federal register

MONDAY, MAY 14, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 92

Pages 12595–12721

PART I

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HIGHLIGHTS OF THIS ISSUE

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federal register

Area Code 202 Phone 962–8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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List of CFR Parts Affected

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

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, 1973, and specifies how they are affected.

Presidential Documents

Title 3—The President

PROCLAMATION 4217

Mother's Day, 1973

By the President of the United States of America

A Proclamation

For nearly 60 years, this Nation has set aside one day each year to recognize the enormous responsibility a mother bears for the development of her children and our future citizens. Mother's Day also provides a special opportunity for a grateful Nation to pay tribute to other contributions that the mothers of America are making to our national life.

Today we are in the midst of a national movement to ensure equal rights for women. This movement has helped bring millions of additional women into the work force, performing highly skilled and challenging jobs—many of them previously filled by men. Great numbers of these women are mothers who are pursuing careers even while they continue to carry out major family responsibilities.

American women have made wide-ranging contributions to our country throughout its history. Pioneer women helped push westward the American frontier. Women have filled countless industrial positions in wartime when men have entered the Armed Forces. In medicine, science, law, education and every other profession, women have helped this country achieve unparalleled successes.

It is appropriate on this Mother's Day that we honor mothers of every generation:

—Older mothers, many of whom are widowed and living alone.

—Mothers in their middle years who began careers after their children were grown.

—Younger mothers who devote full time to their family responsibilities.

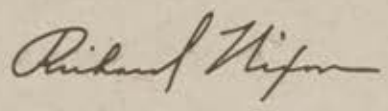
—Mothers who, in addition to their vital role at home, are engaged in volunteer service or employment that is of inestimable value to our economy and the quality of American life.

And particularly, this year, we honor the mothers and wives of those who served in the Vietnam war, especially those whose loved ones lost their lives or were held as prisoners of war.

The Congress, by a joint resolution of May 8, 1914 (38 Stat. 770), designated the second Sunday of May each year as a day on which to honor all mothers for their countless contributions to their families, their communities, and the Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America do hereby request that Sunday, May 13, 1973, be observed as Mother's Day. I urge Government officials and all citizens to mark that day by displaying the flag of the United States and by participating in appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-9674 Filed 5-11-73;12:02 pm]

Rules and Regulations

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-124]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Florida	Martin	Stuart, city of				May 14, 1973, Emergency.
Louisiana	Rapides Parish	Alexandria, city of				May 7, 1973, Emergency.
Do.	St. Martin Parish	Breaux Bridge, town of.				May 8, 1973, Emergency.
Do.	Grant Parish	Unincorporated areas				May 7, 1973, Emergency.
Do.	St. Martin Parish	Parks, village of				May 8, 1973, Emergency.
Do.	do.	St. Martinville, city of.				Do.
Michigan	Wayne	Southgate, city of				May 14, 1973, Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 7, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9371 Filed 5-11-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—CONSUMER AND MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Reg. 5, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Lime Imports

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a)(2) § 944.204 (Lime Reg. 5) are hereby amended to read as follows:

§ 944.204 **Lime Regulation 5.**

(a) * * *

(2) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet requirements set forth in the U.S. Standards for Persian (Tahiti) limes, shall apply;

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 34 (§ 911.336) which becomes effective May 14, 1973; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

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

Dated May 8, 1973, to become effective May 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-9497 Filed 5-11-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Doc. No. 73-SO-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 28, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 8066), stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Toccoa, Ga., transition area is amended as follows: "* * * Longitude 83°17'40" W.) * * * is deleted and "* * * Longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (Lat. 34°30'20" N, Long. 83°33'14" W.) * * " is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in East Point, Ga., on May 4, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-9423 Filed 5-11-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7270]

PART 53—FOUNDATION EXCISE TAXES

Subpart B—Taxes on Self-Dealing; Correction

On Tuesday, April 17, 1973, Treasury Decision 7270 was published in the FEDERAL REGISTER (38 FR 9493). The following change should be made to T.D. 7270.

In example (6) in § 53.4941(d)-1(b)(8) (page 9497), the last word on line 12 of example (6), "paragraph", should be changed to "example".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.73-9533 Filed 5-11-73;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Reporting and Recordkeeping by State and Local Governments

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends title 29, chapter XIV, part 1602 of the Code of Federal Regulations.

On March 2, 1973, the Equal Employment Opportunity Commission published in the FEDERAL REGISTER (38 FR 5659) a notice of public hearing on proposed regulations regarding reporting and recording requirements for State and local governments embodied in the proposed regulations and report form EEO-4. The form and instructions were published as an appendix thereto.

Under the proposed regulations all political jurisdictions employing 15 or more employees were to be required to maintain for a 3-year period records which would be necessary for the proper completion of report form EEO-4, whether or not the political jurisdiction was required to file the report; and all political jurisdictions employing 100 or more employees and others with 15 or more employees where requested by the Commission were to be required to submit report EEO-4 annually. All political jurisdictions employing 15 or more employees also were to be required to maintain, for 2 years, all personnel and employment records, such as application forms and promotion, demotion, transfer, layoff, and termination records.

The public hearing was held on March 21, 1973. At the hearing the proposed requirements were explained and all persons who had requested to be heard testified. Thereafter, the record remained open for 5 days and written comments by 16 organizations were received. As a result of the comments, several changes were effected. The EEO-4 form was amended to include narrower salary ranges and more refined job category definitions. In addition, the first sentence of § 1602.30 of the proposed regulations was clarified. A new sentence was added prior to the last sentence of the section requiring copies of records to be maintained onsite which requirement conforms with the instructions to the report form. No other substantive changes were made.

In response to requests by several political jurisdictions for more time in which to comply with the requirements on reporting, the date by which the first EEO-4 report is required to be filed shall be October 31, 1973, instead of July 30, 1973. The payroll reporting period for employment data shall include August 31, 1973 or June 30, 1973, at the option of the political jurisdiction. The filing and report period dates of July 30 and June 30, respectively, shall apply in 1974 and thereafter.

Part 1602 is amended by adding new subparts I, J, and K, and by adding new §§ 1602.30, 1602.31, 1602.32, 1602.33, 1602.34, 1602.35, 1602.36, 1602.37, and 1602.38 thereto to read as follows below. These amendments shall become effective June 13, 1973.

