the proposed new part. Additionally, Swissair says that the proposed requirements may conflict with Swiss law.

Although a general extension of time is not warranted, the undersigned finds that good cause has been shown for an extension of the time within which foreign air carriers may file comments. It appears that counsel for foreign air carriers may encounter special difficulties, not encountered by other interested persons, in obtaining from their clients the detailed information relating to their data collection and processing capabilities, necessary for the preparation of comments. However, an extension of time for foreign air carriers beyond June 30, 1972, is not warranted and would unduly delay the proceeding. An extension for foreign air carriers to June 30, 1972, which will provide a total of 106 days within which foreign air carriers may respond, should be sufficient to enable foreign air carriers to deal with any problems which are peculiar to them in the preparation of comments. The deadline for the submission of comments by persons other than foreign air carriers remains June 1, 1972.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for the submission of comments by foreign air carriers to June 30, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[FR Doc.72-8125 Filed 5-30-72;8:47 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 72-19]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Proposed Requirements

Correction

In F.R. Doc. 72-7397 appearing at page 10389 of the issue of Saturday, May 20, 1972, the material now designated as § 536.4(b)(10) and the introductory text of subparagraph (11) should read as set forth below. Subdivisions (i) through (xvi) of material now designated as § 536.4(b)(11) will thus become part of § 536.4(b)(10).

§ 536.4 Contents of tariffs.

* * * * *

(b) * * *

(10) Rules and regulations which in anywise affect the application of the tariff. Specific rules shall be published to govern each of the following subjects and shall bear the rule numbers designated:

1. Scope. See subparagraph (4) of this paragraph.

2. Application of rates. See subdivision (i) of this subparagraph.

3. Effective date rule. See subdivision (ii) of this subparagraph.

4. Heavy lift.
5. Extra length.
6. Minimum bill of lading charge(s).
7. Payment of freight charges. See subdivision (iv) of this subparagraph.
8. Specimen bill of lading. See subdivision (iii) of this subparagraph.

Every tariff shall contain the following rules, when applicable:

Freight forwarder compensation. See subdivision (v) of this subparagraph.
Application of surcharge and/or arbitraries/differentials/outport differentials (or other identifying term). See subdivision (vi) of this subparagraph.
Minimum quantity rates. See subdivision (viii) of this subparagraph.
Ad valorem rates. See subdivision (ix) of this subparagraph.
Transshipment service. See subdivision (vii) of this subparagraph.
Application of contract rate system. See subdivision (xii) of this subparagraph.
Open rates. See subdivision (xiii) of this subparagraph.
Explosives or other dangerous articles. See subdivision (xi) of this subparagraph.
Green salted hides. See subdivision (x) of this subparagraph.
Returned cargo. See subdivision (xvi) of this subparagraph.
Shippers requests and complaints. See subdivision (xiv) of this subparagraph.

Additional rules which affect the application of the tariff shall follow the rules specified above and shall be numbered consecutively.

* * * * *

FEDERAL RESERVE SYSTEM

[12 CFR Parts 220, 221]

[Regs. T, U]

CREDIT BY BROKERS, DEALERS AND BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Exempt Credit to Specialists, OTC Market Makers, Third-Market Makers and Block Positioners

By notice of proposed rule making published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2412–2414), the Board of Governors proposed to exempt from margin requirements credit extended by banks and brokers or dealers to block positioners, and credit extended by banks to third-market makers to carry on their market making activities. The proposals would have subjected to certain conditions credit for block positioning activities by all market makers, including specialists, block positioners, over-the-counter firms making a market in OTC margin stocks, and third-market makers.

Following consideration of the comments received, the Board has withdrawn certain parts of the proposed revisions of paragraph (g) of § 220.4 (Regulation T) and paragraphs (o), (w), and (y) of § 221.3 (Regulation U) pertaining to limitations on exempt credit to specialists, OTC market makers, and third-market makers. The Board is republishing, with certain modifications in the proposed language, paragraph (g) of § 220.4, and paragraphs (w), (y), and (z) of § 221.3, with sumultaneous publication of proposed rules in this area by the Securities and Exchange Commission appearing elsewhere in this issue of the FEDERAL REGISTER.

The Board also proposes at this time an amendment to § 221.3(a) to conform with the existing practice under which banks need not obtain purpose statements in connection with transactions arising out of the ordinary course of broker/dealer business.

The text of the proposed amendments, as revised, is as follows:

§ 220.4 Special accounts.

* * * * *

(g) *Specialist's account.* (1) In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions as a specialist in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists.

(2) Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialist's use of credit pursuant to this paragraph (g), the requirements of § 220.6(b) regarding joint ventures shall not apply to such accounts and the maximum loan value of a registered security in such account (except a security that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be as determined by the creditor in good faith.

* * * * *

§ 221.3 Miscellaneous provisions.

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided,* That this requirement shall not apply to any credit described in paragraph (o), (w), (x), (y), or (z) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

* * * * *

(o) *Specialist.* In the case of credit extended to a member of a national securities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in such securities, the maximum loan value of any stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be as determined by the bank in good faith: *Provided,* That the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialists' use of credit pursuant to this section.

* * * * *

(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market-making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of each such stock the OTC market maker shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity (Securities and Exchange Commission Form X–17A–12(1)) and all other reports required to be filed by market makers in OTC margin stock pursuant to a rule of the Commission (Rule 17a–12 (17 CFR 240.17a–12)), shall not have ceased to engage in such market-making activity, and shall have a reasonable average rate of inventory turnover in such stock: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith* by a duly

* As described in paragraph (a) of this section.

authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

* * * * *

(y) *Third-market maker exemption.* (1) In the case of credit extended to a third-market maker, as defined in subparagraph (2) of this paragraph (y), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible security described in paragraph (t)(1) of this section) in order to conduct the market-making activity of such a market maker, the maximum loan value of any stock (except (i) a convertible security described in paragraph (t)(1) of this section, and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of each such stock he shall, at least 5 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity, and all other reports required to be filed by third-market makers pursuant to a rule of the Securities and Exchange Commission and, except when such activity is unlawful, shall not have ceased to engage in such market-making activity: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-3, executed by the third-market maker who is the recipient of such credit and executed and accepted in good faith [10] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (y) and paragraph (a) of this section.

(2) A third-market maker with respect to a stock that is registered on a national securities exchange is a dealer who has had and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)), or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) of the Commission (17 CFR 240.15c3-1(b)(2)), of $100,000 plus $20,000 for each stock in excess of five in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission (but in no case does this subparagraph (2) require net capital of more than $1 million) who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations in the stocks for which he makes a market at all times on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iii) he does no more than 25 percent of his business in the stock with other market makers and/or on national securities exchanges except as odd-lot dealer, alternate specialist, or alternate odd-lot dealer specialist, and (iv) he has a reasonable average rate of inventory turnover on the stock.

(3) If all or portion of the credit extended pursuant to this paragraph (y) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be a third-market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

(z) *Block positioner exemption.* (1) In the case of credit extended to a block positioner, as defined in subparagraph (2) of this paragraph (z), for the purpose of financing the activity of block positioning, the maximum loan value of any margin stock obtained in the ordinary course of the activity of block-positioning as described in subparagraph (2) of this paragraph (z) (except (i) a convertible security described in paragraph (t)(1) of this section and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of such activity he shall have filed with the Securities and Exchange Commission a notice of undertaking such activity as prescribed by the Commission, and all reports required to be filed by block-positioners: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-5 and paragraph (a) of this section, executed by the block positioner who is the recipient of such credit and executed and accepted in good faith [11] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such block positioning activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (z) and paragraph (a) of this section. In determining whether or not an extension of time has been granted pursuant to subparagraph (3) of this paragraph (z) and whether or not such extension of time is commensurate with the circumstances the bank may rely on a statement executed by an officer of the exchange or association on behalf of the committee in conformity with the requirements of Federal Reserve Form U-6 and paragraph (a) of this section.

(2) A block positioner is a dealer who (i) is registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and has a minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) of the Commission (17 CFR 240.15c3-1(b)(2)), of $1 million, (ii) engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner of the dealer, or the dealer itself, participates or a person "associated with" such dealer as defined in section 3(a)(18) of the Securities Exchange Act of 1934) a block of stock (other than a convertible security as described in paragraph (t)(1) of this section) with a current market value of $200,000 or more in a single transaction or in several transactions at approximately the same time from a single source to facilitate a sale or purchase by such customer, (iii) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms, and (iv) sells the shares comprising such block as rapidly as possible commensurate with the circumstances.

(3) No credit shall be extended or maintained pursuant to this paragraph (z) in respect of any such block of stock or portion thereof which the block-positioner has held continuously for more than 20 business days, and any credit extended pursuant to this paragraph (z) shall be extinguished or brought into conformity with the initial margin requirements of §§ 221.1 and 221.4 before the expiration of such 20-day period. For the purposes of this subparagraph, a block or portion thereof shall be treated as not having been held continuously only to the extent that there has been a net sale (or in the case of short positions, net purchase) of such securities (whether or not represented by the same certificate) during such 20-day period.

(4) In exceptional cases the 20-day period specified in subparagraph (3) of this paragraph (z) may on the application of the block-positioner, be extended for one or more periods limited to 5 business days each commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which the block-positioner is a member or through which his block transaction was effected, or by a committee of

[10] As described in paragraph (a) of this section.

[11] As described in paragraph (a) of this section.

a national securities association, if effected in the over-the-counter market: *Provided*, that such committee is satisfied that the block-positioner is acting in good faith in making the application and that the circumstances in fact warrant such treatment.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

The proposed amendments, as revised, are republished primarily for the purpose of enabling interested persons to study them concurrently with the proposed rules in this area by the Securities and Exchange Commission appearing elsewhere in this issue of the FEDERAL REGISTER.

Additional data, views or comments on the Board's proposed amendments, as revised, may be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 30, 1972. Such materials will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding Availability of Information.

By order of the Board of Governors, May 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-8170 Filed 5-30-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release 34-9611; File No. S7-441]

OTC MARGIN SECURITIES

Elimination of Reports To Be Filed by Market Makers in Certain Instances

Notice is hereby given that the Securities and Exchange Commission proposes to amend Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 (the Act) to eliminate the filing of notices and reports by market makers in OTC Margin Securities under certain circumstances. It also proposes to revise Form X-17A-12(1) (17 CFR 249.619) to reflect this amendment and to revise Form X-17A-12(2) (17 CFR 249.620) to make the quarterly report form filed by OTC Market Makers more useful for regulatory purposes.

On July 3, 1969, in Release No. 8637 under the Act and in the FEDERAL REGISTER for July 12, 1969 at 34 F.R. 11539, the Commission gave notice of the adoption of Rule 17a-12 requiring notifications and reports from broker-dealers who make markets in OTC Margin Securities to implement rules of the Board of Governors of the Federal Reserve System (Federal Reserve Board) providing exemptions from specified margin requirements of loans by banks to broker-dealers who are market makers in securities placed by the Federal Reserve Board, pursuant to Regulation U under the Act (12 CFR Part 221) on its list of OTC Margin Stocks.

The Commission's Rule 17a-12 provides that all OTC Market Makers, as defined in subparagraph (2) of paragraph (a) of the rule, must file a notice on Form X-17A-12(1) with the Commission for every OTC Margin Security as to which he is an OTC Market Maker. He must also notify the Commission on the form whenever he ceases to make a market in such security. The Commission intends to amend paragraph (b) of the rule by excepting from notification requirements a broker-dealer who does not use OTC Market Maker exempt credit as provided for by section 3(w) of Regulation U (12 CFR 221.3 (w)). Furthermore, paragraph (c) of the rule would be amended to permit a broker-dealer to withdraw his notifications whenever he no longer intends to apply for or receive such credit on any OTC Margin Security. Form X-17A-12 (1) would be revised to take account of these amendments. It is also proposed that paragraph (d) of Rule 17a-12 be amended to require that only those OTC Market Makers who have notices on file with the Commission during the calendar quarter furnish reports on Form X17A-12(2).

These proposals are intended to reduce the reporting burden on broker-dealers who do not ordinarily apply for OTC Market Maker exempt credit. Under the amended rule, as proposed, a broker-dealer who has not filed a notice with the Commission but is otherwise eligible for exemption from margin requirements under Regulation U, may, within 5 days after applying for such credit, file a notification that he is an OTC Market Maker with the Commission.

It is also proposed at this time to revise the quarterly report form, Form X-17A-12(2), and to eliminate Schedule A of that form. Under the present reporting system, OTC Market Makers who have obtained exempt credit on any OTC Margin Security during the quarter must show, in Schedule A, details of their transactions in all stocks in which they were OTC Market Makers on a sample day, designated by the Commission, during the quarter. It has been found that the National Association of Securities Dealers' automated quotation system (NASDAQ), which was not in operation at the time of the adoption of Rule 17a-12, provides information necessary for checking compliance by broker-dealers with certain conditions of the Board's exemption. Reports of transactions on a sample day would, therefore, no longer be necessary.

Form X-17A-12(2) would be expanded to include a few of the items which are presently on Schedule A. Whereas the information in Schedule A is now furnished only for the sample day, in the proposed revised form, the data would relate to the entire quarter. The items proposed to be added to the form are the maximum number of shares of each security pledged as collateral on an exempt loan, the firm's daily average closing position in the security, and total purchases and sales as principal of the security. In addition, the form would require the listing of the names of creditor banks and the total amount of OTC Market Maker exempt credit outstanding at the end of the quarter.

PROPOSED AMENDMENTS

The Commission proposes to amend paragraphs (b), (c), and (d) of § 240.17a-12 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-12 Reports to be filed by market makers in OTC Margin Securities.

* * * * *

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X-17A-12(1) (§ 240.619) identifying each such security; except that no notice need be filed unless he applies for credit on any OTC Margin Security pursuant to the "OTC market maker exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve System under the Act.

(c) Every registered broker-dealer who has filed a notice under paragraphs (a) or (b) of this section and who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs, or who no longer intends to apply for or receive OTC Market Maker exempt credit on any OTC Margin Security, shall, within 5 days thereafter, notify the Commission on Form X-17A-12(1) (§ 240.619) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however*, That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security and has filed a notice on Form X-17A-12(1) (§ 240.619) pursuant to paragraphs (a) or (b) of this section shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X-17A-12(2) (§ 240.620).

* * * * *

(Sec. 17(a), 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

Copies of proposed revised Form X-17A-12(1) (17 CFR 249.619) and Form X-17A-12(2) (17 CFR 249.620) have been placed on file with the FEDERAL REGISTER. Copies of such Forms may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments with respect to the proposed amendments, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 30, 1972. All communications with respect to the proposals should refer to File No. S7-441. Such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 31, 1972.

[FR Doc.72-8202 Filed 5-30-72;8:48 am]

[17 CFR Parts 240, 249]

[Release 34-9612; File No. S7-442]

CERTAIN DEALERS WHO ARE THIRD MARKET MAKERS OR BLOCK POSITIONERS

Proposed Filing of Notices and Reports

Notice is hereby given that the Securities and Exchange Commission has under consideration two proposed new rules, Rule 17a-16 (17 CFR 240.17a-16) and Rule 17a-17 (17 CFR 240.17a-17) under the Securities Exchange Act of 1934 (the Act), to provide for the filing of notices and reports by certain broker-dealers who are third market makers or block positioners which would serve as the basis, under proposed rules and regulations of the Board of Governors of the Federal Reserve System (Federal Reserve Board), for exemptions from specified margin requirements for loans by banks to such broker-dealers.

On January 26, 1971, the Federal Reserve Board issued for comment a proposal to amend Regulation U (12 CFR Part 221) under the Act to provide that, under certain conditions, securities firms that acquire substantial blocks of stock for their own account to facilitate the sale or purchase by their customers of quantities which could not otherwise be absorbed by the market be exempt from the margin restrictions of that regulation (see FEDERAL REGISTER for February 4, 1971 at 36 F.R. 2412). The Board also reissued for comment an earlier proposal that broker-dealers who make over-the-counter markets in securities registered on national securities exchanges be exempt from margin regulations of Regulation U to carry on their market making activities. A notice of several changes in the details of these proposals is being issued today by the Federal Reserve Board.

Under the Act, the Commission has administrative and enforcement responsibilities with respect to credit regulations. The purpose of the Commission's proposed rules is to implement the Board's proposed exemptions from margin requirements for third market makers and block positioners. The Board's proposals require the filing of notices and reports with the Commission by these broker-dealers in order to be eligible for the so-called "exempt credit." Proposed Rule 17a-16 and proposed Forms X-17A-16(1) (17 CFR 249.631) and X-17A-16(2) (17 CFR 249.632) would implement the third market maker exemption; proposed Rule 17a-17 and proposed Form X-17A-17 (17 CFR 249.635) would implement the block positioner exemption.

THIRD MARKET MAKER EXEMPTION

The Federal Reserve Board proposes to add paragraph (y) to section 3 of Regulation U (12 CFR 221.3(y)) to permit banks to extend "third market maker exempt credit" to bona fide over-the-counter market makers in registered securities. The proposed amendment generally parallels a similar provision adopted in 1969 for market makers in OTC Margin Stocks. A third market maker, as defined in subparagraph (2) of section 3 (y), is a dealer who is in compliance with Rule 15c3-1 (17 CFR 240.15c3-1) under the Act, who has and maintains a specified minimum net capital (as that term is defined in Rule 15c3-1), and who, with respect to a registered security, furnishes bona fide, competitive bid and offer quotations to other broker-dealers on request; is ready, willing and able to effect transactions for his own account in reasonable amounts and at his quoted prices with other broker-dealers; has a reasonable average rate of inventory turnover; and does no more than 25 percent of his business with other market makers and/or on national securities exchanges. An exception to the latter provision is made for third market makers who are also alternate specialists or odd-lot dealer/specialists on regional exchanges.

Under the proposal, as issued by the Board today, a third market maker must have net capital of $20,000 for each security in which he is a third market maker but not less than $100,000 as a minimum; however, he is not required to have more than $1 million regardless of the number of issues in which he is a third market maker. The net capital requirements for third market makers are greater than those for OTC Market Makers, as specified in section 3(w) of Regulation U (12 CFR 221.3(w)), reflecting the generally higher prices of stocks and the larger size of trades in the third market.

In the Commission's proposed Rule 17a-16, the definition of a third market maker is given in paragraph (c) and is identical with the Board's definition except that the Commission's rule uses the term "Qualified Third Market Maker." This is to distinguish a third market maker who would be eligible for exempt credit from a third market maker as defined in Rule 17a-9 (17 CFR 240.17a-9) under the Act. The latter contains no net capital requirement and relates only to market makers in common stocks.

Paragraphs (a) and (b) of proposed Rule 17a-16 require that a Qualified Third Market Maker file a notice on Form X-17A-16(1) for each registered security in which he makes a market at least 5 business days before obtaining third market maker exempt credit. However, no notice is required if the market maker does not intend to use such credit. The rule further provides, in paragraph (d), that within 5 days after ceasing to be a Qualified Third Market Maker in a security or if the broker-dealer no longer intends to seek exempt credit, he must notify the Commission of such fact on Form X-17A-16(1). In addition, pursuant to paragraph (e) of the rule, every Qualified Third Market Maker who has had notices on Form X-17A-16(1) with respect to any security on file with the Commission at any time during a calendar quarter, must file with the Commission a report on Form X-17A-16(2). Three copies of this report must be filed within 20 days after the end of each calendar quarter. The quarterly reports would be nonpublic but would be available for official use to any official or employee of the United States or the Board and to any other person to whom the Commission authorized disclosure.

Paragraph (f) of the proposed rules takes into account the possibility that certain anti-manipulative provisions of the Federal securities laws, such as Rule 10b-6 (17 CFR 240.10b-6) under the Act, would prohibit a market maker from meeting all of the conditions required to be a Qualified Third Market Maker at certain times. Therefore, the proposed rule provides for notification to the Commission of temporary cessation of market making activities under these circumstances.

Form X-17A-16(1), as proposed identifies the security in which the broker-dealer is or commences making a market and also serves to notify the Commission when market making has ceased or when the broker-dealer no longer intends to seek exempt credit in any security registered on a national securities exchange. When a broker-dealer ceases to make a market in a security, he must list the names of the banks, if any, with which he has third market maker exempt credit outstanding with the subject security as collateral.

The proposed quarterly report on Form X-17A-16(2) calls for details of the third market maker's net capital and bank borrowings pursuant to the margin exemption. It also would contain a certification that the broker-dealer did not accept credit from any bank in reliance on the third market maker exemption when he did not meet the net capital or other requirements for such exemption.

If the third market maker had any such exempt credit outstanding at any time during the calendar quarter, it is proposed that he would also file Schedule A of Form X-17A-16(2) for each registered security in which he was or

had been a market maker during the quarter. On this schedule he would furnish information as to his position in the security, the number of shares pledged as collateral, and his volume of trading during the quarter, showing separately his trading with other market makers and on exchanges.

BLOCK POSITIONER EXEMPTION

The Federal Reserve Board has proposed to amend Regulation U by adding paragraph (z) to section 3 (12 CFR 221.3(z)) to permit brokers-dealers who meet specified conditions to obtain credit from banks without regard to the margin restrictions of that regulation in connection with their positioning of blocks of stock. A block of stock, according to subparagraph (2) of section 3(z), is a position with a current market value of $200,000 or more acquired in a single transaction or in several transactions at approximately the same time from a single source. Credit obtained pursuant to the block positioner exemption would have to be extinguished or brought into conformity with the initial margin requirements of sections 1 and 4 of Regulation U (12 CFR 221.1 and 221.4) within 20 days. In exceptional circumstances, the exempt credit could be extended for additional 5-day periods upon application by the block positioner to an appropriate self-regulatory agency.[1]

Under subparagraph (2) of proposed section 3(z), a block positioner is defined as a dealer who: (1) Is a registered broker-dealer and has minimum net capital, as defined by Rule 15c3–1 under the Act (or the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) (17 CFR 240.15c3–1(b)(2)) under the Act), of $1 million; (2) engages in transactions in blocks of stock as principal, from time to time, to facilitate the sale or purchase of the block by his customer; (3) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the shares could not be sold to or purchased from others on equivalent or better terms; and (4) sells the shares comprising the block as rapidly as possible commensurate with the circumstances. In addition, the block positioner must file with the Commission a notice of intent to undertake such block positioning activity and all other reports required to be filed by the Commission.

[1] The Board's proposals of January 1971 would have included specialists, third market makers and market makers in OTC Margin Stocks as block positioners whenever they acquired a block of $200,000 or more and, accordingly, the time limitation on block positioner exempt credit would have applied. As issued today, specialists and OTC Market Makers would continue to be exempt from margin restrictions on blocks as well as in their regular market making activities, pursuant to section 4(g) of Regulation T (12 CFR 220.4(g)) and sections 3(o) and 3(w) of Regulation U (12 CFR 221.3(o) and 221.3(w)), while no distinction for blocks would be made for third market makers under the new proposed paragraph (y) of section 3 of Regulation U.

Rule 17a–17, as proposed by the Commission, provides in paragraph (a) that any broker-dealer who intends to apply for block positioner exempt credit from a bank must file a notice to that effect with the Commission at least 5 business days prior to applying initially for such credit. No form has been devised for the notification since it will be a one-time filing by the block positioner and will not pertain to any specific stock. The block positioner would give notice in writing that he intends to apply from time to time for exempt credit under the block positioner exemption provided for by Regulation U and that he meets all of the conditions precedent to being a block positioner as defined in the rule. Paragraph (b) of proposed Rule 17a–17 sets forth the requisite conditions which are the same as those required by the Federal Reserve Board in section 3(z) of Regulation U.

Paragraph (c) of Rule 17a–17 would require that all broker-dealers who have given and not withdrawn notices that they are block positioners file a report 20 days after the close of each calendar quarter on Form X–17A–17. These reports, like the quarterly reports of OTC Market Makers and Qualified Third Market Makers, would be nonpublic except that they would be available for official use to any official or employee of the United States or the Board and to any other person to whom the Commission authorized disclosure in the public interest.

Form X–17A–17, as proposed, would constitute a report on the extent of participation in blocks and amount of borrowings of the broker-dealer pursuant to the block positioner margin exemption during the quarter. All information on the forms would pertain only to blocks on which such credit was granted. The block positioner would also be asked to furnish the amount of his net capital as of the end of the quarter. In addition, he would certify that at all times during which his notification as a block positioner was on file with the Commission he maintained the minimum net capital required and met all other conditions necessary to be a block positioner as defined in section 3(z) of Regulation U.

If the block positioner received credit from a bank during the quarter, he would also be required to file proposed Schedule A of Form X–17A–17 for each block positioned, and on which exempt credit was granted, for a selected week during the quarter. At the end of each calendar quarter, the Commission would select a week within the preceding 3 months and notify each block positioner of the dates. It is proposed that if less than 10 blocks were positioned by the firm in the designated week, the firm would select consecutively enough additional blocks closest to that week in terms of positioning date, either before or after the selected week, to make a total of 10 blocks for which schedules would be filed.

The broker-dealer would furnish, on a seperate Schedule A for each block: the date of the block trade; where it was effected; the total size of the block sold by the customer of which the block positioned was a part; commission paid on the total block; number and price of shares positioned; details of credit received and repaid; and how the block was liquidated, in terms of markets used and length of time involved.

PROPOSED SECTIONS AND FORMS

As proposed Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adopting new §§ 240.17a–16, 240.17a–17, 249.631, 249.632, and 249.635 as follows:

§ 240.17a–16 Notices and reports by qualified third market makers.

(a) Every broker or dealer registered pursuant to section 15 of the Act who is a "Qualified Third Market Maker" (as hereinafter defined) in any security registered on a national securities exchange and who applies for or receives credit with respect to any such security from any bank in reliance on the "Third Market Maker Exemption" provided for in Regulation U under the Act (hereinafter called "Third Market Maker exempt credit, shall, within the time prescribed in this section file with the Commission a notice on Form X–17A–16(1) (§ 249.631 of this chapter) for each such security in respect of which he is a Qualified Third Market Maker.

(b) A Qualified Third Market Maker shall file the notice prescribed in paragraph (a) of this section at least 5 business days before receiving the extension of Third Market Maker exempt credit, but he need not file such notice unless he applies for Third Market Maker exempt credit.

(c) For the purpose of this section, a Qualified Third Market Maker shall mean a dealer (1) who is subject to and is in compliance with § 240.15c3–1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3–1 by subparagraph (b)(2) thereof) and (2) who has and maintains minimum net capital as defined in § 240.15c3–1 (or in such capital rules of such exchange) of $100,000 plus $20,000 for each security in excess of five in respect of which he has filed and not withdrawn the notice on Form X–17A–16(1) (§ 249.631 of this chapter) (except that he shall not be required to have such net capital of more than $1 million to be a Qualified Third Market Maker under the provisions of this section); and (3) who, except when such activity is unlawful, meets all of the following conditions with respect to such security: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other brokers or dealers on request; (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices with other brokers and dealers; (iii) he does no more than 25 percent of his business for his own account with other

market makers and/or on national securities exchanges (except as odd-lot dealer, alternate specialist or alternate odd-lot dealer/specialist) in any such security; and (iv) he has a reasonable average rate of inventory turnover in such security.

(d) Every registered broker-dealer who has filed a notice under paragraph (a) of this section who ceases to be a Qualified Third Market Maker in any security listed in any notice filed under such paragraph, or who no longer intends to apply for or receive Third Market Maker exempt credit on any security registered on a national securities exchange, shall within 5 business days thereafter, notify the Commission on Form X–17A–16(1) (§ 249.631 of this chapter) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however,* That if a security has ceased to be registered on any national securities exchange, no such notice respecting cessation of market making activities need be filed as to that security.

(e) Every registered broker-dealer, who during any calendar quarter is or has been a Qualified Third Market Maker and who has filed a notice on Form X–17A–16(1) (§ 249.631 of this chapter) pursuant to paragraph (a) of this section shall, within 20 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–16(2) (§ 249.632 of this chapter).

(f) At any time that a broker-dealer who is otherwise a Qualified Third Market Maker is unable to meet one or more of the conditions specified in subdivision (i), (ii), (iii) or (iv) of subparagraph (3) of paragraph (c) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and, if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(g) Reports on Form X–17A–16(2) (§ 249.632 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and any other person to whom the Commission authorizes disclosure in the public interest.

§ 240.17a–17 Notices and reports by block positioners.

(a) Every broker or dealer registered pursuant to section 15 of the Act, and every member of a national securities exchange, who applies for or receives from any bank any credit in reliance on the "Block Positioner Exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve System under the Act shall, at least 5 business days prior to applying initially for such credit (hereinafter sometimes referred to as "exempt credit"), file with the Commission a notice of his intention to apply for and receive such credit and stating that he meets all of the conditions precedent to being a Block Positioner as defined in paragraph (b) of this section.

(b) For the purpose of this section, a "Block Positioner" is a dealer (1) who is registered with the Commission pursuant to section 15 of the Act, or is a member of a national securities exchange, and is subject to and in compliance with § 240.15c3–1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3–1 by paragraph (b)(2) thereof), and (2) who has and maintains minimum net capital as defined in § 240.15c3–1 (or in such capital rules of such exchange) of $1 million and who, (3) except when such activity is unlawful, meets all of the following conditions: (i) He engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner, the dealer, or a person associated with such dealer as defined in section 3(a)(18) of the Act participates) a block of stock (other than a convertible security as described in section 3 of Regulation U) with a current market value of $200,000 or more in a single transaction, or in several transactions at approximately the same time, to facilitate a sale or purchase by such customer; (ii) he certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms; (iii) he sells the shares comprising the block as rapidly as possible commensurate with the circumstances; and (iv) except upon receiving extensions of time in accordance with Regulation U, he does not hold such block continuously for more than 20 business days and before the expiration of such 20-business-day period either extinguishes the exempt credit or brings any credit on the block in conformity with the initial margin requirements of sections 1 and 4 of Regulation U. A block of securities or portion thereof shall be deemed to have been held continuonsly to the extent that there has not been a net sale (or in the case of short positions, a net purchase) of such securities (whether or not represented by the same certificates) during such 20-business-day period.

(c) Every Block Positioner who has filed a notice pursuant to paragraph (a) of this section, shall, thereafter, within 20 days after the end of each calendar quarter, file with the Commission three fully executed copies of a report for such calendar quarter on Form X–17A–17 (§ 249.635 of this chapter); except that no such report need be filed if, prior to the beginning of such calendar quarter, the Block Positioner filed a written statement withdrawing the notice which he filed pursuant to paragraph (a) of this section.

(d) Reports on Form X–17A–17 (§ 249.635 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and to any other person to whom the Commission authorizes disclosure in the public interest.

§§ 249.621–249.630 [Reserved]

§ 249.631 Form X–17A–16(1), notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–16 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraphs (a) and (b) of § 240.17a–16 of this chapter by certain broker-dealers, defined to be "Qualified Third Market Makers" by paragraph (c) of said section, at least five (5) business days before such broker-dealers obtain third market maker exempt credit pursuant to Regulation U under the Act.

§ 249.632 Form X–17A–16(2), quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–16(e) of this chapter.

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (e) of § 240.17a–16 of this chapter within twenty (20) days after the end of each such calendar quarter, by every broker-dealer who, during a calendar quarter, is or has been a Qualified Third Market Maker, as defined in paragraph (c) of said section and who has filed a notice on Form X–17A–16(1) (§ 240.631 of this chapter) pursuant to paragraph (a) of said section.

§§ 249.633–249.634 [Reserved]

§ 249.635 Form X–17A–17, quarterly report required to be filed by a broker-dealer block positioner pursuant to section 17 of the Act and § 240.17a–17 of this chapter.

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (c) of § 240.17a–17 of this chapter within twenty (20) days after the end of each calendar quarter, by every broker-dealer block positioner who has filed a notice pursuant to paragraph (a) of said section.

(Sec. 15(b), 48 Stat. 895, 78 Stat. 565, 15 U.S.C. 78o; sec. 17(a) 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a) 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

Copies of proposed Forms X–17A–16(1), X–17A–16(2), and X–17A–17 have been placed on file with the FEDERAL REGISTER, and, in addition, copies of such forms may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The proposed rules and related forms would be adopted pursuant to the provisions of sections 15(b), 17(a), and 23(a) of the Act. All interested persons are invited to submit views and comments with respect to the above proposals, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 30, 1972. All communications with respect to the proposed rules should refer to File No. S7–442. Such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–8203 Filed 5–30–72;8:48 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR FOR POPULATION AND HUMANITARIAN ASSISTANCE

Delegation of Authority

Pursuant to the authority delegated to me, I hereby redelegate to the Deputy Assistant Administrator for Population and Humanitarian Assistance, to the extent consistent with law, all the authorities now or hereafter delegated to the Assistant Administrator for Population and Humanitarian Assistance by Delegations of Authority Nos. 19, 40, 41, ministrator or Deputy Administrator including those authorities conferred by Delegation of Authority from the Adand 95, and any other authorities, powers, or functions under any Agency Regulation, Policy Determination, Manual Orders, Directive, Notice, or Issuance.

This Delegation of Authority shall be effective immediately.

Dated: April 28, 1972.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc. 72-8121 Filed 5-30-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ASSOCIATE STATE DIRECTOR, UTAH STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2d delegations are authorized as listed:

1. Associate State Director may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in amount not to exceed $2,000: *Provided,* That the requirement is not available from established sources; and may procure for emergency fire suppression and presuppression not to exceed $2,500.

2. State Administrative Officer may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in amount not to exceed $2,000: *Provided,* That the requirement is not available from established sources.

3. District Managers may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in an amount not to exceed $1,000: *Provided,* That the requirement is not available from established sources.

4. District Administrative Officers may enter into contracts with established sources of supplies and services, excluding capitalized equipment, not to exceed $1,000 per order. May enter into contracts on open market for supplies and materials, excluding capitalized equipment in an amount not to exceed $1,000: *Provided,* That the requirement is not available from established sources.

5. Division Chiefs, Natural Resource Specialist and Fire Control Officers may enter into contracts for emergency purchases of supplies and services, excluding capitalized property, not to exceed $100—and in addition the Fire Control Officer may enter into a contract for an emergency fire not to exceed $500 per order.

6. Cadastral Engineering Survey Party Chiefs may enter into contracts for supplies and services, excluding capitalized property not to exceed $200—and contract Cadastral Crew Lodging not to exceed $500 per order.

7. Other employees as specifically designated by the State Director to make small procurement of supply, services and materials, excluding capitalized equipment, by standard form 44, not to exceed $200 per order.

B. The authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with the applicable policies, procedures, and control prescribed by General Service Administration.

This delegation cancels and replaces all previous delegations of BLM-Utah to this date.

Dated: May 22, 1972.

R. D. NIELSON,
State Director.

[FR Doc.72-8120 Filed 5-30-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CROSS-FLORIDA BARGE CANAL PROPOSAL FOR OKLAWAHA RIVER

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Cross-Florida Barge Canal (Proposal for Oklawaha River), USDA-FS-DES(Leg) 72-36.

The draft environmental statement concerns a proposal to initiate studies leading to acquisition and management by USDA, Forest Service, as part of Ocala National Forest of certain lands and structures associated with Cross-Florida Barge Canal along the Oklawaha River in Marion and Putnam Counties, Fla.

This draft environmental statement was filed with CEQ on May 24, 1972.

Copies are available for inspection during regular working hours at the following location:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue, SW., Washington, DC 20250. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief, Forest Service.

MAY 25, 1972.

[FR Doc.72-8132 Filed 5-30-72;8:48 am]

PROPOSAL TO TRANSFER NATIONAL FOREST LANDS TO COCHITI INDIAN TRIBE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a proposal to

transfer national forest lands to Cochiti Indian Tribe, USDA–FS–DES(Adm) 72–37.

The draft environmental statement concerns a proposal for the acquisition of 13,440 acres of land situated in the southwestern portion of the La Majada and Caja del Rio Grants.

This draft environmental statement was filed with CEQ on May 16, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, Southwestern Region, 517 Gold SW., Albuquerque, NM 87101.

A limited number of single copies are available upon request to Wm. D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold SW., Albuquerque, NM 87101.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Wm. D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold SW., Albuquerque, NM 87101. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

MAY 24, 1972.

[FR Doc.72–8116 Filed 5–30–72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Development

[Docket No. D–72–181]

EXECUTIVE ASSISTANT TO THE ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Redelegation of Authority

Warren H. Butler, Executive Assistant to the Assistant Secretary for Community Development, is authorized, during the current vacancy in the Office of the Deputy Assistant Secretary for Community Development, to exercise the power and authority of the Secretary of Housing and Urban Development delegated to the Deputy Assistant Secretary for Community Development, with all of the powers, functions and duties delegated or assigned to the Deputy Assistant Secretary for Community Development.

(Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Secretary's delegations of authority, 36 F.R. 5004, March 16, 1971)

Effective date. This redelegation of authority is effective as of April 20, 1972.

FLOYD H. HYDE,
Assistant Secretary
for Community Development.

[FR Doc.72–8122 Filed 5–30–72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Confirming Order for Evidentiary Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2).

On May 19, 1972, the Atomic Safety and Licensing Board issued an order during the course of an evidentiary hearing in this proceeding providing for a further session of evidentiary hearing on June 19, 1972 and stated that a formal order would be issued confirming that order.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a session of evidentiary hearing in this proceeding shall convene at 1:30 p.m. on Monday, June 19, 1972 in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: May 22, 1972, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72–8096 Filed 5–30–72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24215]

AIRLIFT BLOCKED-SPACE CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing previously set for June 13, 1972 (37 F.R. 8570), will be held on June 27, 1972, at 10 a.m., e.d.t., in Room 1031, Universal Building North, 1875 Connecticut Avenue, NW., Washington, DC.

Dated at Washington, D.C., May 24, 1972.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.72–8105 Filed 5–30–72;8:46 am]

[Dockets Nos. 24353, 24452; Order 72–5–81]

EASTERN AIR LINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1972.

U.S. Mainland-Puerto Rico/Virgin Islands Fares, Docket 24353; Reduction in U.S. Mainland-Puerto Rico/Virgin Islands circle-trip fares proposed by Eastern Air Lines, Inc., Docket 24452.

By tariff revision[1] marked to become effective May 24, 1972, Eastern Air Lines, Inc. (Eastern) proposes to reduce its circle-trip fares between various east coast mainland points and Puerto Rico/Virgin Islands to the level existing prior to April 1, 1972.[2] In support of its proposal, Eastern alleges that the April 1 increases were based upon the proposed increased day thrift-fare levels which the Board suspended,[3] and as a result no longer provide the "three-for-one" destination service originally intended. The carrier by this filing would restore the fares to their previously existing relationship with normal fares.

American Airlines, Inc. (American) has complained against the proposal requesting that it be suspended pending a determination of its lawfulness in the "U.S. Mainland-Puerto Rico/Virgin Islands Fares" case, Docket 24353. American alleges that the proposed lower fare level will undercut the lowest excursion fares for direct service and, since there are no significant conditions attached to the use of Eastern's circle-trip fares, carriers providing direct service will be under considerable competitive pressure to meet the fares. The carrier further alleges that Eastern's proposal is inconsistent with the need for additional revenues that the carriers (including Eastern) in this market have demonstrated, and which the Board acknowledged in Order 72–3–94.

Eastern has answered American's complaint alleging that because of the circuitous routing involved in its circle-trip fares they pose no competitive hazard to American's direct service, and pointing out the Board's action in Order 70–1–82 dated January 16, 1970, which dismissed a somewhat similar complaint of Pan American against its circle-trip fares. Eastern also alleges that the Board's action in Order 72–3–94 of March 29, 1972, with respect to the then proposed increases in the circle-trip and certain other fares was permissive rather

[1] Revisions to Eastern's tariff CAB No. 326.
[2] American and Pan American World Airways, Inc. (Pan American) have filed matching fare reductions.
[3] Order 72–3–94 dated Mar. 29, 1972.

than mandatory. Eastern also notes the fact that in the principal market concerned (New York-San Juan), the proposed fare would yield 4.13 cents per passenger mile, or substantially above the 3.85-cent-per-mile yield from the midweek night thrift fare in that market.

Upon consideration of the tariff proposal, the complaint, Eastern's answer thereto, and other relevant matters, the Board finds that Eastern's proposed reduction in mainland U.S.-Puerto Rico/Virgin Islands circle-trip fares, and the matching reductions filed by American in its competitive round-trip excursion fares and by Pan American in its circle-trip fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended. The proposals are already under investigation in the "U.S. Mainland-Puerto Rico/Virgin Islands Fares" case (Docket 24353).

The carriers have furnished no traffic or financial data, nor any indication of the impact of the proposed changes on traffic and revenues in justification of the reduced fares, which in a number of instances result in yields considerably below the midweek night thrift fare in the major New York-San Juan market. In our opinion, the fact that the fares have previously been in effect does not of itself justify their reinstatement at this time, particularly in the face of the carriers' recent strong allegations of greatly increased costs and need for a 9-percent across-the-board increase in fares in these markets.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto[4] are suspended and their use deferred to and including August 21, 1972, 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;

2. Except to the extent granted herein the complaint in Docket 24452 is hereby dismissed; and

3. Copies of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[5] *Secretary.*

[FR Doc.72-8108 Filed 5-30-72;8:46 am]

[4] Filed as part of the original document.
[5] Dissenting statement of member Minetti filed as part of the original document.

[Docket No. 23333; Order 72-5-83]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 23, 1972.

By Order 72-5-15, dated May 4, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 3 of the International Air Transport Association (IATA), relating to specific commodity rates. 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 72-5-15 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 23018, R-1 and R-2, be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *And provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-8126 Filed 5-30-72;8:47 am]

[Docket No. 23333; Order 72-5-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 24, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted at the 13th Joint Specific Commodity Rates Board meeting held March 14-17, 1972, in Geneva.

Insofar as it would apply in air transportation as defined by the Act, the agreement relates to the specific commodity rate structures applicable between the continental United States and Australasia and between Puerto Rico and Europe. As reflected in the attachment hereto,[1] the agreement embodies additional rates under existing commodity descriptions and rates under a new commodity description. In addition, several specific commodity rates adopted since the 12th meeting of the Joint Specific Commodity Rates Board in Miami on October 5, 1971, and already approved by the Board, would be extended for a further period of effectiveness.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That eventual approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 23054 be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-8127 Filed 5-30-72;8:47 am]

[Docket No. 23333; Order 72-5-70]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 18, 1972.

By Order 72-5-2, dated May 1, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Joint Conferences of the International Air Transport Association (IATA), relating to specific commodity rates. 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 72-5-2 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22821, R-2, be and hereby is approved: *Provided,* That, approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; and provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-8106 Filed 5-30-72;8:46 am]

[1] Filed as part of the original document.

[Docket No. 23333; Order 72-5-84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 23, 1972.

By Order 72-5-42, dated May 10, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Joint Conferences of the International Air Transport Association (IATA), relating to specific commodity rates. 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 72-5-42 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22821, R-3 and R-4, be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; *and provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-8107 Filed 5-30-72;8:46 am]

[Docket No. 24498; Order 72-5-92]

MURRAY AIR FREIGHT, INC.

Order of Investigation and Suspension Regarding Increased Excess Valuation Charge

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1972.

By tariff revisions filed April 28, and marked to become effective May 28, 1972, Murray Air Freight, Inc. (Murray), an air freight forwarder, proposes to increase its excess valuation charge from 15 to 20 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or $50 per shipment, whichever is higher.

No justification has been submitted by the forwarder for the proposed charge.

Most major forwarders currently have in effect an excess value charge of 15 cents per $100 on their domestic traffic. The Board has suspended, pending investigation, a number of previous proposals to increase excess valuation charges above this level where no showing has been made that existing excess value revenues do not cover the amount of claim expense stemming from the declarations of excess value.[1] Furthermore, the Board, after hearing in "Imperial Air Freight Service, Inc., Increased Excess Value Charges," Docket 23538, found proposed increases in excess valuation charges from 15 to 25 cents per $100 unlawful essentially upon the above grounds (Order 72-4-141, April 26, 1972). As noted above, Murray has not submitted any data on the relationship between its excess value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that proposed rates and rules may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rates and rules should be suspended pending investigation.

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 charge and provisions of "Exception 1:" and "Exception 2:" in Rule No. 4(H)(1)(b) on sixth revised page 9 of Air Tariffs Corporation, agent's CAB No. 1, and rules, regulations, or practices affecting such charge and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, "Exception 1:" and "Exception 2:" in Rule No. 4(H)(1)(b) on sixth revised page 9 of Air Tariffs Corporation, agent's CAB No. 1, are suspended and their use deferred to and including August 25, 1972, 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;

3. The proceeding herein designated Docket 24498, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Murray Air Freight, Inc., which is hereby made a party to Docket 24498.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-8128 Filed 5-30-72;8:47 am]

[Docket Nos. 23612, etc.; Order 72-5-85]

POSTMASTER GENERAL

Order to Show Cause Regarding Petition for Service, Domestic Service, and Transatlantic and Transpacific Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on 24th day of May 1972.

Petition of Postmaster General for service mail rates, Docket 23612; Domestic service mail rates investigation, Docket 23080; Transatlantic and transpacific mail rates, Docket 18078.

By petition of July 12, 1971, the Postmaster General (PMG) has requested that the Board prescribe service mail rates for the transportation by aircraft, on a space-available basis, of civil domestic mail of the second, third, and fourth classes (boat mail) to Hawaii and other domestic points in the Pacific, and civil international mail, excluding airmail and air parcels, destined for foreign countries in and beyond the Pacific. The requested rates were to be for a limited time, becoming effective on July 12, 1971, and were for the purpose of eliminating a backlog of such mail at west coast ports which had accumulated as a result of the dock strike along that coast. The PMG stated that the backlog would be eliminated and future surface mail rerouted around those west coast ports by September 12, 1971.

The rates petitioned for were 12.31 cents, 13.35 cents, and 11.98 cents per nonstop great-circle ton-mile, respectively, for United States-Orient, United States-Southeast Asia, and United States-South Pacific services, and a rate of 11.4 cents per nonstop great-circle ton-mile for service to Hawaii.[1]

On July 13, 1971, the PMG filed an amendment to his original petition to change the effective date for the requested rates from July 12, to July 9, 1971, since mail had been tendered under the conditions for which the rates were requested beginning on July 9. The PMG also requested that his original petition be amended to cover service from Honolulu to the west coast and points in the Pacific, inasmuch as the strike had sharply limited sailings into and out of Honolulu.

Answers to the PMG petition were filed by American, Continental, Northwest, Pan American, Trans World, and Western. With the exception of Northwest, all agreed to provide the service requested at the rates proposed by the PMG for the period in question, although generally with the caveat that such acquiescence resulted from the emergency nature of the transportation and did not constitute agreement that the rates proposed would be proper under any other conditions. Northwest has agreed to transport mail to points other than Hawaii (international carriage) at the rates proposed by the PMG, but has challenged the rate proposed for mainland-Hawaii carriage, contending that the rate adopted by the Board in the "Nonpriority Mail Rate Investigation", Docket 18381, governs that carriage.[2]

The PMG has filed an answer, as an unauthorized document with a motion for acceptance thereof, to the Northwest answer challenging the Northwest interpretation of the Board's order in the

[1] *E.g.,* Orders 71-6-142, 71-4-53 and prior orders cited therein. In all these cases, the suspended matter was cancelled by the carriers.

[1] See Appendix A. These rates are equivalent to the current rates for Space Available Mail (SAM) computed on a great-circle mileage basis.

[2] Order No. 70-4-9, dated Apr. 2, 1970.

"Nonpriority" case. Northwest then filed a reply to the PMG answer, also as an unauthorized document with a request for acceptance thereof. We will receive both the unauthorized answer of the PMG and the unauthorized reply to that answer by Northwest.

Our consideration of the PMG petition will be divided into two parts, treating the issues regarding the fair and reasonable rate for the "domestic" carriage here involved separately from those relating to the "international" carriage. With regard to the domestic services (i.e., transportation of the mail in question between the U.S. mainland west coast, Hawaii, and certain other Pacific points designated in Order 70–4–9), Northwest has urged that the rate proposed by the PMG cannot be used because that carriage is covered by the rate set by the Board in the "Nonpriority" case. In support of this petition Northwest has pointed out that the Board's order in the "Nonpriority" case defines nonpriority mail as "all mail other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a space-available basis." This definition, argues Northwest, clearly includes the classes of mail described in the instant petition of the PMG and thus the nonpriority rate would be applicable.

Since the rates in question were open rates at the time the PMG's petition was filed, it is not necessary to resolve the issue raised by Northwest. However, we have decided to address the issue in order to set forth the correct interpretation of our mail rate orders.

The PMG has argued that the only types of mail specifically at issue in the "Nonpriority" investigation were first class, a special surcharged second class, and PAL; that no evidence was introduced relating to any other type of mail, and thus, he concludes, the nonpriority rate is only applicable to first-class and special surcharged second-class mail.

A somewhat analogous argument was made in the "States-Alaska Service Mail Rate Investigation." There Western Air Lines contested the Postmaster General's contention that the domestic multielement mail rate applied to the Alaskan operations of Western subsequent to the merger of Pacific Northern Airlines into Western. One of the arguments raised by Western against application of the domestic rate to its newly acquired Alaskan service was that "* * * the domestic mail rate investigation, Docket 16349, did not encompass the question of rates for Alaska service * * *."[3] The Board rejected Western's argument as a basis for any holding that the domestic rate could not apply to Alaska operations, and the analogous argument being made at this time by the PMG must similarly be rejected.

Basically, the mail rates established in the "Domestic Service Mail Rate Investigation," by Order E–25610,[4] applied to "the transportation of mail by aircraft" except "the transportation of first-class and other preferential mail (other than airmail and air parcel post) for which a separate rate has been or hereafter may be established." At that time a separate mail rate had been established for the transportation of first-class mail pursuant to Order E–17255.[5] Subsequently, this mail rate was reopened by the "Nonpriority Mail Rates" case, Docket 18381, and pursuant to Order 70–4–9, service mail rates were established "for the transportation by air of nonpriority mail (i.e., all mail other than airmail and air parcel post, which may be tendered * * * on a space-available basis)."[6] Order 70–4–9 thus removed from the ambit of Order E–25610 all nonpriority mail as defined therein.[7] Therefore, any of the boat mail transported on a space-available basis between the points designated in Order 70–4–9 would move at the rates established by such order until such time as a separate rate was established for this mail.

However, the nonpriority rates established by Order 70–4–9 have been open since December 12, 1970,[8] and the rates paid pursuant to such order have been temporary rates since that date. Therefore, an open-rate situation exists for any boat mail subject to the rates prescribed in Order 70–4–9, and there is no legal bar to establishing rates dating from July 9, 1971 for "domestic" boat mail commensurate with the rates proposed by the PMG.

With respect to the boat mail transported to other points in the Pacific, i.e. "international" carriage, for certain carriers there was in effect on the date of the PMG petition a final transpacific rate established by Order 68–9–9, dated September 4, 1968. That order provides that the rates established therein are applicable "for all mail matter other than specific mail matter for which rates are elsewhere established." Thus, "all mail" in transpacific transportation must be compensated for at the rates established in Order 68–9–9, except mail of specific types for which the Board has established a separate rate. The only types of mail matter for which separate industry rates have been established in the Pacific are certain types of military mail, specifically MOM and SAM.[9] The mail types described in the instant petition clearly do not fall within those limited exceptions, and the transpacific rates established by Order 68–9–9 would therefore apply to the carriers named therein for the "international" transportation of boat mail. In instances where a final mail rate is in effect a new rate cannot be made retroactive to a period predating the application for such rate.[10] Therefore, in those instances where the rates established by Order 68–9–9 would apply to boat mail, the new rate requested by the PMG cannot be made applicable prior to July 12, 1971.

Thus, for the transportation of boat mail in "domestic" service, we propose to establish final rates applicable to each of the carriers herein commencing with the period July 9, 1971.[11] With respect to the transportation of such mail in "international" service, we propose to establish rates commencing with July 12, 1971, for all of these carriers except American and Continental, for which we propose to establish rates commencing July 9, 1971. The transpacific rates established by Order 68–9–9 are not applicable to American, and no rate has yet been established for American's transpacific services.[12] Therefore, "international" boat mail rates for American may also be established from July 9, 1971. Likewise, the transpacific rates determined by Order 68–9–9 do not apply to Continental. Separate rates for the latter's Trust Territory operations were finalized on February 7, 1972, for all mail matter other than specific mail matter for which rates are elsewhere established.[13] Therefore, Continental's rates for the "international" carriage of boat mail may date from July 9, 1971.

Since Northwest's objections to the rate as requested by the PMG were of a technical nature and, as previously discussed, do not serve as a bar to establishing the level of rates as herein proposed, we have tentatively decided that the level of the rates for boat mail should be in accordance with the PMG's request. As noted previously, the rates are at the level of rates for SAM mail, which is also carried on a space-available basis and in cases in which adequate surface transportation is not available. Therefore, while we recognize that there are some differences in the two types of mail,

[3] Order E–26334, Feb. 9, 1968, at page 5.
[4] Aug. 28, 1967.
[5] Dated July 31, 1961, 34 CAB 143.
[6] Order 70–4–9, p. 1. These nonpriority rates applied to the operations of the various named air carriers between specified points. Such Pacific points as here may be pertinent include Honolulu and Hilo, Hawaii; Pago Pago, American Samoa; Agana, Guam; and Wake Island.
[7] This, of course, would not encompass military mail moving on a space-available basis since rates for this mail had already been established (MOM—Order 68–9–8, Sept. 4, 1968, and SAM—Order E–26713, Apr. 25, 1968).
[8] Order 70–12–48.
[9] See footnote 7.
[10] "Transcontinental & Western Air, Inc. v. Civil Aeronautics Board," 336 U.S. 601, 605 (1949).
[11] Order 70–4–9 applies in like manner to American, Continental, Flying Tiger, Northwest, Pan American, Trans World, United, and Western.
[12] American had a final system rate (Order E–25610) that was applicable to mail not specifically covered by other mail rates. This rate would apply to any after acquired route authority. (See "Eastern A.L., Puerto Rico Mail Rates," 11 CAB 479 (1950).) However, the rates established by Order E–25610 were opened on Dec. 12, 1970, as previously noted. On Jan. 28, 1972, American filed a petition in Docket 18078, requesting that the transpacific rates be made applicable to its transpacific operations. That petition is pending at this time.
[13] Order 72–2–22, Docket 21994.

the SAM rates serve as a useful benchmark for evaluating the reasonableness of the rates here proposed. We have also given consideration to the emergency nature of the transportation, the limited duration of the services performed, and to the almost unanimous agreement reached by the parties with respect to these rates.

Therefore, upon consideration of the petition filed herein, the answers thereto, and of other matters officially noticed, the Board tentatively finds and concludes that:

1. The fair and reasonable rates of compensation to be paid The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., for the transportation on a space-available basis of civil domestic mail of the second, third, and fourth classes, the facilities used and useful therefor, and the services connected therewith, for the period July 9, 1971 through July 11, 1971,

(a) Between west coast ports of the United States, on the one hand, and Honolulu and Hilo, Hawaii, on the other hand, shall be 11.4 cents per nonstop great-circle mail ton-mile;

(b) From west coast ports of the United States to Agana, Guam, and Wake Island; and between Honolulu, Hawaii, on the one hand, and Agana and Wake Island, on the other hand; shall be 12.31 cents per nonstop great-circle mail ton-mile.

2. The fair and reasonable rates of compensation to be paid to American Airlines, Inc., and Continental Air Lines, Inc., on and after July 9, 1971, and to The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. on and after July 12, 1971, for the transportation on a space-available basis of civil domestic mail of the second, third, and fourth classes, and civil international mail, excluding airmail and air parcels, from west coast ports of the United States to domestic points in the Pacific and foreign countries in and beyond the Pacific, and between west coast ports of the United States and Hawaii, the facilities used and useful therefor, and the services connected therewith, shall be 12.31 cents, 13.35 cents, and 11.98 cents per nonstop great-circle mail ton-mile, respectively, for such mail destined for Orient, Southeast Asia, and South Pacific points as these points are described in Appendix A, and 11.4 cents per nonstop great-circle ton-mile between west coast U.S. ports and Hawaii.

3. The rates to be established herein are to be paid in their entirety by the Postmaster General and shall not be applicable to any transportation occurring subsequent to September 30, 1971.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. The motions of the Postmaster General and Northwest Airlines for leave to file otherwise unauthorized documents are granted.

2. All interested persons, and particularly American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish as final the rates specified above.

3. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified therein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

4. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

5. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

6. This order shall be served upon the parties enumerated in paragraph 2, above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

PACIFIC RATE AREA

Orient

Guam.	Ponape.
Hong Kong.	Rota.
Johnston Island.	Saipan.
Kwajalein.	Seoul.
Koror.	Taipei.
Majuro.	Tokyo.
Manila.	Truk.
Nauru.	Wake.
Okinawa.	Yap.
Osaka.	

Southeast Asia

Bangkok.	Rangoon.
Bombay.	Saigon.
Calcutta.	Singapore.
Colombo.	Cam Rhan Bay.
Djakarta.	Da Nang.

South Pacific

Auckland.	Pago Pago.
Melbourne.	Papeete.
Nandi.	Sydney.
Noumea.	

[FR Doc.72-8109 Filed 5-30-72;8:46 am]

FEDERAL POWER COMMISSION

[Docket No. E-7631, etc.]

CITY OF CLEVELAND, OHIO, ET AL.

Order Establishing Rate for Emergency Service

MAY 18, 1972.

City of Cleveland, Ohio v. Cleveland Electric Illuminating Co., and City of Cleveland, Ohio. Dockets Nos. E-7631, E-7633, and E-7713.

On March 8, 1972, the Commission issued an order pursuant to section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) requiring, among other things, that Cleveland Electric Illuminating Co. (CEI) interconnect with the city of Cleveland (City) by continuing service through five load transfer points and by establishing emergency 69 kv. service. The order set a hearing date of March 21, 1972, and specified that the rate and conditions of service for these interconnections would be established at the hearing.

The hearing has been concluded, initial briefs have been filed and the parties are still unable to agree on the terms of arrangement between them to carry out the order to interconnect.

The rate for the service provided through the five load transfer points expires because the Commission suspension of CEI's notice of cancellation and termination of service ends today. Both CEI and Staff filed motions with the Examiner asking that he establish "interim" rates for the load transfer service and the 69 kv. emergency service pending a final determination in this docket. The Examiner issued a "Ruling On Interim Rates" on May 5, 1972, denying the motions. On May 12, CEI filed with the Commission a motion to establish rates under section 202 of the Federal Power Act.

As there will be no rate or conditions in effect for the continuation of the existing load transfer service after May 17, 1972, and since our consideration of CEI's motion of May 12, 1972, has not been completed, we will continue CEI's Rate Schedule FPC No. 7, as supplemented, until further action of the Commission. CEI's motion also requested a rate for the 69 kv. emergency interconnection service. However, this service will not become operational for some time. Therefore, no action will be taken on that aspect of the motion.

The Commission finds: The Cleveland Electric Illuminating Co.'s Rate Schedule FPC No. 7, as supplemented, should be the rate applicable to the continuation of the load transfer service, effective May 18, 1972, and continue in effect for this service subject to further order of the Commission.

The Commission orders: It is appropriate and in the public interest under current emergency conditions to provide for a rate for the continuation of the load transfer service after May 17, 1972. Pursuant to the provisions of section 202(c) of the Federal Power Act, the rate and the conditions encompassed in CEI's

Rate Schedule FPC No. 7, as supplemented, shall be used for billing purposes and for service for the load transfer service, effective May 18, 1972, and shall remain in effect subject to further order of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-8099 Filed 5-30-72;8:45 am]

[Docket No. RP72-116]

EL PASO NATURAL GAS CO.

Notice of Petition for Order Respecting Advance Payments

MAY 19, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on April 17, 1972, filed a petition requesting the Commission to issue an order permitting it: (1) To record in Account 166 of the Uniform System of Accounts certain advances made and to be made to Atlantic Richfield Co. (Atlantic) and other joint interest owners for natural gas exploratory and developmental activities to be conducted upon certain leases situated in the State of Alaska; (2) to accord investments, costs, and revenues (from off-system sales of gas and from liquids) applicable to working interests assigned to El Paso in consideration of the aforementioned advances, the same accounting now accorded such amounts under the Uniform System of Accounts applicable to leases acquired prior to October 8, 1969; and (3) to include all such amounts recorded in Account 166 and, as well, such investments, costs, and revenues applicable to working interests so acquired, in the determination of El Paso's cost of service in any future rate proceeding, subject to a showing of justness and reasonableness. If the Commission should not grant the accounting and rate treatment El Paso seeks for working interests, it requests the Commission to affirm that working interest expenditures and revenues will be accorded area rate treatment contemplated by § 2.66 of the Commission's general policy and interpretations.

In support of its petition, El Paso states that there have been recently concluded arrangements, as more fully described in its petition, between El Paso, Pacific Gas & Electric Co., and Southern California Edison Co., "the funding parties," and Atlantic whereby, in an effort to stimulate exploratory and developmental activities to be undertaken by Atlantic on certain of its leases in the North Slope area of Alaska, the funding parties have agreed to advance funds to Atlantic and others, and to expend on working interests acquired, up to $65 million. El Paso states that the advances to Atlantic are exclusively directed to the frontier area of Alaska, where no guideline or in-line producer rates exist today and where there has been very little exploration and development conducted and avers that in such area advance payments constitute an appropriate mechanism to secure the necessary exploration for, and development of, natural gas supplies for interstate markets in the lower 48 States.

El Paso says that each of the funding parties has until July 15, 1972, to receive regulatory approval for the inclusion in its utility cost of service of all funds advanced to Atlantic and that, absent approval by that date, each party has the right to withdraw from further participation prior to July 30, 1972.

Copies of El Paso's petition were served on all of El Paso's customers, interested state commissions, Atlantic Richfield Co. and Southern California Edison Co.

Answers or comments relating to the petition may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 30, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-8097 Filed 5-30-72;8:45 am]

[Docket No. RP72-124]

GRAND VALLEY TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MAY 18, 1972.

Take notice that Grand Valley Transmission Co. on May 9, 1972, tendered for filing proposed changes in its FPC Gas Rate Schedule No. 1. The proposed changes would increase the currently effective rate of 18.5 cents to 25 cents per Mcf and increase revenues by $205,300 based on a volume of sales for the 12-month period ending December 31, 1971. The proposed rate change is described in the company's transmittal letter as follows:

> The subject increase in rate is proposed to become effective on May 31, 1972 (the contract between Grand Valley and El Paso provides that the same shall be effective on the first day of the month following acceptance by the Commission.)
>
> The proposed increase will result in an annual increase in revenues to Grand Valley of $205,300, based on sales volumes to El Paso in the 12 months ended December 31, 1971, and an annual increase in revenues to Grand Valley of $174,900, based on estimated sales volumes to El Paso in calendar year 1972. For the reasons set forth hereinafter, the proposed increase will result in an increase in Grand Valley's annual net income of only $15,800, based on sales volumes to El Paso during 1971, and only $13,450, based on estimated sales volumes to El Paso during 1972.
>
> Grand Valley respectfully requests that the proposed increase be allowed to become effective without suspension and, pursuant to § 154.51 of the Commission's regulations, for waiver of the Commission's 30-day notice requirement.
>
> Although Grand Valley is technically classified as a Class C interstate pipeline, it is essentially a small gathering system with facilities located in Grand and Uintah Counties, Utah. Grand Valley gathers gas from producers and compresses and transports it to a connection with El Paso's Northwest Division pipeline at a point near Westwater Junction, Grand County, Utah. All the gas purchased and gathered by Grand Valley is sold to El Paso under a contract dated December 1, 1959, which is on file with the Commission as Grand Valley's FPC Gas Rate Schedule No. 1.
>
> Because of the rate for sales of gas by Grand Valley to El Paso, and consequently the depressed rate which Grand Valley has been able to offer producers in its area, Grand Valley has been unable to attract additional supplies of gas for sale to El Paso and the volumes of sales to El Paso have thus declined (compare Grand Valley's purchases in 1971 and estimated 1972 purchases on Schedule H(1)-3 H(2) of the filing).
>
> Recognizing such fact, El Paso and Grand Valley entered into renegotiation of the contract between them which culminated in the contract amendment dated January 17, 1972, herewith tendered for filing. Such amendment provides for an extension of the term of the old contract, the rate increase herewith tendered for filing, and that Grand Valley will diligently attempt to extend the term of its contracts with its suppliers and obtain contracts for additional gas supplies.
>
> As a result of the amendment of Grand Valley's contract with El Paso, Grand Valley renegotiated its contracts with its producer-suppliers which provided for extension of the terms thereof, the inclusion of acreage not previously committed to Grand Valley, and an increase in the price paid by Grand Valley to such producers from 13 cents per Mcf to 19 cents per Mcf. Grand Valley is also aggressively pursuing a program to obtain additional supplies of gas. If the instant rate filing is not approved by the Commission, Grand Valley will be unable to carry out its program of securing additional gas for resale to the interstate market.
>
> From the foregoing, it will be seen that 6 cents of the total 6.5-cent per Mcf increase herewith tendered for filing is a "tracking" of increases in the cost of gas to Grand Valley. In this connection, one of Grand Valley's producer-suppliers [1] has already been authorized to place its increase to Grand Valley in effect subject to refund on April 23, 1972. Likewise, another of Grand Valley's producer-suppliers (Oil Resources, Inc.) is filing concurrently herewith to place into effect its increase to Grand Valley and Grand Valley expects that its other producer-suppliers either have already or will also file immediately.
>
> As will be seen from Statement M attached to the filing, Grand Valley's total net profit for calendar year 1971 was only $19,000. It is obvious that Grand Valley cannot absorb the increases of its producer-supplier for even 1 day.
>
> As to the remaining one-half cent per Mcf of the increase tendered for filing which is not a "tracking" of producer-supplier increases, Grand Valley submits that the attached data fully demonstrate that such increase is necessary in order for Grand Valley to continue adequate service. In fact, the attached data show that Grand Valley cannot service its debt unless the instant rate increase is approved. Grand Valley respectfully requests waiver of the provisions of Part 154 of the Commission's regulations, particularly § 154.22 thereof, to the extent necessary to permit the proposed increase to become effective, without suspension, on May 31, 1972.
>
> A copy of this filing is being mailed to the purchaser, El Paso, and to the Public Service Commission of the State of Utah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

[1] Getty Oil Co., Docket No. RI72-210. See Commission order issued Apr. 21, 1972 in Mobil Oil Corp. et al., Docket No. RI72-207 et al.

Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-8098 Filed 5-30-72;8:45 am]

[Dockets Nos. E-7729, E-7700]

NEW ENGLAND POWER SERVICE CO. AND NEW ENGLAND POWER CO.

Order Accepting for Filing and Making Effective Proposed New Rate Schedules and Rate Schedule Changes, Providing for Hearing, and Consolidating Proceedings

MAY 19, 1972.

On February 11, 1972, New England Power Service Co. submitted on behalf of New England Power Co. proposed new rate schedules applicable to service to be rendered by NEPCO to seven of its Massachusetts municipal customers. That service involves the final transmission by NEPCO of the municipals' power entitlements from the New Brunswick Electric Power Commission which became effective August 1, 1971.

Concurrently with the filing of the above-mentioned subtransmission service contracts, New England Power Service Co. also filed amended primary service resale contracts applicable to the same municipal customers. These amendments make provision in the existing contracts for the New Brunswick purchases. The municipal customers and the rate schedules involved are shown below:

Name of customer	Existing primary service resale contracts FPC No.	New subtransmission service contracts FPC No.
Middleton	171	224
Danvers	179	222
Marblehead	181	223
Ashburnham	182	221
North Attleborough	185	225
West Boylston	188	227
Shrewsbury	207	226

The company requests waiver of the Commission's 30-day notice requirements to permit the proposed subtransmission service contracts and amendments to the existing primary service contracts to become effective August 1, 1971, consistent with the effectiveness of the municipals' New Brunswick entitlements. The proposed effective date of August 1, 1971, appears reasonable.

The subtransmission service contracts were executed under protest by the municipal customers. They request that the new contracts be consolidated for hearing with NEPCO's currently pending rate increase proposal in Docket No. E-7700. This procedure appears reasonable. The municipals also request that the rates applicable to NEPCO's transmission of the New Brunswick Power entitlements be suspended for 1 day and be made subject to refund following hearing. The amendments to the existing primary service contracts do not appear to be in dispute, and no reason exists for suspension of the proposed amendments. The subtransmission service contracts are new Rate Schedules not subject to suspension under the Federal Power Act and § 2.4(d) of the Commission's rules of practice and procedure. The rates contained therein are subject to reduction after hearing, however, pursuant to section 206 of the Federal Power Act.

The Commission finds:

(1) A hearing should be held to determine the justness and reasonableness of New England Power Co.'s proposed subtransmission service contracts.

(2) The proceeding in Docket No. E-7729 should be consolidated with the proceeding in Docket No. E-7700 for purposes of hearing and decision.

(3) The proposed new contracts and proposed amendments to existing contracts submitted in Docket No. E-7729 should be accepted for filing and made effective as of August 1, 1971.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 206, 301, 306, 307, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the justness and reasonableness of NEPCO's proposed FPC Rate Schedules designated Nos. 221, 222, 223, 224, 225, 226, and 227.

(B) The proceeding in Docket No. E-7729 is consolidated with the proceeding in Docket No. E-7700 for purposes of hearing and decision.

(C) Section 35.3 of the Commission's regulations under the Federal Power Act is waived, and the proposed new schedules and amendments to existing contracts hereinbefore described are accepted for filing and made effective as of August 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-8100 Filed 5-30-72;8:45 am]

FEDERAL RESERVE SYSTEM

NORTHERN STATES FINANCIAL CORP. AND TWIN GATES CORP.

Amended Applications

Notice of receipt of the application of Northern States Financial Corp., Detroit, Mich., under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through acquisition of 80 percent or more of the voting shares of City National Bank of Detroit, Detroit, Mich., and the acquisition of indirect control of 13.2 percent of the voting shares of National Bank of Rochester, Rochester, Mich., was published in the FEDERAL REGISTER on February 8, 1972 (37 F.R. 2858).

Northern States Financial Corp. has filed an amendment to its application with respect to the acquisition of City National Bank of Detroit indicating that it now intends to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to City National Bank of Detroit. Twin Gates Corp., Wilmington, Del., which presently owns 22.48 percent of the outstanding voting shares of City National Bank of Detroit and which previously filed an application to exchange those shares for 22.48 percent of the voting shares of Northern States Financial Corp. (April 5, 1972; 37 F.R. 6894), has also amended its application to reflect the change in the application of Northern States Financial Corp. Any person wishing to comment on the applications, as amended, should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1972.

Board of Governors of the Federal Reserve System, May 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-8112 Filed 5-30-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[License 06/06-5159]

MESBIC OF ARKANSAS, INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On March 16, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 5550), stating that MESBIC of Arkansas, Inc., 300 Spring Building, Suite 620, Little Rock, AR 72201, had filed an application with the Small Business Administration, pursuant to section 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 26, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 06/06-5159 to MESBIC of Arkansas, Inc., pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended.

Dated: May 22, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-8102 Filed 5-30-72;8:45 am]

[License 02/02-0122]

NUCLEAR ENERGY CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Nuclear Energy Capital Corp., New York, N.Y., incorporated under the laws of New York on July 11, 1969, has surrendered its license No. 02/02-0122 issued by the Small Business Administration (SBA) on October 18, 1961.

Nuclear Energy Capital Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Nuclear Energy Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: May 22, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-8103 Filed 5-30-72;8:46 am]

[License 02/02-0272]

STAR CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Star Capital Corp., 76 Beaver Street, New York, NY 10005, incorporated under the laws of the State of Delaware on December 9, 1969, has surrendered its license No. 02/02-0272, issued by the Small Business Administration (SBA) on December 22, 1969.

Star Capital Corp. has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Star Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: May 22, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-8104 Filed 5-30-72;8:46 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALLEGHENY BEVERAGE CORP. ET AL.

Notice of Applications for Variances

1. *Allegheny Beverage Corp.* Notice is hereby given that Allegheny Beverage Corp., 2214 North Charles Street, Baltimore, MD 21218 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594) and 29 CFR Part 1905 for a variance from the occupational safety and health standards prescribed in 29 CFR 1910.23 (36 F.R. 10472), guarding floor and wall openings and holes, 29 CFR 1910.24 (36 F.R. 10474), fixed industrial stairs, and 29 CFR 1910.27 (36 F.R. 10483) fixed ladders.

The addresses of the places of employment that will be affected by the application are as follows:

Baltimore Plant, 1650 Union Avenue, Baltimore, MD 21211.
Hampton Pepsi Plant, Hampton, Va.
Richmond Pepsi Plant, 1630 West Main Street, Richmond, VA 23220.

Applicant certifies that employees who will be affected by the variance request have been notified of the application by posting copies of the application at places where notices to employees are normally posted. The notice informs employees of their right to petition for a hearing.

Regarding the merits of the application, applicant states that the time extension requested for compliance at its plants is needed because the production areas are being modified and the production lines are being remodeled. Applicant alleges that the deficiencies would be corrected by the completion of the remodeling work. Applicant seeks an extension of time for compliance with the standards until the remodeling and modification work at all three plants has been completed.

For further information interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following area offices:

Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Charles Center, Baltimore, MD 21201; Occupational Safety and Health Administration, 3661 Virginia Beach Boulevard, Stanwick Building, Norfolk, VA 23502; Occupational Safety and Health Administration, Federal Building, Room 8018, Post Office Box 10186, 400 North Eighth Street Richmond, VA 23240.

2. *St. Joe Minerals Corp.* Notice is hereby given that the St. Joe Minerals Corp., Post Office Box A, Monaca, PA 15061, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR Part 1905 for a permanent variance from 29 CFR 1918.74(a)(9) concerning load indicating devices for cranes used to load or unload vessels.

The applicant states that the work will be performed at its Zinc Smelting Division, St. Joe Minerals Corp., Box A, Monaca, PA 15061, located on the Ohio River about 30 miles downstream from Pittsburgh, Pa.

Applicant certifies that a copy of the application has been posted on bulletin boards in the work or lunch areas of the affected employees. In addition, the contents of the application and its purposes were explained to the affected employees at a regular employees communication meeting on November 12, 1971. Employees were informed of their right to petition for a hearing at the meeting.

Regarding the merits of the application, applicant states that the primary use of the crane is to load with a hook, accurately weighed zinc bars with a currently dated weight ticket attached. The applicant contends that the bars are hoisted inside a steel lifting frame for safety in hoisting. Applicant states that the configuration of the lifting frame for hoisting zinc bars limits the weight of the total load to 9 tons and that the weight is at least 2 tons less than the rated capacity of the crane (12 tons) at maximum reach (75-foot radius). The total weight of the zinc ingots which are occassionally loaded does not exceed 9 tons.

Applicant proposes to dispense with the load indicating device on the crane which it uses for loading zinc bars, slabs, or ingots into river barges on the Ohio River at it Zinc Smelting Division. Applicant contends that the load indicating device, producing a read-out of the weight of the lift, would afford no safety benefit if required on the crane it uses because the lifts made by the crane are already accurately weighed with a currently dated weight ticket attached. Applicant states that the practices and methods which it proposes to use will provide employment and places of employment which are as safe and healthful as those which would prevail if applicants were to comply with the requirements of 29 CFR 1918.74(a)(9).

For further information interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the Occupational Safety and Health Administration, Room 445-D, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

3. *Tudor Engineering Co.* Notice is hereby given that Tudor Engineering Co., 149 New Montgomery Street, San Francisco, CA 94105, has made application pursuant to section 6(d) of the Williams Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR 1905.11 for a variance from the safety and health standards prescribed in 29 CFR 1910.27 requiring that a caged ladder have a maximum length of 30 feet between landing platforms.

Applicant states that the person primarily expected to be using the ladder is Mr. Gene Hiatt, bridge manager and employee of Umatilla County. Applicant certifies that a copy of the application has been delivered to Mr. Hiatt.

The applicant states that it will install supplemental navigation lights and appurtenant facilities for the Umatilla Toll Bridge at Umatilla, [illegible] bridge, which is owned by [illegible] County, crosses the Columbia River and connects Umatilla County, Oreg., with Benton County, Wash.

Regarding the merits of the application, applicant states that ladders would be used to provide access to the new navigation lights for the purpose of installation and servicing. Applicant plans to install one fixture each on the upstream and downstream faces of the bridge piers, which are concrete structures with vertical faces. Applicant states that the light fixtures will be mounted at an elevation prescribed by the U.S. Coast Guard which is approximately 30 feet below the top of the piers involved. Applicant contends that the most convenient arrangement for servicing the light fixtures would be from a platform located about 4 feet below the fixture which would require the use of ladders approximately 34 feet long.

Applicant requests a permanent variance to allow installation of two 34-foot length ladders and two 35-foot length ladders (total of four) on the upstream and downstream faces of the concrete bridge piers of the Umatilla Toll Bridge to provide access to the navigational light installation and service platforms located approximately 34 feet below the access points. Applicant states that after installation of the light fixtures, the ladders would be used for servicing two or three times per year. Applicant states that the practices, means, methods, and operations proposed will provide employment and places of employment which are as safe and healthful as those which would prevail if applicants were to comply with the requirements of 29 CFR 1910.27.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following area offices: Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, CA 94102; Occupational Safety and Health Administration, Room 526, Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

All interested persons, including employers and employees who believe they will be affected by the grant or denial of any of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application within 30 days following the publication of this notice in the FEDERAL REGISTER. In addition, employers and employees who believe they would be affected by the grant or denial of any of the variances may request a hearing on the application for variance within 30 days after the publication of this notice in the FEDERAL REGISTER, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing shall be in quadruplicate and shall be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 24th day of May 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-8123 Filed 5-30-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MAY 24, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 55822 Sub 12, Victory Express, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 566, Pre-Fab Transit Co., now being assigned hearing July 13, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 589, Pre-Fab Transit Co., now being assigned hearing July 14, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 119547 Sub 29, Edgar W. Long, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 119547 Sub 31, Edgar W. Long, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

FD 26757, The Chesapeake & Ohio Railway Co. Abandonment between Hatch's Crossing and Northport, Leelanau County, Mich., now being assigned hearing July 20, 1972 (2 days), at Traverse City, Mich., in a hearing room to be later designated.

FD 26835, Cadillac & Lake City Railway Co. Reorganization, now being assigned hearing July 17, 1972 (3 days), at Cadillac, Mich., in a hearing room to be later designated.

MC 116133 Sub 8, Pollard Delivery Service, Inc., now assigned July 17, 1972, at Washington, D.C., postponed to August 21, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 123744 Sub 7, Butler Trucking Co., now assigned June 6, 1972, at Washington, D.C., hearing postponed to June 13, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 7419 Sub 4, Reliable Transfer & Storage Co., Inc., now being assigned hearing July 13, 1972 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC 112822 Sub 201, Bray Lines, Inc., now being assigned hearing July 10, 1972 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC 8948 Sub 101, Western Gillette, Inc., now being assigned hearing July 24, 1972 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

MC 134884 Sub 1, Farwest Furniture Transport, Inc., now being assigned continued hearing July 17, 1972 (1 week), at Seattle, Wash., in a hearing room to be later designated.

FD 26820, Historic Railroads, Inc.—acquisition and operation—between Queenstown and Denton in Caroline and Queen Annes Counties, Md., now being assigned hearing June 29, 1972 (1 day), at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 119919 Sub 6, Blaine Albert Willets, doing business as Willetts' Charter Service, now being assigned hearing June 26, 1972 (1 day), at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7692, Dodds Truck Line, Inc.—investigation and revocation of certificates—now assigned July 26, 1972, at Jefferson City, Mo., postponed indefinitely.

MC 123383 Sub 60, Boyle Brothers, Inc., now assigned May 31, 1972, Washington, D.C., postponed to July 10, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-8138 Filed 5-30-72;8:48 am]

ASSIGNMENT OF HEARINGS

MAY 25, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133796 Sub 6, George Appel, now assigned May 31, 1972, at Washington, D.C., postponed indefinitely.

MC 135772, Barrett Transfer & Storage Co., continued to June 13, 1972, at Seattle, Wash., in a hearing room to be later designated.

MC 134892, Classic Furniture Transfer, Inc., now assigned June 1, 1972, at New York, N.Y., canceled.

MC-F-11372, Roadway Express, Inc.—control and merger—Poole Transfer, Inc., now assigned July 17, 1972, at Chicago, Ill., postponed indefinitely.

MC 29120 Sub 130, All-American Transport, Inc., now being assigned hearing July 17, 1972, in room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL (1 week).

MC 106644 Sub 130, Superior Trucking Co., Inc., now being assigned hearing July 12, 1972, at Memphis, Tenn., in a hearing room to be later designated (1 day).

FD 13273 Sub 2, In the matter of the application of E. Spencer Miller under section 20a(12) of the Interstate Commerce Act, now being assigned hearing July 18, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-8139 Filed 5-30-72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 25, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42438—*Plaster and related articles from Cody and Himes, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2666), for interested rail carriers. Rates on plaster, gypsum lath, gypsum wall board, and related articles, in carloads, as described in the application, from Cody and Himes, Wyo., to points in western trunk-line (including Illinois) territory.

Grounds for relief—Market and motor competition.

Tariff—Supplement 155 to Western Trunk Line Committee, agent, tariff ICC A-4421. Rates are published to become effective on June 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-8137 Filed 5-30-72;8:48 am]

[Notice 67]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73509. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Van Curler Trucking Corp., Rochester, N.Y., of that portion of the operating rights set forth in certificate No. MC-38514, issued June 9, 1961, to Blanchard Moving & Storage Co., Inc., Rochester, N.Y., authorizing the transportation of: New steel office furniture and scientific equipment, both uncrated, from Rochester, N.Y., to points in 29 specified States and the District of Columbia; and photographic machines and equipment, uncrated, between Rochester, N.Y., on the one hand, and, on the other, points in 30 specified States and the District of Columbia. Raymond A. Richards, 23 West Main Street, Webster, NY 14580, representative for applicants.