Subpart I—State and Local Governments Recordkeeping

Sec.
1602.30 Records to be made or kept.
1602.31 Preservation of records made or kept.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart I—State and Local Governments Recordkeeping

1602.30 Records to be made or kept.

On or before July 30, 1973, and annually thereafter, every political jurisdiction with 15 or more employees is required to make or keep records and the information therefrom which are or would be necessary for the completion of report EEO-4 under the circumstances set forth in the instructions thereto, whether or not the political jurisdiction is required to file such report under § 1602.32 of the regulations in this part. The instructions are specifically incorporated herein by reference and have the same force and effect as other sections of this part.[1] Such records and the information therefrom shall be retained at all times for a period of 3 years at the central office of the political jurisdiction and shall be made available if requested by an officer, agent, or employee of the Commission under section 710 of title VII, as amended. Although agency data are aggregated by functions for purposes of reporting, separate data for each agency must be maintained either by the agency itself or by the office of the political jurisdiction responsible for preparing the EEO-4 form. It is the responsibility of every political jurisdiction to obtain from the Commission or its delegate necessary instructions in order to comply with the requirements of this section.

1602.31 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by a political jurisdiction (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion,

[1] NOTE.—Instructions were published as an appendix to the proposed regulations on Mar. 2, 1973 (38 FR 5662).

transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the political jurisdiction for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General against a political jurisdiction under title VII, the respondent political jurisdiction shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel record relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of final disposition of the charge or the action means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court or, where an action is brought against a political jurisdiction either by a person claiming to be aggrieved or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Subpart J—State and Local Government Information Report

Sec.
1602.32 Requirement for filing and preserving copy of report.
1602.33 Penalty for making of willfully false statements on report.
1602.34 Commission's remedy for political jurisdiction's failure to file report.
1602.35 Political jurisdiction's exemption from reporting requirements.
1602.36 Schools exemption.
1602.37 Additional reporting requirements.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart J—State and Local Government Information Report

1602.32 Requirement for filing and preserving copy of report.

(a) On or before July 30, 1974 and annually thereafter, certain political jurisdictions subject to title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of "State and Local Government Information Report EEO–4" in conformity with the directions set forth in the form and accompanying instructions. The political jurisdictions covered by this regulation are (1) those which have 100 or more employees, and (2) those other political jurisdictions which have 15 or more employees from whom the Commission requests the filing of reports. Every such political jurisdiction shall retain at all times a copy of the most recently filed EEO–4 at the central office of the political jurisdiction for a period of 3 years and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of title VII, as amended.

(b) For calendar year 1973, the requirements of paragraph (a) of this section shall be carried out on or before October 31, 1973.

1602.33 Penalty for making of willfully false statements on report.

The making of willfully false statements on report EEO–4, is a violation of the United States Code, title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

1602.34 Commission's remedy for political jurisdiction's failure to file report.

Any political jurisdiction failing or refusing to file report EEO–4 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Attorney General.

1602.35 Political jurisdiction's exemption from reporting requirements.

If it is claimed the preparation or filing of the report would create undue hardship, the political jurisdiction may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

1602.36 Schools exemption.

The recordkeeping and report-filing requirements of subparts I and J shall not apply to State or local educational institutions or to school districts or school systems or any other educational functions. The previous sentence of this section shall not act to bar jurisdiction which otherwise would attach under § 1602.30.

1602.37 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the "State and Local Government Information Report EEO–4," about the employment practices of individual political jurisdictions or group of political jurisdictions whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of title VII and as otherwise prescribed by law.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

Sec.
1602.38 Applicability of State or local law.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.38 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts I and J, supersede any provisions of State or local law which may conflict with them.

Signed at Washington, D.C., this 7th day of May 1973.

WILLIAM H. BROWN III,
Chairman.

[FR Doc.73-9520 Filed 5-11-73;8:45 am]

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

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Opportunity for Modifications and Clarifications

Pursuant to sections 18 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 667, 657), part 1902 of title 29, Code of Federal Regulations, is hereby amended by adding thereto a new § 1902.12. The new section, dealing with modifications and clarifications to State occupational safety and health plans, based on public comments addressed to the plan as submitted under § 1902.11 or § 1902.13, codifies a practice that has developed regarding some plans presently approved by the Assistant Secretary for Occupational Safety and Health. As indicated in the notices of approval of these plans, States have submitted modifications and clarifications and added assurances to their plans relating to issues raised in public comments, which have satisfactorily resolved these issues. (See 29 CFR pt. 1952, 37 FR 25929, 28628; 38 FR 1178, 2421, 2423, and 3041.)

The new § 1902.12 reads as follows:

§ 1902.12 Opportunity for modifications and clarifications.

The Assistant Secretary may afford the State an opportunity to modify or clarify its plan on the basis of any comments received under § 1902.11 or § 1902.13, before commencing a proceeding to reject the plan. In this connection, the State may informally discuss any issues raised by such comments with the staff of the Office of Federal and State Operations. The Assistant Secretary may afford an additional opportunity for public comment, particularly when such an opportunity would not unduly delay final

action on the plan and when the comments could be expected to elicit new relevant matter.

The amendment shall be effective immediately.

(Secs. 8(g) and 18, Public Law 91-596, 84 Stat. 1600, 1608, 29 U.S.C. 657, 667.)

Signed at Washington, D.C., this 8th day of May 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-9435 Filed 5-11-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO 1133]

PART 1033—CAR SERVICE

Central Iowa Railway and Development Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of May 1973.

It appearing that the Chicago, Rock Island & Pacific Railroad Co. (RI) in docket FD 26445 has abandoned its line between Hills, Iowa, and Montezuma, Iowa; that the Central Iowa Railway and Development Co. (CIRC), in Finance docket No. 27367, has requested permanent authority to acquire and operate this line; that the RI has given its consent to the operation of this line and over certain of its other tracks by the CIRC pending conclusion of certain transactions between the RI and the CIRC; that operation over this line by the CIRC is necessary to provide uninterrupted railroad service to shippers served by this line in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1133 Service Order No. 1133.

Central Iowa Railway & Development Co. authorized to operate over tracks abandoned by Chicago, Rock Island & Pacific Railroad Co. and to operate over tracks of Chicago, Rock Island & Pacific Railroad Co.

(a) The Central Iowa Railway and Development Company (CIRC) be, and it is hereby, authorized to operate over tracks abandoned by the Chicago, Rock Island and Pacific Railroad Company (RI) between Hills, Iowa, and Montezuma, Iowa.

(b) The CIRC be, and it is hereby, authorized to operate over tracks of the RI between Iowa City, Iowa, and Hills, Iowa, a distance of approximately 7.73 miles.

(c) *Application.*—The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) Nothing herein shall be considered as a pre-judgment of the application of the CIRC in Finance Docket No. 27367 seeking permanent authority to acquire and operate this line.

(e) *Effective date.*—This order shall become effective at 11:59 p.m., May 10, 1973.

(f) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9522 Filed 5-11-73;8:45 am]

[SO. 1134]

PART 1033—CAR SERVICE

Lumber and Plywood—Restrictions on Reconsigning

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 3d day of May 1973.

It appearing that an acute shortage of boxcars and other freight cars suitable for transporting lumber and plywood exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that carloads of lumber and plywood are being held for excessive periods awaiting instructions for diversion, reconsignment or other disposition orders; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1134 Service Order 1134.

Lumber and plywood—restrictions on reconsigning.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.*—(i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) *Definition of lumber and plywood.*—The term "lumber and plywood" as used in this order means lumber, veneer or forest products as listed in items 57580 to 58450 of Uniform Freight Classification No. 11, I.C.C. 7, or as listed in items 57580 to 58450 of Consolidated Freight Classification No. 23, I.C.C. No. 2, each issued by J. D. Sherson, supplements thereto, or reissues thereof.

(2) *Holding of cars for diversion, reconsignment, or disposition orders restricted.*—Carload shipments of lumber or plywood held in cars in excess of five days (120 hours), exclusive of Saturdays, Sundays, and holidays listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, after the first 7:00 a.m. after notice of arrival of the car at billed destination is sent or given and subsequently forwarded to another destination or delivered to a newly designated consignee upon instructions of the consignee, consignor, or owner, will be subject to the full local or joint (not proportional, reshipping, or transshipping) tariff rate from origin point to hold point in effect on date of shipment plus the full local or joint (not proportional, reshipping, or transshipping) tariff rate from the reforwarding point in effect on the date reforwarding instructions are given to carrier, plus all other applicable charges previously or subsequently accruing. (See exception.)

(3) *Exception: Cars at hold points on May 15, 1973.*—A notice, giving car number and hold point, shall be sent on May 15, 1973, to each shipper, consignee, or other qualified owner of each car of lumber or plywood held awaiting instructions for diversion, reconsignment, or reforwarding on that date, stating that the car will be subject to the bases of charges provided in this order unless diversion, reconsignment, or reforwarding instructions are given to the carrier within 5 days (120 hours) exclusive of Saturdays, Sundays, and holidays of the effective date of this order. Such notice shall be used in lieu of the arrival notice described in part (2) herein, in computing time on cars at hold points on May 15, 1973.

(b) *Rules and regulations suspended.*—The operation of all rules and regulations, including rates, rules, and

free-time periods granted by authority of part 1, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.*—This order shall become effective at 11:59 p.m., May 15, 1973.

(d) *Expiration date.*—This order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered.—That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and care hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

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

[FR Doc.73-9523 Filed 5-11-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Special Rule No. 1

Special rule No. 1 in appendix I of subpart K of part 130 of title 6 of the Code of Federal Regulations is hereby amended in paragraph 2.

Paragraph 2 is amended to modify the definition of "base price," and to add definitions for "class of purchasers," "current sales at base price," "deductible exchange revenues," "equal exchange of crude petroleum," and "weighted annual average price increase for the control year."

Paragraph 2 is being amended to modify the definition of base price of products subject to a term limit pricing authorization on January 10, 1973. Prior to this amendment the base price of such a product was the price charged on January 10, 1973. As amended, base price for a TLP product with regard to a class of purchasers is the highest price at or above which 10 percent of the product was sold in transactions with the class of customers concerned during the 30 days prior to January 10, 1973.

The base price of covered products other than products subject to a term limit pricing authorization on January 10, 1973, purchased and resold without substantial change in form or quality is defined as the price that could have lawfully been charged pursuant to 6 CFR 300.13 (the phase II markup rules for wholesalers and retailers) had that provision not been superseded by the Cost of Living Council's Phase III regulations. Pursuant to this amendment the base price of each non-TLP covered product purchased and resold without substantial change in form must be computed for each sale since January 10, 1973. Moreover, the base price changes each time the cost to the seller increases. The purpose of this amendment to the definition of base price is to allow a wholesaler or retailer of covered products to pass through increased costs which he has incurred and over which he has no control, and to exclude, with certain limitations, the resulting price increases in computing the "weighted annual average price increase for the control year" for purposes of paragraph 4. The portion of revenues derived from a sale at a price which exceeds that permitted pursuant to 6 CFR 300.13 is included in total revenues and volume for purposes of computing the weighted annual average price increase. This definition applies only to products which are purchased and resold without substantial change in form or quality. Such products may be commingled with similar products manufactured by the firm if the firm is able to account for the amount of sales attributable to products which awere purchased and resold without substantial change in form or quality in accordance with generally accepted accounting principles and its historical practices.

The definition does not apply to the wholesale or retail distribution of products manufactured by a firm subject to special rule No. 1.

The base price for non-TLP products manufactured by the firm means the price determined under the provisions of subpart F of 6 CFR, part 300, which were in effect on January 10, 1973. This definition also applies to products manufactured by the firm which are commingled with similar products purchased and resold by the firm without substantial change in form or quality.

A definition of "current sales at base price" is added for purposes of computing the weighted annual average price increase. It represents the amount of revenues that would have been derived if every sale made since January 11, 1973, had been made at base price.

Paragraph 2 is further amended to add a definition of "weighted annual average price increase for the control year" for purposes of paragraph 4. A person computes "weighted annual average price increase for the control year" by subtracting from total revenues derived from the sale of covered products since January 11, 1973, revenues received from equal exchanges of crude petroleum and current sales at base price; dividing the difference by current sales at base price; and multiplying the quotient by 100. This computation is illustrated by the following equation:

$$\frac{\text{Total revenues from covered products} - \text{Deductible exchange, revenues} - \text{Current sales at base price}}{\text{Current sales at base price}} \times 100 = \text{Weighted annual average price increase for the control year}$$

The computation of weighted annual average price increase is based upon total volume sold between January 11, 1973, and the date on which the average is being computed. If for one fiscal quarter the aggregate price increase computed is less than 1 percent, the difference between the increase computed and 1 percent may not be lost to the extent it may be accounted for by volume in the next calendar quarter.

This method of control, therefore, constitutes a cumulative quarterly measurement of average price increases weighted by cumulative volume.

It is different from the method used to calculate and report "weighted average price adjustments" (WAPA) under the general pricing rule applicable to the voluntary sector. The essential difference is that under the general rule the average price adjustment for each quarter is weighted by the volume in that quarter only. Therefore, there is no carryover of unused increase from quarter to quarter. Each quarterly report represents a separate calculation controlled by the prices and volume in that quarter.

Exchanges (i.e. swaps, barters, trades) of crude petroleum are frequently made between firms to accommodate their immediate local refinery needs for a particular type and quantity of crude. These changes (sale with reciprocal purchase) are made at posted prices, plus transportation and other costs. When the posted price of crude in an exchange is above its base price, the revenues received by a firm from the sale portion of such an exchange would be considered derived from a price increase under special rule No. 1 even though the same firm would also be purchasing other crude at a posted price that might also be above its base price. The Council has determined that to the extent crude exchanges are for equal dollar value, the revenues derived from the sale portion of those exchanges should not be included in a firm's total revenues when computing its weighted annual average price increase. Accordingly, definitions are being added to special rule No. 1 to describe what the Council regards to be an equal exchange of crude petroleum and deductible revenues from such an exchange.