No. MC-FC-73609. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Patrick J. O'Connor, doing business as O'Connor Brothers, Elizabeth, N.J., of the operating rights set forth in certificate No. 8526, issued October 18, 1962, issued to Patrick O'Connor and Thomas O'Connor, doing business as O'Connor Bros., Elizabeth, N.J., authorizing the transportation of household goods, between points in Essex, Union, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, points in New Jersey and New York. Abraham Grossman, 1143 East Jersey Street, Elizabeth, NJ 07201, attorney for applicants.

No. MC-FC-73621. By order of May 19, 1972, the Motor Carrier Board approved the transfer to Matty's Gulf & Towing Service, Inc., Newark, N.J., of the operating rights in certificate No. MC-119459 issued May 15, 1969, to Peter DiGiovanni, doing business as Guaranteed Motor Towing Service, Somerset, N.J., authorizing the transportation of disabled trucks, disabled tractors, and disabled buses, in driveaway service, or in truckaway service using wrecker vehicles, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. No service may be performed under the authority granted herein from or to points in Cuyahoga, Summit, Medina, and Portage Counties, Ohio. Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102, attorney for applicants.

No. MC-FC-73676. By order of May 23, 1972, the Motor Carrier Board approved the transfer to City Delivery Service, Inc., Boise, Idaho, of certificate of registration No. MC-121394 (Sub-No. 1), issued November 16, 1971, to Donald K. Leedom, doing business as Larry's Delivery Service, Twin Falls, Idaho, evidencing a right to engage in interstate or foreign commerce, solely within the State of Idaho, transporting general commodities, and various commodities of a general commodity nature, within specified areas and serving points in Idaho. Kenneth G. Berquist, attorney, Post Office Box 1775, Boise, ID 83701.

No. MC-FC-73702. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Robert L. Pittman, doing business as Robert L. Pittman Moving & Storage, Merriam, Kans., of that portion of the operating rights set forth in certificate No. MC-104758, issued September 29, 1971, to Pat's Van Lines, Inc., Kansas City, Mo., authorizing the transportation of household goods, as defined by the Commission, between Tonganoxie, Kans., and points within 6 miles of Tonganoxie, on the one hand, and, on the other, points in Missouri, within the Kansas City, Mo.-Kans., commercial zone as defined by the Commission. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105.

No. MC-FC-73707. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to S. M. Minute Service, Inc., New York, N.Y., of the operating rights set forth in permits Nos. MC-128517, MC-128517 (Sub-No. 3), and MC-128517 (Sub-No. 4), issued August 16, 1967, June 5, 1968, and October 9, 1970, respectively, to Stanley Wishnia and Seymour Miller, doing business as Minute Service Co., New York, N.Y., authorizing the transportation of photocopy equipment, machines, and supplies, between New York, N.Y., and Teaneck, N.J., and between Paramus, N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract or contracts with 3M Business Products Sales, Inc. Alvin Altman, 1776 Broadway, New York, NY 10019, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-8134 Filed 5-30-72;8:48 am]

[Notice 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field 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 service has been made. The protests must be

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no signficant effect on the quality of the human environment resulting from approval of its application.

specific as to the service which such protestant can and will offer, and must consist of a signed original and six 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.

No. MC 2633 (Sub-No. 58 TA), filed May 9, 1972. Applicant: CROSSETT, INC., Post Office Box 946, Warren, PA 16365. Applicant's representative: M. A. Burgett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Clinton, Potter, and Tioga Counties, Pa., to points in Tompkins and Wayne Counties, N.Y., for 120 days. Supporting shipper: The Mebtex Co., Post Office Box 5146, Vienna, WV 26101. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 94350 (Sub-No. 312 TA), filed May 10, 1972. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Kauffman & Broad Home Systems at Hopkinsville, Ky., to dealer locations in Tennessee, Indiana, Illinois, Mississippi, and Missouri, for 180 days. Supporting shipper: Kauffman & Broad Home Systems, Los Angeles, Calif. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1200 Main Street, 300 Columbia Building, Columbia, SC 29201.

No. MC 108313 (Sub-No. 11 TA), filed May 9, 1972. Applicant: CALEDONIA LINES, INC., 41 Evergreen Lane, Ontario, NY 14519. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and compressed gasses*, in bulk (except petroleum products) between points in Ohio, Indiana, New York, New Jersey, Pennsylvania, Maine, New Hampshire, Massachusetts, Connecticut, Vermont, Rhode Island, and Michigan, for 180 days. Supporting shipper: H. R. Stretton, traffic manager, Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 110525 (Sub-No. 1036 TA), filed May 10, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Wilmington, Mass., and Norwich, N.Y., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 112963 (Sub-No. 27 TA), filed May 9, 1972. Applicant: ROY BROS. INC., 764 Boston Road, Pinehurst, MA 01866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, enamel sealers, and solvents*, in bulk, in tank vehicles, from Gardner and Templeton, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut (except Barkhamstead), and New York, for 180 days. Supporting shipper: Lilly Chemical Products, Inc., 29 Maple Street, Gardner, MA 01440. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 116938 (Sub-No. 7 TA), filed May 9, 1972. Applicant: FRANK BEATY, R.F.D. No. 2, Manchester, Tenn. 37355. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder block, concrete block, tile and related construction products, and brick, block and tile raw materials*, between Cohutta, Ga., on the one hand, and, on the other, points in Tennessee, Alabama, and North Carolina, for 180 days. Supporting shipper: General Shale Products Corp., Post Office Box 3547, Johnson City, TN 37601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, TN 37203.

No. MC 133796 (Sub-No. 9 TA), filed May 10, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating ventilation, and air-conditioning enclosures, and materials, and packing and bracing materials*, from Champaign, Ill., to points in the United States (except Alaska and Hawaii), *and return of used packing and bracing materials*, for 180 days. Supporting shipper: The Brandt Corp., 50–20 25th Street, Long Island City, NY 11101. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133967 (Sub-No. 13 TA), filed May 5, 1972. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Rolfe, E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, except commodities in bulk, in tank vehicles, from Park Falls, Wis., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Kentucky, Oklahoma, Texas, and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of the commodities specified above, from points in the above-named destination States to Park Falls, Wis., restricted to transportation to be performed under contract with Flambeau Paper Co., a division of the Kansas City Star Co., Park Falls, Wis., for 180 days. Supporting shipper.: Flambeau Paper Co., Park Falls, Wis. 54552. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136615 TA (Correction), filed April 12, 1972, published in the FEDERAL REGISTER, issue of May 4, 1972, corrected and republished in part as corrected this issue. Applicant: WM. C. STETZEL, INC., Post Office Box 435, Stanley, NY 14561. Applicant's representative: William R. Stevens, 300 First Trust Building, Syracuse, NY 13201. NOTE: The purpose of this partial republication is to reflect applicant correct name as Wm. C. *Stetzel*, in lieu of Wm. C. Stetzen, shown erroneously in previous publication. The rest of the notice remains the same.

No. 13665 (Sub-No. 1 TA), filed May 8, 1972. Applicant: WHITE CLOUD CO., INC., 3200 Pan American Freeway NE., Albuquerque, NM 87107. Applicant's representative: Orville C. McCallister, 500 Oak NE., Albuquerque, NM 87106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings*, from Houston, Tex., to points in New Mexico, under continuing contract or contracts with Dura Bilt Products, Inc., Albuquerque, N. Mex., for 180 days. Supporting shipper: William A. Sego, president, Dura Bilt Products, Inc., 4610 McLeod NE., Albuquerque, NM 87109. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136675 (Sub-No. 1 TA), filed May 8, 1972. Applicant: ROBERT D. KING, doing business as K-K TRUCKING, 2380 South Sarah Street, Fresno, CA 93206. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *General commodities* except articles of unusual value, between Fresno, Oakland, Richmond, San Francisco, and San Leandro, Calif., on the one hand, Yosemite Village (Yosemite National Park), Calif., on the other, and return over the same route, for 180 days. Supporting shipper: Yosemite Park and Curry Co., Yosemite National Park, Calif. 95389. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136686 (Sub-No. 1 TA), filed May 8, 1972. Applicant: CAROLINA TRANSFER & STORAGE COMPANY, 1823 West Franklin Avenue, Gastonia, SC 28052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools*, used in the construction and maintenance of telephone system and communication, between Gastonia, S.C., and points in Gaston, Lincoln, Cleveland, and Rutherford Counties, N.C., under contract with Western Electric Co., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, NC 28202.

No. MC 136690 TA, filed May 1, 1972. Applicant: J & S TRUCKING CO., INC., Route 2, Box 341, Carrollton, GA 30117. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, in vehicles equipped with mechanical refrigeration, from the plantsites of Duffey Boneless Beef Co. and Duffey Sausage Co., Inc., Carrollton, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Tennessee, Kentucky, Ohio, Michigan, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Missouri, Arkansas, Alabama, Mississippi, Louisiana, and Texas. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Duffey Boneless Beef Co., a division of Duffey Sausage Co., Inc., of Carrollton, Ga., for 180 days. Supporting shipper: Duffy Boneless Beef Co., a division of Duffey Sausage Co., Carrollton, Ga. 30117. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 136691 TA, filed May 10, 1972. Applicant: ROB-SAN SERVICES, INC., 1811 Brainard Road, Cleveland, OH 44124. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters and wash trays*, from the plantsites at Cleveland, Ohio; Johnson City, Tenn.; and Santa Monica, Calif., to points in the United States (except Alaska and Hawaii); and (2) *materials, and supplies, and equipment* used or useful in the manufacture of water heaters and wash trays, from points in the United States (except Hawaii and Alaska) to the plantsite at Cleveland, Ohio; Johnson City, Tenn.; and Santa Monica, Calif., for 180 days. Supporting shipper: Mor-Flo Industries, Inc., 18450 South Miles Road, Cleveland, OH 44128. Send protests to: Robert P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 178 TA), filed May 4, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Bart Cook, Greyhound Lines-West (Division of Greyhound Lines, Inc.), San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction U.S. Highway 51 and Wisconsin Highway 70, and Fifield, Wis., in summer-season service. Return movement: From junction U.S. Highway 51 and Wisconsin Highway 70 over Wisconsin Highway 70 to junction Wisconsin Highway 13 (Fifield); service to be conducted during the season extending approximately from June 20 to September 10 of each year, for 180 days. Supported by: The Passenger Public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 67340 (Sub-No. 8 TA), filed May 5, 1972. Applicant: RESORT BUS LINES, INC., Box 127, Centuck Station, 31 Railroad Avenue, Yonkers, NY 10710. Applicant's representative: Samuel B. Zinder, The Atrium, 98 Cutter Mill Road, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between intersection of the New York State Thruway (Major Deegan Expressway) and Yonkers Avenue, Yonkers, N.Y., and the intersection of the New York Highway 82 and New York Highway 22 at Amenia, N.Y., along the New York State Thruway from the intersection of Yonkers Avenue and the New York State Thruway at Yonkers, N.Y., to Interstate Highway 287 (Cross Westchester Expressway) thence along Interstate 287 to New York State Highway 119, thence along New York State Highway 119 to Central Avenue, thence along Central Avenue to the White Plains Railroad Station, thence along Central Avenue to New York State Highway 119, thence along New York State 119 to Interstate Highway 287, thence along Interstate Highway 287 to Interstate Highway 684, thence along Interstate Highway 684 to New York State Highway 22, thence along New York Highway 22 to Intersection with New York Highway 82, restricted against the transportation of passengers who shall be discharged northbound or picked up southbound south of the northern boundary line of the town of Dover, Dutchess County, N.Y., for 180 days. NOTE: This authority will be tacked with existing authority at Yonkers, N.Y., and Amenia, N.Y. Supported by: Applicant's own statement. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-8135 Filed 5-30-72;8:48 am]

[Notice 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field 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 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 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 30837 (Sub-No. 451 TA), filed May 15, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140, Post Office Box 160 (53141). Applicant's representative: Albert P. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper trailers*, from Goshen,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Ind., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Steury Corp., 310 Steury Avenue, Goshen, IN 46526 (Bud Steury, vice president). 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 52465 (Sub-No. 43 TA), filed May 12, 1972. Applicant: RICE TRUCK LINES, 1627 Third Street NW., Great Falls, MT 59401. Applicant's representative: Jack Ritter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, between points in Montana, Idaho, and Washington, for 180 days. Supporting shipper: American Smelting and Refining Co., 120 Broadway, New York, NY 10005. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 59336 (Sub-No. 24 TA), filed May 15, 1972. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, MI 48216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and and those requiring special equipment), serving the Chrysler Corp., Lyons Trim plantsites and facilities located in Lyons, Mich., as an off-route point in connection with its regular route operation from Ionia, Mich., over Michigan Highway 66 (formerly M–14) to junction with I–96 (formerly U.S. Highway 16) and return over the same route serving all intermediate points, for 180 days. Applicant states it does intend to tack authority to MC 59336 and its various subs. Interline is proposed at common points of U.S. Truck Co., Inc., and other concurring carriers. Such interline will be performed in line with Chrysler Corp.'s requirements. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, MI 48231. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 60253 (Sub-No. 25 TA), filed May 12, 1972. Applicant: ARLINGTON TRUCK COMPANY, 524 Oregon Road, Toledo, OH 43605. Applicant's representative: John D. Obee (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass*, on A-frame racks, from Toledo, Ohio, to Clinton, N.C., and (2) *empty racks, straps, and related equipment* used in the transportation of flat glass on A-frame racks, from Clinton, N.C., to Toledo, Ohio, for 180 days. Supporting shipper: Libbey-Owens-Ford Co., 811 Madison Avenue, Toledo, OH 43695. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 90373 (Sub-No. 32 TA), filed May 15, 1972. Applicant: C. & R. TRUCKING CO., Inman Avenue, Avenel, N.J. 67001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Washington, N.J., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, restricted under a continuing contract with Mobil Chemical Co., Plastics Division, for 180 days. Supporting shipper: Mobil Chemical Co., Plastics Division, Macedon, N.Y. 14502. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 100623 (Sub-No. 34 TA), filed May 15, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, between the facilities of Parke-Davis in or near Teterboro, N.J., on the one hand, and, on the other, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa. Restriction: The service authorized herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 180 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor at one location to one consignee at one location on any day. No delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with carrier and are served by it pursuant to permits issued by this Commission, for 180 days. Supporting shipper: Parke, Davis & Co., Post Office Box E, Cherry Hill, NJ 08034. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 103993 (Sub-No. 713 TA), filed May 16, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Orange County, N.C., to points in Louisiana, Minnesota, and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Flamingo Homes, division of Redman Industries, Inc., Dallas, Tex. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 714 TA), filed May 16, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Plymouth County, Mass., to points in Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Rhode Island, Vermont, and Virginia, for 180 days. Supporting shipper: Arnold Trailers, Inc., Nick's Rock Road, Plymouth Industrial Park, Plymouth, MA 02360. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 108207 (Sub-No. 347 TA), filed May 10, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888 (75207), Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry yeast*, from Belle Chasse, La., to San Leandro, Calif., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Universal Foods Corp., 433 East Michigan Street, Milwaukee, WI 53201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 113828 (Sub-No. 200 TA), filed May 10, 1972. Applicant: O'BOYLE TANK LINES, INC., Post Office Box 30006, Washington, DC 20014. Office: 5320 Marinelli Drive, Montrose Industrial Park, Rockville, MD 20852. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone slurry*, from Baltimore, Md., to Brooklyn, N.Y., for 180 days. Supporting shipper: Harry T. Campbell Sons' Co., Campbell Building, Towson, Baltimore, Md. 21204. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 114848 (Sub-No. 52 TA), May 10, 1972. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channell Avenue, Memphis, TN 38106; Post Office Box 13068, Riverside Station, 38113. Applicant's representative: Terry T. Wharton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pellets and/or shot*, in bulk, from Memphis, Tenn., to New Johnsonville, Tenn., for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., 4948 Chef Menteur Highway, New Orleans, LA. Send protests to: Floyd A. Johnson, District Supervisor, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 116073 (Sub-No. 238 TA), filed May 16, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, from points in Yamhill County, Oreg., to points in Washington, Idaho, and Montana, for 180 days. Supporting shipper: Nomad Travel Trailers, 550 West Booth Bend Road, Post Office 648, McMinnville, OR 97128. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 123392 (Sub-No. 37 TA), filed May 16, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-bulk, in cryogenic trailers, from a point on the United States-Canadian boundary at Detroit, Mich., to points in Illinois, Indiana, and Michigan, for 180 days. Supporting shipper: R. E. Bryant, manager, Distribution, American Cryogenics Division of Liquid Air, Inc., San Francisco, Calif. 94111. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 125952 (Sub-No. 15 TA), filed May 9, 1972. Applicant: INTERSTATE DISTRIBUTOR, INC., 8311 Durango Street SW, Tacoma, WA 98499. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and beer*, from points in California to Seattle, Wash., under contract with Odom Co., for 180 days. Supporting shipper: Odom Co., 1258 First Avenue South, Seattle, WA 98134. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126276 (Sub-No. 67 TA), filed May 12, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Closures*, from the plantsite at Owens-Illinois Glass at Constantine, Mich., to Fort Smith, Ark.; Asheville, N.C.; Chambersburg, Pa.; and Canajoharie, N.Y., for 180 days. Supporting shipper: Owens-Illinois, Inc., 405 Madison Avenue, Toledo, OH 43601. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 129086 (Sub-No. 16 TA), filed May 15, 1972. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254A, Route No. 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aplite*, in bulk, from Beaver Dam, Va., to Keyser, W. Va.; and (2) *salt cake*, in bulk, from Front Royal, Va., to Keyser, W. Va., for 180 days. Supporting shipper: Chattanooga Glass Co., 400 West 45th Street, Chattanooga, TN. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 129516 (Sub-No. 6 TA), filed May 16, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Seattle, and Tacoma, Wash., to ports of entry on the United States-Canada boundary line at or near Eastport and Porthill, Idaho, and Sweetgrass, Mont., for 180 days. Supporting shipper: Scott National Co., Ltd., Post Office Box 970, Calgary, AB, Canada. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135562 (Sub-No. 3 TA), filed May 15, 1972. Applicant: O.C.C., INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, from Detroit, Jackson, and Romulus, Mich., Elkhart, Ind., Rockford, Ill., Davenport, Iowa, and Milwaukee, Wis., to points in Los Angeles, Orange, Ventura, Riverside, San Bernardino, San Diego, Shasta, Marin, San Francisco, San Mateo, Santa Cruz, Fresno, Sacramento, and Kern Counties, Calif., Maricopa and Pima Counties, Ariz., Denver, Colo., Salt Lake City, Utah, Boise, Idaho, Billings and Great Falls, Mont., Reno and Las Vegas, Nev., Portland, McMinville, Eugene, Roseburg, Grants Pass, and Medford, Oreg., Seattle, Spokane, and Trentwood, Wash., for the account of Kelsey-Hayes Co.; and (b) *axles and axle suspension components*, from Chino, Calif., to the plantsite of the Kelsey-Hayes Co. at Romulus, Mich., for the account of Kelsey-Hayes Co., for 180 days. Supporting shipper: Kelsey-Hayes Co., Romulus, Mich. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 184387 (Sub-No. 13 TA), filed May 15, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, with or without metal ends, from Richmond, Calif., to Portland, Oreg., for 180 days. Supporting shipper: Boise Cascade Corp., General Offices, One Jefferson Square, Boise, ID 83701. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Federal Building, Los Angeles, CA 90012.

No. MC 135874 (Sub-No. 6 TA), filed May 11, 1972. Applicant: LTL PERISHABLES, INC., 108 Renfro Circle, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Paul-Minneapolis, Minn., commercial zone to Des Moines and Waterloo, Iowa, and Omaha, Nebr., for 180 days. Supporting shippers: Feinbert Distributing Co., Inc., 2200 Summer Street NE., Minneapolis, MN; Redi Roast Products, 7501 Commerce Lane, Minneapolis, MN. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136228 (Sub-No. 3 TA), filed May 11, 1972. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Eugene Luisi (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*

meal, blood meal, and hides, from Wallula, Wash., to Portland, Oreg., Tacoma and Seattle, Wash., and port of entry at Blaine, Wash., for subsequent movement by water transportation, for 180 days. Supporting shipper: Cudahy Co., Wallula, Wash. 99363. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136688 (Sub-No. 1 TA), filed May 2, 1972. Applicant: GRACE SCHNITKER AND MICHAEL E. SCHNITKER, doing business as SCHNITKER TRUCK LINES, Post Office Box 155, Arenzville, IL 62611. Applicant's representative: George B. Gillespie, 217 South Seventh Street, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transpoting: *Lumber and forest products*, between Beardstown and Arenzville, Ill., and points in Iowa, Missouri, Kentucky, Tennessee, Wisconsin, Indiana, Arkansas, Michigan, and Nebraska, for 180 days. Supporting shippers: John H. Flood, president, Beardstown Hardwood Manufacturing, Inc., Post Office Box 247, Beardstown, Il. 62618; Tim Huey, Huey Lumber Co., Arenzville, Ill. 62611.; Nels G. Glesne, president, Casswood Treated Products Co., Arenzville Road, Post Office Box 46, Beardstown, Ill. 62618. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 136698 TA, filed May 11, 1972. Applicant: DOUG BRADFORD, INC., 751 Brownlock Road, Bowling Green, KY 42101. Applicant's representative: Doug Bradford (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools*, used in construction and maintenance of telephone systems and communications, between points in Allen, Barren, Butler, Christian, Cumberland, Edmondson, Green, Hart, Logan, Metcalfe, Monroe, Simpson, Todd, and Warren Counties, Ky., for 180 days. Supporting shipper: J. F. Ballard, resident transportation manager, Southern Region, Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 136699 TA, filed May 11, 1972. Applicant: ROBERT ASCHENBRENNER, doing business as BOB'S TRUCKING, Post Office Box 37, Surrey, ND 58785. Applicant's representative: Harris P. Kenner, 615 South Broadway, Minot, ND 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, in cans, from Minneapolis and St. Paul, Minn., and points in Eagan Township, Dakota County, Minn., to Minot, N. Dak., (2) *glass beverage containers*, from Minneapolis, St. Paul Rosemount, and Shakopee, Minn., to Minot, N. Dak.; and (3) *sugar*, in bags from Sidney, Mont., to Minot, N. Dak., for 180 days. Supporting shipper: Coca Cola Bottling Co., 411 Ninth Street SE., Minot, ND 58701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136700 TA, filed May 12, 1972. Applicant: JOSEPH PIRRI, JR., 549 Maple Street, Barrington, RI 02806. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill cinder or mill scale*, iron or steel, in bulk, in dump vehicles, from Worcester, Mass., and East Providence, R.I., to Rockland, Maine, for 150 days. Supporting shipper: Paul Blum Co., 315 Larkin Street, Buffalo, NY 14210. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-8136 Filed 5-30-72;8:48 am]

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WEDNESDAY, MAY 31, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 105

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

Anchorage Grounds, Procurement, Certification of Seamen, and Lifesaving Equipment

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 71-72R]

PART 110—ANCHORAGE REGULATIONS

Los Angeles and Long Beach Harbors, Calif.

This amendment to the anchorage regulations establishes a nonanchorage area at the mouth of the entrance to Alamitos Bay, Long Beach, Calif. This nonanchorage area is considered essential to maritime safety due to the large amount of small vessel traffic at this location and the interference with safe navigation imposed by vessels anchored or moored in close proximity to the channel entrance.

This amendment is based on a notice of proposed rule making published in the Wednesday, July 14, 1971, issue of the FEDERAL REGISTER (36 F.R. 13100) and Public Notice 11-6, issued by the Commander, Eleventh Coast Guard District on April 6, 1971.

All comments received were in favor of the establishment of the nonanchorage area.

In consideration of the foregoing, § 110.214(a) is amended by adding a new subparagraph (13) to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) * * *

(13) *Nonanchorage Area I, Mouth of Entrance Channel to Alamitos Bay (Long Beach, Calif.).* Nonanchorage Area I is a semicircle with a 500-yard radius that is centered at mid-channel on a line that extends between Alamitos Bay Jetty Lights 1 and 2 and which extends seaward from that line.

(i) No vessel may anchor or moor in this nonanchorage area or outside this nonanchorage area in such a manner that any portion of the vessel extends into this nonanchorage area.

(ii) This section is enforced by the Captain of the Port, Long Beach, California.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFA 1.46(c)(1)(36 F.R. 19160))

Effective date. This amendment shall become effective on July 1, 1972.

Dated: May 24, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-8064 Filed 5-30-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGD 72-77R]

REVOCATION OF CHAPTER

The purpose of this amendment is to revoke Chapter 12B of Title 41, Code of Federal Regulations, to conform to the Department of Transportation's revised procurement regulations which were published in the March 4, 1972 issue of the FEDERAL REGISTER (37 F.R. 4802).

It is required in the revised 41 CFR 12-1.008(g) that all regulations having an impact on the public or establishing procurement policy be published in Chapter 12 of Title 41, Code of Federal Regulations. This requires all such implementing and supplementing requirements peculiar to the Coast Guard's procurement of supplies and services to be recodified from Chapter 12B to Chapter 12.

The Department of Transportation's revised regulations become effective on June 2, 1972. As a first step in compliance with 41 CFR 12-1.008(g), this document revokes Chapter 12B. Subsequent documents will codify in Chapter 12 of Title 41, Code of Federal Regulations implementing and supplementary regulations that are peculiar to Coast Guard procurement activities and that have an impact on the public.

Since this amendment relates to public contracts, it is exempted from notice of proposed rule making and may be made effective in less than 30 days.

In consideration of the foregoing, Title 41 of the Code of Federal Regulations is amended as follows:

1. By revoking Chapter 12 B.

(Sec. 633, 63 Stat. 545, sec. 2301-2314, 70A Stat. 127-133, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b)(1); 49 CFR 12-1.008)

Effective date. This amendment shall become effective on May 31, 1972.

Dated: May 24, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.72-8063 Filed 5-30-72;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 72-81R]

PART 12—CERTIFICATION OF SEAMEN

General Requirements for Certification

The purpose of these amendments to the merchant marine officers and seamen regulations is to:

(1) Require an applicant for a merchant mariner's document to impress his thumbprint and sign the document at the time he makes application;

(2) Use the seaman's social security number as his official identification number for record purposes; and

(3) Describe current Coast Guard practices.

These amendments were proposed in a notice of proposed rule making (CGFR 72-25) published in the FEDERAL REGISTER on February 12, 1972 (37 F.R. 3190).

That notice fully described the present requirements and the reasons for the amendments. Interested persons were given an opportunity to participate in the rule making procedure. No comments were received on the proposal. The amendment is adopted as proposed.

In consideration of the foregoing, Subpart 12.02 of Title 46, Code of Federal Regulations is amended as follows:

1. By amending § 12.02-17(a) by striking the words "any person for a certificate of service or efficiency, or" and inserting the words "a person for a" in place thereof.

2. By revising § 12.02-17 (c) and (d) and revoking (e) to read as follows:

§ 12.02-17 Rules for the preparation and issuance of documents.

* * * * *

(c) When a seaman applies for a merchant mariner's document, he must—

(1) Sign the document; and

(2) Impress his left thumbprint on the document; or

(3) Impress his right thumbprint on the document if his left thumb is missing.

(d) A seaman's social security number is placed on his document and is his official identification number for record purposes.

(e) [Revoked]

* * * * *

§ 12.02-23 [Amended]

3. By amending § 12.02-23(a) by striking in the first sentence the following words—

a. "certificate of identification, or"; and

b. "representing a certificate of identification".

4. By amending § 12.02-23(b) by—

a. Striking the words "representing a certificate of identification";

b. Striking the words "or a duplicate" and inserting the words, "should he want one" in place thereof; and

c. Striking "1.25-65", and inserting "1.25-40" in place thereof.

5. By amending § 12.02-23 by revising paragraphs (d) and (e) to read as follows:

(d) Each person issued a document described in § 12.02-5, shall report to an Officer in Charge, Marine Inspection, its loss.

(e) If a seaman's document or service record is missing, he may obtain a duplicate by following the procedures in paragraph (c) of this section and by—

(1) Signing an affidavit before the Officer in Charge, Marine Inspection, or his designated representative, that explains the loss of his document or service record; and

(2) Submitting at least two photographs for each duplicate document.

6. By amending § 12.02–23(f) by striking the following words:

a. "of a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or"; and

b. "with respect to proof that he is lawfully admitted to the United States for permanent residence".

(R.S. 4405, amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. These regulations shall become effective on June 30, 1972.

Dated: May 24, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.72-8062 Filed 5-30-72;8:45 am]

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72-90R]

PART 160—LIFESAVING EQUIPMENT, BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD, FOR MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Applicable Specifications and Plans

The purpose of these amendments to the specification regulations is to change the inspection procedures for buoyant vests made of kapok or fibrous glass, unicellular plastic foam, and polyethylene foam.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3916), and in the Merchant Marine Council Public Hearing Agenda (CG-249) dated March 30, 1970. The proposed amendments in this document were identified as Item PH 7c-70. A public hearing was held on March 30, 1970, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing.

Item PH 7c-70 proposed changes in the inspection procedure for certain lifesaving devices. The devices involved in the proposal, with the appropriate subpart, are as follows:

Device:	*Subpart*
Life preserver, kapok	160.002
Life preserver, fibrous glass	160.005
Ring life buoy, cork or balsa	160.009
Buoyant vest, kapok or fibrous glass	160.047
Buoyant cushion, kapok or fibrous glass	160.048
Buoyant cushion, unicellular plastic foam	160.049
Ring life buoy, unicellular plastic foam	160.050
Buoyant vest, unicellular plastic foam	160.052
Work vest	160.053
Life preserver, unicellular plastic foam	160.055
Buoyant vest, polyethylene foam	160.060

Item PH 7c-70 proposed that these 11 devices, when listed and labeled by a recognized laboratory, be accepted as approved for use on vessels in accordance with applicable requirements. The proposal generated considerable comment from the public. In the main, the comments favored the retention of the present program of the Coast Guard for inspection of the devices. After considering all the comments, the Coast Guard concluded that the proposal should be approved as to only certain of the lifesaving devices, and that the program should phase in during an indeterminate period of time. The delay in implementing the program would permit the Coast Guard to supervise the work of recognized laboratories and, if necessary, resume inspection in the event the new program did not function as required. This delay would permit a laboratory to gradually acquire the necessary experience and to develop its organization to cope with the workload requirements.

The proposed changes to Subparts 160.047, 160.048, 160.049, 160.052, 160.053, and 160.060 were the specifications approved for the program; however, only the proposed changes to Subparts 160.048 and 160.049 were adopted when the rule was promulgated in the December 30, 1970 issue of the FEDERAL REGISTER (35 F.R. 19902). In the preamble to the document, it was explained that the changes to Subparts 160.047, 160.052, 160.053, and 160.060 would be adopted at a time or times in the future depending on the experience gained from the initial program.

The amendments in this document contain the changes to Subparts 160.047, 160.052, and 160.060. Only minor editorial changes were made to the proposal to facilitate reader's understanding. Subpart 160.053 will be adopted at a future date.

The amendments in this document allow the manufacturer of buoyant vests having an approval number issued prior to June 25, 1972, to continue to manufacture the devices under the terms of the approval until November 1, 1972, and they designate Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619 as a recognized laboratory. The also contain specifications for material and marking requirements for inspections and tests, and procedures for listing and labeling an approved device.

The Coast Guard received 17 written comments on the proposed changes to Subpart 160.047, 160.052, and 160.060. Only one commenter expressed general agreement with the proposal. The rest of the commenters opposed the proposal for one or more of the following reasons:

1. The proposed designated recognized laboratory is not located close enough to most of the manufacturers of buoyant devices.

2. The charges for the service of listing and labeling by a recognized laboratory will be expensive.

3. The Coast Guard will save no money nor eliminate present facilities through the establishment of the proposed program.

4. The proposed sample and inspection requirements would require the assignment of an inspector at the place of manufacture of the buoyant devices on a full-time basis.

5. The proposed sample and testing requirements will require the manufacturer to maintain many additional sets of testing apparatus and records than is presently required.

6. The approval of private label buoyant devices that are manufactured by a manufacturer that already had the devices listed and labeled will result in much confusion.

7. The proposed lot size for sampling is too small.

8. The proposal would permit a Coast Guard approval to be placed on a device that has not been subjected to a Coast Guard inspection and that has been taken from a sample selected by the manufacturer.

The Coast Guard found no merit in any of the contentions for the reasons discussed in the same order as the contentions were presented above.

1. It is true that the designated recognized laboratory has only one engineering officer; however, the inspection is done by more than 500 inspectors stationed throughout the country.

2. In the past, the Coast Guard has not charged for the inspection of buoyant devices despite the heavy costs in expended man-hours. However, Congress has required in the Independent Offices Appropriation Act, 1952 (sec. 501, 65 Stat. 290, 31 U.S.C. 483a), that such services be self-sustaining to the fullest extent possible, and the Coast Guard would soon have to charge for the service. The charges by a recognized laboratory will be supervised by the Coast Guard and will be the same for each manufacturer for similar services. The charges will not exceed the administrative expense of the recognized laboratory, which is the basis for any charge by the Coast Guard.

3. By relieving Coast Guard personnel from the duties of inspection and testing of the devices, they can then devote such time to developing and testing new devices and materials, to formulating new standards and test procedures, and to developing and evaluating statistical studies that involve the performance of approved buoyant devices. Therefore, the savings to the Coast Guard will be in the utilization of man-hours.

4. Inspectors will not have to be stationed at the place of manufacture on a full-time basis but will conduct inspections and tests on a routine basis. The designated, recognized laboratory schedules visits of an inspector on the basis of one per 6,000 units.

5. There should be no need for a manufacturer to acquire additional testing apparatus or be involved in additional recordkeeping since the inspection and testing procedures have not been changed.

6. Each buoyant device that a manufacturer wants to be listed and labeled must have an approval number. The commercial enterprise that gets an approved device and affixes a private label to it must have the device listed and labeled with its own approval number. This requirement remains unchanged.

7. The lot sizes for the random samples required in Subparts 160.047, 160.052, and 160.060 are based on a statistical quality control plan. The normal curve of distribution in the plan is one that the Coast Guard uses for all random sampling. Therefore, the plan cannot be modified for only one specification.

8. The recognized laboratory must comply with the Coast Guard requirements for inspection and testing. In effect, therefore, all devices will have an inspection based on Coast Guard standards. In addition, Coast Guard inspectors will make periodic visits to each manufacturing plant that produces an approved buoyant device.

In consideration of the foregoing, Subchapter Q of Title 46 of the Code of Federal Regulations is amended as follows:

1. By amending § 160.047–1 by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 160.047–1 Applicable specifications and plans.

* * * * *

(c) *Copies on file.* The manufacturer shall keep a copy of each specification and plan required by this section on file together with the certificate of approval. Plans and specifications may be obtained as follows:

(1) The Coast Guard plans and specifications may be obtained from the Coast Guard (MMT), Room 8301, 400 Seventh Street SW., Washington, DC 20590 or a recognized laboratory listed in § 160.047–6b.

(2) The Federal Specifications and Standard may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407;

(3) The military specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, PA 19120.

(d) *Prior approvals.* Manufacturers of buoyant vests having approval numbers issued before June 25, 1972, may continue to manufacture the devices under the terms of approval until November 1, 1972.

2. By amending § 160.047–3 by revising paragraph (f) and adding paragraphs (f–1) and (f–2) to read as follows:

§ 160.047–3 Materials.

* * * * *

(f) *Tie tapes and body strap loops.* The tie tapes and body strap loops for an adult or child size buoyant vest specified by this subpart must be ¾-inch cotton webbing meeting the requirements in military specification MIL–T–43566 (Class I) for Type I webbing.

(f–1) *Body straps.* The complete body strap assembly, including hardware, must have a breaking strength of 150 pounds for an adult size and 115 pounds for a child size. The specifications for the webbing are as follows:

(1) For an adult size vest, the webbing must be 1 inch.

(2) For a child size vest, the webbing must be three-fourth inch and meet the requirements of military specification MIL–W–530 for Type IIa webbing.

(f–2) *Reinforcing tape.* The reinforcing tape around the neck of a buoyant vest specified by this subpart must be ¾-inch cotton tape weighing 0.18 ounce or more per linear yard and having a minimum breaking strength of 120 pounds.

* * * * *

3. By amending § 160.047–5 by revising paragraphs (a), (b), (c), and (d) to read as follows:

§ 160.047–5 Inspections and tests.

(a) *General.* Manufacturers of listed and labeled buoyant vests shall—

(1) Maintain quality control of the materials used, the manufacturing methods and the finished product to meet the requirements of this subpart by conducting sufficient inspections and tests of representative samples and components produced;

(2) Make available to the recognized laboratory inspector and to the Coast Guard inspector, upon request, records of tests conducted by the manufacturer and records of materials used during production of the device including affidavits from suppliers; and

(3) Permit any examination, inspection, and test required by the recognized laboratory or the Coast Guard for a listed and labeled device, either at the place of manufacture, or some other location.

(b) *Lot size and sampling.* (1) A lot consists of 500 buoyant vests or fewer.

(2) A new lot begins after any change or modification in materials used or manufacturing methods employed;

(3) The manufacturer of the buoyant vests shall notify the recognized laboratory when a lot is ready for inspection;

(4) The manufacturer shall select samples in accordance with the requirements in Table 160.047–5(b)(4) from each lot of buoyant vests to be tested by the inspector in accordance with paragraph (e) of this section;

TABLE 160.047–5(b)(4)—SAMPLE FOR BUOYANCY TESTS

Lot size:	*Number of vests in sample*
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(5) The recognized laboratory must assign an inspector to a plant when notified that a lot is ready for inspection, to conduct tests and inspections on samples selected in accordance with subparagraph (4) of this paragraph.

(6) If a vest fails the buoyancy test, the sample from the next succeeding lot must consist of 10 specimen vests or more to be tested for buoyancy in accordance with paragraph (e) of this section.

(c) *Additional tests.* An inspector from the recognized laboratory or the Coast Guard may conduct an examination, test, and inspection of a listed and labeled buoyant device that is obtained from the manufacturer or through commercial channels to determine its conformance to the applicable requirements.

(d) *Test facilities.* The manufacturer shall admit the laboratory inspector and the Coast Guard inspector to any part of the premises at the place of manufacture of a listed and labeled device to—

(1) Examine, inspect, or test a sample of a part or a material that is included in the construction of the device; and

(2) Conduct any necessary examination, inspection, or test in a suitable place and with appropriate apparatus provided by the manufacturer.

* * * * *

4. By amending § 160.047–6 by revising paragraph (a) to read as follows:

§ 160.047–6 Marking.

(a) *General.* Each buoyant vest must be marked with—

(1) A rectangular cloth tag containing any size legible lettering and attached to the back of the envelope by stitches along all edges of the tag; or

(2) A marking applied directly on the cloth cover using capital, bold-face type letters more than one-eighth inch in height; and

(3) The following information, plainly printed in waterproof ink:

(i) The type of device, the model, whether it is an adult or child device and the type of approval as in the following example:

TYPE I BUOYANT VEST

MODEL ------ (ADULT) (CHILD MEDIUM) (CHILD SMALL)

Approved for use on motorboats of classes A, 1 or 2 not carrying passengers for hire.

(ii) The approval number, as in the following format:

USCG 160.047/[1]------/[2]------/[3]-------

(iii) The lot number, manufacturing materials, care instructions, and the name and address of the manufacturer, as follows:

Lot No. ------

This vest is filled with (kapok or buoyant fibrous glass) sealed in plastic film pad covers. For maximum durability care should be taken to avoid puncturing or snagging inner plastic covers. When vest is wet, hang up

[1] Recognized laboratory.
[2] Coast Guard assigned manufacturer's number.
[3] Revision number.

and dry thoroughly. If pads become waterlogged, replace vest.
(Name and Address of Manufacturer.)

* * * * *

5. By adding new §§ 160.047–6a, 160.047–6b, and 160.047–6c to follow § 160.047–6 to read as follows:

§ 160.047–6a Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be—

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing, and evaluation of the safety of materials, installations, and devices for marine use; and

(c) Established in factory inspection and listing and labeling by having an existing program and standards for conducting, testing, and labeling buoyant vests that are acceptable to the Commandant.

§ 160.047–6b Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619 is a recognized laboratory.

§ 160.047–6c Compliance label.

If a recognized laboratory approves a buoyant vest, the device may carry the compliance label of the recognized laboratory.

6. By revising § 160.047–7 to read as follows:

§ 160.047–7 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a vessel of Class A, 1, or 2, not carrying passengers for hire, of the procedures for—

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection and the cost of listing and labeling must—

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer if the service is similar.

(c) The Coast Guard reviews each test report and quality control procedure forwarded by the recognized laboratory to determine if the approval requirements have been met. After the review is completed, the Coast Guard—

(1) Notifies the laboratory that the device is approved or disapproved and and if approved, listed and labeled; and

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG–190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advice from the Commandant regarding these requirements.

7. By adding new §§ 160.047–9 and 160.047–10 to follow § 160.047–7 to read as follows:

§ 160.047–9 Termination of listing and labeling.

(a) The listing and labeling as a Coast Guard approved buoyant vest may be terminated, withdrawn, cancelled os suspended by—

(1) Written notice to the recognized laboratory from the Commandant; or

(2) Written notice to the manufacturer from the recognized laboratory or the Commandant.