The cost justification requirement of subparagraph 4(b) becomes effective at such time as the firm's "weighted annual average price increase for the control year" exceeds 1 percent. Similarly if the weighted annual average price increase exceeds 1.5 percent, the prenotification and profit margin limitations of sub-

paragraph 4(c) become operative. If at the end of a reporting period during which a firm was subject to either subparagraph 4(b) or 4(c), the "weighted annual average price increase for the control year" decreases to less than 1 percent or less than 1.5 percent the firm once again becomes subject to subparagraph 4(a) or 4(b) respectively.

Because these amendments provide immediate guidance and information for the effective implementation of the economic stabilization program, the Director has found that notice and public procedure thereon is impracticable and good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

In consideration of the foregoing, subpart K of part 130 of tile 6 of the Code of Federal Regulations is amended as set forth below, effective March 6, 1973.

Issued in Washington, D.C., on May 11, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.)

Special rule No. 1 in appendix I of subpart K of part 130 of title 6 of the Code of Federal Regulations is amended as follows:

Paragraph 2 is amended to modify the definition of "base price," and to add definitions for "class of purchasers," "current sales at base price," "deductible exchange revenues," "equal exchange of crude petroleum," and "weighted annual average price increase for the control year" to read as follows:

2. *Definitions.*—"Base price" means:

(a) in the case of a product subject to a term limit pricing (TLP authorization on January 10, 1973, the highest price at or above which at least 10 percent of the product was priced by the seller in transactions with the class of purchasers concerned during the 30 days prior to January 10, 1973.

(b) in the case of a product (i) not subject to a TLP authorization on January 10, 1973, and which (ii) was purchased and resold without substantial change in form or quality, the price that could have been lawfully charged the class of purchasers concerned on each day since January 10, 1973, as if the pricing rule set forth in 6 CFR 300.13 and in effect on January 10, 1973, had not been superseded. Such products may be commingled with similar products manufactured by the firm if the firm is able to account for the amount of sales attributable to products which were purchased and resold without substantial change in form or quality in accordance with generally accepted accounting principles and its historical practices.

(c) in the case of any other product, including those commingled with products described in (b) the price determined under the provisions of subpart F of 6 CFR part 300, which were in effect on January 10, 1973.

"Class of purchasers" means purchasers to whom a person has charged a comparable price for comparable property or service pursuant to a price distinction between those purchasers and other purchasers, where such price distinctions are based on a discount allowance, add-on, premium, or an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

* * * * *

"Current sales at base price" means an amount equal to the sum of each base price of each product times the volume of each product sold to each class of purchasers since January 11, 1973.

"Deductible exchange revenues" means revenues derived from equal exchange of crude petroleum less revenues that would have been derived from those exchanges if the transactions had been made at base prices.

"Equal exchange of crude petroleum" means a consummated sale and reciprocal purchase of corresponding dollar value of crude petroleum.

"Weighted annual average price increase for the control year" for purposes of paragraph 4 means the total revenues derived from the sale of covered products since January 11, 1973, less deductible exchange revenues and less current sales at base price divided by current sales at base price multiplied by 100 and expressed as a percent. This computation may be illustrated by use of the following equation:

$$\frac{\text{Total revenues from covered products} - \text{Deductible exchange revenues} - \text{Current sales at base price}}{\text{Current sales at base price}} \times 100 = \text{Weighted annual average price increase for the control year}$$

[FR Doc.73-9609 Filed 5-10-73;4:04 pm]

PART 130—COST OF LIVING COUNCIL

Special Price Adjustment for Certain Firms Engaged in Slaughtering or Processing of Livestock and Other Meat Products

The meat gross margin rule, § 130.57d, subpart F, part 130, title 6 of the Code of Federal Regulations is amended and republished in its entirety.

The gross margin rule, published March 26, 1973, prescribes a new pricing mechanism allowing no more than a dollar-for-dollar pass through of meat raw material cost increases by meat manufacturers and replaces the phase II volatility rule for meat. Under the gross margin rule a firm may, without prenotification, increase the price of slaughtered or semiprocessed livestock and meat products to reflect on a dollar-for-dollar basis, increased livestock prices. However, this rule does not authorize a firm to price any product above the ceiling price as defined in 6 CFR 130.123. The rule further provides a mechanism to assure that when livestock prices decrease the prices of slaughtered and semiprocessed livestock and meat products will also decrease.

The rule as published contained certain mechanical difficulties which the amendments herein are designed to correct. The amendments clarify and detail the computations necessary for application of the gross margin pricing rule. No substantive change in the principle of the gross margin rule is intended. Changes were made, however, to adapt the rule to the various types of business records maintained by the firms subject to this rule.

Prior to this amendment the gross margin rule applied to manufacturers of meat products in SIC Codes 2011 and 2013. As amended, this section now applies to all firms engaged in the slaughtering or processing of cattle, swine, and sheep (including calves and lambs), and the manufacturing of "meat products". "Meat products" are defined as "meat" subject to the ceiling price in subpart M of part 130 of title 6 of the Code of Federal Regulations.

Firms subject to this section may exclude from the computations in this section the activities of any plant which derives less than 50 percent of its sales revenues from the slaughtering and processing of livestock and the manufacturing of meat products. This option is intended to relieve firms of the administrative burden of complying with this section in respect to de minimis situations. The firm must exclude any of the activities of any plant which neither slaughters nor processes livestock or which derives more than 50 percent of its revenues from the processing or manufacture of livestock products other than meat products. The purpose of this compulsory exclusion is to eliminate the activities of plants primarily engaged in the tanning of hides or the manufacture of leather goods.

Prior to this amendment, § 130.57d required calculation of meat raw materials for purpose of the pricing rule on the basis of "input pounds." The revised § 130.57d permits this calculation on the basis of either "input pounds" or "output ponds," depending on the customary business practice of the firm. The election to use either input pounds or output ponds must be made in the first month or fiscal quarter for which a report or record is required by this rule.

In the calculation of meat raw material and meat raw material costs for the current period, firms must now exclude livestock, semiprocessed livestock and meat products purchased and resold without change in form. However, in computing the base period gross margin these purchases—resales may be included, as it is recognized that certain firms would be unable to separate out such sales from their historical business records. These changes are intended to eliminate the possible distortions that wash sales might cause in the calculation of the permissible total sales revenues.

References in the prior version of § 130.57d to calendar periods have been changed to fiscal periods to conform more closely to the recordkeeping practices of the firms subject to § 130.57d. Following this change, the revised § 130.57d states that the special pricing rule of § 130.57d applies to each fiscal quarter beginning on or after March 22, 1973.

In order to allow firms more flexibility in computing the gross margin, the definition of "base period" for purposes of § 130.57d is amended to allow firms to choose any four consecutive quarters beginning after May 25, 1970, and ending prior to May 11, 1973. This option must be exercised in the first period for which this rule requires records to be submitted or retained.

Prior to its amendment, § 130.57d provided that sales revenues in excess of those derived from the special pricing rule for meat raw materials were permissible only if based on seasonal patterns or on price adjustments justified by cost increases other than meat raw materials cost increases. The amended § 130.57d provides that a sales revenue excess is also permissible if based on a change in product mix. Justification based on seasonality or product-mix changes must be stated in the monthly and quarterly reports required by this rule and is subject to review by the Cost of Living Council.

The revised § 130.57d further adds a new provision which requires that any calculations made pursuant to the pricing rule must be reconciled with changes in business practice such as a change in the proportion of freight charges paid by a firm subject to this rule.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, part 130 of chapter I of title 6 of the Code of Federal Regulations is amended as follows, effective March 22, 1973.

Issued in Washington, D.C., on May 10, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

Section 130.57d of subpart F of part 130 of title 6 of the Code of Federal Regulations is amended and republished in its entirely to read as follows:

§ 130.57d Special price adjustment rule for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products.

(a) *Purpose and scope.*—This section establishes a gross margin rule which limits the passthrough of the cost of meat raw materials to a dollar-for-dollar basis for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products. The rule further insures that when livestock prices decline, the price of meat raw materials will also decline. Price increases above base price to reflect allowable cost increases other than the meat raw material costs remain subject to the rules set forth in § 130.57. The passthrough of meat raw material costs may be accomplished without prenotification otherwise required pursuant to § 130.57. Price Commission volatile pricing authorization for meat raw material costs, and the requirements of special regulation 3 issued by the Price Commission, are hereby superseded.

(b) *Applicability.*—Except as provided in paragraphs (b)(1) and (b)(2) of this section in regard to certain plants within a firm, this section applies to each firm subject to subpart F which is engaged in slaughtering and processing of livestock and in the manufacturing of meat products.

(1) A firm may, at its option, exclude from the operation of this section the slaughtering and processing of livestock, and the manufacturing of meat products by a plant at a single location, if such plant derives less than 50 percent of its sales revenues from the slaughtering and processing of livestock, and the manufacturing of meat products.

(2) A firm must exclude from the operation of this section the manufacturing of livestock products other than meat products by a plant at a single location if such plant neither slaughters nor processes livestock or if such plant derives more than 50 percent of its sales revenues from the manufacturing or processing of livestock products other than meat products.

(c) *Definitions.*—For purposes of this section—

(1) "Livestock" means cattle, swine, and sheep.

(2) "Meat products" means "meat" as defined in § 130.123.

(3) "Base period" means, at the firm's option, any four consecutive fiscal quarters of the firm which began after May 25, 1970, and which ended prior to May 11, 1973.

(4) "Input pounds" means the total pounds of livestock purchased for slaughtering, processing, or manufacturing plus the total number of pounds of semiprocessed livestock purchased for manufacturing or processing.

(5) "Output pounds" means the total pounds of products derived in whole or in part from livestock.

(6) "Total sales revenue" means the aggregate revenue from the sale of products derived in whole or in part from livestock slaughtered or processed and the sale of products manufactured in whole or in part from livestock.

(7) "Meat raw material" means, at the option of the firm and calculated in accordance with its customary accounting practice, either:

(i) The total number of input pounds in inventory on the first day of the period, plus the total number of input pounds purchased during the period, less the number of input pounds remaining in inventory on the first day of the subsequent period; or

(ii) The total number of output pounds sold by the firm during the period.

(8) "Meat raw material cost" means, calculated in accordance with the customary accounting practice of the firm, the value of inventory on the first day of the period, plus the total cost of livestock and semiprocessed livestock purchased during the period, minus the total value of the inventory on the first day of the subsequent period.

(9) "Base period gross margin" means the difference between total sales revenues and the total meat raw material costs during the base period divided by the meat raw material during the base period. This computation is illustrated by use of the following equation:

$$\frac{\text{Total sales revenues during the base period} - \text{Meat raw material costs during the base period}}{\text{Meat raw material during the base period measured by hundredweight}} = \text{Base period gross margin per hundredweight}$$

In computing the base period gross margin, a firm may, at its option, exclude all livestock, semiprocessed livestock, and meat products purchased and resold without change in form.

(d) *Pricing rule.*—(1) Except as provided in paragraph (d)(3) of this section, permissible total sales revenues for any reporting quarter beginning on or after March 22, 1973, may not exceed an amount derived from the following computation: The base period gross margin multiplied by the meat raw material during the current quarter, plus meat raw material cost during this quarter. This computation is illustrated by use of the following equation:

$$\left[\text{Base period gross margin per hundredweight} \times \text{Meat raw material for the current reporting quarter measured by hundredweight}\right] + \text{Meat raw material costs for the current reporting quarter} = \text{Permissible total sales revenues for the current reporting quarter}$$

(2) In computing meat raw material and meat raw material costs for the current reporting quarter for the purpose of determining permissible total sales revenues for the current reporting quarter, a firm must exclude all livestock, semiprocessed livestock, and meat products purchased and resold without change in form.

(3) Sales revenues in any reporting quarter may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (d)(1) of this section if the excess results from: (i) allowable cost increases other than meat raw material costs, or (ii) seasonal patterns or a change in product mix. Any justification based upon sea-

sonal patterns or a change in product mix shall be reported or retained in the records, as appropriate, and be subject to review by the Council.

(e) *Options and business practices.*—(1) The exercise of the options in regard to the applicability to individual plants pursuant to paragraph (b)(1), the determination of a "base period gross margin," the determination of "base period," and the method of calculating "meat raw material" pursuant to the definitions of these terms in paragraph (c) of this section shall be made in the first report or record filed or prepared in compliance with the provisions of this section. Thereafter, no change in the exercise of those options may be made without the prior approval of the Cost of Living Council.

(2) Any calculations made pursuant to this section must be reconciled with any change in customary business practices adopted and implemented by the firm.

(f) *Reporting and recordkeeping requirements.*—(1) *Reports.*—Each firm which is a price reporting firm subject to the provisions of this section shall submit monthly and quarterly reports to the Council with information on costs and sales revenue in accordance with forms and instructions issued by the Council.

(2) *Recordkeeping.*—Each firm which is a price recordkeeping firm subject to the provisions of this section shall prepare and maintain in its files monthly and quarterly reports of costs and sales revenue in accordance with forms and instructions issued by the Council. Such reports shall be maintained by the firm at its principal place of business of this section and shall upon request be promptly furnished to the Council or its representatives.