(b) The listing and labeling as a Coast Guard approved buoyant vest may be terminated if—

(1) The manufacturer does not want to retain the service;

(2) The listed device is no longer manufactured;

(3) The manufacturer's program does not provide continued assurance of the quality of the listed and labeled device;

(4) The device no longer conforms to applicable requirements of the Coast Guard and the recognized laboratory; or

(5) The Coast Guard determines from the use of the device by the public or through other information that it is incapable of performing as a lifesaving device under the requirements of this subpart.

§ 160.047–10 Penalties.

A manufacturer that violates any of the approval requirements for listing and labeling but continues to mark the device as being U.S. Coast Guard approved is subject to the penalties contained in 14 U.S.C. 639.

8. By amending § 160.052–1 by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 160.052–1 Applicable specifications and plans.

* * * * *

(c) *Copies on file.* The manufacturer shall keep a copy of each specification and plan required by this section on file together with the certificate of approval. Plans and specifications may be obtained as follows:

(1) The Coast Guard plans and specifications may be obtained upon request from the Coast Guard (MMT), Room 8301, 400 Seventh Street SW., Washington, DC 20590, or a recognized laboratory listed in § 160.052–8b.

(2) The Federal Specifications and Standards may be purchased from the Business Service Center, General Services, Administration, Washington, D.C. 20407.

(3) The military specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, PA 19120.

(d) *Prior approvals.* Manufacturers of buoyant vests having approval numbers issued before June 25, 1972, may continue to manufacture the devices under the terms of approval until November 1, 1972.

9. By amending § 160.052–3 by revising paragraph (d) and adding paragraph (d–1) to read as follows:

§ 160.052–3 Materials Type I Vests.

* * * * *

(d) *Tie tapes and body strap loops.* The tie tapes and body strap loops for both adult and child sizes must be ¾-inch cotton webbing meeting the requirements of military specification MIL–T–43566 (Class I) for Type I webbing.

(d–1) *Body straps.* The complete body strap assembly, including hardware, must have a minimum breaking strength of 150 pounds for an adult size and 115 pounds for a child size. The specifications for the webbing are as follows:

(1) For an adult size vest, the webbing must be 1 inch;

(2) For a child size vest, the webbing must be three-quarter inch and meet the requirements of military specification MIL–W–530 for Type IIa webbing.

* * * * *

10. By amending § 160.052–4 by revising paragraph (b) to read as follows:

§ 160.052–5 Materials Type II vests.

* * * * *

(b) *Cover.* A vinyl-dip coating may be allowed for the covering of the vest instead of a fabric envelope if the coating meets the requirements in § 160.055–5(b) (2) of this chapter except there is no color restriction.

* * * * *

11. By amending § 160.052–7 by revising paragraphs (a), (b), (c) and (d) to read as follows:

§ 160.052–7 Inspections and tests—Type I and Type II vests.

(a) *General.* Manufacturers of listed and labeled buoyant vests shall—

(1) Maintain quality control of the materials used, the manufacturing methods and workmanship, and the finished product to meet the requirements of this subpart by conducting sufficient inspections and tests of representative samples and components produced;

(2) Make available to the recognized laboratory inspector and the Coast Guard inspector, upon request, records of tests conducted by the manufacturer and records of materials used during production of the device, including affidavits by supplier; and

(3) Permit any examination, inspection, and test required by the recognized laboratory or the Coast Guard for a produced listed and labeled device, either at the place of manufacture or some other location.

(b) *Lot size and sampling.* (1) A lot consists of 500 bouyant vests or fewer.

(2) A new lot begins after any change or modification in materials used or manufacturing methods employed.

(3) The manufacturer of the buoyant vests shall notify the recognized laboratory when a lot is ready for inspection.

(4) The manufacturer shall select samples in accordance with the requirements in Table 160.052–7(b)(4) from each lot of buoyant vests to be tested for buoyancy in accordance with paragraph (e) of this section.

TABLE 160.052–7(b)(4)—SAMPLE FOR BUOYANT VESTS

Lot size:	Number of vests in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(5) The manufacturer shall test—

(i) At least one vest from each lot for buoyancy in accordance with procedures contained in paragraph (e) of this section; and

(ii) At least one vest in each 10 lots for strength of the body strap assembly in accordance with the procedures contained in paragraph (f) of this section.

(6) If a vest fails the buoyancy test, the sample from the next succeeding lot must consist of 10 specimen vests or more to be tested for buoyancy in accordance with paragraph (e) of this section.

(7) The manufacturer shall keep on file and make available to the laboratory inspector and Coast Guard inspector the records of inspections and tests, together with affivadits concerning the material.

(c) *Additional tests.* An inspector from the recognized laboratory or Coast Guard may conduct an examination, test and inspection of a buoyant device that is obtained from the manufacturer or through commercial channels to determine the suitability of the device for listing and labeling or to determine its conformance to applicable requirements.

(d) *Test facilities.* The manufacturer shall admit the laboratory inspector and the Coast Guard inspector to any part of the premises at the place of manufacture of a listed and labeled device to—

(1) Examine, inspect, or test a sample of a part or a material that is included in the construction of the device; and

(2) Conduct any necessary examination, inspection, or test in a suitable place and with appropriate apparatus provided by the manufacturer.

* * * * *

12. By amending § 160.052–8 by revising paragraph (a) to read as follows:

§ 160.052–8 Marking—Types I and II vests.

(a) *General.* Each buoyant vest must be marked with—

(1) A rectangular cloth tag containing any size legible lettering and attached to the envelope by stitches along all edges of the tag; or

(2) A marking applied directly on the cloth cover or vinyl-dip skin using capital, bold-face type letters more than one-eighth inch in height; and

(3) The following information plainly printed in waterproof ink:

(i) The type of device, the model, whether it is an adult or child device, and the type of approval, as in the following example:

TYPE (I OR II) BUOYANT VEST

BUOYANT VEST MODEL _____ (ADULT) (CHILD MEDIUM) (CHILD SMALL)

Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

(ii) The compliance marking of the recognized laboratory and approval number, as in the following format:

USCG Approval No. 160.052/[1]_____/[2]_____/[3]_____

(iii) The lot number, manufacturing materials, care instruction, and the name and address of the manufacturer, as follows:

Lot No. _____.

This vest is filled with unicellular plastic foam which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly.

(Name and Address of Manufacturer.)

* * * * *

13. By adding new §§ 160.052–8a, 160.052–8b, and 160.052–8c to follow § 160.052–8 to read as follows:

§ 160.052–8a Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing and evaluation of the safety of materials, installations, and devices for marine use; and

(c) Established in factory inspection; listing and labeling by having an existing program and standards for evaluation, listing and labeling buoyant vests that are acceptable to the Commandant.

§ 160.052–8b Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, Florida 33619 is a recognized laboratory.

§ 160.052–8c Compliance label.

If a recognized laboratory approves a buoyant vest, the device is allowed to carry the compliance label of the recognized laboratory.

14. By revising § 160.052–9 to read as follows:

§ 160.052–9 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a vessel of Class A, 1, or 2 not carrying passengers for hire, of the procedures for—

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection, and the cost of listing and labeling must—

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer.

(c) The Coast Guard reviews each test report and quality control procedures forwarded by the recognized laboratory, to determine if the approval requirements have been met. After the review is completed, the Coast Guard—

(1) Notifies the laboratory that the device is approved or disapproved and if approved, listed and labeled;

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG–190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advice from the Commandant regarding these requirements.

15. By adding new §§ 160.052–11 and 160.052–12 to follow § 160.052–9 and to read as follows:

§ 160.052–11 Termination of listing and labeling.

(a) The listing and labeling as a Coast Guard approved buoyant vest may be terminated, withdrawn, canceled, or suspended by—

(1) Written notice to the recognized laboratory from the Commandant; or

(2) Written notice to the manufacturer from the recognized laboratory or the Commandant.

(b) The listing and labeling as a Coast Guard approved buoyant vest may be terminated if—

(1) The manufacturer does not want to retain the service;

(2) The listed device is no longer manufactured;

(3) The manufacturer's program does not provide continued assurance of the quality of the listed and labeled device.

(4) The device no longer conforms to current applicable requirements of the Coast Guard and the recognized laboratory; or

(5) The Coast Guard determines from the use of the device by the public or through other information that it is incapable of performing as a lifesaving device under the requirements of this subpart.

§ 160.052–12 Penalties.

(a) A manufacturer that violates any of approval requirements for listing and labeling but continues to mark the device as being U.S. Coast Guard approved is subject to the penalties contained in 14 U.S.C. 639.

16. By amending § 160.060–1 by revising paragraph (c)(1) and adding paragraph (d) to read as follows:

[1] Recognized laboratory.
[2] Coast Guard assigned manufacturer's number.
[3] Revision number.

§ 160.060–1 Applicable specifications and plans.

* * * * *

(c) * * *

(1) The Coast Guard plans and specifications may be obtained upon request from the Coast Guard (MMT), Room 8301, 400 Seventh Street SW., Washington, DC 20590 or a recognized laboratory listed in § 160.060–8b.

* * * * *

(d) *Prior approvals.* Manufacturers of buoyant vests having approval numbers issued before June 25, 1972, may continue to manufacture the devices under the terms of that approval until November 1, 1972.

17. By amending § 160.060–3 by revising paragraph (d) and adding paragraph (d–1) to read as follows:

§ 160.060–3 Materials—Type I vests.

* * * * *

(d) *Tie tapes and body strap loops.* The tie tapes and body strap loops for both adult and child sizes must be ¾-inch cotton webbing meeting the requirements of military specification MIL–T–43566 (Class I) for Type I webbing.

(d–1) *Body straps.* The complete body strap assembly including hardware, must have a minimum breaking strength of 150 pounds for an adult size and 115 pounds for a child size. The specifications for the webbing are as follows:

(1) For an adult size vest, the webbing must be 1 inch.

(2) For a child size vest, the webbing must be three-quarter inch and meet military specification MIL–W–530 for Type IIa webbing.

* * * * *

18. By amending § 160.060–7 by revising paragraphs (a), (b), (c), and (d) to read as follows:

§ 160.060–7 Inspections and tests—Types I and II vests.

(a) *General.* Manufacturers of listed and labeled buoyant vests shall—

(1) Maintain quality control of the materials used, the manufacturing methods, and the finished product to meet the applicable requirements of this subpart by conducting sufficient inspections and tests of representative samples and components produced;

(2) Make available to the recognized laboratory inspector and the Coast Guard inspector, upon request, records of tests conducted by the manufacturer and records of materials used during production of the device, including affidavits by suppliers; and

(3) Permit any examination, inspection and test required by the recognized laboratory or the Coast Guard for a produced listed and labeled device, either at the place of manufacture or some other location.

(b) *Lot size and sampling.* (1) A lot shall consist of 500 buoyant vests or fewer;

(2) A new lot begins after any change or modification in materials used or manufacturing methods employed;

(3) The manufacturer of the buoyant vests shall notify the recognized laboratory when a lot is ready for inspection;

(4) The manufacturer shall select samples in accordance with the requirements in Table 160.060–7(b)(4) from each lot of buoyant vests to be tested for buoyancy in accordance with paragraph (e) of this section.

TABLE 160.060–7(b)(4)—SAMPLE FOR BUOYANCY TESTS

Lot size:	*Number of vests in sample*
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(5) If a sample vest fails the buoyancy test, the sample from the next succeeding lot must consist of 10 specimen vests or more to be tested for buoyancy in accordance with paragraph (e) of this section.

(c) *Additional tests.* An inspector from the recognized laboratory or Coast Guard may conduct an examination, test and inspection of a buoyant device that is obtained from the manufacturer or through commercial channels to determine the suitability of the device for listing and labeling, or to determine its conformance to applicable requirements.

(d) *Test facilities.* The manufacturer shall admit the laboratory inspector and the Coast Guard inspector to any part of the premises at the place of manufacture of a listed and labeled device to—

(1) Examine, inspect, or test a sample of a part or a material that is included in the construction of the device; and

(2) Conduct any examination, inspection, or test in a suitable place and with appropriate apparatus provided by the manufacturer.

* * * * *

19. By amending § 160.060–8 by revising paragraph (a) to read as follows:

§ 160.060–8 Marking—Types I and II vests.

(a) *General.* Each buoyant vest must be marked with—

(1) A rectangular cloth tag containing any size legible lettering and attached to the envelope by stitches along all edges of the tag; or

(2) The marking applied directly on the cloth cover using capital, bold face type letters more than one-eighth inch in height; and

(3) The following information plainly printed in waterproof ink:

(i) The type of device, the model, whether it is an adult or child device, and the type of approval as in the following example:

TYPE (I OR II) BUOYANT VEST
BUOYANT VEST MODEL _____
(ADULT) (CHILD MEDIUM) (CHILD SMALL)
Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

(ii) The compliance marking of the recognized laboratory and approval number, as in the following example:

USCG Approval No. 160.060/[1]_____/[2]_____/[3]_____.

(iii) The lot number, manufacturing materials, care instructions, and the name and address of the manufacturer as follows:

Lot No. _____.
This vest is filled with unicellular polyethylene foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly.
(Name and Address of Manufacturer.)

* * * * *

§ 160.060–8a Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be—

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing, and evaluation of safety of materials, installations, and devices for marine use; and

(c) Established in factory inspection, listing and labeling by having an existing program and standards for evaluating, listing and labeling buoyant vests that are acceptable to the Commandant.

§ 160.060–8b Designated recognized laboratory.

Underwriter's Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619 is a recognized laboratory.

§ 160.060–8c Compliance label.

If a recognized laboratory approves a buoyant vest, the device is allowed to carry the label of the recognized laboratory.

21. By revising § 160.060–9 to read as follows:

§ 160.060–9 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a vessel of Class A, 1, or 2 not carrying passengers for hire, of the procedures for—

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection, and the cost of listing and labeling must—

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer.

(c) The Coast Guard reviews each test report and quality control procedure forwarded by the recognized laboratory to determine if the approval requirements have been met. After the review is completed, the Coast Guard—

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[1] Recognized laboratory.
[2] Coast Guard assigned manufacturer's number.
[3] Revision number.

(1) Notifies the laboratory that the device is approved or disapproved and, if approved, listed and labeled; and

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG-190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advise from the Commandant.

22. By adding new §§ 160.060-11 and 160.060-12 to follow § 160.060-9 and to read as follows:

§ 160.060-11 Termination of listing and labeling.

(a) The approval for listing and labeling as a Coast Guard approved buoyant vest may be terminated, withdrawn, cancelled, or suspended by—

(1) Written notice to the recognized laboratory from the Commandant; or

(2) Written notice to the manufacturer from the recognized laboratory or the Commandant.

(b) Termination of the listing and labeling as a buoyant vest may occur if—

(1) The manufacturer does not want to retain the service;

(2) The listed device is no longer manufactured;

(3) The manufacturer's program does not provide continued assurance of the quality of the listed and labeled device;

(4) The device no longer conforms to current applicable requirements of the Coast Guard and the recognized laboratory; or

(5) The Coast Guard determines from the use of the device by the public or through other information that it is incapable of performing as a lifesaving device under the requirements of this subpart.

§ 160.060-12 Penalties.

A manufacturer that violates any of the approval requirements for listing and labeling but continues to mark the device as being U.S. Coast Guard approved is subject to the penalties contained in 14 U.S.C. 639.

(Sec. 17, 54 Stat. 166, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 526p, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. These amendments shall become effective on June 30, 1972.

Dated: May 24, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

Air Programs

Approval and Promulgation of Implementation Plans

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

On April 30, 1971 (36 F.R. 8186), pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide. Within 9 months thereafter, each State was required by section 110 of the Act to adopt and submit to the Administrator a plan which provides for the implementation, maintenance, and enforcement of national ambient air quality standards within each air quality control region in the State. An additional period of no longer than 18 months may be allowed for adoption and submittal of that portion of a plan relating to implementation of secondary ambient air quality standards. State plans must provide for attainment of national primary ambient air quality standards within 3 years after the date of the Administrator's approval of such plans, except that a 2-year extension of this deadline may be granted by the Administrator. State plans must provide for attainment of national secondary ambient air quality standards within a reasonable time. Within 4 months from the date on which State plans were required to be submitted, the Administrator must approve or disapprove such plans or portions thereof.

On August 14, 1971 (36 F.R. 15486), the Administrator promulgated regulations (40 CFR Part 51) (formerly 42 CFR Part 420, but transferred to Chapter I of Title 40 by publication in the FEDERAL REGISTER, page 22369 et seq., November 25, 1971) setting forth requirements for preparation, adoption, and submittal of State implementation plans. These regulations were amended October 23, 1971 (36 F.R. 20513), and December 30, 1971 (36 F.R. 25233), to make certain additions and corrections. The Administrator's regulations (40 CFR Part 51) provided generally that State plans must set forth a control strategy for attainment and maintenance of the national standards; legally enforceable regulations and compliance schedules for implementation of the control strategy; a contingency plan for preventing the occurrence of air pollution levels which would cause significant harm to the health of persons; source surveillance procedures; procedures to assure that construction or modification of stationary sources will not interfere with attainment or maintenance of the national standards; provisions for air quality surveillance; a description of the resources needed to carry out the State plan; and provisions for intergovernmental cooperation. Some of the requirements vary by air quality control region in accordance with a classification scheme set forth in 40 CFR 51.3. Each State plan must also show that the State has the legal authority necessary to carry out the plan, as specified by 40 CFR 51.11. States were required to conduct one or more public hearings prior to adoption of their implementation plans.

All 50 States, plus the District of Columbia, Puerto Rico, Virgin Islands, Guam, and American Samoa have submitted implementation plans. The Administrator's approvals and disapprovals are set forth below. A more detailed description of disapproved portions, together with an explanation of the basis of disapproval, will be provided to the States; copies of these Evaluation Reports will be available for public inspection at the Environmental Protection Agency, 401 M Street SW., Washington, D.C., and in the Agency's Regional Offices.

Where the Administrator disapproves a State plan or portion thereof, or where a State fails to submit an implementation plan or portion thereof, the Administrator is required, under section 110(c) of the Act, to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof. Where regulatory portions of a State plan, including control strategies and related rules and regulations, are disapproved or were not submitted, regulations setting forth substitute portions will be proposed and promulgated. When disapproved portions are of a nonregulatory nature, e.g., air quality surveillance, resources, intergovernmental cooperation, and therefore are not susceptible to correction through promulgation of regulations by the Administrator, detailed comments will be included in the evaluation report; in such cases, the Environmental Protection Agency will work with the States to correct the deficiencies.

To the extent possible, the Administrator's evaluation of State plans reflects the latest information submitted by the States. In the interest of giving States every opportunity to bring their implementation plans into full compliance with the Act and 40 CFR Part 51, the Environmental Protection Agency has notified States that modifications submitted after the statutory deadline for submittal of State plans would be accepted and considered: *Provided*, That such modifications were made and submitted in accordance with the requirements of 40 CFR Part 51. Accordingly, many States have been, and still are, making and submitting modifications of their implementation plans. Where such modifications affect the Administrator's approval or disapproval of a State plan or portion thereof, but are not reflected herein, appropriate changes to this part will be published as soon as the Administrator's evaluation of such modifications is completed.

The Act directs the Administrator to require a State to revise its implementation plan whenever he finds that it is substantially inadequate for attainment and maintenance of a national standard. In accordance with the statutory mandate, the Environmental Protection Agency will make a continuing evaluation of the State plans and will, as necessary, call upon the States to make revisions.

EVALUATION OF LEGAL AUTHORITY

States were required to have the legal authority specified in the Administrator's regulations. With one exception, States were required to have the specified legal authority available to them at the time they submitted their implementation plans. The one exception is authority to carry out land-use and transportation control measures; where a State's control strategy includes such measures, the State plan must set forth a timetable for obtaining the necessary legal authority. Where it was determined that a State's air pollution control statute does not explicitly provide all of the required legal authority, the State's attorney general was consulted for an opinion as to whether the necessary authority is conferred by a general grant of powers in the air pollution control statute or provided in other statutes. Where a State plan indicated that one or more local agencies will be responsible for carrying out any portion of the implementation plan, a similar assessment was made of the legal authority available to such local agencies. A complete record of the Environmental Protection Agency's assessment of legal authority is maintained in the Office of the Associate General Counsel, Air Quality and Radiation Division, Rockville, Md. 20852.

DELEGATION OF LEGAL AUTHORITY

The legal authority which each State was required to have carry out its implementation plan is specified by 40 CFR 51.11. Subparagraphs (5) and (6) of § 51.11(a) require each State to have the authority to obtain information to determine compliance with applicable laws and regulations; require recordkeeping; make inspections; conduct tests; require sources to install and maintain monitoring equipment; require periodic reporting; and release emission data to the public. The Administrator has such authority under section 114 of the Act and can delegate it to States. Where a State lacks the authority required by 40 CFR 51.11(a) (5) or (6), that portion of its implementation plan is disapproved herein; however, if the State has requested delegation of the Administrator's authority, and if the State's source surveillance procedures are approvable, the needed authority is delegated herein. Where a State lacks the authority required by 40 CFR 51.11(a) (5) or (6) but has not requested delegation of authority, the Administrator cannot approve source surveillance procedures even though the procedures may be technically adequate. The State can correct this deficiency by requesting a delegation of authority; such requests may be made at any time and should be addressed to the appropriate Regional Administrator.

ATTAINMENT OF PRIMARY STANDARDS

The Act requires attainment of primary standards as expeditiously as practicable, but not later than 3 years from the date of the Administrator's approval of a State plan except where an extension is granted by the Administrator; it requires attainment of secondary standards within a reasonable time. Except where extensions have been requested, State plans generally provide for attainment of the primary standards in 3 years. Whether more expeditious attainment of the primary standards is practicable is a question that will be subject to continuing examination in connection with the Administrator's review of the compliance schedules and progress reports to be submitted by the States and as part of the Administrator's continuing surveillance of State activities. It is already clear, however, that the aggregate emission control requirements of the 55 State plans will create such a great demand for clean fuels, emission control equipment, and other items that attainment of the primary standards in many urban areas in significantly less time than 3 years generally will not be feasible.

ATTAINMENT DATES

Each State plan must specify the projected dates of attainment of primary and secondary standards. Where a State plan sets forth a control strategy and regulations adequate for attainment of the national standards within the time periods prescribed by the Act but fails to specify an attainment date, the Administrator will promulgate attainment dates meeting the requirements of the Act.

MAINTENANCE OF STANDARDS

Where existing air pollution levels exceed the national standards, State plans were expected to provide for the degree of emission reduction necessary for attainment and maintenance of the national standards, including the degree of emission reduction necessary to offset the probable impact of projected growth of population, industrial activity, motor vehicle traffic, or other factors. There is a great deal of uncertainty involved in projecting growth and predicting its impact on air quality. Growth projections extending more than 2 or 3 years into the future are necessarily generalized and inevitably are based on a variety of assumptions, many of them which are, at best, tenuous. Even where growth policies have been adopted by State or local governments, they normally provide only general guidelines. Techniques for translating generalized projections of population and industrial growth into predictions of future air quality do not exist. Accordingly, States were limited in the extent to which they could develop control strategies adequate not only for attainment, but also for maintenance, of the national standards. Since the Environmental Protection Agency's capability of planning for continued maintenance of the national standards is subject to the same limitations, and since State and local governments clearly should not lightly be deprived of the opportunity to plan and control growth in a manner best suited to the needs and preferences of individual communities and their inhabitants, with due consideration of environmental impacts, the Administrator, at this time, is not proposing substitute control strategies based on considerations related solely to maintenance of national standards. States are required, however, to prevent construction, modification, or operation of any stationary source at any location where its emissions will prevent the attainment or maintenance of a national standard; the Administrator will promulgate appropriate regulations wherever State plans are judged inadequate in this regard. Thus, all State plans will include this mechanism for minimizing the effects of growth on air quality. New source performance standards promulgated by the Administrator under section 111 of the Act will also serve to minimize the impact of growth. Furthermore, the Act authorizes the Administrator to require revision of a State plan whenever he finds that it is substantially inadequate to attain or maintain a national standard. It is the Administrator's intention to make a continuing examination of the adequacy of State plans, and, where necessary, to call for revisions. States should be aware that failure to provide for maintenance of the national standards could necessitate restraints on population and industrial growth and/or further restrictions on emissions from existing sources of air pollution.

EVALUATION OF CONTROL STRATEGIES

A "control strategy" is a combination of measures designed to achieve the aggregate reduction of emissions necessary for the purposes of attainment and maintenance of a national standard. The Administrator's regulations (40 CFR 51.13 and 51.14) set forth procedures, i.e., proportional or diffusion modeling, to be employed by the States in demonstrating that their control strategies will be adequate for these purposes. Evaluation of the control strategies generally included assessment of the accuracy of the data relied upon by a State in demonstrating the adequacy of control strategies, the validity of any assumptions made by the State, and the accuracy of the calculations employed in the modeling exercises. In addition, a determination was made as to whether the control strategy would be sufficiently comprehensive.

SULFUR OXIDES AND PARTICULATE MATTER

The national standards for sulfur oxides and particulate matter include both short-term standards, e.g., maximum 24-hour concentrations not to be exceeded more than once per year, and long-term standards, i.e., annual average concentrations. State plans were required to set forth control strategies adequate for attainment and maintenance of both the short-term and long-term standards, with the exception of the 24-hour secondary standard for sulfur oxides and the annual average secondary standard for particulate matter, both of which are guidelines. Where State plans did not explicitly demonstrate that a control strategy is adequate for attainment and maintenance of short-term, as well as long-term standards, the Administrator has made judgments based on available data regard peak-to-mean ratios; point-source control measures, for example, are likely to reduce the frequency and intensity of peak concentrations, thus altering peak-to-mean ratios and increasing the likelihood that a control strategy adequate for attainment of an annual average standard will also be adequate for attainment of short-term standards.

FUEL AVAILABILITY

The State implementation plans to control SO_x generally have been responsive to the mandates of the Clean Air Act. The plans provide for meeting by 1975 primary air quality standards which are designed to protect the public health. In most cases, the States determined 1975 to be the "reasonable time" allowed by the Act to meet the secondary air quality standards for SO_x which are designed to protect the public welfare. Fuel combustion regulations were designed to achieve both the primary and secondary standards by the 1975 date. In most States these emission regulations were made to apply statewide, without regard to the differing air quality in regions within the State.

It is clear that achieving these rigorous State standards in the time prescribed would significantly enhance air quality in many areas of the Nation, as contemplated by the Clean Air Act. However, in addition to reviewing the effectiveness of each State implementation plan, this Agency and the Federal Government have an obligation to assess the impact of the various plans in the aggregate. From this standpoint, there is strong evidence that the complete implementation of the plans as submitted may not be attainable in the time prescribed.

Because of physical limitations on our ability to clean the emissions of high sulfur fuels on a large scale in the time permitted by the statute, achievement of the particulars of the State plans would require the availability of large additional supplies of "clean" fuels—natural gas and low sulfur coal and oil. Since fuel desulfurization facilities are unlikely to be built on the scale which would be required to fully implement all State plans by 1975, it appears that all State plans can be completely implemented by 1975 only with a major short term shift to naturally clean fuels. Unfortunately, these naturally clean fuels are not likely to be available in quantities necessary to meet the projected demand.

Unfortunately, our long-overdue concern for air quality comes at a time when the abundance of cleaner energy fuels in the United States is rapidly disappearing and energy experts are becoming worried about our ability to meet our energy fuel needs even independent of environmental considerations. Given the limits on the supply of naturally clean fuels in the short run, the well publicized shortage of natural gas in this country, and the physically disruptive task of substituting

the use of huge amounts of clean fuels by energy producers and users at a time when traditional fuels such as natural gas are in short supply, it is apparent that the Nation faces a difficult task.

It is also apparent that the cost of this effort, translated into costs of fuel and electric energy to our economy and to individual energy consumers, will be substantial and cannot be wholly ignored. On the other hand, appropriate enviromental costs must be recognized in the price of energy if we are to allocate our total resources properly.

There are alternative strategies which should permit achievement of the goals of the Clean Air Act within the legislative deadlines, but the approach must be twofold. First, implementation of the standards must take into account the limits on total availability of clean fuels. Second, government must also address the problem of creating economic and other incentives which ensure that natural or desulfurized clean fuels go to users in areas of greatest environmental need.

The Pure Air Act of 1972 (the sulfur emission tax), which is currently before Congress, is important to both aspects of this approach. The tax would permit clean fuels to reach users in areas of environmental need by providing a strong economic incentive for those users to bid for the clean fuels. The tax would also increase the availability of clean fuels by providing an economic stimulus both to develop new clean fuel resources, and to perfect technology for cleaning fuels before combustion, and for purifying exhaust gases.

Preliminary analysis by EPA indicates the real possibility that, under current conditions in the domestic and world fuel markets including the absence of the sulfur tax, all aspects of the State Plans in the aggregate cannot be achieved by 1975 despite the best efforts of both government and the private sector. Pending further study, EPA is approving or promulgating regulations for meeting both the primary and secondary SO_x standards. The States should proceed to develop compliance schedules on the assumption that both standards can be met. In the meantime EPA will be completing its studies of the aggregate situation and will suggest necessary changes to the States, and likewise modify federally promulgated SO_x regulations for achievement of the secondary standard where appropriate. Highest priority must be given to achieving the primary standards (health related) by the statutory deadline.

At this time, the States most likely to be affected by this shortage of clean fuels include Illinois, Indiana, Kentucky, Wisconsin, Michigan, Ohio, Tennessee, Alabama, Pennsylvania, West Virginia, Georgia, and New York, but others will also need to consider the availability of fuels in developing compliance schedules.

For its part in addition to completing this work, EPA intends to be vigorous in urging other Federal agencies and the Congress to adopt energy policies which will stimulate the availability of needed clean fuels and insure their availability to areas of greatest need, consistent with environment, national security, consumer and other considerations.

Nitrogen Dioxide

Where attainment of the national standard for nitrogen dioxide would require additional emission reductions beyond those expected to result from Federal motor vechicle emission standards, the Admistrator's regulations (40 CFR 51.14) required States to provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available technology for the control of stationary source emissions of nitrogen oxides, as defined by 40 CFR Part 51, Appendix B. Hydrocarbon emission reductions arising from the Federal motor vehicle standards or from transportation control measures undertaken to implement the national standards for photochemical oxidants will tend to reduce ambient air concentrations of nitrogen dioxide. In accordance with 40 CFR 51.14, this combination of stationary and mobile source control measures is considered an adequate control strategy for implementation of the national standards for nitrogen dioxide. Studies aimed at providing an improved basis for developing and evaluating nitrogen oxides control strategies are underway. Based on the results of these studies, the Administrator will determine whether revision of the State plans for implementation of the national standards for nitrogen dioxide will be necessary; such revisions may necessitate, among other things, the development and application of nitrogen oxides emission control techniques going beyond those which are now available. Pending such action, States' requests for 2-year extensions of the deadline for attainment of this national standard have not been evaluated.

Hydrocarbons

The national standard for hydrocarbons (40 CFR 50.10) is a guide to the formulation of control strategies for attainment and maintenance of the national standard for photochemical oxidants. Accordingly, State plans were not required to provide for attainment and maintenance of the national standard for hydrocarbons, per se.

Transportation Control Measures

The Act and the Administrator's regulations (40 CFR Part 51) require States to take steps to reduce emissions from transportation sources wherever such steps are necessary for attainment and maintenance of national ambient air quality standards. In August 1971, when the Administrator's regulations were promulgated, it was recognized that States have had practically no experience with transportation control measures as a means of dealing with air quality problems and that available data were not sufficient to permit States to develop meaningful transportation control schemes and predict their impact on air quality. The Environmental Protection Agency had already begun an assessment of the extent to which various transportation control measures, including motor vehicle inspection and installation of emission control devices on in-use automobiles, could be expected to produce improvements in air quality, but it was apparent that the results would not be available within the time allowed for development of State plans. Accordingly, the States were advised that adoption of transportation control schemes could be deferred beyond the statutory deadline for submittal of implementation plans but that State plans would have to define the degree of emission reduction to be achieved through transportation control measures and identify the measures being considered. States were further advised that they would have to submit, no later than February 15, 1973, together with their first semiannual progress reports, definitive transportation control plans, including identification of the specific measures to be implemented, demonstration of the adequacy of these measures for attainment and maintenance of the national standards, and a detailed timetable for obtaining any necessary legal authority and taking all other steps necessary to implement the various measures. The Environmental Protection Agency, in cooperation with the Department of Transportation, will provide assistance to the States in the development of their transportation control plans.

Compliance Schedules

State plans were required to specify the dates by which all sources must be in compliance with applicable regulations, except that, where a State plan provides for negotiating compliance schedules for individual sources, such schedules are required to be submitted to the Administrator no later than the time of submittal of the State's first semiannual progress report. States generally have either prescribed a terminal date for compliance by all sources, with individual source schedules, including schedules of incremental steps toward compliance, to be negotiated, or have made regulations effective almost immediately, with compliance schedules to be negotiated and effectuated through a variance procedure. Either approach is considered acceptable: *Provided, first,* That compliance with all regulations related to attainment of national ambient air quality standards will be achieved by the attainment date specified in the State plan or prescribed by the Administrator, and second, that provision is made for negotiating compliance schedules, including incremental steps in cases where the terminal date is more than 18 months away.

Emergency Episodes

State plans were required to set forth episode criteria, i.e., pollutant concentrations at which specified emission control actions will be initiated in order to prevent significant harm to the health of persons. Episode criteria were required to be adequate to protect against occurrence of the significant harm levels prescribed by the Administrator (40 CFR 51.16). Emission control action plans were required to provide for abate-

ment action dealing with area sources, e.g., open burning, commercial and residential incinerators, and motor vehicles, and to provide for development of individual standby abatement plans for all stationary sources emitting 100 tons per year or more. Where episode criteria and/or emission control action plans applicable to area sources and motor vehicles were not submitted or were disapproved, the Administrator is not prescribing substitute provisions, but, rather, in carrying out his responsibilities under section 303 of the Act, will be guided by the suggested episode criteria and emission control action plans set forth in the Administrator's regulations (40 CFR Part 51, Appendix L). Where episode criteria and/or emission control action plans are approved, the Administrator will make use of them in the event that it is necessary to initiate action under section 303. In either case, the Administrator, in acting under section 303, may also take into consideration other relevant information and advice, including medical-scientific opinions on endangerment to the health of persons. Where a State plan fails to provide for public announcements of episode stages or fails to provide for development of standby abatement plans for stationary sources emitting 100 tons per year or more, the Administrator will promulgate regulations to correct such deficiencies.

AIR QUALITY SURVEILLANCE

Where a State's provisions for air quality surveillance do not meet the requirements of the Administrator's regulations (40 CFR 51.17), the deficiencies will be identified in the evaluation report, and the Environmental Protection Agency will work with the State in correcting the deficiencies. Insofar as air quality monitoring methods are concerned, the only methods currently approved are the reference methods prescribed by the Administrator (40 CFR Part 50) simultaneously with a promulgation of the national standards. With respect to carbon monoxide, photochemical oxidants, and hydrocarbons, the Administrator prescribed an analytical principle; any method employing exactly the same analytical principle is considered a reference method, provided that it meets the performance specifications set forth in the Administrator's regulations (40 CFR 51.17). For all pollutants, methods other than the reference methods prescribed by the Administrator may be approved if they are shown to be equivalent to the reference methods. Equivalency testing guidelines are being developed by the Environmental Protection Agency.

NEW SOURCES AND MODIFICATIONS

State plans were required to provide for review of new sources and modifications of existing sources and for preventing construction or modification if it would result in violations of applicable portions of a control strategy or interfere with attainment or maintenance of national standards.

RESOURCES

States were required by section 110 of the Act to provide assurances that they will have adequate resources, i.e., personnel and funding, to carry out their implementation plans. The Administrator's judgment as to the probable adequacy of projected resources is based on a number of considerations, including estimates of manpower needs in relation to factors affecting the nature and magnitude of air pollution problems and previous evaluations of the performance of State and local air pollution control agencies. Where it is the Administrator's judgment that a State's projected resources may be inadequate, the Environmental Protection Agency will work with the State in correcting this deficiency. The Administrator's judgment on the adequacy of resources should not be construed as a commitment to provide financial support; such support is subject to the limitations of funds appropriated under the Clean Air Act.

TWO-YEAR EXTENSIONS

The Act provides for 2-year, or shorter, extensions of the statutory deadline for attainment of national primary ambient air quality standards where needed technology or other alternatives are not available or will not be available soon enough to permit attainment of the primary standards within the 3-year period prescribed by the Act. For the most part, States' requests for such extensions were related to identified needs for application of transportation control measures. The Administrator has determined that the leadtime necessary for development, adoption, and implementation of transportation control measures generally precludes their application on any significant scale within the next 3 years, i.e., they will not be available soon enough to permit attainment of the primary standards within the time period prescribed by the Act. This determination was reflected in 40 CFR 51, in which emission control measures applicable to mobile sources, with minor exceptions, were not included among the various emission control measures judged to be attainable with reasonably available technology. Accordingly, it is the Administrator's judgment that 2-year extensions are justified in cases where transportation control measures will be necessary. It should be emphasized, however, that timetables for attainment of primary standards will be subject to continuing examination, and, where the Administrator finds that more expeditious attainment is practicable, States will be required to revise their timetables.

Where States have submitted implementation plans that do not provide for attainment of the primary standards within the 3-year period prescribed by the Act and have not requested an extension, the Administrator has evaluated such State plans to determine whether an extension is justified under the provisions of the Act. The Administrator's determinations in such cases are reflected below; these determinations will also be subject to continuing examination, and where necessary, revision.

EIGHTEEN-MONTH EXTENSIONS

Under the Act, the Administrator may, wherever he determines necessary, extend for a period of not more than 18 months the deadline for submittal of a State plan or portion thereof which would implement a national secondary standard. 40 CFR 51.31 provides that such extensions may be granted where attainment of a secondary standard will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology, as defined in 40 CFR Part 51, Appendix B. Where a State plan fails to provide for attainment of a secondary standard, and where attainment would require emission reductions exceeding those which can be achieved through the application of reasonably available control technology, the Administrator is providing for an 18-month extension regardless of whether the State has requested one. Such extensions will be applicable to adoption of an adequate plan for implementation of the secondary standard by the State or promulgation of an adequate implementation plan by the Administrator.

EMISSION DATA AVAILABILITY

The Act requires assurance that States will provide for public availability of emission data. Where a State lacks legal authority to obtain and/or release emission data or where the State plan is deficient with respect to source-reporting requirements or procedures for public access to emission data, the Administrator is disapproving the pertinent provisions of the State plan. The Administrator will promulgate regulations to remedy such deficiencies. Under section 114 of the Clean Air Act, States may request delegation of the Administrator's authority to obtain and release information.

SOURCE MONITORING

States must have legal authority to require stationary source owners or operators to install, maintain, and use emission monitoring devices. The Environmental Protection Agency is making an analysis of the performance of currently available emission (in-stack) monitoring devices. Accordingly, States were not required by 40 CFR Part 51 to impose specific source-by-source requirements for in-stack monitoring at this time.

OPTIONAL CONTROL

Several State plans include regulations under which a source owner or operator could be exempt from compliance with an applicable emission limitation if he can show that emissions from the source will not interfere with attainment or maintenance of the national standards. The Administrator neither approves nor disapproves such optional control features. States are advised, however, that action taken to allow any such exemptions will constitute revision of a State plan and

therefore will be subject at that time to the Administrator's approval.

REVISIONS

In accordance with the Act and the Administrator's regulations (40 CFR 51.6), all State plans are subject to revision, as necessary, to take account of revisions of the national standards, availability of improved or more expeditious methods of attaining the national standards, or a finding by the Administrator that a State plan is substantially inadequate to attain or maintain a national standard. Accordingly, whether a State has acknowledged that its implementation plan is subject to revision is considered immaterial.

ENFORCEMENT

Upon approval by the Administrator, a State plan is enforceable by the Administrator under the Clean Air Act. All approved provisions relating to attainment and maintenance of national standards, including approved rules and regulations, are subject to such enforcement action. Where a State plan includes regulations designed to attain and maintain air quality better than that required by the national standards, such regulations are subject to enforcement action under the Clean Air Act unless they are separate from those necessary for attainment and maintenance of the national standards.

PROGRESS REPORTS

States are required to submit semiannual reports on their progress in carrying out approved implementation plans or portions thereof. For implementation plans approved herein, the first progress reports will be due February 15, 1973. A format for use in preparing and submitting such reports is being prepared and will be made available to the States.

PREVIOUS APPROVALS

The State implementation plans approved herein supplement the portions previously approved by the Administrator, notice of which was published February 3, 1972 (37 F.R. 2581), at Part 52 of Title 40 of the Code of Federal Regulations. Portions of State plans which have previously been approved remain in effect and unaffected by the approvals published today.

SCOPE OF APPROVALS

In general, all portions of State plans which are related to attainment and and maintenance of national standards are approved unless specifically disapproved herein.

JUDICIAL REVIEW

The Administrator's approval or promulgation of implementation plans, or portions thereof, is subject to judicial review under section 307(b)(1) of the Clean Air Act. For purposes of section 307(b)(1), the 30-day period within which a petition for review may be filed will be considered to run from the date of publication in the FEDERAL REGISTER of a notice of approval or promulgation of a plan or portion thereof.