[FR Doc.73-9642 Filed 5-11-73;11:08 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Pt. 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Proposed Rulemaking

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of fresh avocados grown in Florida by establishing minimum quality and maturity requirements, pursuant to § 915.51, issuance of regulations, which were recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR part 915, regulating the handling of avocados grown in south Florida. The proposed regulation would establish U.S. No. 3 as the minimum grade and would prescribe minimum weights or diameters by specified dates as the maturity requirements for the handling of designated varieties of avocados, effective on and after June 11, 1973. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 25, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Avocado Administrative Committee reflect its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 11, 1973. The Committee has considered and recommended the quality and maturity requirements, including shipping periods, for the designated varieties and types of avocados, to prevent the handling of immature and other undesirable quality fruit. Such recommendation is designed to recognize the differences in the consumer demand within and outside the production area and to provide the trade and consumers with an adequate supply of mature avocados of a satisfactory quality, commensurate with crop conditions in order to provide fair returns to growers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.315 **Avocado Regulation 15.**

(a) *Order.*—(1) During the period June 11, 1973, through April 30, 1974, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That beginning June 11, 1973, avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR part 915; 37 FR 11314, 16930, 26729; 38 FR 1921), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in column 1 of the following table I shall be handled prior to the date listed for the respective variety in column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-18-73	14 oz 3 3/16 in	7- 2-73	12 oz 3 9/16 in	7-16-73	10 oz 2 5/16 in	8- 6-73
K-5	6-25-73	16 oz 3 5/16 in	7- 9-73	14 oz 3 9/16 in	7-23-73		
Dr. DuPuis No. 2	6-18-73	16 oz 3 9/16 in	7- 2-73	14 oz 3 7/16 in	7-16-73		
Hardee	7- 2-73	16 oz	7- 9-73	14 oz	7-30-73		
Pollock	7- 2-73	18 oz 3 5/16 in	7- 9-73	16 oz 3 7/16 in	7-23-73		
Simmonds	7- 2-73	16 oz 3 9/16 in	7- 9-73	14 oz 3 7/16 in	7-23-73		
Nadir	7- 2-73	14 oz 3 5/16 in	7- 9-73	12 oz 3 5/16 in	7-16-73	10 oz 2 5/16 in	7-30-73
Katherine	7- 2-73	16 oz	7-16-73	14 oz	7-30-73		
Dawn	7-16-73	12 oz 3 5/16 in	7-30-73	10 oz 3 9/16 in	8-13-73		
Peterson	7-23-73	14 oz 3 5/16 in	8- 6-73	10 oz 3 3/16 in	8-20-73	8 oz 2 5/16 in	9- 3-73
Trapp	8-13-73	14 oz 3 9/16 in	8-27-73	12 oz 3 7/16 in	9-10-73		
Waldin	8-13-73	16 oz 3 9/16 in	8-27-73	14 oz 3 7/16 in	9-10-73	12 oz 3 5/16 in	9-24-73
Ruehle	7-16-73	18 oz 3 1/16 in	7-23-73	16 oz 3 5/16 in	7-30-73	14 oz 3 7/16 in	8-27-73
Pinelli	7-30-73	18 oz 3 5/16 in	8-13-73	16 oz 3 9/16 in	8-27-73		
Webb 2	7-16-73	18 oz	7-30-73	16 oz	8-13-73		
Nesbitt	8-13-73	18 oz	8-20-73	16 oz	9-10-73		
Tonnage	8-27-73	14 oz 3 5/16 in	9- 3-73	12 oz 3 9/16 in	9-10-73	10 oz 2 5/16 in	9-17-73
Booth 8	9-10-73	16 oz 3 9/16 in	9-24-73	15 oz 3 5/16 in	10- 8-73	13 oz 3 5/16 in	10-22-73
Fairchild	8-27-73	16 oz 3 9/16 in	9-10-73	14 oz 3 7/16 in	9-24-73	12 oz 3 5/16 in	10- 1-73
Nirody	8-27-73	18 oz 3 1/16 in	9-10-73	16 oz 3 1/16 in	9-24-73		
Black Prince	9-10-73	23 oz	9-24-73	16 oz	10-15-73		
Catalina	9-10-73	24 oz	9-17-73	22 oz	10- 1-73		
Blair	9-24-73	14 oz 3 9/16 in	10-15-73				
Collinson	9-24-73	16 oz 3 9/16 in	10-22-73				
Chica	9-24-73	12 oz 3 7/16 in	10- 8-73	10 oz 3 5/16 in	10-22-73		
Rue	9-24-73	20 oz 4 5/16 in	10- 1-73	24 oz 3 1/16 in	10-15-73	18 oz 3 9/16 in	10-29-73
Booth 5	10- 1-73	16 oz 3 1/16 in	10-22-73				
Hickson	10- 1-73	15 oz 3 5/16 in	10-15-73	12 oz 3 5/16 in	10-22-73		
Simpson	10- 1-73	16 oz 3 9/16 in	10-22-73				
Vaca	10- 1-73	16 oz 3 9/16 in	10-22-73				
Sherman	10- 1-73	16 oz	10-15-73	14 oz	10-29-73	10 oz	11-19-73
Marcus	10- 1-73	32 oz	11-12-73				
Booth 10	10- 8-73	16 oz 3 9/16 in	11- 5-73				
Booth 7	10-15-73	16 oz 3 9/16 in	10-22-73	14 oz 3 5/16 in	11- 5-73		
Avon	10- 8-73	15 oz 3 1/16 in	10-29-73				

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 11	10- 8-73	16 oz 3 13/16 in	10-29-73				
Leona	10- 8-73	14 oz 3 9/16 in	10-22-73				
Winslowson	10- 8-73	18 oz 3 15/16 in	10-29-73				
Nelson	10- 8-73	14 oz 3 9/16 in	10-22-73	12 oz 3 5/16 in	11- 5-73	10 oz 3 1/16 in	11-26-73
Hall	10- 8-73	26 oz 3 11/16 in	10-22-73	20 oz 3 9/16 in	11- 5-73		
Lula	10-15-73	18 oz 3 13/16 in	10-29-73	14 oz 3 5/16 in	11-12-73		
Choquette	10-15-73	24 oz 4 1/16 in	10-29-73	20 oz 3 11/16 in	11-19-73		
Monroe	10-15-73	24 oz 4 1/16 in	10-29-73	20 oz 3 11/16 in	11-19-73		
Herman	10-15-73	16 oz 3 9/16 in	10-29-73	14 oz 3 5/16 in	11-12-73		
Murphy	10-15-73	16 oz	10-29-73	14 oz	11-12-73	11 oz	12- 3-73
Ajax(B7-B)	10-22-73	18 oz 3 14/16 in	11-12-73				
Booth 1	10-22-73	16 oz 3 13/16 in	11-12-73				
Booth 3	10-22-73	16 oz 3 9/16 in	11-12-73				
Taylor	10-22-73	14 oz 3 5/16 in	11- 5-73	12 oz 3 5/16	11-19-73		
Dunedin	11- 5-73	16 oz 3 9/16 in	11-19-73	14 oz 3 5/16 in	12- 3-73	10 oz 3 1/16 in	12-24-73
Byars	11-12-73	16 oz 3 14/16 in	12- 3-73				
Linda	11-12-73	18 oz 3 13/16 in	12- 3-73				
Nabal	11-12-73	14 oz 3 9/16 in	12- 4-73				
Wagner	12- 3-73	12 oz 3 5/16 in	12-17-73	10 oz 3 1/16 in	12-31-73		
Brookslate	1- 7-74	14 oz	1-21-74	12 oz	2- 4-74	10 oz	2-18-74
Schmidt	1-14-74						
Itsamna	2-11-74						

(3) From the date listed for the respective variety in column 2 of table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle (i) prior to June 11, 1973, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 17 ounces, (ii) during the period June 11, 1973, through July 16, 1973, and Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 oz, or is at least 3 3/16 inches in diameter; (iii) during the period October 10, 1973, through November 4, 1973, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 oz, or is at least 3 1/16 inches in diameter, or (iv) during the period November 5, 1973, through November 11, 1973, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 8 oz or is at least 2 13/16 inches in diameter.

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 2, 1973.

(ii) From July 2, 1973, through July 29, 1973, the individual fruit in each lot of such avocados shall weigh at least 18 oz.

(iii) From July 30, 1973, through September 2, 1973, the individual fruit in each lot of such avocados shall weigh at least 16 oz.

(iv) From September 3, 1973, through September 30, 1973, the individual fruit in each lot of such avocados shall weigh at least 14 oz.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 17, 1973.

(ii) From September 17, 1973, through October 14, 1973, the individual fruit in each lot of such avocados shall weigh at least 15 oz.

(iii) From October 15, 1973, through December 16, 1973, the individual fruit in each lot of such avocados shall weigh at least 13 oz.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 oz less than the applicable specified weight for the particular variety as prescribed in column 3, column 5, or column 7 of table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069).

Effective Date.—The provisions of this regulation shall become effective June 11, 1973.

Dated May 7, 1973.

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

[FR Doc.73-9315 Filed 5-11-73;8:45 am]

[7 CFR Pt. 944]

IMPORTS OF AVOCADOS

Proposed Grade Requirement

Consideration is being given to the proposal hereinafter set forth which would limit the importation of avocados into the United States pursuant to Part 944–Fruits; Import Regulations (7 CFR part 944), during the period June 11, 1973, through April 30, 1974. The proposed import regulation is designed to prescribe the same grade requirement for imported avocados as is being made applicable, pursuant to order No. 915 (7 CFR part 915), to avocados grown in South Florida. With respect to maturity for imported avocados, the same minimum size or weight restrictions being imposed upon avocados of the Pollock, Catalina, and Trapp varieties are being made applicable to imported avocados of the same varieties. With respect to all other im-

ported avocados, comparable minimum size or weight restrictions are being proposed due to variations in characteristics between domestic avocados and those to be imported. The grade and maturity requirements for domestic avocados would become effective June 11, 1973. This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 25, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27 (b)).

Such proposal reads as follows:

§ 944.13 **Avocado Regulation 21.**

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 11, 1973, through April 30, 1974, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported: (i) Prior to July 2, 1973; (ii) from July 2, 1973, through July 8, 1973, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{1}{16}$ inches in diameter; and (iii) from July 9, 1973, through July 23, 1973, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{7}{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported: (i) Prior to September 10, 1973; (ii) from September 10, 1973, through September 16, 1973, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 17, 1973, through October 1, 1973, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported: (i) Prior to August 13, 1973; (ii) from August 13, 1973, through August 26, 1973, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{10}{16}$ inches in diameter; and (iii) from August 27, 1973, through September 10, 1973, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3\frac{7}{8}$ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 2, 1973; (ii) from July 2, 1973, through July 29, 1973, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 30, 1973, through September 2, 1973, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 3, 1973, through September 30, 1973, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 17, 1973; (ii) from September 17, 1973, through October 14, 1973, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 15, 1973, through December 16, 1973, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of paragraphs (a) (2) through (6) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589, Phone 512-787-4001, or	1 day.
	A. D. Mitchell, room 516, U.S. Courthouse, El Paso, Tex. 79901, Phone 915-533-9351, Extension 5340.	Do.
All New York points.	Frank J. McNeal, room 28A Hunts Point Market, Bronx, N.Y. 10474, Phone 212-991-7068 and 7602, or	Do.
	Charles D. Renick, 176 Niagara Frontier Food Terminal, room 8, Buffalo, N.Y. 14206, Phone 716-824-1585).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621, Phone 602-287-2902.	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., room 538, Miami, Fla. 33136, Phone 305-371-2571, or	Do.
	Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32812, Phone 305-841-2141, or	Do.
	Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, Fla. 32205, Phone 904-354-5383.	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., room 294, Los Angeles, Calif. 90012, Phone 213-622-8756.	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70013, Phone 504-527-6741 and 6742.	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Agriculture Marketing Service, USDA, Washington, D.C. 20250, Phone 202-447-5870.	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to order No. 915 (7 CFR part 915), upon avocados grown in South Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blosssm-end of the fruit. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated May 7, 1973.

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

[FR Doc.73-9409 Filed 5-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

LOAN GUARANTEES AND INTEREST SUBSIDIES TO ASSIST IN CONSTRUCTION OF TEACHING FACILITIES FOR HEALTH PROFESSIONS PERSONNEL

Notice of Proposed Rulemaking

Section 729 of the Public Health Service Act authorizes the Secretary of Health, Education, and Welfare to make loan guarantee and/or interest subsidy agreements to assist nonprofit private entities which are eligible for grants under part B of title VII of the PHS act, in carrying out projects for construction of teaching facilities for health professions personnel.

Under this new authority and the following proposed regulations, the Secretary, subject to statutory limitations, may guarantee payment, when due, of principal of and interest on loans made by non-Federal lenders to eligible entities to assist such entities to carry out projects for construction of teaching facilities for health professions personnel, as well as enter into agreements to pay on behalf of eligible applicants amounts sufficient to reduce by 3 percent per annum the net effective interest rate otherwise payable on such loans.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations set forth in tentative form below.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, Building 31, room 5 C 12, 9000 Rockville Pike, Bethesda, Md. 20014. All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, Building 31, room 5 B 36, 9000 Rockville Pike, Bethesda, Md. 20014, on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than June 13, 1973, will be considered.

It is therefore proposed to revise part 57 by adding thereto a new subpart W as set forth below.