NOTE

Subpart A of the regulations includes general statements regarding the type of provisions which will be promulgated by the Agency as necessary in various subparts. These statements are expressed in the present tense in order to avoid revisions of verb tenses at the time of promulgation.

EFFECTIVE DATE

These regulations are effective on the date of their publication in the FEDERAL REGISTER (5-31-72). The Agency finds that good cause exists for not publishing these regulations as a notice of proposed rule making and for making them effective immediately upon publication, for the following reasons:

1. The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator pursuant to 40 CFR Part 51, which, prior to promulgation, had been published as a notice of proposed rule-making for comment by interested persons, and

2. The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comment, and consequently further public participation is unnecessary.

(42 U.S.C. 1857c-5)

Dated: May 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register on May 18, 1972.

Part 52 of Chapter I of Title 40 of the Code of Federal Regulations is amended by redesignating existing § 52.1 as new Subpart EEE, § 52.2850 and by adding new Subparts A-DDD as follows:

Subpart A—General Provisions

§ 52.01 Definitions.

All terms used in this part but not defined herein shall have the meaning given them in the Clean Air Act and in Part 51 of this chapter.

§ 52.02 Introduction.

(a) This part sets forth the Administrator's approval and disapproval of State plans and the Administrator's promulgation of such plans or portions thereof. Approval of a plan or any portion thereof is based upon a determination by the Administrator that such plan or portion meets the requirements of section 110 of the Act and the provisions of Part 51 of this chapter.

(b) Any plan or portion thereof promulgated by the Administrator substitutes for a State plan or portion thereof disapproved by the Administrator or not submitted by a State, or supplements a State plan or portion thereof. The promulgated provisions, together with any portions of a State plan approved by the Administrator, constitute the applicable plan for purposes of the Act.

(c) Where nonregulatory provisions of a plan are disapproved, the disapproval is noted in this part and a detailed evaluation is provided to the State, but no substitute provisions are promulgated by the Administrator.

(d) All approved regulatory provisions of each plan are incorporated by reference in this part. Regulatory provisions of a plan approved or promulgated by the Administrator are enforceable by the Administrator and the State, and by local agencies in accordance with their assigned responsibilities under the plan.

(e) Each State's plan is dealt with in a separate subpart, which includes an introductory section identifying the plan by name and the date of its submittal, a section classifying regions, and a section setting forth dates for attainment of the national standards. Additional sections are included as necessary to specifically identify disapproved provisions, to set forth reasons for disapproval, and to set forth provisions of the plan promulgated by the Administrator.

(f) Revisions to applicable plans will be included in this part when approved or promulgated by the Administrator.

§ 52.03 Extensions.

Each subpart includes the Administrator's determination with respect to any request under section 110(b) of the Act for an extension of the deadline for submitting that portion of a plan which implements a secondary standard or any request under section 110(e) of the Act for an extension of the 3-year deadline for attainment of a primary standard.

§ 52.04 Classification of regions.

Each subpart sets forth the priority classification, by pollutant, for each region in the State. Each plan for each region was evaluated according to the requirements of Part 51 of this chapter applicable to regions of that priority.

§ 52.05 Public availability of emission data.

Each subpart sets forth the Administrator's disapproval of plan procedures for making emission data available to the public after correlation with applicable emission limitations, and includes the promulgation of requirements that sources report emission data to the Administrator for correlation and public disclosure.

§ 52.06 Legal authority.

(a) The Administrator's determination of the absence or inadequacy of legal authority required to be included in the plan is set forth in each subpart. This includes the legal authority of local agencies and State governmental agencies other than an air pollution control agency if such other agencies are assigned responsibility for carrying out a plan or portion thereof.

(b) No legal authority as such is promulgated by the Administrator. Where required regulatory provisions are not included in the plan by the State because of inadequate legal authority, substitute provisions are promulgated by the Administrator.

(c) Where a State plan did not clearly set forth a timetable for obtaining legal authority to establish transportation and land-use controls necessary to attain or

maintain the national standards, the subpart sets forth a timetable for the acquisition of such authority and the adoption of the necessary control measures. The State's failure to comply with the timetable set forth in the subpart will be grounds for promulgation of the required measures by the Administrator.

§ 52.07 Control strategies.

(a) Each subpart specifies in what respects the control strategies are approved or disapproved, and also specifies the date by which an approved or promulgated control strategy will result in the attainment of the pertinent national standards.

(b) A control strategy may be disapproved as inadequate because it is not sufficiently comprehensive, although all regulations provided to carry out the strategy may themselves be approved. In this case, regulations for carrying out necessary additional measures are promulgated in the subpart.

(c) Where a control strategy is adequate to attain and maintain a national standard but one or more of the regulations to carry it out is not adopted or not enforceable by the State, the control strategy is approved and the necessary regulations are promulgated by the Administrator.

(d) Where a control strategy is adequate to attain and maintain air quality better than that provided for by a national standard but one or more of the regulations to carry it out is not adopted or not enforceable by the State, the control strategy is approved and substitute regulations necessary to attain and maintain the national standard are promulgated.

§ 52.08 Rules and regulations.

Each subpart identifies the regulations, including emission limitations, which are disapproved by the Administrator, and includes the regulations which the Administrator promulgates.

§ 52.09 Compliance schedules.

(a) In each subpart, compliance schedules disapproved by the Administrator are identified, and compliance schedules promulgated by the Administrator are set forth.

(b) Individual source compliance schedules submitted with certain plans have not yet been evaluated, and are not approved or disapproved.

§ 52.10 Review of new sources and modifications.

In any plan where the review procedure for new sources and source modifications does not meet the requirements of § 51.18 of this chapter, provisions are promulgated which enable the Administrator to obtain the necessary information and to prevent construction or modification.

§ 52.11 Prevention of air pollution emergency episodes.

(a) Each subpart identifies portions of the air pollution emergency episode contingency plan which are disapproved, and sets forth the Administrator's promulgation of substitute provisions.

(b) No provisions are promulgated to replace any disapproved air quality monitoring or communications portions of a contingency plan, but detailed critiques of such portions are provided to the State.

§ 52.12 Source surveillance.

(a) Each subpart identifies the plan provisions for source surveillance which are disapproved, and sets forth the Administrator's promulgation of necessary provisions for requiring sources to maintain records, make reports, and submit information.

(b) No provisions are promulgated for any disapproved State or local agency procedures for testing, inspection, investigation, or detection, but detailed critiques of such portions are provided to the State.

(c) For purposes of Federal enforcement, emissions from sources subject to provisions of a plan which did not specify a test procedure or subject to provisions promulgated by the Administrator will be tested by means of the procedures and methods prescribed in the appendix to Part 60 of this title, and emissions from sources subject to approved provisions of a plan wherein a test procedure was specified will be tested by the specified procedure.

§ 52.13 Air quality surveillance; resources; intergovernmental cooperation.

Disapproved portions of the plan related to the air quality surveillance system, resources, and intergovernmental cooperation are identified in each subpart, and detailed critiques of such portions are provided to the State. No provisions are promulgated by the Administrator.

§ 52.14 State ambient air quality standards.

Any ambient air quality standard submitted with a plan which is less stringent than a national standard is not considered part of the plan.

§ 52.15 Public availability of plans.

Each State shall make available for public inspection at least one copy of the plan in at least one city in each region to which such plan is applicable. All such copies shall be kept current.

Subpart B—Alabama

§ 52.50 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for the State of Alabama."
(b) The plan was officially submitted on January 25, 1972.
(c) Supplemental information was submitted on March 21, April 18, and April 28, 1972, by the Alabama Air Pollution Control Commission.

§ 52.51 Classification of regions.

The Alabama plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Alabama & Tombigbee Rivers Intrastate	II	III	III	III	III
Columbus (Georgia)-Phenix City (Alabama) Interstate	I	III	III	III	III
East Alabama Intrastate	I	III	III	III	III
Metropolitan Birmingham Intrastate	I	II	III	I	I
Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate	I	I	III	III	I
Southeast Alabama Intrastate	II	III	III	III	III
Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate	I	I	III	III	III

§ 52.52 Extensions.

The Administrator hereby extends for 2 years the attainment date for the national standards for photochemical oxidants and carbon monoxide in the Metropolitan Birmingham Intrastate Region and for photochemical oxidants in the Alabama portion of the Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Region.

§ 52.53 Approval status.

The Administrator approves Alabama's plan for the attainment and maintenance of the national standards.

§ 52.54 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Alabama's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Alabama & Tombigbee Rivers Intrastate	c	a	d	d	d	d	d
Columbus (Georgia)-Phenix City (Alabama) Interstate	a	a	d	d	d	d	d
East Alabama Intrastate	a	a	d	d	d	d	d
Metropolitan Birmingham Intrastate	a	a	d	d	a	b	b
Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate	a	a	a	a	d	d	b
Southeast Alabama Intrastate	c	a	d	d	d	d	d
Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate	a	a	a	a	d	d	d

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.

Subpart C—Alaska

§ 52.70 Identification of plan.

(a) Title of plan: "State of Alaska Air Quality Control Plan."
(b) The plan was officially submitted on April 25, 1972.

§ 52.71 Classification of regions.

The Alaska plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Cook Inlet Intrastate	I	III	III	III	III
Northern Alaska Intrastate	I	III	III	I	III
South Central Alaska Intrastate	III	III	III	III	III
Southeastern Alaska Intrastate	III	IA	III	III	III

§ 52.72 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alaska's plan for the attainment and maintenance of the national standards.

§ 52.73 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide the necessary procedures for making emission data, as correlated with allowable emissions, available to the public.

§ 52.74 Legal authority.

(a) The requirements of § 51.11 of this chapter are not met since in:
(1) Alaska Department of Environmental Conservation.
(i) Authority to make emission data available is inadequate since AS46.03.180 might prohibit disclosure [§ 51.11(a)(6) of this chapter].
(ii) Authority to enforce local regulations or State regulations is lacking in areas where a local agency is organized [§ 51.11(f) of this chapter].
(2) Cook Inlet Air Resources Management District.
(i) Authority to require recordkeeping is inadequate [§ 51.11(a)(5) of this chapter].
(ii) Authority to require installation of monitoring devices is inadequate [§ 51.11(a)(6) of this chapter].
(iii) Authority to make emission data available to the public is inadequate [§ 51.11(a)(6) of this chapter].
(iv) Authority to obtain injunctions is inadequate [§ 51.11(a)(2) of this chapter].
(3) Fairbanks North Star Borough.
(i) Authority to obtain injunctions is inadequate [§ 51.11(a)(2) of this chapter].
(ii) Authority to require recordkeeping is inadequate [§ 51.11(a)(5) of this chapter].
(iii) Authority to require installation of monitoring devices is inadequate [§ 51.11(a)(6) of this chapter].
(iv) Authority to make emission data available to the public is inadequate since 45.05.130 of the Fairbanks North Star Borough ordinance could require it to be confidential [§ 51.11(a)(6) of this chapter].

(v) Authority to abate emergency air pollution episodes is inadequate because 45.05.100 of the Fairbanks North Star Borough ordinance is limited to generalized conditions of air pollution and because the order of the Commission is subject to review de novo [§ 51.11(a)(3) of this chapter].

(vi) Authority for necessary transportation controls is not set forth nor is a timetable for obtaining it included [§ 51.11(b) of this chapter].

§ 52.75 Control strategy and regulations: Sulfur oxides and particulate matter.

(a) Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of this section and associated regulations. Therefore, the Administrator disapproves these portions of the plan pending completion of his evaluation.

§ 52.76 Control strategy and regulations: Carbon monoxide.

(a) Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of this section and associated regulations. Therefore, the Administrator disapproves these portions of the plan pending completion of his evaluation.

§ 52.77 Prevention of air pollution emergency episodes.

(a) Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of this section. Therefore, the Administrator disapproves this section of the plan pending completion of his evaluation.

§ 52.78 Review of new sources and modifications.

(a) Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of this section. Therefore, the Administrator disapproves this section of the plan pending completion of his evaluation.

§ 52.79 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not set forth legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amounts of emissions as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of the remaining portions of this section. Therefore, the Administrator disapproves these portions of this section of the plan pending completion of his evaluation.

§ 52.80 Intergovernmental cooperation.

(a) The requirements of § 51.21 of this chapter are not met since the plan does not clearly delineate the responsibilities of the State and local air pollution control agencies, nor does it adequately discuss the responsibilities of other State or local agencies implementing portions of the plan. Specifically, the emergency avoidance plan and the control strategies, which are to be further developed by the Cook Inlet and Fairbanks North Star Borough agencies, do not adequately explain agency responsibilities.

§ 52.81 Attainment dates for national standards.

Because of the late submission of the plan, the Administrator has not had adequate time to complete his evaluation of this section. Therefore, the Administrator disapproves this section of the plan pending completion of his evaluation.

Subpart D—Arizona

§ 52.120 Identification of plan.

(a) Title of plan: "The State of Arizona Air Pollution Control Implementation Plan."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on:

(1) March 1, 1972, by the Arizona State Board of Health, and

(2) March 2, 1972.

§ 52.121 Classification of regions.

The Arizona plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Arizona-New Mexico Southern Border Interstate	I-A	I-A	III	III	III
Clark-Mohave Interstate	I	I-A	I	I	I
Four Corners Interstate	I-A	I-A	I-A	III	III
Phoenix-Tucson Intrastate	I	I	I	I	I

§ 52.122 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Phoenix-Tucson Intrastate Region.

§ 52.123 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Arizona's plan for the attainment and maintenance of the national standards.

§ 52.124 Legal authority.

(a) The requirements of § 51.11(f) of this chapter are not met since the State lacks the authority to enforce local regulations which are necessary to the control strategy.

§ 52.125 Control strategy and regulations: Sulfur oxides.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not contain a control strategy nor regulations which provide for the attainment and maintenance of the national standards for sulfur oxides in the Phoenix-Tucson Intrastate Region, and the Arizona portions of the Arizona-New Mexico Southern Border and Four Corners Interstate Regions.

§ 52.126 Control strategy and regulations: Particulate matter.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Phoenix-Tucson Intrastate Region, and the Arizona portions of the Arizona-New Mexico Southern Border, Clark-Mohave, and Four Corners Interstate Regions.

§ 52.127 Control strategy and regulations: Nitrogen dioxide.

(a) The requirements of §§ 51.14(c)(3) and 51.22 of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Phoenix-Tucson Intrastate Region.

§ 52.128 Air quality surveillance.

(a) The requirements of § 51.17(a)(2) of this chapter are not met since the plan does not provide for a sampler in the area of estimated maximum sulfur dioxide concentrations in the Phoenix-Tucson Intrastate and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region.

§ 52.129 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not contain legally enforceable State procedures for disapproving construction of a source which would interfere with attainment or maintenance of the secondary standards for particulate matter.

(b) The requirements of § 51.18(c) of this chapter are not met in the Phoenix-Tucson Intrastate Region since the Maricopa County procedures are not adequate to prevent construction of a source which would interfere with the attainment or maintenance of the secondary standards for particulate matter. The Pima County regulations are not adequate to prevent construction of a source which would interfere with the attainment or maintenance of the national standards.

§ 52.130 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not contain legally enforceable procedures for requiring sources to periodically report on the nature and amounts of emissions.

(b) The requirements of § 51.19(c) of this chapter are not met since the plan does not provide visible emission limitations.

§ 52.131 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Arizona's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Arizona-New Mexico Southern Border Interstate	a	a	a	b	c	c	c
Clark-Mohave Interstate	a	a	a	a	c	a	a
Four Corners Interstate	a	a	a	a	c	c	c
Phoenix-Tucson Intrastate	July 1975[e]	July 1977[e]	a	b	a	July 1977[d]	July 1975[d]

NOTE.—Dates of footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. 5 years from plan approval or promulgation.

c. Air quality levels presently below secondary standards.

d. Transportation and/or land use control strategy to be submitted no later than Feb. 15, 1973, with the first semiannual report.

e. Transportation and/or land use measures will be proposed by the Administrator no later than Feb. 15, 1973.

§ 52.132 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter for the Phoenix-Tucson Intrastate Region, the Governor of Arizona must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternatives and a demonstration that said alternatives, along with the presently adopted stationary source hydrocarbon emission limitations included in the plan and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide by July 1977 and photochemical oxidants (hydrocarbons) by July 1975. By this date (February 15, 1973), the State must also include a detailed timetable for implementing the legislative authority, regulations, and control alternatives necessary to attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) by the dates prescribed above.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the transportation control alternatives.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart E—Arkansas

§ 52.170 Identification of plan.

(a) Title of plan: "Arkansas Plan of Implementation for Air Pollution Control."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on January 25, 1972, and February 24, 1972, by the State of Arkansas Department of Pollution Control and Ecology.

§ 52.171 Classification of regions.

The Arkansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Central Arkansas Intrastate	II	III	III	III	III
Metropolitan Fort Smith Interstate	II	III	III	III	III
Metropolitan Memphis Interstate	I	III	I	III	I
Monroe (Louisiana)-El Dorado (Arkansas) Interstate	II	III	III	III	III
Northeast Arkansas Intrastate	III	III	III	III	III
Northwest Arkansas Intrastate	III	III	III	III	III
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III

§ 52.172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Arkansas' plan for the attainment and maintenance of the national standards.

§ 52.173 **Compliance schedules.**

(a) The requirements of § 51.15(a)(2) of this chapter are not met since individual source compliance schedules already in effect were not submitted with the plan.

§ 52.174 **Source surveillance.**

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not contain adequate legally enforceable procedures requiring owners or operators of stationary sources to maintain records of, and periodically report to the State, information on emissions.

§ 52.175 **Resources.**

(a) The requirements of § 51.20 of this chapter are not met since the plan shows a lack of manpower resources and the associated funds necessary to carry out the plan during the 5-year period following its submission.

§ 52.176 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Arkansas' plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons
	Primary	Secondary	Primary	Secondary			
Central Arkansas Intrastate	a	a	c	c	c	c	c
Metropolitan Fort Smith Interstate	b	a	c	c	c	c	c
Metropolitan Memphis Interstate	a	a	c	c	a	c	a
Monroe (Louisiana)-El Dorado (Arkansas) Interstate	b	a	c	c	c	c	c
Northeast Arkansas Intrastate	c	c	c	c	c	c	c

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Northwest Arkansas Intrastate	c	c	c	c	c	c	c
Shreveport-Texarkana-Tyler Interstate	b	a	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart F—California

§ 52.220 **Identification of plan.**

(a) Title of plan: "The State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards".
(b) The plan was officially submitted on February 21, 1972.
(c) Supplemental information was submitted on April 3, 10, 19, 21, 26, and May 5, 1972, by the California Air Resources Board.

§ 52.221 **Classification of regions.**

The California plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
North Coast Intrastate	II	III	III	III	III
San Francisco Bay Area Intrastate	II	II	I	I	I
North Central Coast Intrastate	II	III	III	III	I
South Central Coast Intrastate	III	III	III	III	III
Metropolitan Los Angeles Intrastate	I	II	I	I	I
Northeast Plateau Intrastate	III	III	III	III	III
Sacramento Valley Intrastate	II	III	III	I	I
San Joaquin Valley Intrastate	I	III	III	I	I
Great Basin Valley Intrastate	III	III	III	III	III
Southeast Desert Intrastate	I	III	III	III	I
San Diego Intrastate	II	III	I	I	I

§ 52.222 **Extensions.**

(a) The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Los Angeles Intrastate Region.
(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Sacramento Valley Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the San Francisco Bay Area, Metropolitan Los Angeles, Sacramento Valley, San Joaquin Valley, and Southeast Desert Intrastate Regions.

§ 52.223 Approval status.

With the exceptions set forth in this subpart, the Administrator approves California's plan for the attainment and maintenance of the national standards.

§ 52.224 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

§ 52.225 Legal authority.

(a) The requirements of § 51.11(a)(3) of this chapter are not met since the State Emergency Services Act does not apply to air pollution emergencies in a manner comparable to section 303 of the Clean Air Act, as amended.

(b) The requirements of § 51.11(a)(6) of this chapter are not met since authority to make emission data available to the public is inadequate. Such release is precluded under certain circumstances.

§ 52.226 Control strategy and regulations: Particulate matter, San Joaquin Valley Intrastate Region.

(a) The requirements of § 51.13 are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the San Joaquin Valley Intrastate Region.

(b) The following regulations are disapproved since they do not provide the degree of control needed to attain and maintain the national standards for particulate matter in the San Joaquin Valley Intrastate Region:

(1) Amador County Air Pollution Control District:
(i) Regulation V, 10.
(ii) Regulation V, 11, B.
(2) Calaveras County Air Pollution Control District:
(i) Rule 4.10.
(ii) Rule 4.11.B.
(3) Fresno County Air Pollution Control District:
(i) Rule 4.10.b.
(ii) Rule 4.9.
(4) Kern County Air Pollution Control District:
(i) Rule 4.8.
(ii) Rule 4.9.b.
(5) Kings County Air Pollution Control District:
(i) Section 24–13B, Article III.
(ii) Section 24–12, Article III.
(6) Merced County Air Pollution Control District:
(i) Rule 4.10.b.
(ii) Rule 4.9.
(7) San Joaquin County Air Pollution Control District:
(i) Rule 4.12.b.
(ii) Rule 4.10.
(8) Stanislaus County Air Pollution Control District:
(i) Rule VI B.4.
(ii) Rule VI A.2.
(9) Tulare County Air Pollution Control District:
(i) Section 305.
(10) Tuolumne County Air Pollution Control District:
(i) Rule 52.b.

§ 52.227 Control strategy and regulations: Particulate matter, Metropolitan Los Angeles Intrastate Region.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Los Angeles Intrastate Region.

(b) The following regulations are disapproved since they are not part of the approved control strategy and do not provide for the degree of control needed to attain and maintain the primary standards for particulate matter in the Metropolitan Los Angeles Intrastate Region.

(1) Los Angeles County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(iii) Regulation IV, Rule 54.
(2) Orange County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(iii) Regulation IV, Rule 54.
(3) Riverside County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(iii) Regulation IV, Rule 54.
(4) Santa Barbara County Air Pollution Control District:
(i) Regulation III, Rule 18.
(ii) Regulation III, Rule 19.b.
(iii) Regulation III, Rule 21.
(5) San Bernardino County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(iii) Regulation IV, Rule 54.
(6) Ventura County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.
(iii) Regulation IV, Rule 54.3.

§ 52.228 Regulations: Particulate matter, Southeast Desert Intrastate Region.

(a) The following regulations are disapproved since they are not part of the approved control strategy and do not provide for the degree of control needed to attain and maintain the national standards for particulate matter in the Southeast Desert Intrastate Region.

(1) Imperial County Air Pollution Control District:
(i) Rule 114.
(ii) Rule 116.
(2) Kern County Air Pollution Control District:
(i) Rule 4.9.
(ii) Rule 4.10.b.
(3) Los Angeles County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(4) Riverside County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(5) San Bernardino County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.
(6) San Diego County Air Pollution Control District:
(i) Regulation IV, Rule 52.
(ii) Regulation IV, Rule 53.b.

§ 52.229 Control strategy and regulations: Photochemical oxidants (hydrocarbons), Metropolitan Los Angeles Intrastate Region.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Los Angeles Intrastate Region.

(b) Regulation IV, Rule 55, of the Ventura County Air Pollution Control District is disapproved since it does not provide for the degree of control needed to attain and maintain the national standard for photochemical oxidants (hydrocarbons).

§ 52.230 Control strategy: Nitrogen dioxide, Metropolitan Los Angeles Intrastate Region.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through application of reasonably available control technology in the Metropolitan Los Angeles Intrastate Region.

§ 52.231 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16 of this chapter are not met since the plan provides no means of taking necessary emission control actions, specifies no episode criteria, nor delineates any of the procedures to be implemented during an emergency episode.

§ 52.232 Air quality surveillance.

(a) The requirements of § 51.17(a) of this chapter are not met since the plan does not specify which air quality monitoring stations have been designated for the purpose of monitoring in an area of maximum pollutant concentrations and the proposed network does not provide for the required number of samplers in all regions.

(b) The requirements of § 51.17(b) of this chapter are not met since methods of sampling analysis, data handling, and data analysis were not adequately described in the plan.

(c) The requirements of § 51.17(c) of this chapter are not met since the plan does not provide for monitoring air quality during an emergency episode.

§ 52.233 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met in the indicated portions of the following Regions since the regulations of the Air Pollution Control Districts (APCD) do not provide procedures for obtaining information prior to construction, nor the means of preventing construction.

(1) Sacramento Valley Intrastate:
(i) Colusa County APCD.
(ii) Sutter County APCD.
(2) San Joaquin Valley Intrastate:
(i) Calaveras County APCD.
(ii) Fresno County APCD.
(iii) Kern County APCD.
(iv) Kings County APCD.
(v) Madera County APCD.
(vi) Mariposa County APCD.
(vii) Merced County APCD.
(viii) San Joaquin County APCD.
(ix) Stanislaus County APCD.
(x) Tulare County APCD.
(3) Southeast Desert Intrastate:
(i) Kern County APCD.

(b) The requirements of § 51.18(a) of this chapter are not met in the indicated portions of the following Regions since the regulations of the Air Pollution Control Districts (APCD) do not provide procedures for the review of new sources and modifications.

(1) San Francisco Bay Area Intrastate:
(i) Bay Area APCD.
(2) Sacramento Valley Intrastate:
(i) Sacramento County APCD.

(c) The requirements of § 51.18(a) of this chapter are not met in the indicated portions of the following Regions since the regulations of the Air Pollution Control Districts (APCD) do not provide the means to prevent construction.

(1) Metropolitan Los Angeles Intrastate:
(i) Santa Barbara County APCD.
(ii) Ventura County APCD.
(2) South Central Coast Intrastate:
(i) Santa Barbara County APCD.

(d) The requirements of § 51.18(c) of this chapter are not met in the indicated portions of the following Regions since the regulations of the Air Pollution Control Districts (APCD) do not include a means to prevent construction or modification of sources if such construction or modification would interfere with the attainment or maintenance of a national standard.

(1) Great Basin Valley Intrastate:
(i) Inyo County APCD.
(ii) Mono County APCD.
(2) Metropolitan Los Angeles Intrastate:
(i) Los Angeles County APCD.
(ii) Orange County APCD.
(iii) Riverside County APCD.
(iv) San Bernardino County APCD.
(3) North-Central Coast Intrastate:
(i) Monterey-Santa Cruz Unified APCD.
(ii) San Benito County APCD.
(4) North Coast Intrastate:
(i) Humboldt County APCD.
(ii) Mendocino County APCD.
(iii) Siskiyou County APCD.
(5) Northeast Plateau Intrastate:
(i) Lassen County APCD.

(ii) Siskiyou County APCD.
(iii) Modoc County APCD.
(iv) Shasta County APCD.
(6) Sacramento Valley Intrastate:
(i) El Dorado County APCD.
(ii) Nevada County APCD.
(iii) Placer County APCD.
(iv) Plumas County APCD.
(v) Shasta County APCD.
(vi) Sierra County APCD.
(vii) Yolo-Solano Unified APCD.
(7) San Diego Intrastate:
(i) San Diego County APCD.
(8) San Joaquin Intrastate:
(i) Amador County APCD.
(ii) Tuolumne County APCD.
(9) Southeast Desert Intrastate:
(i) Los Angeles County APCD.
(ii) Riverside County APCD.
(iii) San Bernadino County APCD.
(iv) San Diego County APCD.
(v) Imperial County APCD.
(10) San Francisco Bay Area Intrastate:
(i) Yolo-Solano Unified APCD.

(e) The requirements of §§ 51.18 and 51.22 of this chapter are not met in the indicated portions of the following Regions since the adopted regulations for the Air Pollution Control Districts (APCD) were not submitted with the plan.
(1) Great Basin Valley Intrastate:
(i) Alpine County APCD.
(2) North Coast Intrastate:
(i) Lake County APCD.
(ii) Trinity County APCD.
(3) Sacramento Valley Intrastate:
(i) Glenn County APCD.
(ii) Yuba County APCD.
(4) San Francisco Bay Area Intrastate:
(i) Sonoma County APCD.

§ 52.234 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met except in the Bay Area Air Pollution Control District portion of the San Francisco Bay Area Intrastate Region since the plan does not provide for periodic reporting and record keeping of emission data by sources.

(b) The requirements of § 51.19(b) of this chapter are not met since the plan does not adequately provide for periodic testing and inspection of stationary sources within the Bay Area Air Pollution Control District portion of the San Francisco Bay Area Intrastate Region.

(c) The requirements of § 51.19(c) of this chapter are not met since the system for detecting violations through enforcement of visible emission regulations and complaint handling is not adequately described.

§ 52.235 Resources.

(a) The requirements of § 51.20 of this chapter are not met since resources have not been delineated according to regions, and resources for local agencies are not provided according to subcategories within each function as indicated in Appendix K of Part 51 of this chapter.

§ 52.236 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since emission limitations necessary for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the San Diego, Sacramento Valley, and San Joaquin Valley Intrastate Regions were not adopted as rules and regulations.

§ 52.237 Request for 2-year extensions.

(a) California's request for a 2-year extension under § 51.30 of this chapter for the attainment of the national standards for carbon monoxide in the Metropolitan Los Angeles Intrastate Region is not applicable since the plan indicates the national standards will be attained by 1975 in the Region.

(b) The request for a 2-year extension under § 51.30 of this chapter for the attainment of the secondary standards for particulate matter in the San Joaquin Valley Intrastate Region is not pertinent since 2-year extensions are not applicable to the attainment date for a secondary standard.

§ 52.238 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in California's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
North Coast Intrastate	a	a	e	e	e	e	e
San Francisco Bay Area Intrastate	d	a	e	e	July 1975,f	July 1975,f	July 1977,f
North Central Coast Intrastate	d	a	e	e	e	e	a
South Central Coast Intrastate	d	a	e	e	e	e	a
Metropolitan Los Angeles Intrastate	July 1975,f	c	d	a	a	July 1975,f	July 1977,f,g
San Diego Intrastate	a	a	e	e	a	July 1975,f	July 1975,f
Northeast Plateau Intrastate	e	e	e	e	e	e	e
Sacramento Valley Intrastate	d	a	e	e	e	July 1977, f	July 1977,f
San Joaquin Valley Intrastate	July 1975g	July 1977g	e	e	e	July 1975,f	July 1977,f
Great Basin Valley Intrastate	e	e	e	e	e	e	e
Southeast Desert Intrastate	a	a	e	e	e	e	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided was not acceptable.
a. Three years from plan approval or promulgation.
b. Five years from plan approval or promulgation.
c. Eighteen-month extension granted.

d. Air quality levels presently below primary standards.
e. Air quality levels presently below secondary standards.
f. A timetable for implementing the land use and transportation control strategies is to be submitted no later than February 15, 1973, with the first semiannual report.
g. Transportation and land use measures will be proposed by the Administrator no later than February 15, 1973.

§ 52.239 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter for the attainment of the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the San Francisco Bay Area, Metropolitan Los Angeles, San Diego, Sacramento Valley, and San Joaquin Valley Intrastate Regions, and the attainment of the national standard for nitrogen dioxide in the San Francisco Bay Intrastate Region, the Governor of California must submit to the Administrator:
(1) No later than February 15, 1973, a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the land use and transportation controls presented in the plan.
(2) No later than December 31, 1973, the legislative authority that is needed
(3) No later than March 31, 1974, the adopted regulations and administrative policies needed.

Subpart G—Colorado

§ 52.320 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for State of Colorado".
(b) The plan was officially submitted on January 26, 1972.
(c) Supplemental information was submitted on:
(1) February 14, and March 20, 1972.
(2) May 1, 1972 by the Colorado Air Pollution Control Commission, and
(3) May 1, 1972, by the Colorado Air Pollution Control Division.

§ 52.321 Classification of regions.

The Colorado plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Pawnee Intrastate	I	III	III	III	III
Metropolitan Denver Intrastate	I	III	III	I	I
Comanche Intrastate	III	III	III	III	III
San Isabel Intrastate	I	III	III	III	III
San Luis Intrastate	III	III	III	III	III
Four Corners Interstate	IA	IA	IA	III	III
Grand Mesa Intrastate	III	III	III	III	III
Yampa Intrastate	III	III	III	III	III

§ 52.322 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Colorado's plan for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Denver, San Isabel, and Pawnee Intrastate Regions.
(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region.

§ 52.323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Colorado's plan for the attainment and maintenance of the national standards.

§ 52.324 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the State lacks the authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources.
(b) Delegation of authority: Pursuant to section 114 of the Act, Colorado requested a delegation of authority to enable it to require sources to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions. The Administrator has determined that Colorado is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Colorado his authority under section 114(a)(1) (B) and (C) of the Act, i.e., authority to require sources within the State of Colorado to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions.

§ 52.325 Attainment dates for national standards.

The following table presents the dates by which the national standards are to be attained. These dates reflect the information presented in Colorado's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Pawnee Intrastate	a	b	d	d	d	d	d
Metropolitan Denver Intrastate	a	b	d	d	d	July 1977[e]	July 1977[e]
Comanche Intrastate	d	d	d	d	d	d	d
San Isabel Intrastate	a	b	d	d	d	d	d
San Luis Intrastate	c	a	d	d	d	d	d
Grand Mesa Intrastate	a	a	d	d	d	d	d
Yampa Intrastate	d	d	d	d	d	d	d
Four Corners Interstate	a	a	d	d	a	d	d

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.
a. Three years from plan approval or promulgation.
b. 18-month extension granted.

c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.
e. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.

§ 52.326 Transportation and land-use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Colorado must submit to the Administrator:
(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with the Federal Motor Vehicle Control program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region by July 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by July 1977.
(2) No later than December 31, 1973, the legislative authority that is needed for carrying out the required transportation control alternative. By December 31, 1973, the State must also submit the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart H—Connecticut

§ 52.370 Identification of plan.

(a) Title of plan: "State of Connecticut Air Implementation Plan."
(b) The plan was officially submitted on March 3, 1972.
(c) Supplemental information was submitted on March 21, and April 6, 1972, by the Connecticut Department of Environmental Protection.

§ 52.371 Classification of regions.

The Connecticut plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
New Jersey-New York-Connecticut Interstate	I	I	I	I	I
Hartford-New Haven-Springfield Interstate	I	I	I	I	I
Northwestern Intrastate	III	III	III	III	III
Eastern Intrastate	II	III	III	III	III

§ 52.372 Extensions.

The Administrator hereby extends for 18 months the statutory timetable for submission of Connecticut's plan for attainment and maintenance of the secondary standards for particulate matter in the Connecticut portion of the New Jersey-New York-Connecticut and Hartford-New Haven-Springfield Interstate Regions.

§ 52.373 Approval status.

The Administrator approves Connecticut's plan for the attainment and maintenance of the national standards.

§ 52.374 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Connecticut's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
New Jersey-New York-Connecticut Interstate	a	b	a	a	a	a	a
Hartford-New Haven-Springfield Interstate	a	b	a	a	a	a	a
Northwestern Intrastate	d	d	d	d	d	d	d
Eastern Intrastate	c	a	d	d	d	d	d

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.
a. Three years from plan approval or promulgation.
b. 18-month extension granted.
c. Air quality levels below primary standards.
d. Air quality levels below secondary standards.

Subpart I—Delaware

§ 52.420 Identification of plan.

(a) Title of plan: "State of Delaware Implementation Plans for Attainment and Maintenance of National Ambient Air Quality Standards."
(b) The plan was officially submitted on January 28, 1972.
(c) Supplemental information was submitted on February 11, March 10, and May 5, 1972, by the State of Delaware, Department of Natural Resources and Environmental Control.

§ 52.421 Classification of regions.

The Delaware plan was evaluated on the basis of the following classifications.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Philadelphia Interstate	I	I	I	I	I
Southern Delaware Intrastate	III	III	III	III	III

§ 52.422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for attainment and maintenance of the national standards.

§ 52.423 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.424 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met. 7 Del. Code section 6014 will preclude release of emission data to the public in certain situations.

§ 52.425 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since the plan does not specify two or more stages of episode criteria for carbon monoxide.

§ 52.426 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide for a means of disapproving construction or modification of a stationary source if such construction or modification will interfere with attainment or maintenance of a national standard.

§ 52.427 Source surveillance.

(a) The requirements of § 51.19(b) of this chapter are not met since the plan does not provide for periodic testing of stationary sources.

§ 52.428 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Delaware's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia Interstate	a	a	a	a	a	a	b
Southern Delaware Intrastate	b	b	b	b	b	b	b

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Three years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

Subpart J—District of Columbia

§ 52.470 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Carbon Monoxide Nitrogen Dioxide, Hydrocarbons, and Oxidants."

(b) The plan was officially submitted on January 31, 1972.

(c) Supplemental information to the above plan was submitted on April 28, 1972, by the District of Columbia. In addition, the control strategies for sulfur oxides and particulate matter were defined by the District's "Implementation Plan for Controlling Sulfur Oxide and Particulate Air Pollutants" submitted on August 14, 1970.

§ 52.471 Classification of regions.

The District of Columbia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
National Capital Interstate	I	I	I	I	I

§ 52.472 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the District of Columbia's plan for the attainment and maintenance of the national standards.

§ 52.473 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.474 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met. Authority to make emission data available to the public is inadequate because disclosure might be prohibited in certain circumstances.

§ 52.475 Control strategy and regulations: Particulate matter and sulfur oxides.

(a) The following sections of the "Air Quality Control Regulations of the District of Columbia" (February 1969) are disapproved since they are not part of the approved control strategy and do not provide the degree of control needed to attain and maintain the national standards for particulate matter and sulfur oxides in the District of Columbia's portion of the National Capital Interstate Region:

(1) 8-2:704 Use of Certain Fuel Oils Forbidden
(2) 8-2:705 Use of Certain Coal Forbidden
(3) 8-2:706 Fuel-Burning Particulate Emission
(4) 8-2:707 Incinerators

§ 52.476 Compliance schedules.

(a) The requirements of §§ 51.15 and 51.22 of this chapter are not met since the regulations referred to in § 52.480, specifying the dates by which all sources will be in compliance with applicable portions of the control strategy, have not been adopted.

§ 52.477 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since the episode criteria, public notification, and emission reduction plan are presented in Section 8–2:719 of the proposed "Air Quality Control Regulations of the District of Columbia," which has not been adopted, making the District's contingency plan unenforceable.

(b) The requirements of § 51.16(c) of this chapter are not met since the District of Columbia cannot require specific legally enforceable emission control action programs from stationary sources emitting 100 tons per year or more of any pollutant for which the Administrator has designated significant harm levels under § 51.16(a) of this chapter.

§ 52.478 Review of new sources and modifications.

(a) The requirements of §§ 51.18 and 51.22 of this chapter are not met since the regulations specifying procedures for the review of new sources and modifications have not been adopted.

§ 52.479 Source surveillance.

(a) The requirements of §§ 51.19(a) and 51.22 of this chapter are not met since the plan did not contain adopted regulations requiring owners or operators of stationary sources to maintain records of, and periodically submit information on the nature and amounts of emissions from such stationary sources to the District of Columbia.

§ 52.480 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the following emission limitations of the proposed "Air Quality Control Regulations of the District of Columbia," which were a part of the approved control strategy, have not been adopted:

(1) 8–2:710 Process Emissions
(2) 8–2:711 Open Burning
(3) 8–2:712 Control of Fugitive Dust
(4) 8–2:713 Visible Emissions
(5) 8–2:714 Exhaust Emissions

§ 52.481 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in the District of Columbia's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
National Capital Interstate	a	a	a	a	July 1975	July 1975	July 1975

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Three years from plan approval or promulgation.

§ 52.482 Transportation and land-use controls.

To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the mayor of the District of Columbia must submit to the Administrator:

(a) No later than February 15, 1973, a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control strategy by 1975.

(b) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation control strategy.

(c) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control strategy.

Subpart K—Florida

§ 52.520 Identification of plan.

(a) Title of plan: "State of Florida Air Implementation Plan."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on April 10 and May 5, 1972, by the State of Florida Department of Pollution Control.

§ 52.521 Classification of regions.

The Florida plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate	I	I	III	III	I
Jacksonville (Florida)-Brunswick (Georgia) Interstate	I	II	III	III	I
West Central Florida Intrastate	I	I	I	III	III
Central Florida Intrastate	II	III	III	III	III
Southwest Florida Intrastate	III	III	III	III	III
Southeast Florida Intrastate	II	III	I	III	III

§ 52.522 Approval status.

The Administrator approves Florida's plan for the attainment and maintenance of the national standards.

§ 52.523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Florida's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate	July 1975	July 1975	July 1975	July 1975	c	c	July 1975
Jacksonville (Florida)-Brunswick (Georgia) Interstate	July 1975	July 1975	b	July 1975	c	c	July 1975
West Central Florida Intrastate	July 1975	July 1975	July 1975	July 1975	a	c	c
Central Florida Intrastate	b	July 1975	c	c	c	c	c
Southwest Florida Intrastate	c	c	c	c	c	c	c
Southeast Florida Intrastate	b	July 1975	c	c	a	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. Three years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart L—Georgia

§ 52.570 Identification of plan.

(a) Title of plan: "Implementation Plan for Attainment of State and National Ambient Air Standards."
(b) The plan was officially submitted on January 27, 1972.
(c) Supplemental information was submitted on:
(1) March 28, 1972, by the Assistant Attorney General, and
(2) February 14, March 9, and May 5, 1972, by the Director of the Air Quality Control Branch, Georgia Department of Health.

§ 52.571 Classification of regions.

The Georgia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Augusta (Georgia)-Aiken (South Carolina) Interstate	I	II	III	III	III
Metropolitan Atlanta Intrastate	I	I	I	III	III
Chattanooga Interstate	I	II	I	III	III
Columbus (Georgia)-Phenix City (Alabama) Interstate	I	III	III	III	III
Central Georgia Intrastate	I	I	III	III	III
Jacksonville (Florida)-Brunswick (Georgia) Interstate	I	II	III	III	I
Northeast Georgia Intrastate	II	III	III	III	III
Savannah (Georgia)-Beaufort (South Carolina) Interstate	I	I	III	III	III
Southwest Georgia Intrastate	II	II	III	III	III

§ 52.572 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Georgia's plan for the attainment and maintenance of the national standards.

§ 52.573 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Metropolitan Atlanta Intrastate Region.

§ 52.574 Source surveillance.

(a) The requirements of § 51.19(a) are not met since the plan does not provide for procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amounts of emissions from such sources.

§ 52.575 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Georgia's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Augusta (Georgia)-Aiken (South Carolina) Interstate	a	a	b	a	c	c	c
Metropolitan Atlanta Intrastate	a	a	a	a	a	c	c
Chattanooga Interstate	a	a	b	a	a	c	c
Columbus (Georgia)-Phenix City (Alabama) Interstate	a	a	c	c	c	c	c
Central Georgia Intrastate	a	a	a	a	c	c	c
Jacksonville (Florida)-Brunswick (Georgia) Interstate	a	a	b	a	c	c	a
Northeast Georgia Intrastate	b	a	c	c	c	c	c
Savannah (Georgia)-Beaufort (South Carolina) Interstate	a	a	a	a	c	c	c
Southwest Georgia Intrastate	b	a	b	a	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date for attainment.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart M—Hawaii

§ 52.620 Identification of plan.

(a) Title of plan: "State of Hawaii Air Pollution Control Implementation Plan".
(b) The plan was officially submitted on January 28, 1972.
(c) Supplemental information was submitted on:
(1) April 4, 1972, by the Department of Health,
(2) May 8 and May 22, 1972.

§ 52.621 Classification of regions.

The Hawaii plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
State of Hawaii	II	III	III	III	III

§ 52.622 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for particulate matter in the State of Hawaii region.

§ 52.623 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Hawaii's plan for the attainment and maintenance of the national standards. The State included various provisions in its plan to provide for the attainment of State ambient air quality standards. As described in the Governor's letters of January 28, May 8, and May 22, 1972, these provisions were included for information purposes only and were not to be considered a part of the plan to implement national standards. Accordingly, these additional provisions are not considered a part of the applicable plan.

§ 52.624 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the State lacks the legal authority to make emission data, as correlated with allowable emissions, available to the public.

§ 52.625 Legal authority.

(a) The requirements of § 51.11(a)(3) of this chapter are not met since the State's authority to abate emergencies is inadequate.
(b) The requirements of § 51.11(a)(5) of this chapter are not met since the State's authority to require recordkeeping and reporting is inadequate. Section 322–64(4) of the State of Hawaii Air Pollution Control Law limits such requirements to certain sources.
(c) The requirements of § 51.11(a)(6) of this chapter are not met since the State's authority to require installation of emission monitoring devices and authority to make emission data available to the public are inadequate.

§ 52.626 Compliance schedules.

(a) The requirements of § 51.15(a)(2) of this chapter are not met since the plan does not provide a legally enforceable final date by which all individual source compliance schedules must be negotiated.

§ 52.627 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not contain legally enforceable procedures for requiring stationary sources to maintain records of, and periodically report to the State on the nature and amount of emissions.

§ 52.628 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Hawaii's plan, except where noted.

Air quality control region	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
State of Hawaii	a	b	c	c	c	c	c

NOTE.—The footnote which is underlined is proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.
b. 18-month extension granted.
c. Air quality levels presently below secondary standards.

Subpart N—Idaho

§ 52.670 Identification of plan.

(a) Title of plan: "Idaho Air Quality Implementation Plan."
(b) The plan was officially submitted on January 31, 1972.
(c) Supplemental information was submitted on:
(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission, and
(2) March 2 and May 5, 1972.

§ 52.671 Classification of regions.

The Idaho plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Idaho Intrastate	I	IA	III	III	III
Eastern Washington-Northern Idaho Interstate	I	IA	III	I	III
Idaho Intrastate	I	III	III	III	III
Metropolitan Boise Intrastate	II	III	III	III	III

§ 52.672 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Idaho's plan for the attainment and maintenance of the secondary standards for sulfur oxides in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region and of the secondary standards for particulate matter in all regions in Idaho.

§ 52.673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Idaho's plan for the attainment and maintenance of the national standards.

§ 52.674 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the authority to release emission data to the public could be precluded in certain circumstances by section 39–2924 of the Idaho Code Annotated.
(b) Delegation of Authority: Pursuant to section 114 of the Act, Idaho requested a delegation of authority to enable it to collect, correlate, and release emission data to the public. The Administrator has determined that Idaho is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Idaho his authority under section 114(a)(1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.

§ 52.675 Control strategy: Sulfur oxides—Eastern Idaho Intrastate Region.

(a) The requirements of § 51.13 of this chapter are not met in the Eastern Idaho Intrastate Region since the plan does not provide for the necessary emission reductions for the attainment and maintenance of the national standards for sulfur oxides.

§ 52.676 Control strategy: Sulfur oxides—Eastern Washington-Northern Idaho Interstate Region.

(a) The requirements of § 51.13 of this chapter are not met in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region since the plan does not prove for the necessary emission reductions for the attainment and maintenance of the primary standards for sulfur oxides.

§ 52.677 Compliance schedules.

(a) The requirements of § 51.15(a)(1) of this chapter are not met since the compliance schedules for the control of sulfur oxides from the sulfuric acid plant in the Eastern Idaho Intrastate Region and for the control of sulfur oxides from the lead and zinc smelter in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region are not legally enforceable.

§ 52.678 Air quality surveillance.

(a) The requirements of § 51.17(c) of this chapter are not met since the plan does not provide for monitoring of air quality during emergency episodes within 1 year of plan approval.

§ 52.679 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the definition of "New Source" in A—General Provision, Section 2 of the Rules and Regulations for the Control of Air Polution in Idaho precludes certain modified sources from review.
(b) The requirements of § 51.18(d) of this chapter are not met since there are no legally enforceable procedures which provide that approval of construction will not relieve source owners and operators from responsibility to comply with other applicable portions of the control stategy.

§ 52.680 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Idaho's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Eastern Idaho Intrastate	a	b	a	a	c	c	c
Eastern Washington-Northern Idaho Interstate	a	b	a	b	c	c	c
Idaho Intrastate	a	b	c	c	c	c	c
Metropolitan Boise Intrastate	a	b	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.
a. 3 years from plan approval or promulgation.
b. 18-month extension granted.
c. Air quality levels presently below secondary standards.

Subpart O—Illinois

§ 52.720 Identification of plan.

(a) Title of plan: "State of Illinois Air Pollution Implementation Plan."
(b) The plan was officially submitted on January 31, 1972.
(c) Supplemental information was submitted on:
(1) March 13 and April 18, 1972, by the Illinois Environmental Protection Agency, and
(2) May 4, 1972.

§ 52.721 Classification of regions.

The Illinois plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Burlington-Keokuk Interstate	I	I	III	III	III
East Central Illinois Intrastate	III	II	III	III	III
Metropolitan Chicago Interstate (Indiana-Illinois)	I	I	I	I	I
Metropolitan Dubuque Interstate	I	III	IA	III	III
Metropolitan Quad Cities Interstate	I	III	III	III	III
Metropolitan St. Louis Interstate (Missouri-Illinois)	I	I	I	I	I
North Central Illinois Intrastate	II	IA	III	III	III
Paducah (Kentucky)-Cairo (Illinois) Interstate	I	II	III	III	III
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate	II	III	III	III	III
Southeast Illinois Intrastate	III	II	III	III	III
West Central Illinois Intrastate	I	IA	III	III	III

§ 52.722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Illinois' plan for the attainment and maintenance of the national standards.

§ 52.723 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since the criteria in the plan for sulfur dioxide and particulate matter product and carbon monoxide do not prevent reaching the "significant harm" levels established by the Administrator in § 51.16(a) of this chapter. Also, no criteria levels were established by the State for particulate matter, photochemical oxidants, and nitrogen dioxide. Rules 103 and 110, Part I, Chapter 3 of the Illinois Pollution Control Board Rules and Regulations, as amended on November 24, 1970, are disapproved.

(b) The requirements of § 51.16(c) of this chapter are not met since the plan requires emission control action programs from only certain types and sizes of sources of sulfur oxides and particulate matter and not for all sources emitting 100 tons per year or more of any pollutant for which a region is classified Priority I. Rule 111, Part I, Chapter 3 of the Illinois Pollution Control Board Rules and Regulations, as amended on November 24, 1970, is disapproved.

§ 52.724 Resources.

(a) The requirements of § 51.20 of this chapter are not met since the plan does not provide a description of the resources available to the State and any additional resources needed to carry out the plan within the city limits of Chicago.

§ 52.725 Intergovernmental cooperation.

(a) The requirements of § 51.21 of this chapter are not met since the Department of Environmental Control for the city of Chicago has not agreed to perform the duties outlined for it in the plan.

§ 52.726 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the particulate matter fuel combustion emission limitation in Chapter 2, Part II, Rule 203(g)(1) of the Illinois Pollution Control Board Rules and Regulations, which is necessary for attainment and maintenance of the national standards for particulate matter and sulfur oxides in the Illinois portion of the Metropolitan Chicago Interstate Region, is not enforceable by the State agency on residential and commercial solid fuel users.

§ 52.727 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Illinois' plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Burlington-Keokuk Interstate	July 1975	July 1975	July 1975	July 1975	b	b	b
East Central Illinois Intrastate	b	b	July 1975	July 1975	b	b	b
Metropolitan Chicago Interstate (Indiana-Illinois)	July 1975	July 1975	July 1975	July 1975	July 1975	July 1975,c	July 1975
Metropolitan Dubuque Interstate	July 1975	July 1975	b	b	July 1975	b	b
Metropolitan Quad Cities Interstate	July 1975	July 1975	b	b	b	b	b
Metropolitan St. Louis Interstate (Missouri-Illinois)	July 1975	July 1975	July 1975	July 1975	July 1975	July 1975	July 1975
North Central Illinois Intrastate	July 1975	July 1975	July 1975	July 1975	b	b	b
Paducah (Kentucky)-Cairo (Illinois) Interstate	July 1975	July 1975	a	July 1975	b	b	b
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate	July 1975	July 1975	b	b	b	b	b
Southeast Illinois Intrastate	b	b	July 1975	July 1975	b	b	b
West Central Illinois Intrastate	July 1975	July 1975	July 1975	July 1975	b	b	b

a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards.
c. Transportation control strategy is to be submitted no later than Feb. 15, 1973.

§ 52.728 Transportation controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Illinois must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternatives and a demonstration that said alternatives, along with Illinois' presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Illinois portion of the Metropolitan Chicago Interstate Region by 1975. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternatives by 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation control alternatives.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart P—Indiana

§ 52.770 Identification of plan.

(a) Title of plan: "State of Indiana Air Pollution Control Implementation Plan."
(b) The plan was officially submitted on January 31, 1972.
(c) Supplemental information was submitted on:
(1) March 16, 1972, by the Indiana Air Pollution Control Board, and
(2) April 11, May 1 and 16, 1972.

§ 52.771 Classification of regions.

The Indiana plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
East Central Indiana Intrastate	II	II	III	III	III
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate	I	II	III	III	III
Louisville Interstate	I	I	I	III	I
Metropolitan Chicago Interstate (Indiana-Illinois)	I	I	I	I	I
Metropolitan Cincinnati Interstate	I	II	I	III	I
Metropolitan Indianapolis Intrastate	I	I	I	I	I
Northeast Indiana Intrastate	II	III	III	III	III
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate	I	IA	III	III	III
Southern Indiana Intrastate	IA	IA	III	III	III
Wabash Valley Intrastate	I	I	III	III	III

§ 52.772 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Indiana's plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the Indiana portion of the Metropolitan Chicago Interstate Region and for 9 months for sulfur oxides in the Metropolitan Indianapolis Intrastate Region.

(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Indianapolis Intrastate Region.

§ 52.773 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Indiana's plan for attainment and maintenance of the national standards.

§ 52.774 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.775 Legal authority.

(a) The requirements of § 51.11(f) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) East Chicago:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(2) Evansville:

(i) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§ 51.11(a)(4) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(iii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(3) Gary:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(4) Hammond:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(5) Indianapolis:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(6) Michigan City:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(7) Wayne County:

(i) Authority to require recordkeeping and to make inspections and conduct tests of air pollution sources is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(iii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.11(a)(4) of this chapter).

(8) Lake County:

(i) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(ii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§ 51.11(a)(4) of this chapter).

(9) St. Joseph County:

(i) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§ 51.11(a)(4) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(iii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(10) Vigo County:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

(iii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§ 51.11(a)(4) of this chapter).

(11) Anderson County:

(i) Authority to require installation of monitoring devices is inadequate (§ 51.11 (a)(6) of this chapter).

§ 52.776 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the national standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(b) APC–4 of Indiana's "Air Pollution Control Regulations" (emission limitation for particulate matter from fuel combustion sources), which is a part of the particulate matter control strategy, is disapproved for the Metropolitan Indianapolis Intrastate Region.

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for attainment and maintenance of the national standard for photochemical oxidants in the Metropolitan Indianapolis Intrastate Region.

§ 52.778 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules for sources of carbon monoxide, nitrogen dioxide, and hydrocarbons extend over a period of more than 18 months and periodic increments of progress are not included.

(b) The requirements of §§ 51.15(a)(1) and 51.22 of this chapter are not met since legally enforceable compliance schedules for sources of sulfur oxides are not set forth in the plan.

§ 52.779 Air quality surveillance.

(a) The requirements of § 51.17(b)(1) of this chapter are not met since the plan does not provide sufficient detail on the basis for the design of the air quality surveillance system.

(b) The requirements of § 51.17(b)(4) of this chapter are not met since the plan does not give any indication of the existence of the necessary laboratory analytical capability.

(c) The requirements of § 51.17(b)(5) of this chapter are not met since the plan contains an incomplete description of the air quality data handling and analysis procedures.

(d) The requirements of § 51.17(c) of this chapter are not met since the monitoring stations selected for use during any air pollution emergency episode stage are not to be in operation within 1 year after the date of the Administrator's approval of the plan.

§ 52.780 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met since the plan does not contain adequate procedures to enable the State to determine whether construction or modification of stationary sources will result in violations of applicable portions of the control strategy and APC–1 of Indiana's "Air Pollution Control Regulations" is disapproved.

(b) The requirements of § 51.18(c) of this chapter are not met since the plan does not have legally enforceable procedures that include a means of disapproving construction or modification of stationary sources.

(c) The requirements of § 51.18(d) of this chapter are not met since the plan does not indicate that approval of any construction or modification shall not affect the responsibility of the owner or operator of a source to comply with applicable portions of the control strategy.

§ 52.781 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the emission limitations for fuel combustion sources, which are necessary for attainment and maintenance of the primary standards for particulate matter in the Indiana portion of the Metropolitan Chicago Interstate Region, have not been adopted and are not enforceable by the State agency.

(b) A part of the second sentence in section 2, APC–15; section 1, APC–16; and section 3, APC–17, which states: "Where there is a violation or potential violation of ambient air quality standards, existing emission sources or any existing air pollution control equipment shall comply with this regulation * * *", is disapproved since it makes the regulations unenforceable by the State agency.

(c) A part of the third sentence of section 3(1), APC–13, which states: "* * * or a combination of fuels for averaging emissions may be used to comply with this regulation.", is disapproved since it makes the regulation unenforceable by the State agency.

(d) The first two sentences of section 4, APC–13, which state: "For existing sources, the Board shall require corrective action when sulfur dioxide emissions contribute to a violation of the Ambient Air Quality Standards. When the Board designates a region as not meeting the Ambient Air Quality Standards, it has the authority to require all sources in that region to comply with the provisions of this regulation.", are disapproved since they make the regulation unenforcable by the State agency.

§ 52.782 Request for 18-month extension.

(a) The requirements of § 51.31(c) of this chapter are not met since the request for an 18-month extension for submitting that portion of the plan that implements the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region does not show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

§ 52.783 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Indiana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
East Central Indiana Intrastate	a	a	a	a	e	e	e
Evansville(Indiana)-Owensboro-Henderson (Kentucky) Interstate	a	a	d	a	e	e	e
Louisville Interstate	a	a	a	a	a	a	a
Metropolitan Chicago Interstate (Indiana-Illinois)	a	c	a	c	a	a	a
Metropolitan Cincinnati Interstate	a	a	d	a	a	a	a
Metropolitan Indianapolis Intrastate	a	a	a	f	a	b	b
Northeast Indiana Intrastate	a	a	e	e	e	e	e
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate	a	a	a	a	e	e	e
Southern Indiana Intrastate	a	a	a	a	e	e	e
Wabash Valley Intrastate	a	a	a	a	e	e	e

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Three years from plan approval or promulgation.
b. Five years from plan approval or promulgation.
c. Eighteen-month extension granted.
d. Air quality levels presently below the primary standards.
e. Air quality levels presently below the secondary standards
f. Nine-month extension granted.

Subpart Q—Iowa

§ 52.820 Identification of plan.

(a) Title of plan: "State of Iowa Air Polution Control Implementation Plan."
(b) The plan was officially submitted on January 27, 1972.
(c) Supplemental information was submitted on:
(1) February 2 and March 2, 1972, by the Iowa Department of Health, and
(2) May 4, 1972.

§ 52.821 Classification of regions.

The Iowa plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Omaha-Council Bluffs Interstate	I	II	I	III	III
Metropolitan Sioux Falls Interstate	II	III	III	III	III
Metropolitan Sioux City Interstate	III	III	III	III	III
Metropolitan Dubuque Interstate	I	III	IA	III	III
Metropolitan Quad Cities Interstate	I	III	III	III	III
Burlington-Keokuk Interstate	I	I	III	III	III
Northwest Iowa Intrastate	III	III	III	III	III
North Central Iowa Intrastate	IA	III	III	III	III
Northeast Iowa Intrastate	I	III	III	III	III
Southwest Iowa Intrastate	III	III	III	III	III
South Central Iowa Intrastate	I	III	III	III	I
Southeast Iowa Intrastate	III	III	III	III	III

§ 52.822 Approval status.

With the execptions set forth in this subpart, the Administrator approves Iowa's plan for the attainment and maintenance of the national standards.

§ 52.823 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not set forth procedures by which emission data as correlated with allowable emissions will be made available to the public.

§ 52.824 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since 136B.8 of the Iowa Air Pollution Control Act may preclude the release of emission data to the public in certain circumstances.

§ 52.825 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since increments of progress toward compliance are not provided for in the Iowa Regulation 4.3 (3)(b).

§ 52.826 Source surveillance.

(a) The requirement of § 51.19(a) of this chapter is not met since the plan does not provide legally enforceable procedures to require owners or operators of stationary sources to maintain records and make periodic reports to the State on the nature and amount of emissions.

§ 52.827 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Iowa's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate	a	a	b	a	a	c	c
Metropolitan Sioux Falls Interstate	b	a	c	c	c	c	c
Metropolitan Sioux City Interstate	b	a	c	c	c	c	c
Metropolitan Dubuque Interstate	a	a	c	c	a	c	c
Metropolitan Quad Cities Interstate	a	a	c	c	c	c	c
Burlington-Keokuk Interstate	a	a	a	a	c	c	c
Northwest Iowa Intrastate	c	c	c	c	c	c	c
North Central Iowa Intrastate	a	a	c	c	c	c	c
Northeast Iowa Intrastate	a	a	c	c	c	c	c
Southwest Iowa Intrastate	c	c	c	c	c	c	c
South Central Iowa Intrastate	a	a	c	c	c	c	a
Southeast Iowa Intrastate	c	c	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. Three years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart R—Kansas

§ 52.870 Identification of plan.

(a) Title of plan: "State of Kansas Implementation Plan for the Attainment and Maintenance of National Air Quality Standards."

(b) The plan was officially submitted on January 31, 1972.

(c) Supplemental information was submitted on March 24, 1972, by the Kansas Department of Health.

§ 52.871 Classification of regions.

The Kansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate	I	III	III	I	I
South Central Kansas Intrastate	I	III	III	III	I
Northeast Kansas Intrastate	I	III	III	III	III
Southeast Kansas Intrastate	III	III	III	III	III
North Central Kansas Intrastate	I	III	III	III	III
Northwest Kansas Intrastate	I	III	III	III	III
Southwest Kansas Intrastate	I	III	III	III	III

§ 52.872 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Kansas portion of the Metropolitan Kansas City Interstate Region.

§ 52.873 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Kansas' plan for the attainment and maintenance of the national standards.

§ 52.874 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since authority to make emission data available to the public is inadequate. Kansas Statutes Annotated 65–3015 would require confidential treatment if the data related to processes or production unique to the owner or would tend to affect adversely the competitive position of the owner.

(b) The requirements of § 51.11(f) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) *Kansas City, Kans.-Wyandotte County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.11(a)(6) of this chapter).

(2) *Topeka-Shawnee County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated air quality conservation authority with the same authority as the State (§ 51.11(a)(6) of this chapter).

(3) *Wichita-Sedgwick County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.11(a)(6) of this chapter).

§ 52.875 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures for making emission data, as correlated with applicable emission limitations, available to the public.

§ 52.876 Compliance schedules.

(a) The requirements of § 51.15 (a)(1) and (a)(2) of this chapter are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Kansas Regulation 28–19–9 specifies that all sources not in compliance must submit an acceptable compliance schedule within 180 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, Regulation 28–19–9 is disapproved.

§ 52.877 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b)(1) of this chapter are not met since the plan does not specify adequate episode criteria. The episode criteria are set forth in State Regulation 28–19–56 which is therefore disapproved.

§ 52.878 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not provide legally enforceable procedures for preventing construction of sources which will interfere with the attainment or maintenance of all national standards.

§ 52.879 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Kansas' plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Kansas City Interstate	a	a	c	c	c	b	a
South Central Kansas Intrastate	a	a	c	c	c	c	a
Northeast Kansas Intrastate	a	a	c	c	c	c	c
Southeast Kansas Intrastate	c	c	c	c	c	c	c
North Central Kansas Intrastate	a	a	c	c	c	c	c
Northwest Kansas Intrastate	a	a	c	c	c	c	c
Southwest Kansas Intrastate	a	a	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.

b. 5 years from plan approval or promulgation.

c. Air quality levels presently below secondary standards.

Subpart S—Kentucky

§ 52.920 Identification of plan.

(a) Title of plan: "Implementation Plan for the Attainment and Maintenance of the National and State Ambient Air Quality Standards."

(b) The plan was officially submitted on February 8, 1972.

(c) Supplemental information was submitted on:

(1) March 6 and May 3, 1972, by the Kentucky Air Pollution Control Office, and

(2) March 17, 1972.

§ 52.921 Classification of regions.

The Kentucky plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Appalachian Intrastate	II	III	III	III	III
Bluegrass Intrastate	II	III	III	III	III
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate	I	II	III	III	III
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	I	III	III	III	III
Louisville Interstate	I	I	I	III	I
Metropolitan Cincinnati Interstate	I	II	I	III	I
North Central Kentucky Intrastate	II	III	III	III	III
Paducah (Kentucky)-Cairo (Illinois) Interstate	I	II	III	III	III
South Central Kentucky Intrastate	III	III	III	III	III

§ 52.922 Extensions.

The Administrator hereby extends for 2 years the attainment date for the primary standards for sulfur oxides in the Kentucky portion of the Louisville Interstate Region.

§ 52.923 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Kentucky's plan for the attainment and maintenance of the national standards.

§ 52.924 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since K.R.S. 224.380 of the Air Pollution Control Law of the Commonwealth of Kentucky (June 18, 1970) does not provide for the release, under certain circumstances, of emission data to the public.

§ 52.925 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.926 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Kentucky's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Appalachian Intrastate	April 1975	April 1975	c	c	c	c	c
Bluegrass Intrastate	b	April 1975	c	c	c	c	c
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate	April 1975	April 1975	b	July 1978	c	c	c
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	April 1975	April 1975	c	c	c	c	c
Louisville Interstate	April 1975	April 1975	July 1977	July 1977	a	a	April 1975
Metropolitan Cincinnati Interstate	April 1975	April 1975	b	a	a	a	April 1975
North Central Kentucky Intrastate	b	April 1975	c	c	c	c	c
Paducah (Kentucky)-Cairo (Illinois) Interstate	April 1975	April 1975	b	July 1978	c	c	c
South Central Kentucky Intrastate	c	c	c	c	c	c	c

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided is not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

Subpart T—Louisiana

§ 52.970 Identification of plan.

(a) Title of plan: "The Louisiana Air Control Commission Implementation Plan."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 28 and May 8, 1972, by the Louisiana Air Control Commission.

§ 52.971 Classification of regions.

The Louisiana plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Southern Louisiana-Southeast Texas Interstate	II	I	III	III	I
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III
Monroe-El Dorado Interstate	II	III	III	III	III

§ 52.972 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Louisiana's plan for attainment and maintenance of the national standards.

§ 52.973 Control strategy and regulations: Photochemical oxidants (hydrocarbons).

(a) The requirements of §§ 51.14(a) and 51.22 of this chapter are not met since the control strategy for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region has no regulatory effect because there is no enforceable obligation upon any pollution source.

§ 52.974 Emergency episodes and regulations.

(a) The requirements of §§ 51.16(b)(1) and 51.22 of this chapter are not met since the State's episode criteria, which are contained in section 27.3 of Regulation 27.0, Prevention of Air Pollution Emergency Episodes, are inadequate. Therefore, section 27.3 of Regulation 27.0 is disapproved.

(b) The requirements of § 51.16(f) of this chapter are not met since the plan does provide a timetable for developing emergency contingency plans.

§ 52.975 Air quality surveillance.

(a) The requirements of § 51.17(a)(2) of this chapter are not met since the plan does not provide for location of at least one sampling site in the areas of estimated maximum pollutant concentration.

(b) The requirements of § 51.17(b)(1) of this chapter are not met since the plan lacks sufficient detail to judge the design strategy of the sampling network.

(c) The requirements of § 51.17(b)(4) of this chapter are not met since the plan gives no indication of the existence of the necessary laboratory analytical capability.

(d) The requirements of § 51.17(b)(5) of this chapter are not met since the plan is incomplete in its description of the monitoring data handling and analysis.

(e) The requirements of § 51.17(b)(6) of this chapter are not met since the timetable for installation of new monitoring instruments is incomplete or missing.

§ 52.976 Review of new sources and modifications: Rules and regulations.

(a) The requirements of §§ 51.18(a) and 51.22 of this chapter are not met since section 6.1.2 of Louisiana's Regulation 6.0 is not legally enforceable. Section 6.1.2 was not adopted according to the provisions of section 2206 of the Louisiana Revised Statutes, Act 259, and is, therefore, disapproved.

§ 52.977 Sources surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not provide legally enforceable procedures for requiring sources to maintain records and periodically report emissions data to the State.

§ 52.978 Resources.

(a) The requirements of § 51.20 of this chapter are not met since the plan does not indicate that adequate manpower and financial resources will be available to operate the State's air pollution control program.

§ 52.979 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Louisiana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Southern Louisiana Southeast Texas Interstate	a	a	a	a	b	b	a
Shreveport-Texarkana-Tyler Interstate	a	a	b	b	b	b	b
Monroe-El Dorado Interstate	a	a	b	b	b	b	b

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

Subpart U—Maine

§ 52.1020 **Identification of plan.**

(a) Title of plan: "Implementation Plan for the Achievement of National Air Quality Standards."

(b) The plan was officially submitted on January 28, 1972.

§ 52.1021 **Classification of regions.**

The Maine plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Portland Intrastate	I	II	III	III	III
Androscoggin Valley Interstate	IA	IA	III	III	III
Down East Intrastate	IA	IA	III	III	III
Aroostook Intrastate	III	III	III	III	III
Northwest Maine Intrastate	III	III	III	III	III

§ 52.1022 **Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Maine's plan for the attainment and maintenance of the national standards.

§ 52.1023 **Compliance schedules.**

(a) The requirements of § 51.15(c) of this chapter are not met since the plan does not include periodic increments of progress for compliance schedules that extend over a period of 18 months or more for categories of stationary sources.

§ 52.1024 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Maine's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Portland Intrastate	a	a	a	a	b	b	b
Androscoggin Valley Interstate	a	a	a	a	b	b	b
Down East Intrastate	a	a	a	a	b	b	b
Aroostook Intrastate	b	b	b	b	b	b	b
Northwest Maine Intrastate	b	b	b	b	b	b	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

Subpart V—Maryland

§ 52.1070 **Identification of plans.**

(a) Title of plans:

(1) "Plan for Implementation of Ambient Air Quality Standards in Cumberland, Maryland-Keyser, West Virginia, Interstate Air Quality Control Region."

(2) "Plan for Implementation of Ambient Air Quality Standards in the Central Maryland Intrastate Air Quality Control Region."

(3) "Plan for Implementation of Ambient Air Quality Standards in the Metropolitan Baltimore Intrastate Air Quality Control Region."

(4) "Plan for Implementation of Ambient Air Quality Standards in the Maryland portion of the National Capital Interstate Air Quality Control Region."

(5) "Plan for Implementation of Ambient Air Quality Standards in the Southern Maryland Intrastate Air Quality Control Region."

(6) "Plan for Implementation of Ambient Air Quality Standards in the Eastern Shore Intrastate Air Quality Control Region."

(b) The plans were officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control.

§ 52.1071 Classification of regions.

The Maryland plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Cumberland-Keyser Interstate	I	I	III	III	III
Central Maryland Intrastate	II	II	III	III	III
Metropolitan Baltimore Intrastate	I	I	I	I	I
National Capital Interstate	I	I	I	I	I
Southern Maryland Intrastate	III	III	III	III	III
Eastern Shore Intrastate	II	III	III	III	III

§ 52.1072 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Maryland's plan for attainment and maintenance of the secondary standards for sulfur oxides in the Metropolitan Baltimore Intrastate Region.

(b) The Administrator hereby extends for 2 years the attainment dates for the national standards for carbon monoxide in the Maryland portion of the National Capital Interstate Region and in the Metropolitan Baltimore Intrastate Region, and for photochemical oxidants in the Maryland portion of the National Capital Interstate Region.

§ 52.1073 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.

§ 52.1074 Legal authority.

(a) The requirements of § 51.11(a)(4) of this chapter are not met. Authority to prevent construction or modification of power plants where such construction or modification would interfere with attainment or maintenance of a national standard is inadequate.

§ 52.1075 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plans do not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Maryland portion of the National Capital Interstate and in the Metropolitan Baltimore Intrastate Regions.

(b) Sections 04G2 of Maryland's "Regulations Governing the Control of Air Pollution in Area III" (regulation 10.03.38 for the Metropolitan Baltimore Intrastate Region), and "Regulations Governing the Control of Air Pollution in Area IV" (regulation 10.03.39 for the Maryland portion of the National Capital Interstate Region) which are a part of the nitrogen dioxide control strategy are disapproved.

§ 52.1076 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met since the plans lack legally enforceable procedures to prevent construction and modification of powerplants when such construction or modification will interfere with the attainment or maintenance of a national standard.

§ 52.1077 Source surveillance.

(a) The requirements of § 51.19(b) of this chapter are not met since the plans do not provide specific procedures for stationary sources to be periodically tested.

§ 52.1078 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Maryland's plans, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Cumberland-Keyser Interstate	a	a	a	a	d	d	d
Central Maryland Intrastate	a	a	c	a	d	d	d
Metropolitan Baltimore Intrastate	a	a	a	b	a	July 1977e	a
National Capital Interstate	a	a	a	a	a	July 1977e	July 1977e
Southern Maryland Intrastate	d	d	d	d	d	d	d
Eastern Shore Intrastate	c	a	d	d	d	d	d

NOTE.—Dates or footnotes which are underlind are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. 18-month extension granted.

c. Air quality levels presently below primary standards.

d. Air quality levels presently below secondary standards.

e. Transportation control strategy is to be submitted no later than Feb. 15, 1973, with the first semiannual report.

§ 52.1079 Transportation and land-use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Maryland must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternatives and a demonstration that said alternatives, along with Maryland's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Region and in the Maryland portion of the National Capital Interstate Region and for photochemical oxidants in the Maryland portion of the National Capital Interstate Region by 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the required transportation control alternatives by 1977.

(2) No later than July 30, 1974, the legislative authority that is needed for carrying out the required transportation control alternatives.

(3) No later than December 30, 1974, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart W—Massachusetts

§ 52.1120 Identification of plan.

(a) Title of plan: "Plan for Implementation, Maintenance, and Enforcement of National Primary and Secondary Ambient Air Quality Standards."
(b) The plan was officially submitted on January 27, 1972.
(c) Supplemental information was submitted on:
(1) February 22 and May 5, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.
(2) April 27, 1972, by the Division of Environmental Health, Massachusetts Department of Public Health.

§ 52.1121 Classification of regions.

The Massachusetts plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Boston Intrastate	I	I	I	I	I
Merrimack Valley-Southern New Hampshire Interstate	I	I	III	III	III
Metropolitan Providence Interstate	I	I	I	III	III
Central Massachusetts Intrastate	I	II	I	III	III
Hartford-New Haven-Springfield Interstate	I	I	I	I	I
Berkshire Intrastate	II	III	III	III	III

§ 52.1122 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Massachusetts' plan for attainment and maintenance of the secondary standards for particulate matter and sulfur oxides in the Metropolitan Boston Intrastate Region.
(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Region and for carbon monoxide and photochemical oxidants in the Metropolitan Boston Intrastate Region.

§ 52.1123 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the Massachusetts plan for attainment and maintenance of the national standards.

§ 52.1124 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Massachusetts portion of the Hartford-New Haven-Springfield Region.

§ 52.1125 Compliance schedule.

(a) The requirements of § 51.15(a)(2) of this chapter are not met since the plan precludes negotiation, finalization, and submission to the Administrator of all individual compliance schedules by the first semiannual report. Therefore, sections 2.5 of Massachusetts' "Regulations for the Control of Air Pollution in the Metropolitan Boston Air Pollution Control District," "Regulations for the Control of Air Pollution in the Berkshire Air Pollution Control District," "Regulations for the Control of Air Pollution in the Pioneer Valley Air Pollution Control District," "Regulations for the Control of Air Pollution in the Central Massachusetts Air Pollution Control District," "Regulations for the Control of Air Pollution in the Merrimack Valley Air Pollution Control District," and "Regulations for the Control of Air Pollution in the Southeastern Massachusetts Air Pollution Control District" are disapproved.

§ 52.1126 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide legally enforceable procedures to prevent construction and modification of stationary sources if such construction or modification will result in violation of applicable portions of a control strategy.

§ 52.1127 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Massachusetts' plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Boston Intrastate	a	c	a	c	a	July 1977, f	July 1977, f
Merrimack Valley-Southern New Hampshire Interstate	a	a	a	a	e	e	e
Metropolitan Providence Interstate	a	a	a	a	e	e	e
Central Massachusetts Intrastate	a	a	d	a	a	e	e
Hartford-New Haven-Springfield Interstate	a	a	d	a	a	b	e
Berkshire Intrastate	a	a	e	e	e	e	e

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.
a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. 18-month extension granted.
d. Air quality levels presently below primary standards.
e. Air quality levels presently below secondary standards.
f. Transportation control strategy is to be submitted no later than Feb. 15, 1973, with the first semiannual report.

§ 52.1128 **Transportation and land use controls.**

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Massachusetts must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative along with Massachusetts' presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants and carbon monoxide in the Metropolitan Boston Intrastate Region. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by 1977.

(2) No later than June 30, 1974, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 30, 1974, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart X—Michigan

§ 52.1170 **Identification of plan.**

(a) Title of plan: "Implementation Plan for the Control of Suspended Particulates, Sulfur Oxides, Carbon Monoxide, Hydrocarbons, Nitrogen Oxides, and Photochemical Oxidants in the State of Michigan."

(b) The plan was officially submitted on February 3, 1972.

(c) Supplemental information was submitted on:

(1) March 3, 1972, by the Department of Public Health, Air Pollution Control Division,

(2) May 4, 1972, by the Department of Environmental Protection, City of Grand Rapids, and

(3) March 30, 1972.

§ 52.1171 **Classification of regions.**

The Michigan plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Detroit-Port Huron Intrastate	I	I	I	III	III
Metropolitan Toledo Interstate	I	I	I	III	I
South Central Michigan Intrastate	II	II	III	III	III
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate	I	IA	III	III	III
Central Michigan Intrastate	II	III	I	III	III
Upper Michigan Intrastate	III	III	III	III	III

§ 52.1172 **Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Michigan's plan for the attainment and maintenance of the national standards.

§ 52.1173 **General requirements.**

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.1174 **Control strategy: Nitrogen dioxide.**

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Metropolitan Detroit-Port Huron and Central Michigan Intrastate Regions and in the Michigan portion of the Metropolitan Toledo Interstate Region.

§ 52.1175 **Compliance schedules.**

(a) The requirements of § 51.15(a)(2) of this chapter are not met since Rule 336.49 of the Michigan Air Pollution Control Commission provides for individual compliance schedules to be submitted to the State Agency by January 1, 1974. This would not be in time for submittal with the first semiannual report required by § 51.7(b) of this chapter.

§ 52.1176 **Review of new sources and modifications.**

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not include a means of disapproving the construction or modification of a stationary source if it will interfere with the attainment or maintenance of a national standard.

§ 52.1177 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Michigan's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Detroit-Port Huron Intrastate	a	a	a	a	a	c	c
Metropolitan Toledo Interstate	a	a	a	July 1978	a	c	a
South Central Michigan Intrastate	a	a	b	a	c	c	c
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate	a	a	a	a	c	c	c
Central Michigan Intrastate	a	a	b	a	a	c	c
Upper Michigan Intrastate	c	c	c	c	c	c	c

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart Y—Minnesota

§ 52.1220 Identification of plan.

(a) Title of plan: "Implementation Plan to Achieve National Ambient Air Quality Standards."
(b) The plan was officially submitted on January 28, 1972.
(c) Supplemental information was submitted on February 7, March 27, April 28, and May 2, 1972, by the Minnesota Pollution Control Agency.

§ 52.1221 Classification of regions.

The Minnesota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Central Minnesota Intrastate	II	III	III	III	III
Southeast Minnesota-La Crosse (Wisconsin) Interstate	II	Ia	III	III	III
Duluth (Minnesota)-Superior (Wisconsin) Interstate	I	II	III	III	III
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
Minneapolis-St. Paul Intrastate	I	I	I	I	III
Northwest Minnesota Intrastate	II	III	III	III	III
Southwest Minnesota Intrastate	III	III	III	III	III

§ 52.1222 Extensions.

The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region.

§ 52.1223 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Minnesota's plan for the attainment and maintenance of the national standards.

§ 52.1224 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.1225 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met since the definitions of "new" and "existing" in regulation APC-2 of the Minnesota Air Pollution Control Rules, Regulations and Air Quality Standards are inadequate.
(b) The requirements of § 51.18(d) of this chapter are not met since there is no procedure which provides that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

§ 52.1226 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Minnesota's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Central Minnesota Intrastate	c	a	d	d	d	d	d
Southeast Minnesota-La Crosse (Wisconsin) Interstate	c	a	a	a	d	d	d
Duluth (Minnesota)-Superior (Wisconsin) Interstate	a	a	c	a	d	d	d
Metropolitan Fargo-Moorhead Interstate	c	a	d	d	d	d	d
Minneapolis-St. Paul Intrastate	a	a	a	a	a	July 1977,e	d
Northwest Minnesota Intrastate	c	a	d	d	d	d	d
Southwest Minnesota Intrastate	d	d	d	d	d	d	d

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date for attainment.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.
e. Transportation control strategy to be submitted no later than Feb. 15, 1973.

§ 52.1227 **Transportation controls.**

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Minnesota must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternatives and a demonstration that said alternatives, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region by 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternatives by 1977.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation control alternatives.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart Z—Mississippi

§ 52.1270 **Identification of plan.**

(a) Title of plan: "Air Implementation Plan for the State of Mississippi."

(b) The plan was officially submitted on February 4, 1972.

(c) Supplemental information was submitted on:

(1) May 4 and 12, 1972, by the Air and Water Pollution Control Commission, and

(2) May 17, 1972.

§ 52.1271 **Classification of regions.**

The Mississippi plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Mobile(Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate	I	I	III	III	I
Metropolitan Memphis Interstate	I	III	I	III	I
Mississippi Delta Intrastate	III	III	III	III	III
Northeast Mississippi Intrastate	II	III	III	III	III

§ 52.1272 **Approval status.**

The Administrator approves Mississippi's plan for the attainment and maintenance of the national standards.

§ 52.1273 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Mississippi's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Mobile(Alabama)-Pensacola-Panama City(Florida)-Gulfport(Mississippi) Interstate	June 1975	June 1975	June 1975	June 1975	b	b	June 1975
Metropolitan Memphis Interstate	June 1975	June 1975	b	b	June 1975	b	June 1975
Mississippi Delta Intrastate	b	b	b	b	b	b	b
Northeast Mississippi Intrastate	a	June 1975	b	b	b	b	b

a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards.

Subpart AA—Missouri

§ 52.1320 **Identification of plan.**

(a) Title of plans:

(1) "State of Missouri, Kansas City and Out-State Air Quality Control Regions Implementation Plan."

(2) "Implementation Plan for the Missouri Portion of the St. Louis Interstate Air Quality Control Region."

(b) The plans were officially submitted on January 24, 1972.

(c) Supplemental information was submitted on:

(1) March 27, 1972, by the Missouri Air Conservation Commission, and

(2) May 2, 1972, by the Missouri Air Conservation Commission.

§ 52.1321 **Classification of regions.**

The Missouri plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate	I	III	III	I	I
Southwest Missouri Intrastate	I	III	III	III	III
Southeast Missouri Intrastate	III	III	III	III	III
Northern Missouri Intrastate	II	III	III	III	III
Metropolitan St. Louis Interstate	I	I	I	I	I

§ 52.1322 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Missouri portion of the Metropolitan Kansas City Interstate Region.

§ 52.1323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Missouri's plans for the attainment and maintenance of the national standards.

§ 52.1324 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plans do not provide procedures for making emissions data, as correlated with applicable emission limitations, available to the public.

§ 52.1325 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the authority to make emission data available to the public is inadequate because section 203.050.4, Missouri Air Conservation Law, would require confidential treatment if the data related to secret processes or methods of manufacture or production. Also, authority to require installation, maintenance, and use of emission monitoring devices is lacking.

(b) The requirements of § 51.11(f) of this chapter are not met since the following deficiencies exist in local agency legal authority.

(1) St. Louis County Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emisson data available to the public is inadequate because section 612.350, St. Louis County Air Pollution Control Code, would require confidential treatment in certain circumstances if the data concerned (secret processes (§ 51.11(a)(6) of this chapter).

(2) St. Louis City Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to require periodic reports on the nature and amounts of emissions from stationary sources is lacking. Authority to make emission data available to the public is inadequate because section 39 of Ordinance 54699 would require confidential treatment in certain circumstances if the data related or operator or would tend to affect adversely the competitive position of the owner to production or sales figures or to processes or production unique to the owner or operator (§ 51.11(a)(6) of this chapter).

(3) Kansas City Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emission data available to the public is lacking, and section 18.93 of the Kansas City Code would require confidential treatment in certain circumstances if the data related to secret processes or trade secrets affecting methods or results of manufacture (§ 51.11(a)(6) of this chapter).

(4) Independence Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation, maintenance, and use of emission monitoring equipment is lacking. Authority to make emission data available to the public is lacking, and section 11.161 of the code of the city of Independence would require confidential treatment in certain circumstances if the data related to secret processes or trade secrets affecting methods or results of manufacture (§ 51.11(a)(6) of this chapter).

(5) Springfield Department of Health:

(i) Authority to abate emissions on an emergency basis is lacking (§ 51.11(a)(3) of this chapter).

(ii) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(iii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emission data available to the public is inadequate because section 2A-42 of the Springfield City Code required confidential treatment of such data in certain circumstances (§ 51.11(a)(6) of this chapter).

§ 52.1326 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Metropolitan St. Louis Interstate Region.

§ 52.1327 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16 of this chapter are not met in Springfield in the Southwest Missouri Intrastate Region, since the Springfield-Greene Department of Health does not have the legal authority to abate emissions on an emergency basis.

§ 52.1328 Air quality surveillance.

(a) The requirements of § 51.17 of this chapter are not met since the sampling schedules and procedures for data handling, sample handling, and analysis for Missouri's three Intrastate Regions are inadequate.

§ 52.1329 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the State and all local agencies' procedures are inadequate to prevent construction of a new or modified source if it will interfere with the attainment or maintenance of the national standards. In addition, State procedures do not provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

§ 52.1330 Source surveillance.

(a) The requirements of § 51.19 of this chapter are not met since there are no legally enforceable procedures for requiring owners or operators of stationary sources to maintain records, and periodically report information on the nature and amount of emissions.

§ 52.1331 Requests for 2-year extensions.

(a) Missouri's request for a 2-year extension under § 51.30 of this chapter for the attainment of national standards for carbon monoxide in the Metropolitan St. Louis Interstate Region is not applicable since the national standards for carbon monoxide will be attained by 1975 in this region.

§ 52.1332 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Missouri's plans, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Kansas City Interstate	a	a	c	c	c	b	a
Southwest Missouri Intrastate	a	a	c	c	c	c	c
Southeast Missouri Intrastate	c	c	c	c	c	c	c
Northern Missouri Intrastate	a	a	c	c	c	c	c
Metropolitan St. Louis Interstate	a	a	a	a	a	a	a

NOTE.—Footnotes which are underlined are proposed by the Administrator because the dates provided in the plan are not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below secondary standards.

Subpart BB—Montana

§ 52.1370 Identification of plan.

(a) Title of plan: "Implementation Plan for Control of Air Pollution in Montana."

(b) The plan was officially submitted on March 22, 1972.

(c) Supplemental information was submitted on May 10, 1972, by the Montana State Department of Health and Environmental Sciences.

§ 52.1371 Classification of regions.

The Montana plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Billings Intrastate	II	II	III	III	III
Great Falls Intrastate	III	IA	III	III	III
Helena Intrastate	IA	IA	III	III	III
Miles City Intrastate	III	III	III	III	III
Missoula Intrastate	I	III	III	III	III

§ 52.1372 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Montana's plan for the attainment and maintenance of the national standards.

§ 52.1373 Control strategy: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the emission limitations included in the plan are not sufficient for the attainment and maintenance of the national standards for sulfur oxides in the Helena Intrastate Region.

§ 52.1374 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since Regulation No. 90-001.VI.3 of the Montana State Board of Health Regulations exempts significant sources from the new source review process.

(b) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide for disapproval of construction or modification of a source if national standards will be exceeded.

§ 52.1375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards will be attained. These dates reflect the information presented in Montana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Billings Intrastate	a	a	c	a	d	d	d
Great Falls Intrastate	d	d	a	a	d	d	d
Helena Intrastate	a	a	a	b	d	d	d
Miles City Intrastate	d	d	d	d	d	d	d
Missoula Intrastate	a	a	d	d	d	d	d

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for the State of Nebraska."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on April 25, 1972, by the Nebraska Department of Environmental Control.

§ 52.1421 Classification of regions.

The Nebraska plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Omaha-Council Bluffs Interstate	I	II	I	III	III
Lincoln-Beatrice-Fairbury Intrastate	II	III	III	III	III
Metropolitan Sioux City Interstate	III	III	III	III	III
Nebraska Intrastate	III	III	III	III	III

§ 52.1422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Nebraska's plan for the attainment and maintenance of the national standards.

§ 52.1423 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not set forth procedures by which emission data as correlated with allowable emissions will be made available to the public.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since .s27 of the Nebraska Legislative Bill 939 may preclude the release of emission data to the public in certain circumstances.

(b) The requirements of § 51.11(f) of this chapter are not met since the existence of political subdivisions with an air pollution control program relieves the State of responsibility for the plan, because the State cannot enforce either State or local regulations within such political subdivision. In addition, the following deficiencies exist in local agency authority:

(1) Omaha—City of Omaha Permits and Inspection Division:

(i) Authority to require recordkeeping is inadequate. [§ 51.11(a)(5) of this chapter]

(ii) Authority to require installation of monitoring devices or require periodic reporting is inadequate. [§ 51.11(a)(6) of this chapter]

(iii) Authority to make emission data available to the public is inadequate. [§ 51.11(a)(6) of this chapter]

(2) Lincoln—Lincoln-Lancaster County Health Department:

(i) Authority to require recordkeeping is inadequate. [§ 51.11(a)(5) of this chapter]

(ii) Authority to require installation of monitoring devices or make periodic reports is inadequate. [§ 51.11(a)(6) of this chapter]

§ 52.1425 Compliance schedules.

(a) The requirement of § 51.15 of this chapter is not met since the plan does not provide for legally enforceable compliance schedules.

§ 52.1426 Prevention of air pollution emergency episodes: Rules and regulations.

(a) The requirements of §§ 51.16 (b), (c), and (d), and 51.22 of this chapter are not met since the episode criteria, emission reduction procedures and provisions concerning the extent of any episode, contained in regulation 2.25, are not legally enforceable. Therefore, Nebraska's regulation 2.25 is disapproved.

§ 52.1427 Air quality surveillance.

(a) The requirement of § 51.17(b)(5) of this chapter is not met since the methods of data handling and analysis are incomplete.

§ 52.1428 Review of new sources and modifications: Rules and regulations.

(a) The requirements of §§ 51.18 and 51.22 of this chapter are not met since regulation 2.4 of Nebraska's "Control Regulations" is not legally enforceable. Therefore, regulation 2.4 is disapproved.

(b) There are no local agency regulations to prevent construction of new sources which would violate applicable portions of the control strategy or would interfere with attainment and maintenance of the national standards.

§ 52.1429 Source surveillance: Rules and regulations.

(a) The requirements of §§ 51.19(a) and 51.22 of this chapter are not met since the procedures set forth in regulation 2.3 to require owners or operators of stationary sources to make periodic reports on the nature and amount of emissions are not legally enforceable. Therefore, Nebraska's regulation 2.3 is disapproved. In addition, the plan does not provide procedures to require owners or operators of stationary sources to maintain records necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) The requirements of § 51.19(a) of this chapter are not met since the local agencies have no legally enforceable procedures to require owners or operators of stationary sources to maintain records and make periodic reports on the nature and amount of emissions.

(c) The requirements of § 51.19(b) of this chapter are not met since Nebraska's regulation 2.9 which describes procedures for periodic testing of sources, is not legally enforceable. Therefore, Nebraska's regulation 2.9 is disapproved.

(d) The requirements of §§ 51.19(c) and 51.22 of this chapter are not met since visible emission limitations set forth in regulation 2.23 are not legally enforceable. Therefore, Nebraska's regulation 2.23 is disapproved.

§ 52.1430 Rules and regulations.

(a) The following emission limitations of Nebraska's "Control Regulations" are not legally enforceable and are, therefore, disapproved.

(1) Regulation 2.14 (particulate matter, process operations).

(2) Regulation 2.15 (particulate matter, fuel burning equipment).

(3) Regulation 2.16 (particulate matter, incinerators).

(4) Regulation 2.17 (particulate matter, addition emission restrictions).

(5) Regulation 2.21 (particulate matter, open fires).

(6) Regulation 2.24 (particulate matter, fugitive dust).

(7) Regulation 2.18 (sulfur compounds).

(8) Regulation 2.19 (hydrocarbons, carbon monoxide, nitrogen dioxide from transportation sources).

(9) Regulation 2.20 (nitrogen dioxide from stationary sources).

§ 52.1431 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Nebraska's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate	a	a	b	a	a	c	c
Lincoln-Beatrice-Fairbury Intrastate	b	a	c	c	c	c	c
Metropolitan Sioux City Interstate	b	a	c	c	c	c	c
Nebraska Intrastate	c	c	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

Subpart DD—Nevada

§ 52.1470 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for the State of Nevada."

(b) The plan was officially submitted on January 28, 1972.

§ 52.1471 Classification of regions.

The Nevada plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Clark-Mohave Interstate	I	IA	I	I	I
Northwest Nevada Intrastate	I	III	III	III	III
Nevada Intrastate	IA	IA	III	III	III

§ 52.1472 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Nevada's plan for the attainment and maintenance of the national standards.

§ 52.1473 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public.

§ 52.1474 Legal authority.

(a) The requirements of § 51.11(a)(3) of this chapter are not met since section 445.471(2) of Nevada Revised Statutes requires all abatement orders issued during episodes to be subject to de novo judicial review, which will stay the enforcement of the orders.

§ 52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the secondary standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the secondary standards for sulfur oxides in the Nevada Intrastate Region.

§ 52.1476 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

§ 52.1477 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b)(3) of this chapter are not met since the State of Nevada lacks adequate legal authority to enforce episode reduction actions other than those negotiated with individual stationary sources. In addition, the emission control actions in the plan do not prohibit open burning during episode stages.

§ 52.1478 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the regulations in the plan for Washoe County and the cities of Reno and Sparks in the Northwest Nevada Intrastate Region do not contain legally enforceable procedures for review of new and modified sources.

§ 52.1479 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since none of the State or local agencies in Nevada have adequate legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report, information on the nature and amount of emissions.

(b) The requirements of § 51.19(c) of this chapter are not met since Article 8.1.4 of the State regulations exempts copper smelters from visible emission limitations. Therefore, Article 8.1.4 of Nevada's "Air Quality Regulations" (exemption of existing copper smelters from visible emission limitations) is disapproved.

§ 52.1480 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Nevada's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons
	Primary	Secondary	Primary	Secondary			
Clark-Mohave Interstate	a	a	a	a	c	a	a
Northwest Nevada Intrastate	July 1975[d]	July 1977[d]	c	c	c	c	c
Nevada Intrastate	July 1975[d]	July 1977[d]	a	b	c	c	c

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below secondary standards.
d. Transportation and/or land use measures will be proposed by the Administrator no lated than February 15, 1973.

Subpart EE—New Hampshire

§ 52.1520 Identification of plan.

(a) Title of plan: "State of New Hampshire Implementation Plan."
(b) The plan was officially submitted on January 27, 1972.
(c) Supplemental information was submitted on February 23, 1972, by the New Hampshire Air Pollution Control Agency.

§ 52.1521 Classification of regions.

The New Hampshire plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Androscoggin Valley Interstate	IA	IA	III	III	III
Central New Hampshire Intrastate	III	III	III	III	III
Merrimack Valley-Southern New Hampshire Interstate	I	I	III	III	III

§ 52.1522 Approval status.

The Administrator approves New Hampshire's plan for the attainment and maintenance of the national standards.

§ 52.1523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in New Hampshire's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Androscoggin Valley Interstate	a	a	a	a	b	b	b
Central New Hampshire Intrastate	b	b	b	b	b	b	b
Merrimack Valley-Southern New Hampshire Interstate	a	a	a	a	b	b	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

Subpart FF—New Jersey

§ 52.1570 Identification of plan.

(a) Title of plan: "New Jersey State Implementation Plan to meet National Air Quality Standards."

(b) The plan was officially submitted on January 26, 1972.

(c) Supplemental information was submitted on April 17, 1972, by the New Jersey Department of Environmental Protection.

§ 52.1571 Classification of regions.

The New Jersey plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
New Jersey-New York-Connecticut Interstate	I	I	I	I	I
Metropolitan Philadelphia Interstate	I	I	I	I	I
Northeast Pennsylvania-Upper Delaware Valley Interstate	I	II	I	III	III
New Jersey Intrastate	III	IA	III	I	III

§ 52.1572 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of New Jersey's plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the New Jersey portions of the New Jersey-New York-Connecticut and the Metropolitan Philadelphia Interstate Regions.

(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide and photochemical oxidants in the New Jersey portions of the New Jersey-New York-Connecticut and the Metropolitan Philadelphia Interstate Regions.

§ 52.1573 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Jersey's plan for the attainment and maintenance of the national standards.

§ 52.1574 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.1575 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met. Authority to make emissions data available to the public is inadequate because disclosure might be prohibited in certain circumstances by 26:2C–9.

§ 52.1576 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the New Jersey portions of the New Jersey-New York-Connecticut, Metropolitan Philadelphia, and Northeast Pennsylvania-Upper Delaware Valley Interstate Regions.

§ 52.1577 Compliance schedules.

(a) The requirements of § 51.15(a)(1) of this chapter are not met since the date by which each source must be in compliance with chapter 7 of New Jersey's "Air Pollution Control Code" has not been specifically identified.

(b) The requirements of § 51.15(b)(1) of this chapter are not met since chapter 7, section 7.1(c) of New Jersey's "Air Pollution Control Code" permits certain sources to defer compliance with chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of § 51.15(c) of this chapter are not met since chapter 7 of New Jersey's "Air Pollution Control Code" does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

§ 52.1578 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not set forth legally enforceable procedures to enable the State to determine whether construction or modification of stationary sources using fuel, with the exception of solid fuel, will result in violations of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard, or to disapprove such construction or modification if such violations or interference will result.

(b) The requirements of § 51.18(c) of this chapter are not met since the plan does not set forth legally enforceable procedures for disapproving construction or modification of stationary sources if such construction or modification will interfere with attainment or maintenance of a national standard.

§ 52.1579 Intergovernmental cooperation.

(a) The requirements of § 51.21(b)(2) of this chapter are not met since the plan does not adequately describe the responsibilities of local agencies.

§ 52.1580 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in New Jersey's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
New Jersey-New York-Connecticut Interstate	a	c	a	c	a	b	b
Metropolitan Philadelphia Interstate	a	c	a	c	a	b	b
Northeast Pennsylvania-Upper Delaware Valley Interstate	a	a	d	d	a	a	d
New Jersey Intrastate	d	d	a	a	d	a	d
Northeastern Virginia Intrastate	a	a	d	d	d	d	d
State Capital Intrastate	a	b	d	d	a	d	Jan. 1975
Hampton Roads Intrastate	a	a	c	Jan. 1975	a	d	Jan. 1975
National Capital Interstate	July 1974	July 1974	Jan. 1975	Jan. 1975	d	d	Jan. 1975

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. 18-month extension granted.
d. Air quality levels presently below secondary standards.

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) Title of plan: "State of New Mexico Implementation Plan."
(b) The plan was officially submitted on January 27, 1972.
(c) Supplemental information was submitted on:
(1) March 7, 1972, by the New Mexico Environmental Improvement Agency, and
(2) May 9, 1972.

§ 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Albuquerque-Mid-Rio Grande Intrastate	I	III	III	III	I
Arizona-New Mexico Southern Border Interstate	IA	IA	III	III	III
El Paso-Las Cruces-Alamogordo Interstate	I	I	III	I	I
Four Corners Interstate	IA	IA	IA	III	III
Northeastern Plains Intrastate	III	III	III	III	III
Pecos-Permian Basin Intrastate	III	III	III	III	III
Southwestern Mountains-Augustine Plains Intrastate	III	III	III	III	III
Upper Rio Grande Valley Intrastate	III	III	III	III	III

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards.

§ 52.1623 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met in Bernalillo County in the Albuquerque-Mid-Rio Grande Intrastate Region, since the plan does not provide for making emission data, as correlated with applicable emission limitations and other control measures, available to the public.

§ 52.1624 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the secondary standards for sulfur oxides in New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region.

(b) Regulation 652.A of New Mexico's "Air Quality Control Regulations" (emission limitation for sulfur from existing nonferrous smelters), is disapproved since it does not provide the degree of control necessary for attainment and maintenance of the secondary standards for sulfur oxides in New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region.

§ 52.1625 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the national standards for particulate matter in New Mexico's portion of the El Paso-Las Cruces-Alamogordo Interstate Region.

§ 52.1626 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the State's "Air Quality Control Regulations" 504.D (emission limitation for particulate matter from coal burning equipment), 506.B (emission limitation for particulate matter from nonferrous smelters), 602.B emission limitation for sulfur dioxide from existing coal burning equipment), 603.B (emission limitation for nitrogen dioxide from existing coal burning equipment), 604.B (emission limitation for nitrogen dioxide from existing gas burning equipment), and 652.A (emission limitation for sulfur from existing nonferrous smelters) include compliance dates later than 18 months from the date for plan approval or disapproval and do not provide for increments of progress toward compliance.

§ 52.1627 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(e)(2) of this chapter are not met since the plan does not provide for inspection of sources to ascertain compliance with applicable emission control action requirements during episode stages in Priority I regions.

(b) The requirements of § 51.16(f) of this chapter are not met since the plan does not include a description of the interim procedures for inspection of sources in Priority I regions during the 1-year period after the prescribed date for plan submittal.

§ 52.1628 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not include legally enforceable State procedures for review of new sources and modifications.

(b) The requirements of § 51.18(c) of this chapter are not met since the regulations for Bernalillo County in the Albuquerque-Mid-Rio Grande Intrastate Region do not include legally enforceable means of disapproving construction or modification of a stationary source if it will interfere with attainment or maintenance of a national standard.

§ 52.1629 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not include legally enforceable State procedures for requiring owners or operators of stationary sources to maintain records of and periodically report to the State information on the nature and amount of emissions from such stationary sources.

(b) The requirements of § 51.19(a) of this chapter are not met since the regulations for Bernalillo County in the Albuquerque-Mid-Rio Grande Intrastate Region do not include legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of the nature and amount of emissions from such stationary sources.

(c) The requirements of § 51.19(c) of this chapter are not met since the plan does not provide for establishment of a system for detecting violations of any rules and regulations through enforcement of appropriate visible emission limitations and for investigating complaints.

§ 52.1630 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in New Mexico's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Albuquerque-Mid-Rio Grande Intrastate	a	a	d	d	d	d	a
Arizona-New Mexico-Southern Border Interstate	a	a	a	b	d	d	d
El Paso-Las Cruces-Alamogordo Interstate	July 1975e	July 1977e	a	a	d	a	a
Four Corners Interstate	c	a	d	d	d	d	d
Northeastern Plains Intrastate	d	d	d	d	d	d	d
Pecos-Permian Basin Intrastate	d	d	d	d	d	d	d
Southwestern Mountains-Augustine Plains Intrastate	d	d	d	d	d	d	d
Upper Rio Grande Valley Intrastate	d	d	d	d	d	d	d

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. 3 years from plan approval or promulgation.

b. 5 years from plan approval or promulgation.

c. Air quality levels presently below primary standards.

d. Air quality levels presently below secondary standards.

e. Transportation and/or land use measures will be proposed by the Administrator no later than February 15, 1973.

Subpart HH—New York

§ 52.1670 Identification of plans.

(a) Title of plans:

(1) "Implementation Plan to Achieve Air Quality Standards—Upstate New York."

(2) "Implementation Plan to Achieve Air Quality Standards—Metropolitan New York City Air Quality Control Region."

(b) The plans were officially submitted on January 31, 1972.

(c) Supplemental information was submitted on February 9, 11, 14, and March 10, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

§ 52.1671 Classification of regions.

The New York plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Niagara Frontier Intrastate	I	I	I	III	I
Champlain Valley Interstate	II	II	III	III	III
Central New York Intrastate	I	II	III	I	I
Genesee-Finger Lakes Intrastate	II	II	I	III	I
Hudson Valley Intrastate	I	II	III	III	III
Southern Tier East Intrastate	II	II	III	III	III
Southern Tier West Intrastate	II	II	III	III	III
New Jersey-New York-Connecticut Interstate	I	I	I	I	I

§ 52.1672 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of New York's plans for attainment and maintenance of the secondary standards for:

(1) Particulate matter in the Niagara Frontier and Central New York Intrastate Regions and in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(2) Sulfur oxides in the Niagara Frontier Intrastate Region and in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(b) The Administrator hereby extends for 2 years the attainment date for the:

(1) Primary standards for particulate matter in the Niagara Frontier Intrastate Region and in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(2) Primary standards for sulfur oxides in the Niagara Frontier Intrastate Region.

(3) National standards for carbon monoxide in the Central New York Intrastate Region.

(4) National standard for photochemical oxidants in the Genesee-Finger Lakes Intrastate Region and in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

§ 52.1673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New York's plans for the attainment and maintenance of the national standards.

§ 52.1674 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since New York's plans do not provide for attainment and maintenance of the national standards for particulate matter in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(b) The requirements of § 51.13 of this chapter are not met since New York's plans do not provide for attainment and maintenance of the primary standards for particulate matter in the Niagara Frontier Intrastate Region.

(c) The requirements of § 51.13 of this chapter are not met since New York's plans do not provide for attainment and maintenance of the secondary standards for particulate matter in the Central New York Intrastate Region.

§ 52.1675 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since New York's plans do not provide for attainment and maintenance of the national standards for sulfur oxides in the Hudson Valley Intrastate Region, the primary standards for sulfur oxides in the Niagara Frontier Intrastate Region, and the secondary standards for sulfur oxides in the Genesee-Finger Lakes and Southern Tier West Intrastate Regions.

(b) The requirements of § 51.13 of this chapter are not met since New York's plans do not provide for maintenance of the secondary standards for sulfur oxides in the Central New York and Southern Tier East Intrastate Regions and in the New York portion of the Champlain Valley Interstate Region.

(c) Part 201, Subchapter A, of the Air Pollution Control Regulations of the State of New York, as it applies to those regions listed in paragraphs (a) and (b) of this section, is disapproved.

§ 52.1676 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plans do not provide for maintenance of the secondary standards for sulfur oxides through the application of reasonably available control technology in the Niagara Frontier and Genesee-Finger Lakes Intrastate Regions and in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

§ 52.1677 Compliance schedules.

(a) The requirements of § 51.15(b) of this chapter are not met since the compliance schedule for Part 195, Subchapter A, of the Air Pollution Control Regulations of the State of New York does not provide for attainment and maintenance of the national standards for particulate matter by the dates required by the Act.

§ 52.1678 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(c) of this chapter are not met since the plans do not provide for preparation of specific legally enforceable emission control action programs to be initiated during emergency episodes by each stationary source emitting 100 tons per year or more of any pollutant in a Priority I region.

§ 52.1679 Air quality surveillance.

(a) The requirements of § 51.17 (b)(3), (b)(4), (b)(5), and (b)(6) of this chapter are not met since the plans do not provide a description of sampling schedules, methods of sampling and analysis, methods of data handling and analysis procedures, nor a timetable for the installation of additional monitoring equipment for the air quality surveillance system in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

§ 52.1680 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since Part 176, Subchapter A, of the Air Pollution Control Regulations of the State of New York, does not set forth legally enforceable procedures for disapproving construction or modification of stationary sources if such construction or modification will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

§ 52.1681 Rules and regulations.

(a) All of the emission limitations and other required regulatory measures which were submitted but not adopted are not enforceable by the State and, therefore, do not meet the requirements of § 51.22 of this chapter.

§ 52.1682 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in New York's plans, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Niagara Frontier Intrastate	b	c	b	c	a	a	a
Champlain Valley Interstate	e	e	e	e	e	e	e
Central New York Intrastate	a	c	e	e	e	b	a
Genesee-Finger Lakes Intrastate	a	a	a	July 1977	a	a	b
Hudson Valley Intrastate	a	a	a	July 1977	e	a	e
Southern Tier East Intrastate	a	a	e	e	e	e	e
Southern Tier West Intrastate	d	a	d	July 1977	e	e	e
New Jersey-New York-Connecticut Interstate	b	c	a	c	a	July 1975	July 1977

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. 18-month extension granted.
d. Air quality levels presently below primary standards.
e. Air quality levels presently below secondary standards.

§ 52.1683 Transportation and land-use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of New York must submit to the Administrator for the New York portion of the New Jersey-New York-Connecticut Interstate Region:

(1) No later than February 15, 1973, a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation controls by 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation controls.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation controls.

Subpart II—North Carolina

§ 52.1770 Identification of plan.

(a) Title of plan: "The North Carolina Plan for Implementing National Air Quality Standards."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on May 5 and 9, 1972, by the Air Quality Division of the North Carolina Department of Natural and Economic Resources.

§ 52.1771 Classification of regions.

The North Carolina plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Western Mountain Intrastate	I	III	III	III	III
Eastern Mountain Intrastate	I	III	III	III	III
Metropolitan Charlotte Interstate	I	II	III	III	I
Northern Piedmont Intrastate	I	III	III	III	III
Eastern Piedmont Intrastate	I	III	III	III	III
Northern Coastal Intrastate	I	III	III	III	III
Southern Coastal Intrastate	II	III	III	III	III
Sandhills Intrastate	II	III	III	III	III

The Administrator approves North Carolina's plan for attainment and maintenance of the national standards.

§ 52.1773 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in North Carolina's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Western Mountain Intrastate	July 1975	July 1975	b	b	b	b	b
Eastern Mountain Intrastate	a	July 1975	b	b	b	b	b
Metropolitan Charlotte Interstate	July 1975	July 1975	July 1975	July 1975	b	b	July 1975
Northern Piedmont Intrastate	July 1975	July 1975	b	b	b	b	b
Eastern Piedmont Intrastate	July 1975	July 1975	b	b	b	b	b
Northern Coastal Intrastate	July 1975	July 1975	b	b	b	b	b
Southern Coastal Intrastate	a	July 1975	b	b	b	b	b
Sandhills Intrastate	a	July 1975	b	b	b	b	b

a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards.

Subpart JJ—North Dakota

§ 52.1820 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Air Pollution for the State of North Dakota."
(b) The plan was officially submitted on January 24, 1972.

§ 52.1821 Classification of regions.

The North Dakota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
North Dakota Intrastate	II	III	III	III	III

§ 52.1822 Approval status.

The Administrator approves North Dakota's plan for the attainment and maintenance of the national standards.

§ 52.1823 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in North Dakota's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Fargo-Moorhead Interstate	Feb. 1975	Feb. 1975	a	a	a	a	a
North Dakota Intrastate	Feb. 1975	Feb. 1975	a	a	a	a	a

a. Air quality levels presently below secondary standards.

Subpart KK—Ohio

§ 52.1870 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio."

(b) The plan was officially submitted on January 31, 1972.

(c) Supplemental information was submitted on:

(1) March 20 and May 8, 1972, by the Ohio Air Pollution Control Board, and

(2) May 9, 1972, by the Office of the Attorney General.

§ 52.1871 Classification of regions.

The Ohio plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Greater Metropolitan Cleveland Intrastate	I	I	I	III	I
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	I	III	III	III	III
Mansfield-Marion Intrastate	II	II	III	III	III
Metropolitan Cincinnati Interstate	I	II	I	III	I
Metropolitan Columbus Intrastate	I	III	I	III	I
Metropolitan Dayton Intrastate	I	II	I	III	I
Metropolitan Toledo Interstate	I	I	I	III	I
Northwest Ohio Intrastate	II	I	III	III	III
Northwest Pennsylvania-Youngstown Interstate	I	II	III	III	III
Parkersburg (West Virginia)-Marietta (Ohio) Interstate	I	II	III	III	III
Sandusky Intrastate	III	III	III	III	III
Steubenville-Weirton-Wheeling Interstate	I	I	III	III	III
Wilmington-Chillicothe-Logan Intrastate	III	III	III	III	III
Zanesville-Cambridge Intrastate	II	IA	III	III	III

§ 52.1872 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Ohio's plan for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate and in the Ohio portion of the Steubenville-Weirton-Wheeling and Northwest Pennsylvania-Youngstown Interstate Regions.

(b) The Administrator hereby extends for 2 years the attainment date for the national standard for photochemical oxidants in the Metropolitan Dayton Intrastate Region and in the Ohio portion of the Metropolitan Toledo and Metropolitan Cincinnati Interstate Regions.

§ 52.1873 Approval status.

With the exception set forth in this subpart, the Administrator approves Ohio's plan for the attainment and maintenance of the national standards.

§ 52.1874 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules, which extend over 18 months, that apply to the emission limita-

tions of AP–3–11, AP–3–12, and AP–3–14 of the Ohio Air Pollution Control Board do not provide for periodic increments of progress.

§ 52.1875 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Ohio's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland Intrastate	a	c	a	a	a	e	a
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	a	a	e	e	e	e	e
Mansfield-Marion Intrastate	a	a	d	a	e	e	e
Metropolitan Cincinnati Interstate	a	a	d	a	a	a	b
Metropolitan Columbus Intrastate	a	a	e	e	a	e	a
Metropolitan Dayton Intrastate	a	a	e	e	a	e	July 1977,
Metropolitan Toledo Interstate	a	a	a	a	a	e	b
Northwest Ohio Intrastate	a	a	a	a	e	e	e
Northwest Pennsylvania-Youngstown Interstate	a	c	d	a	e	e	e
Parkersburg (West Virginia)-Marietta (Ohio) Interstate	a	a	d	a	e	e	e
Sandusky Intrastate	a	a	e	e	e	e	e
Steubenville-Weirton-Wheeling Interstate	a	c	a	a	e	e	e
Wilmington-Chillicothe Logan Intrastate	a	a	e	e	e	e	e
Zanesville-Cambridge Intrastate	a	a	a	a	e	e	e

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. 18-month extension granted.
d. Air quality levels presently below primary standards.
e. Air quality levels presently below secondary standards.
f. Transportation control strategy is to be submitted no later than Feb. 15, 1973.

§ 52.1876 Transportation controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Ohio must submit to the Administrator:

(1) No later than February 15, 1973, the selection of appropriate transportation control alternatives and a demonstration that said alternatives, along with Ohio's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants in the Metropolitan Dayton Intrastate Region by 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternatives by 1977.

(2) No later than July 30, 1974, the legislative authority that is needed for carrying out the required transportation control alternatives.

(3) No later than December 30, 1974, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart LL—Oklahoma

§ 52.1920 Identification of plan.

(a) Title of plan: "State of Oklahoma Air Quality Control Implementation Plan."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 15, February 25, and May 4, 1972, by the Oklahoma State Department of Health.

§ 52.1921 Classification of regions.

The Oklahoma plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Central Oklahoma Intrastate	I	III	III	III	I
Northeastern Oklahoma Intrastate	I	III	III	III	I
Southeastern Oklahoma Intrastate	III	III	III	III	III
North Central Oklahoma Intrastate	III	III	III	III	III
Southwestern Oklahoma Intrastate	III	III	III	III	III
Northwestern Oklahoma Intrastate	III	III	III	III	III
Metropolitan Fort Smith Interstate	II	III	III	III	III
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III

§ 52.1922 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oklahoma's plan for the attainment and maintenance of the national standards.

§ 52.1923 Emergency episode.

(a) The requirements of § 51.16(b)(3) of this chapter are not met since the plan does not provide sufficient emission reduction actions for the alert stage. No mention is made of curtailing incineration and boiler lancing or soot blowing.

§ 52.1924 Review of new sources and modifications: Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since Regulation No. 14, Permits Required, will not be enforceable until January 1, 1973. The regulation must be effective by July 31, 1972.

§ 52.1925 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Oklahoma's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Central Oklahoma Intrastate	a	a	c	c	c	c	a
Northeastern Oklahoma Intrastate	a	a	c	c	c	c	a
Southeastern Oklahoma Intrastate	c	c	c	c	c	c	c
North Central Oklahoma Intrastate	c	c	c	c	c	c	c
Southwestern Oklahoma Intrastate	c	c	c	c	c	c	c
Northwestern Oklahoma Intrastate	c	c	c	c	c	c	c
Metropolitan Fort Smith Interstate	b	a	c	c	c	c	c
Shreveport-Texarkana-Tyler Interstate	b	a	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart MM—Oregon

§ 52.1970 Identification of plan.

(a) Title of plan: "State of Oregon Clean Air Act Implementation Plan."
(b) The plan was officially submitted on January 25, 1972.
(c) Supplemental information was submitted on May 3, 1972.

§ 52.1971 Classification of regions.

The Oregon plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Portland Interstate	I	IA	III	I	I
Southwest Oregon Intrastate	II	III	III	III	III
Northwest Oregon Intrastate	III	III	III	III	III
Central Oregon Intrastate	II	III	III	III	III
Eastern Oregon Intrastate	II	III	III	III	III

§ 52.1972 Approval status.

The Administrator approves Oregon's plan for the attainment and maintenance of the national standards.

§ 52.1973 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Oregon's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Portland Interstate	May, 1975	May, 1975	b	b	May, 1975	May, 1975[c]	May, 1975[c]
Southwest Oregon Intrastate	May, 1975	May, 1975	b	b	b	b	b
Northwest Oregon Intrastate	b	b	b	b	b	b	b
Central Oregon Intrastate	a	May, 1975	b	b	b	b	b
Eastern Oregon Intrastate	May, 1975	May, 1975	b	b	b	b	b

a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards.
c. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.

§ 52.1974 Transportation and land-use controls.

(a) To complete the requirements of § 51.14 of this chapter, the Governor of Oregon must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Oregon portion of the Portland Interstate Region by May 1975. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by May 1975.

(2) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart NN—Pennsylvania

§ 52.2020 Identification of plan.

(a) Title of plan: "Pennsylvania's Implementation Plan."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on:

(1) March 17, March 27, and May 4, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, and

(2) May 5, 1972.

§ 52.2021 Classification of regions.

The Pennsylvania plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Philadelphia Interstate	I	I	I	I	I
Northeast Pennsylvania-Upper Delaware Valley Interstate	I	II	I	III	III
South Central Pennsylvania Intrastate	I	II	I	III	III
Central Pennsylvania Intrastate	I	III	I	III	III
Southwest Pennsylvania Intrastate	I	I	I	I	I
Northwest Pennsylvania-Youngstown Interstate	I	II	III	III	III

§ 52.2022 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Pennsylvania's plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the Southwest Pennsylvania Intrastate Region and in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region.

(b) The Administrator hereby extends for 2 years the attainment date for the national standards for photochemical oxidants and carbon monoxide in the Southwest Pennsylvania Intrastate Region and for carbon monoxide in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region.

§ 52.2023 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Pennsylvania's plan for attainment and maintenance of the national standards.

§ 52.2024 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since in the jurisdictions of the Allegheny County Health Department and the Philadelphia Department of Public Health the plan does not provide for public availability of emission data.

§ 52.2025 Legal authority.

(a) The requirements of § 51.11(f) of this chapter are not met. The State lacks authority to enforce for a minimum of 30 days against any source located in a political subdivision with an "approved status." Accordingly, section 133.8 of Title 25 of the Department of Environmental Resources Rules and Regulations is inadequate.

(b) The requirements of § 51.11(a)(6) of this chapter are not met. Authority to release emission data is not provided, and will in fact be precluded in certain circumstances by section 1719 of the Allegheny Health Department's Rules and Regulations. Also, the authority to release emission data to the public is deficient to the extent that section 5–1104 of Philadelphia Home Rule Charter will preclude its release.

§ 52.2026 Control strategy and regulations: Particulate matter and sulfur oxides.

(a) The following sections of the Allegheny County Health Department Rules and Regulations, Articles XVII, "Air Pollution Control," January 1970, are disapproved since they do not provide the degree of control needed to attain and maintain the national standards for particulate matter and sulfur oxides in the Southwest Pennsylvania Intrastate Region:

(1) Section 1706, "Particulate Matter."

(2) Section 1707, "Sulfur Compounds."

(3) Section 1708.1, "Miscellaneous Air Contaminants, Coke Plants."

(b) The following sections of the city of Philadelphia Air Pollution Control Board Air Management Regulation II, "Air Contaminant and Particulate Matter Emissions," April 1970, are disapproved since they do not provide the degree of control needed to attain and maintain the national standards for particulate matter and sulfur oxides in the Metropolitan Philadelphia Interstate Region.

(1) Section V, "Particulate Matter Emissions from the Burning of Fuels."

(2) Section VII, "Particulate Matter Emissions from Chemical, Metallurgical, Mechanical and Other Processes."

(c) The State emission-limiting regulations included in the control strategy for attainment and maintenance of the national standards for particulate matter and sulfur oxides in the Southwest Pennsylvania Intrastate Region and the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region are not enforceable by the State agency in the jurisdictions of the Allegheny County Health Department and the Philadelphia Department of Public Health.

§ 52.2027 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Central Pennsylvania, South Central Pennsylvania, and Southwest Pennsylvania Intrastate Regions, and in the Pennsylvania portions of the Metropolitan Philadelphia and Northeast Pennsylvania-Upper Delaware Valley Interstate Regions.

§ 52.2028 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since in the jurisdictions of the Allegheny County Health Department and the Philadelphia Department of Public Health, not all of the episode criteria are sufficient to prevent reaching the levels which could cause significant harm to the health of persons as specified in § 51.16(a) of this chapter.

(b) The requirements of § 51.16(d) of this chapter are not met since in the jurisdiction of the Philadelphia Department of Public Health, no emission control action may be initiated unless a forecast of poor atmospheric dispersion is in effect.

(c) The requirements of § 51.16(e)(2) of this chapter are not met since in the jurisdiction of the Allegheny County Health Department, no procedures are given for inspection of sources to ascertain compliance with applicable emission control action requirements.

(d) The requirements of § 51.16(e)(3) of this chapter are not met since in the jurisdiction of the Allegheny County Health Department, the communication procedures are not fully developed nor is a timetable for their completion presented.

(e) The requirements of § 51.16(f) of this chapter are not met since in the jurisdiction of the Philadelphia Department of Public Health, a timetable for the completion of emission control action plans has not been submitted.

§ 52.2029 Air quality surveillance.

(a) The requirements of § 51.17(a)(1) of this chapter are not met since the plan lacks provisions for the minimum number of air quality monitoring sites in the following regions:

(1) Sulfur dioxide samplers in the Southwest Pennsylvania, South Central Pennsylvania and Central Pennsylvania Intrastate Regions, and in the Pennsylvania portions of the Northwest Pennsylvania-Youngstown and Metropolitan Philadelphia Interstate Regions.

(2) Tape samplers in the South Central Pennsylvania and Central Pennsylvania Interstate Regions, and in the Pennsylvania portions of the Northeast Pennsylvania-Upper Delaware Valley and Northwest Pennsylvania-Youngstown Interstate Regions.

(3) Nitrogen dioxide samplers in the Pennsylvania portion of the Northeast Pennsylvania-Upper Delaware Valley Interstate Region, and the South Central Pennsylvania, Central Pennsylvania, and Southwest Pennsylvania Intrastate Regions.

(b) The requirements of § 51.17(a)(2) of this chapter are not met since the plan does not indicate that at least one sampling site is located in the area of estimated maximum pollutant concentration in the Pennsylvania portions of the Northeast Pennsylvania-Upper Delaware Valley and Northwest Pennsylvania-Youngstown Interstate Regions, and the Central Pennsylvania, South Central Pennsylvania, and Southwest Pennsylvania Intrastate Regions.

(c) The requirements of § 51.17(b)(1) of this chapter are not met since the plan lacks sufficient detail to judge the design basis of the air quality surveillance system.

(d) The requirements of § 51.17(b)(4) of this chapter are not met since an indication is not given in the plan of the existence of the necessary laboratory analytical capability.

§ 52.2030 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since:

(1) The provisions of Chapter 135, Title 25, Rules and Regulations, Department of Environmental Resources, do not require periodic reporting of emission data to the State on an adequate time basis in the jurisdiction of the Pennsylvania Department of Environmental Resources.

(2) The plan does not provide for legally enforceable procedures for requiring stationary sources to maintain records of and periodically report to the agencies information on, the nature and amount of emissions from such sources in the jurisdictions of the Allegheny County Health Department and the Philadelphia Department of Public Health.

(b) The requirements of § 51.19(b) of this chapter are not met since:

(1) The plan provisions for periodically testing stationary sources are inadequate in the areas under the jurisdiction of the Pennsylvania Department of Environmental Resources.

(2) The plan does not provide for stationary sources to be periodically tested or inspected in the jurisdiction of the Allegheny County Health Department.

(3) The plan does not provide for periodic testing of stationary sources in the jurisdiction of the Philadelphia Department of Public Health. (c) The requirements of § 51.19(c) are not met since the plan lacks specific procedures for investigating complaints in the jurisdiction of the Allegheny County Health Department.

§ 52.2031 Resources.

The requirements of § 51.20 of this chapter are not met since the manpower projections for the Pennsylvania Bureau of Air Quality and Noise Control are not consistent with the projected workloads.

§ 52.2032 Intergovernmental cooperation.

The requirements of § 51.21(c) of this chapter are not met since the plan does not indicate that Pennsylvania will transmit to the neighboring States of Maryland, New York, and West Virginia data about factors which may significantly affect air quality in those States.

§ 52.2033 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the State emission-limiting regulations included in the control strategy for the attainment and maintenance of the national standards for photochemical oxidants in the Southwest Pennsylvania Intrastate Region are not enforceable by the State agency in the jurisdiction of the Allegheny County Health Department.

§ 52.2034 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in the Pennsylvania plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia Interstate	a	c	a	c	a	July 1977 f	a
Northeast Pennsylvania-Upper Delaware Valley Interstate	a	a	d	a	a	e	e
South Central Pennsylvania Intrastate	a	a	a	a	a	e	e
Central Pennsylvania Intrastate	a	a	e	e	a	e	e
Southwest Pennsylvania Intrastate	a	c	a	c	a	July 1977 f	b
Northwest Pennsylvania-Youngstown Interstate	a	a	e	e	e	e	e

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 5 years from plan approval or promulgation.
c. 18-month extension granted.
d. Air quality levels presently below primary standards.
e. Air quality levels presently below secondary standards.
f. Transportation control strategy is to be submitted no later than Feb. 15, 1973, with the first semiannual report

§ 52.2035 Transportation and landuse controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Pennsylvania must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with the Federal Motor Vehicle Control Program will attain the national standards for carbon monoxide in the Southwest Pennsylvania Intrastate Region and Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region by 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by 1977.

(2) No later than July 30, 1974, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 30, 1974, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart OO—Rhode Island

§ 52.2070 Identification of plan.

(a) Title of plan: "Plan for Implementation, Maintenance and Enforcement of National Primary and Secondary Ambient Air Quality Standards in the Metropolitan Providence Interstate Air Quality Control Region" for the State of Rhode Island.

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 4, February 9, and February 29, 1972, by the Rhode Island Department of Health.

§ 52.2071 Classification of regions.

The Rhode Island plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Providence Interstate	I	I	I	III	III

§ 52.2072 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Rhode Island's plan for the attainment and maintenance of the national standards.

§ 52.2073 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2074 Legal authority.

(a) The requirements of § 51.11(a)(5) of this chapter are not met. Authority to require record keeping is deficient to the extent that section 23–25–13 requires only those sources with an air pollution control program to keep records.

(b) The requirements of § 51.11(a)(6) of this chapter are not met. Authority to release emission data to the public is deficient in that section 23–25–6 requires that only records concerning investigations be available to the public. Further, section 23–25–5(g) and section 23–25–13 may limit the State's authority to release emission data. Authority to require sources to install and maintain monitoring equipment is not provided and is therefore inadequate. Authority to require sources to periodically report is not provided and is therefore inadequate.

§ 52.2075 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not include legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

§ 52.2076 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Providence Interstate	a	a	a	a	a	b	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below secondary standards.

Subpart PP—South Carolina

§ 52.2120 Identification of plan.

(a) Title of plan: "South Carolina Air Quality Implementation Plan."
(b) The plan was officially submitted on January 21, 1972.
(c) Supplemental information was submitted on May 4, 1972, by the South Carolina Pollution Control Authority.

§ 52.2121 Classification of regions.

The South Carolina plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Augusta (Georgia)-Aiken (South Carolina) Interstate	I	II	III	III	III
Metropolitan Charlotte Interstate	I	II	III	III	I
Camden-Sumter Intrastate	II	III	III	III	III
Charleston Intrastate	I	I	III	III	III
Columbia Intrastate	II	III	III	III	III
Florence Intrastate	III	III	III	III	III
Georgetown Intrastate	II	III	III	III	III
Greenville-Spartanburg Intrastate	I	III	III	III	III
Greenwood Intrastate	III	III	III	III	III
Savannah (Georgia)-Beaufort (South Carolina) Interstate	I	I	III	III	III

§ 52.2122 Approval status.

With the exceptions set forth in this subpart, the Administrator approves South Carolina's plan for attainment and maintenance of the national standards.

§ 52.2123 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2124 Legal authority.

(a) The requirements of § 51.11(a)(5) of this chapter are not met since the plan does not present the legal authority to inspect, test, and require recordkeeping by existing sources.
(b) The requirements of § 51.11(a)(6) of this chapter are not met since the plan does not present the legal authority to require existing sources to install, maintain, and use emission monitoring devices and to allow the South Carolina Pollution Control Authority to make emission data available to the public.

§ 52.2125 Compliance schedules.

(a) The requirements of § 51.15(b) of this chapter are not met since Regulation No. 4A of the South Carolina Pollution Control Authority Regulations and Standards (Air) does not provide for compliance by pulp and paper manufacturing plants within the time period specified in the plan for attainment and maintenance of the national standards.
(b) The requirements of § 51.15(c) of this chapter are not met since South Carolina's Standard No. 2A and Regulation No. 4A do not provide for increments of progress in those compliance schedules that exceed 18 months.
(c) The requirements of § 51.15(d) of this chapter are not met since Standard No. 2A of the South Carolina Pollution Control Authority Regulations and Standards (Air) does not provide for attainment and maintenance of the national standards for sulfur oxides within the time specified pursuant to § 51.10 (b) and (c) of this chapter because paragraph D of section II of this Standard allows for a possible variance to be given to fuel combustion sources of sulfur dioxide. Paragraph D is therefore disapproved.

§ 52.2126 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide for disapproving construction or modification of stationary sources for interfering with attainment and maintenance of the national standards for particulate matter.

§ 52.2127 **Source surveillance.**

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not present the procedures for requiring owners or operators to maintain records and to make periodic reports to the State agency.

(b) The requirements of § 51.19(b) of this chapter are not met since the State agency is unable to inspect and test stationary sources.

§ 52.2128 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in South Carolina's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Augusta (Georgia)-Aiken (South Carolina) Interstate	July 1975	July 1975	July 1975	July 1975	a	a	a
Metropolitan Charlotte Interstate	July 1975	July 1975	July 1975	July 1975	a	a	July 1975
Camden-Sumter Intrastate	July 1975	July 1975	a	a	a	a	a
Charleston Intrastate	July 1975	July 1975	July 1975	July 1977	a	a	a
Columbia Intrastate	July 1975	July 1975	a	a	a	a	a
Florence Intrastate	a	a	a	a	a	a	a
Georgetown Intrastate	July 1975	July 1975	a	a	a	a	a
Greenville-Spartanburg Intrastate	July 1975	July 1975	a	a	a	a	a
Greenwood Intrastate	a	a	a	a	a	a	a
Savannah (Georgia)-Beaufort (South Carolina) Interstate	July 1975	July 1975	July 1975	July 1975	a	a	a

NOTE.—Date which is underlined is proposed by the Administrator because the plan did not provide a specific date, or the date provided was not acceptable.

a. Air quality levels presently below secondary standards.

Subpart QQ—South Dakota

§ 52.2170 **Identification of plan.**

(a) Title of plan: "Air Pollution Control Regulations and Implementation Plan for the State of South Dakota."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on:

(1) January 27, and May 2, 1972.

(2) April 27, 1972, by the South Dakota Air Pollution Control Commission.

§ 52.2171 **Classification of regions.**

The South Dakota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Sioux City Interstate	III	III	III	III	III
Metropolitan Sioux Falls Interstate	II	III	III	III	III
Black Hills - Rapid City Intrastate	III	III	III	III	III
South Dakota Intrastate	III	III	III	III	III

§ 52.2172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves South Dakota's plan for the attainment and maintenance of the national standards.

§ 52.2173 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the South Dakota Compiled Law 34–16A–21 provides that data which relates to processes or production unique to the owner or which tend to adversely affect a competitive position of the owner shall be held confidential.

(b) Delegation of authority: Pursuant to section 114 of the Act, South Dakota requested a delegation of authority to enable it to collect, correlate and release emission data to the public. The Administrator has determined that South Dakota is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to South Dakota his authority under section 114(a) (1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.

§ 52.2174 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in South Dakota's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Sioux City Interstate	c	c	c	c	c	c	c
Metropolitan Sioux Falls Interstate	b	a	c	c	c	c	c
Black Hills - Rapid City Intrastate	c	c	c	c	c	c	c
South Dakota Intrastate	c	c	c	c	c	c	c

NOTE.—The underlined footnote is proposed by the Administrator because the plan did not provide a specific date.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

Subpart RR—Tennessee

§ 52.2220 Identification of plan.

(a) Title of plan: "Tennessee Air Pollution Control Implementation Plan."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on:

(1) April 27, 1972, from the Memphis and Shelby County Health Department, and

(2) February 3 and 10, April 13, and May 3, 8, and 12, 1972, from the Division of Air Pollution Control of the Tenessee Department of Public Health.

§ 52.2221 Classification of regions.

The Tennessee plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Tennessee-Southwestern Virginia Interstate	I	I	III	III	III
Tennessee River Valley-Cumberland Mountains Intrastate	I	I	III	III	III
Middle Tennessee Intrastate	I	II	III	III	I
Western Tennessee Intrastate	I	III	III	III	III
Chattanooga Interstate	I	II	I	III	III
Metropolitan Memphis Interstate	I	III	I	III	I

§ 52.2222 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Tennessee's plan for the attainment and maintenance of the national standards.

§ 52.2223 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data in the jurisdiction of the Nashville-Davidson County Health Department, Chattanooga-Hamilton County Air Pollution Control Bureau, and the Knox County Division of Air Pollution Control.

§ 52.2224 Legal authority.

(a) The requirements of § 51.11(a)(3) of this chapter are not met since the plan does not provide the legal authority for controlling motor vehicles during air pollution emergency episodes.

(b) The requirements of § 51.11(f) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) Nashville-Davidson County Health Department:

(i) Authority to require monitoring is lacking [§ 51.11(a)(6) of this chapter].

(ii) Authority to make emission data available to the public is lacking [§ 51.11(a)(6) of this chapter].

(2) Chattanooga-Hamilton County Air Pollution Control Bureau:

(i) Authority to require monitoring is lacking [§ 51.11(a)(6) of this chapter].

(ii) Authority to make emission data available to the public is lacking [§ 51.11(a)(6) of this chapter].

(3) Knox County Division of Air Pollution Control:

(i) Authority to require monitoring is lacking [§ 51.11(a)(6) of this chapter].

(ii) Authority to make emission data available to the public is lacking [§ 51.11(a)(6) of this chapter].

§ 52.2225 Control strategy: Nitrogen dioxide and photochemical oxidants.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable

through the application of reasonably available control technology in the Tennessee portion of the Memphis Interstate Region.

(b) The requirements of § 51.14 of this chapter are not met since the plan does not provide for attainment and maintenance of the national standard for photochemical oxidants in the Tennessee portion of the Memphis Interstate Region.

§ 52.2226 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since chapter VI, sections 2A, 2C, and 4B of the Tennessee Air Pollution Control Regulations do not contain increments of progress for fuel burning sources of particulate matter larger than 4,000 million B.t.u. heat input per hour, for incinerators (particulate matter), and for nonprocess sources of sulfur dioxide and since chapter VII, sections 6B and 7(1) do not provide increments of progress for process sources of sulfur oxides and for sulfuric acid plants, respectively.

(b) The requirements of § 51.15(c) of this chapter are not met since section 3-22 of the Memphis-Shelby County Air Pollution Control Regulations does not contain increments of progress for the compliance schedules for fuel combustion sources larger than 4,000 million B.t.u. heat input per hour.

§ 52.2227 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b)(3) of this chapter are not met since the plan does not provide for the enforcement of emission control actions for mobile sources during air pollution emergency episodes.

§ 52.2228 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since section 53.3412(A)(1) of the Tennessee Air Quality Act, chapter IX of the Tennessee Air Pollution Control Regulations, section 27 of the Knox County Regulations, section 4-1-16 of the Davidson County Metropolitan Code, and section 3-5 of the Memphis Regulations do not provide for disapproving construction or modification of a stationary source if such construction or modification will violate an applicable portion of the control strategy or will interfere with attainment and maintenance of the national standards.

§ 52.2229 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the stationary source regulation necessary for attainment and maintenance of the national standard for nitrogen dioxide in the Tennessee portion of the Chattanooga Interstate Region is not adopted.

§ 52.2230 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Tennessee's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Eastern Tennessee-Southwestern Virginia Interstate	July 1975	July 1975	July 1975	July 1975	c	c	c
Tennessee River Valley-Cumberland Mountains Intrastate	July 1975	July 1975	July 1975	July 1975	c	c	c
Middle Tennessee Intrastate	July 1975	July 1975	c	c	c	c	July 1975
Western Tennessee Intrastate	July 1975	July 1975	c	c	c	c	c
Chattanooga Interstate	July 1975	July 1975	c	c	a	c	c
Metropolitan Memphis Interstate	July 1975	July 1975	c	c	a	c	a

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

Subpart SS—Texas

§ 52.2270 Identification of plan.

(a) Title of plan: "Texas Air Pollution Control Implementation Plan."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 25, May 2, and May 3, 1972, by the Texas Air Control Board.

§ 52.2271 Classification of regions.

The Texas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Abilene-Wichita Falls Intrastate	II	II	III	III	III
Amarillo-Lubbock Intrastate	II	I	III	III	III
Austin-Waco Intrastate	II	III	III	III	I
Brownsville-Laredo Intrastate	I	III	III	III	III
Corpus Christi-Victoria Intrastate	I	I	I	III	I
Midland-Odessa-San Angelo Intrastate	II	II	III	III	III
Metropolitan Houston-Galveston Intrastate	I	I	I	III	I
Metropolitan Dallas-Fort Worth Intrastate	II	III	I	III	I
Metropolitan San Antonio Intrastate	II	III	III	III	I
Southern Louisiana-Southeast Texas Interstate	II	I	III	III	I
El Paso-Las Cruces Alamogordo Interstate	I	I	III	I	I
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III

§ 52.2272 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for photochemical oxidants (hydrocarbons) in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Intrastate Regions.

§ 52.2273 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Texas' plan for the attainment and maintenance of the national standards.

§ 52.2274 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not specifically describe the procedures by which the State will make emission data, as correlated with applicable emission limitations, available to the public.

§ 52.2275 Control strategy: Photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14(a) of this chapter are not met since the plan does not provide the degree of hydrocarbon emission reduction necessary to attain and maintain the national standards for photochemical oxidants (hydrocarbons) in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Intrastate Regions.

§ 52.2276 **Control strategy and regulations: Nitrogen oxides.**

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Corpus Christi-Victoria, Metropolitan Houston-Galveston and Metropolitan Dallas-Fort Worth Intrastate Regions.

(b) The requirements of § 51.22 of this chapter are not met since Texas' Regulation VII, Control of Air Pollution from Nitrogen Compounds, does not contain emission limitations or other measures necessary for attainment and maintenance of the national standards in the Metropolitan Dallas-Fort Worth Intrastate Region. Therefore, Regulation VII is disapproved for this region.

§ 52.2277 **Source surveillance.**

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not provide legally enforceable procedures to require sources to maintain records and periodically report to the State information on the nature and amount of emissions.

§ 52.2278 **Request for 2-year extension: Photochemical oxidants (hydrocarbons).**

(a) Texas' request under § 51.30 of this chapter is not applicable in the Metropolitan San Antonio Intrastate Region since the national standards for photochemical oxidants (hydrocarbons) will be attained by 1975.

§ 52.2279 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Texas' plan, except where noted.

Air Quality Control Regions	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Abilene-Wichita Falls Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Amarillo-Lubbock Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Austin-Waco Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	a,c
Brownsville-Laredo Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Corpus Christi-Victoria Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	July,1977 c
Midland-Odessa-San Angelo Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Metropolitan Houston-Galveston Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	July,1977 c.
Metropolitan Dallas-Forth Worth Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	a,c
Metropolitan San Antonio Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	a,c
Southern Louisiana-Southeast Texas Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	a
El Paso-Las Cruces-Alamogordo Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	a	a,c
Shreveport-Texarkana-Tyler Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

c. A timetable for implementing the transportation control strategies is to be submitted no later than February 15, 1973, with the first semiannual report.

§ 52.2280 **Transportation and land-use controls.**

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Texas must submit to the Administrator:

(1) No later than February 15, 1973, a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the vehicle inspection system that will, along with Texas' stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, attain and maintain the national standards for photochemical oxidants (hydrocarbon) in the Austin-Waco, Metropolitan Dallas-Fort Worth, Metropolitan San Antonio, and El Paso-Las Cruces-Alamogordo Regions by 1975, and in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Regions by 1977.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the vehicle inspection system.

(3) No later than December 31, 1973, the necessary adopted regulations and administrative policies needed to implement the vehicle inspection system.

Subpart TT—Utah

§ 52.2320 **Identification of plan.**

(a) Title of plan: "Utah Implementation Plan."

(b) The plan was officially submitted on January 25, 1972.

(c) Supplemental information was submitted on May 18, 1972.

§ 52.2321 **Classification of regions.**

The Utah plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Wasatch Front Intrastate	I	I	I	I	I
Four Corners Interstate	IA	IA	IA	III	III
Utah Intrastate	III	III	III	III	III

§ 52.2322 **Extensions.**

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Wasatch Front Intrastate Region.

§ 52.2323 **Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Utah's plan for the attainment and maintenance of the national standards.

§ 52.2324 **General requirements.**

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures to make emission data, as correlated with applicable emission limitations, available to the public.

§ 52.2325 **Control strategy: Sulfur oxides.**

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide an adequate control strategy to assure the attainment and maintenance of the national standards for sulfur oxides in the Wasatch Front Institute Region.

(b) The requirements of § 51.13 of this chapter are not met since the plan does not contain an adequate control strategy to provide for the mainenance of the national standards for sulfur oxides in the Utah portion of the Four Corners Interstate Region.

§ 52.2326 **Control strategy: Nitrogen dioxide.**

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology on stationary sources in the Wasatch Front Intrastate Region.

§ 52.2327 **Compliance schedules.**

(a) The requirements of § 51.15(a)(1) of this chapter are not met since the control strategy for sulfur oxides in the Wasatch Front Intrastate Region does not have a legally enforceable compliance schedule.

§ 52.2328 **Review of new sources and modifications.**

(a) The requirements of § 51.18(c) of this chapter are not met since section 1.3.3 of the Utah Code of Air Conservation Regulations does not provide for the disapproval of construction of a new source or modification of an existing source which will interfere with attainment and maintenance of a national standard.

§ 52.2329 **Resources.**

(a) The requirements of § 51.20 of this chapter are not met since the manpower program, provided in the plan does not provide for adequate engineering activities.

§ 52.2330 **Rules and regulations: Particulate matter.**

(a) The requirements of § 51.22 of this chapter are not met since section 3.5 of the Utah Code of Air Conservation Regulations, pertaining to particulate emissions from stationary sources, is not legally enforceable and is therefore disapproved.

§ 52.2331 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Utah's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Wasatch Front Intrastate	a	a	a	b	a	July 1977[d]	a
Four Corners Interstate	a	a	a	b	a	c	c
Utah Intrastate	c	c	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date, or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. 5 years from plan approval or promulgation.

c. Air quality levels presently below secondary standards.

d. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.

§ 52.2332 **Transportation and land-use controls.**

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Utah must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Wasatch Front Intrastate Region by July 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative

policies required for carrying out the transportation control alternative by July 1977.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart UU—Vermont

§ 52.2370 Identification of plan.

(a) Title of plan: "State of Vermont Implementation Plan for the Achievement of National Air Quality Standards."

(b) The plan was officially submitted on January 29, 1972.

(c) Supplemental information was submitted on February 3 and May 3, 1972, by the Vermont Agency of Environmental Conservation.

§ 52.2371 Classification of regions.

The Vermont plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Champlain Valley Interstate	II	II	III	III	III
Vermont Intrastate	II	II	III	III	III

§ 52.2372 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Vermont's plan for the attainment and maintenance of the national standards.

§ 52.2373 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met. Vermont does not have the authority to make emissions data available to the public since 10 V.S.A. § 363 would require the data to be held confidential if a source certified that it related to production or sales figures, unique processes, or would tend to affect adversely the competitive position of the owner.

§ 52.2374 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Vermont's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Champlain Valley Interstate	a	a	a	a	b	b	b
Vermont Intrastate	a	a	a	a	b	b	b

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below secondary standards.

Subpart VV—Virginia

§ 52.2420 Identification of plan.

(a) Title of Plan: "Implementation Plan of Virgina."

(b) The plan was officially submitted on January 30, 1972.

(c) Supplemental information was submitted on May 4, 1972, by the Virginia Air Pollution Control Board.

§ 52.2421 Classification of regions.

The Virginia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Tennessee-Southwestern Virginia Interstate	I	I	III	III	III
Valley of Virginia Intrastate	II	III	III	III	III
Central Virginia Intrastate	I	III	III	III	III
Northeastern Virginia Intrastate	IA	III	III	III	III
State Capital Intrastate	I	III	I	III	I
Hampton Roads Intrastate	I	II	I	III	I
National Capital Interstate	I	I	I	I	I

§ 52.2422 Extensions.

The Administrator hereby extends for 18 months the statutory timetable for submission of Virginia's plan for attainment and maintenance of the secondary standards for particulate matter in the State Capital Intrastate Region.

§ 52.2423 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards.

§ 52.2424 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2425 Control strategy and regulations: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the primary standards for particulate matter in the State Capital Intrastate Region and secondary standards for particulate matter in the Hampton Roads Intrastate Region.

(b) 4.03.00 and 4.07.00 of Virginia's "Air Pollution Control Regulations" (emission limitation for particulate matter from fuel combustion sources and incinerators, respectively), which are a part of the particulate matter control strategy, are disapproved in accordance with paragraph (a) of this section.

§ 52.2426 Control strategy and regulation: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the State Capital and Hampton Roads Intrastate Regions.

(b) 4.05.05(b)(2)(a) and 4.05.05(b)(2)(b) of Virginia's "Air Pollution Control Regulations" (emission limitation for nitrogen oxides from gas and oil-fired fuel combustion sources), which is a part of the nitrogen dioxide control strategy, is disapproved.

§ 52.2427 Source surveillance.

(a) The requirements of § 51.19(b) of this chapter are not met since the plan does not provide for periodic testing of stationary sources.

(b) The requirements of § 51.19(c) of this chapter are not met since the plan does not provide for specific procedures for detecting violations of any rules and regulations through the enforcement of appropriate visible emission limitations.

§ 52.2428 Request for 2-year extensions.

(a) Virginia's request under § 51.30 of this chapter for carbon monoxide in the State Capital and Hampton Roads Intrastate Regions are not applicable since the national standards are presently being attained.

(b) Virginia's requests under § 51.30 of this chapter for photochemical oxidants in the State Capital and Hampton Roads Intrastate Regions are not applicable since the plan demonstrates that the national standards will be attained by January 1975.

§ 52.2429 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Virginia's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Eastern Tennessee-Southwestern Virginia Interstate	Dec. 1974	Dec. 1974	Dec. 1973	Dec. 1973	d	d	d
Valley of Virginia Intrastate	c	July 1974	d	d	d	d	d
Central Virginia Intrastate	a	a	d	d	d	d	d
Northeastern Virginia Intrastate	a	a	d	d	d	d	d
State Capital Intrastate	a	b	d	d	a	d	Jan. 1975
Hampton Roads Intrastate	a	a	c.	Jan. 1975	a	d	Jan. 1975
National Capital Interstate	July 1974	July 1974	Jan. 1975	Jan. 1975	d	d	Jan. 1975

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. 18-month extension granted.
c. Air quality levels presently below primary standards.
d. Air quality levels presently below secondary standards.

Subpart WW—Washington

§ 52.2470 Identification of plan.

(a) Title of plan: "A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington."

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on January 28, 1972 and May 5, 1972.

§ 52.2471 Classification of regions.

The Washington plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Washington-Northern Idaho Interstate	I	IA	III	I	III
Northern Washington Intrastate	II	III	III	III	III
Olympic-Northwest Washington Intrastate	II	II	III	III	III
Portland Interstate	I	IA	III	I	I
Puget Sound Intrastate	I	IA	I	I	I
South Central Washington Intrastate	I	III	III	III	III

§ 52.2472 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the Puget Sound Intrastate Region and for carbon monoxide in the Washington portion of the Eastern Washington-Northern Idaho Interstate Region.

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of the national standards.

§ 52.2474 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide the necessary procedures for making emission data, as correlated with allowable emissions, available to the public.

§ 52.2475 Legal authority.

(a) The requirements of § 51.11(f) of this chapter are not met since authority to make emission data available to the public is inadequate in the Puget Sound Air Pollution Control Agency, the Spokane County Air Pollution Control Authority, the Northwest Air Pollution Authority, the Southwest Air Pollution Control Authority, the Olympic Air Pollution Control Authority, the Yakima County Clean Air Authority, the Douglas County Air Pollution Control Commission, the Grant County Air Pollution Control Authority, and the Tri-County Air Pollution Control Authority, because RCW 70.94.205 would require confidential treatment in certain circumstances if the data related to processes or production unique to the owner or operator, or were likely to affect adversely the competitive position of the owner or operator.

§ 52.2476 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Puget Sound Intrastate Region.

§ 52.2477 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not set forth legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amounts of emissions as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

§ 52.2478 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Washington's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Eastern Washington-Northern Idaho Interstate	a	a	c	c	c	June, 1977[d]	c
Northern Washington-Intrastate	b	a	c	c	c	c	c
Olympic-Northwest Washington Intrastate	a	a	b	a	c	c	c
Portland Interstate	July, 1975	July, 1975	a	a	c	c	c
Puget Sound Intrastate	Dec. 1973	a	Jan. 1975	Jan. 1975	a	June 1977	June 1977[d]
South Central Washington Intrastate	a	a	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

d. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.

§ 52.2479 Transportation and land-use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Washington must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with Washington's presently adopted source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Region and for carbon monoxide in the Washington portion of the Eastern Washington-Northern Idaho Interstate Region by June 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by June 1977.

(2) No later than July 1, 1973, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart XX—West Virginia

§ 52.2520 Identification of plan.

(a) Title of plan: "State of West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, Hydrocarbons, and Oxidants."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on March 3 and May 5, 1972, by the West Virginia Air Pollution Control Commission.

§ 52.2521 Classification of regions.

The West Virginia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Steubenville-Weirton-Wheeling Interstate	I	I	III	III	III
Parkersburg-Marietta Interstate	I	II	III	III	III
Huntington-Ashland-Portsmouth Ironton Interstate	I	III	III	III	III
Kanawha Valley Intrastate	I	III	III	III	III
Southern West Virginia Intrastate	III	III	III	III	III
North Central West Virginia Intrastate	I	III	III	III	III
Cumberland-Keyser Interstate	I	I	III	III	III
Central West Virginia Intrastate	III	III	III	III	III
Allegheny Intrastate	III	III	III	III	III
Eastern Panhandle Intrastate	III	III	III	III	III

§ 52.2522 Approval status.

The Administrator approves West Virginia's plan for the attainment and maintenance of the national standards.

§ 52.2523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in West Virginia's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Steubenville-Weirton-Wheeling Interstate	June 1975	June 1977	June 1975	June 1978	a	a	a
Parkersburg-Marietta Interstate	June 1975	June 1977	June 1975	June 1978	a	a	a
Huntington-Ashland Portsmouth-Ironton Interstate	June 1975	June 1977	a	a	a	a	a
Kanawha Valley Intrastate	June 1975	June 1977	a	a	a	a	a
Southern West Virginia Intrastate	a	a	a	a	a	a	a
North Central West Virginia Intrastate	June 1975	June 1977	a	a	a	a	a
Cumberland-Keyser Interstate	June 1975	June 1977	June 1975	June 1978	a	a	a
Central West Virginia Intrastate	a	a	a	a	a	a	a
Allegheny Intrastate	a	a	a	a	a	a	a
Eastern Panhandle Intrastate	a	a	a	a	a	a	a

a. Air quality levels presently below secondary standards.

Subpart YY—Wisconsin

§ 52.2570 Identification of plan.

(a) Title of plan: "A Statewide Implementation Plan to Achieve Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Hydrocarbons, Oxidants, and Carbon Monoxide in the State of Wisconsin."

(b) The plan was officially submitted on January 14, 1972.

(c) Supplemental information was submitted on February 15, March 3, March 16, and April 2, 1972, by the Bureau of Air Pollution Control and Solid Waste Disposal.

§ 52.2571 Classification of regions.

The Wisconsin plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Duluth (Minnesota)-Superior (Wisconsin) Interstate	I	II	III	III	III
North Central Wisconsin Intrastate	II	III	III	III	III
Lake Michigan Intrastate	II	III	III	III	III
Southeast Minnesota-La Crosse (Wisconsin) Interstate	II	IA	III	III	III
Southern Wisconsin Intrastate	II	III	III	III	III
Southeastern Wisconsin Intrastate	I	II	I	III	I
Rockford (Illinois)-Jamesville-Beloit (Wisconsin) Interstate	II	III	III	III	III
Metropolitan Dubuque Interstate	I	III	IA	III	III

§ 52.2572 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Wisconsin's plan for the attainment and maintenance of the national standards.

§ 52.2573 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2574 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since section 144.33 of the Wisconsin Air Law will preclude the release of emission data in certain situations.

§ 52.2575 Control strategy and regulations: Sulfur oxides.

(a) The control strategy presented in the plan for sulfur oxides in the Southeast Minnesota-La Crosse Interstate Region does not satisfy the requirements of § 51.4 of this chapter since a public hearing was not held on the strategy and associated regulations; therefore, the strategy is disapproved.

§ 52.2576 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since Wisconsin regulation NR154.1.1 defines the Air Pollution Emergency Level for carbon monoxide and for the product of sulfur dioxide and particulate matter at levels equal to or greater than those levels, which could cause significant harm to the health of persons, as set forth in § 51.16(a) of this chapter.

§ 52.2577 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Wisconsin's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Duluth (Minnesota)-Superior (Wisconsin) Interstate	a	a	b	a	c	c	c
North Central Wisconsin Intrastate	b	a	c	c	c	c	c
Lake Michigan Intrastate	b	a	c	c	c	c	c
Southeast Minnesota-La Crosse (Wisconsin) Interstate	b	a	a	July 1977	c	c	c
Southern Wisconsin Intrastate	b	a	c	c	c	c	c
Southeastern Wisconsin Intrastate	a	a	b	a	a	c	a
Rockford (Illinois)-Jamesville-Beloit (Wisconsin) Interstate	b	a	c	c	c	c	c
Metropolitan Dubuque Interstate	a	a	c	c	a	c	c

NOTE.—Date and footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. 3 years from plan approval or promulgation.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.

Subpart ZZ—Wyoming

§ 52.2620 Identification of plan.

(a) Title of plan: "Implementation Plan for Air Quality Control, State of Wyoming."

(b) The plan was officially submitted on January 26, 1972.

(c) Supplemental information was submitted on March 28 and May 3, 1972, by the Wyoming Air Quality Section.

§ 52.2621 **Classification of regions.**

The Wyoming plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Cheyenne Intrastate	II	III	III	III	III
Casper Intrastate	II	III	III	III	III
Wyoming Intrastate	III	III	III	III	III

§ 52.2622 **Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Wyoming's plan for the attainment and maintenance of the national standards.

§ 52.2623 **Legal authority.**

(a) The requirements of § 51.11(a)(4) of this chapter are not met since the State lacks the authority to prevent the construction of new sources and modification of existing sources.

(b) The requirements of § 51.11(a)(5) of this chapter are not met since the State lacks the authority to require recordkeeping and to make inspections and conduct tests.

(c) The requirements of § 51.11(a)(6) of this chapter are not met since the State lacks the authority to require installation of monitoring devices. In addition, emission data cannot be made available to the public because section 35-499 of the Wyoming Air Quality Act of 1967 requires that information which may tend to affect the competitive position of the owner be held confidential.

§ 52.2624 **General requirements.**

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures for making emission data, as correlated with applicable emission limitations, available to the public.

§ 52.2625 **Review of new sources and modifications.**

(a) The requirements of § 51.18 of this chapter are not met since the plan does not provide legally enforceable procedures to prevent the construction of a new source or modification of an existing source.

§ 52.2626 **Source surveillance.**

(a) The requirements of § 51.19(a)(1) of this chapter are not met since the plan lacks the legally enforceable procedures to require recordkeeping and periodic reporting of emission data.

§ 52.2627 **Air quality surveillance.**

(a) The requirements of § 51.17(c) of this chapter are not met since the plan does not provide for monitoring of air quality during any air pollution emergency episode stage.

§ 52.2628 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Wyoming's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Cheyenne Intrastate	a	June 30, 1973	b	b	b	b	b
Casper Intrastate	b	b	b	b	b	b	b
Wyoming Intrastate	b	b	b	b	b	b	b

a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards.

Subpart AAA—Guam

§ 52.2670 **Identification of plan.**

(a) Title of plan: "Implementation Plan for Compliance With the Ambient Air Quality Standards for the Territory of Guam."

(b) The plan was officially submitted on January 25, 1972.

§ 52.2671 **Classification of regions.**

The Guam plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Guam	III	II	III	III	III

§ 52.2672 **Approval status.**

The Administrator approves Guam's plan for the attainment and maintenance of the national standards.

§ 52.2673 **Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Guam's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Guam	a	a	June 1975	June 1977	a	a	a

a. Air quality levels presently below secondary standards.

Subpart BBB—Puerto Rico

§ 52.2720 Identification of plan.

(a) Title of plan: "Clean Air for Puerto Rico."
(b) The plan was submitted on January 31, 1972.

§ 52.2721 Classification of regions.

The Puerto Rico plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Puerto Rico	IA	IA	III	III	III

§ 52.2722 Approval status.

The Administrator approves Puerto Rico's plan for the attainment and maintenance of the national standards.

§ 52.2723 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Puerto Rico's implementation plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Puerto Rico	April 1975	April 1975	April 1975	April 1975	a	a	a

a. Air quality levels presently below secondary standards.

Subpart CCC—U.S. Virgin Islands

§ 52.2770 Identification of plan.

(a) Title of plan: "Air Quality Control Implementation Plan for the U.S. Virgin Islands."
(b) The plan was officially submitted on January 31, 1972.
(c) Supplemental information was submitted on April 26, 1972, by the Division of Environmental Health, U.S. Virgin Islands Department of Health.

§ 52.2771 Classification of regions.

The U.S. Virgin Islands plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
U. S. Virgin Islands	IA	IA	III	III	III

§ 52.2772 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the U.S. Virgin Islands plan for attainment and maintenance of the national standards.

§ 52.2773 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide for public availability of emission data.

§ 52.2774 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since release of emission data to the public might be precluded by section 213, title 12 of the Virgin Islands Code, in certain circumstances.

§ 52.2775 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide a means of disapproving construction or modification of stationary sources if said construction or modification will interfere with attainment or maintenance of a national standard.

§ 52.2776 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect information presented in the U.S. Virgin Islands plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
U. S. Virgin Islands	Jan. 1975	Jan. 1975	Jan. 1975	Jan. 1975	a	a	a

a. Air quality levels presently below secondary standards.

Subpart DDD—American Samoa

§ 52.2820 Identification of plan.

(a) Title of plan: "The Territory of American Samoa Air Pollution Control Implementation Plan."

(b) The plan was officially submitted on January 27, 1972.

(c) Supplemental information was submitted on March 9 and March 23, 1972, by the American Samoa Environmental Quality Commission.

§ 52.2821 Classification of regions.

The American Samoa plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
American Samoa	III	III	III	III	III

§ 52.2822 Approval status.

The Administrator approves American Samoa's plan for the attainment and maintenance of the national standards.

§ 52.2823 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in American Samoa's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
American Samoa	a	a	a	a	a	a	a

a. Air quality levels presently below secondary standards.

[FR Doc.72-8308 Filed 5-30-72;10:04 am]

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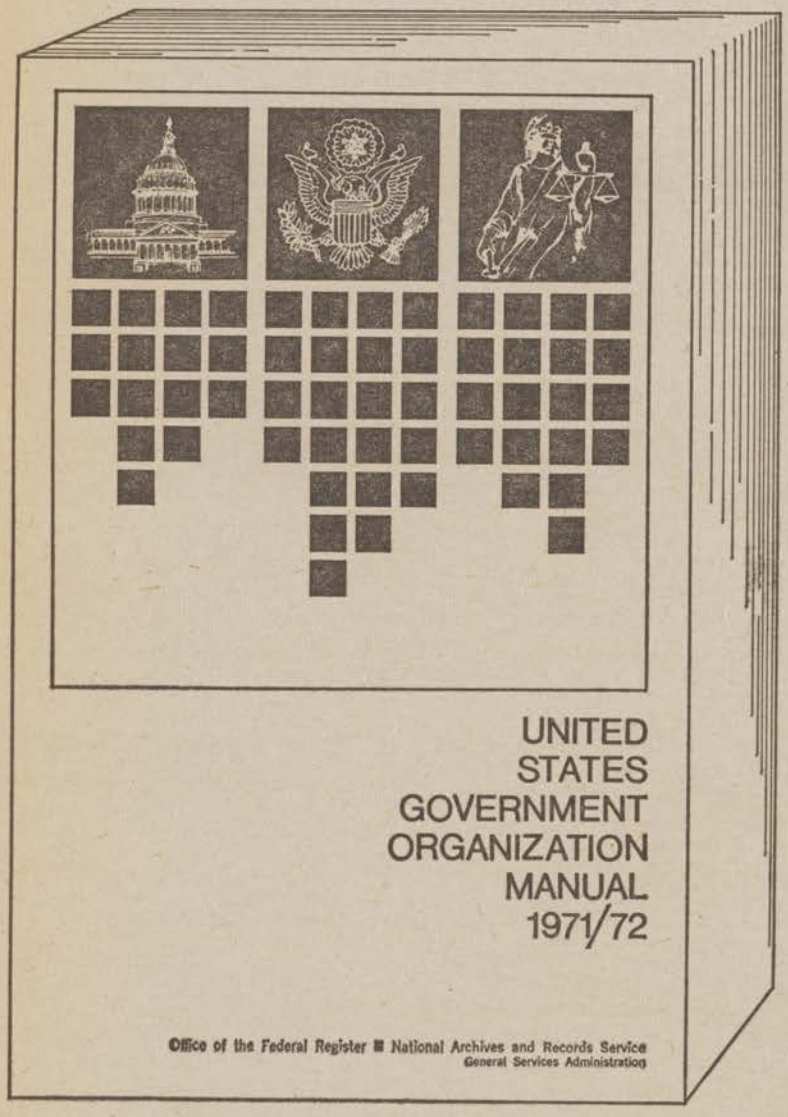

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