Dated February 20, 1973.

JOHN F. SHERMAN,
Acting Director, National Institutes of Health.

Approved: May 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Amend part 57 as follows:

Revise part 57 by adding thereto a new subpart W as follows:

Subpart W—Loan Guarantees and Interest Subsidies To Assist in Construction of Teaching Facilities for Health Professions Personnel.

Sec.

AUTHORITY.—Sec. 727, 77 Stat. 170, as amended (42 U.S.C. 293g); sec. 729, 85 Stat. 432 (42 U.S.C. 2931).

§ 57.2201 Applicability.

The regulations of this subpart are applicable to loan guarantees and interest subsidy payments made pursuant to section 729 of the Public Health Service Act (42 U.S.C. 293i) to assist nonprofit private entities which are eligible for grants under subpart B of this part in carrying out projects for construction of teaching facilities for health professions personnel.

§ 57.2202 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meanings as given them in section 724 of the act.

(b) "Act" means the Public Health Service Act, as amended.

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

(d) "School" means a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which provides a course of study or a portion thereof which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a graduate degree in public health, and which is accredited as provided in section 721(b)(1) of the act.

(e) "Affiliated hospital" or "affiliated outpatient facility" means a hospital or outpatient facility (as defined in section 645 of the act) which, although not owned by such school, has a written agreement with a school of medicine, osteopathy, or dentistry eligible for assistance under subpart B of this part, providing for effective control by the school of the health professions teaching program in the hospital or outpatient facility.

(f) "Nonprofit" as applied to any school, hospital, or outpatient facility means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

(g) "Council" means the National Advisory Council on Health Professions Education (established pursuant to sec. 725 of the act).

§ 57.2203 Eligibility.

(a) *Eligible applicants.*—In order to be eligible for a loan guarantee or interest subsidy under this subpart, the applicant shall:

(1) Be a nonprofit private school of medicine, dentistry, osteopathy, phar-

macy, optometry, podiatry, veterinary medicine, or public health, or any combination of such schools, or a nonprofit private affiliated hospital or affiliated outpatient facility: *Provided, however,* That in the case of an affiliated hospital or affiliated outpatient facility, an application which is approved by the school of medicine, osteopathy or dentistry with which the hospital or outpatient facility is affiliated and which otherwise complies with the requirements of subpart B of this part may be filed by any nonprofit private entity qualified to file an application under section 605 of the act; and

(2) Otherwise meet the applicable requirements set forth in section 721(b) of the act and § 57.103 with respect to eligibility for grants for construction of teaching facilites for health professions personnel.

(b) *Eligible loans.*—Subject to the provisions of this subpart, the Secretary may guarantee payment, when due, of principal and interest on, or may pay interest subsidies with respect to, or may both guarantee and pay interest subsidies with respect to any loan or portion thereof made to an eligible applicant by a non-Federal lender: *Provided,* That no such guarantee or interest subsidy shall apply to any loan the interest on which is exempt from Federal income taxation.

§ 57.2204 Application.

Each applicant desiring to have a loan guaranteed or to have interest subsidies paid on its behalf, or any combination of such loan guarantee or interest subsidies, shall submit an application for such assistance in such form and manner and at such time as the Secretary may require.[1]

(a) The application shall contain or be supported by such information as the Secretary may require to enable him to make the determinations required of him under the act and this subpart.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any loan guarantee or agreement to pay interest subsidies, including the applicable regulations of this subpart.

§ 57.2205 Approval of applications.

(a) *General.*—Any application for loan guarantee or interest subsidies, or for a combination of both, may be approved by the Secretary, after consultation with the Council, only if he makes each of the applicable determinations set forth in section 721(c) of the act. In addition:

(1) Any such approval shall be subject to compliance by the applicant with the applicable provisions set forth in §§ 57.106, 57.107, 57.108, and 57.110; and

(2) Any such application may be approved by the Secretary only if he determines:

(i) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the loan;

(ii) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the loan, and to pledge or mortgage any assets or revenues to be given as security for such loan;

(iii) That the loan will be made only with respect to the initial permanent financing of the project;

(iv) That the loan will be secured by a lien against the facilities to be constructed or against other security satisfactory to the Secretary specified in § 57.2210;

(v) That the rate of interest on the loan does not exceed such percent per annum as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

(vi) Such additional determinations as the Secretary finds necessary with respect to particular applications in order to protect the financial interests of the United States.

(b) *Loan guarantees.*—In addition to the requirements of paragraph (a) of this section, any application for a loan guarantee may be approved by the Secretary only if he determines that the loan with respect to which such guarantee is sought would not be available to the applicant on reasonable terms and conditions without such guarantee. To assist the Secretary in making such determination, each applicant for a loan guarantee shall submit statements from at least three non-Federal institutions normally engaged in making long-term loans for construction, describing whether, and the terms and conditions under which, each institution would make a loan to the applicant for the project described in the application.

(c) *Interest subsidies.*—In addition to the requirements of paragraph (a) of this section, any application for interest subsidies may be approved by the Secretary only if he determines that without such interest subsidy payments the applicant would not, over a substantial portion of the loan term, be able to repay the principal and interest of the loan without jeopardizing the quality of the educational program.

§ 57.2206 Priority.

(a) Priority in approving applications for loan guarantee and/or interest subsidies shall be determined in accordance with the factors specified in section 721(d) of the act, and the following: (1) The relative need for increased enrollment and the availability of students; (2) the relative effectiveness of the project relative to the cost to the Federal Government; and (3) the relative ability of the applicant to make efficient and productive use of the facility constructed.

(b) In the case of applications to aid in the construction of new schools of medicine, osteopathy, or dentistry, the Secretary shall give special consideration to those applications which contain or are reasonably supported by assurances that, because of the use that will be made by such school of already existing facilities (including Federal medical or dental facilities), the school will be able to accelerate the date on which it will begin its teaching program.

§ 57.2207 Limitations applicable to loan guarantee.

(a) The amount of loan with respect to which a guarantee is made under this subpart shall be determined by the Secretary based upon such considerations as the availability of funds and the applicant's need therefor;

Provided, That: (1) Subject to paragraph (a)(2) of this section, no loan with respect to which a guarantee is made for any project under this subpart may be in an amount which, when added to the amount of any grant made with respect to such project under part B of title VII of the act or any other law of the United States, or to the total of such grants, exceeds 90 percent of the eligible cost of construction of such project as determined by the Secretary;

(2) Notwithstanding paragraph (a)(1) of this section, the Secretary may in particular cases guarantee loans in excess of the amount specified in paragraph (a)(1) of this section where he determines that, because of special circumstances, such additional loan guarantee will further the purposes of part B of title VII of the act. In making such determinations, the Secretary will in each case consider the following factors:

(i) The need for the project in the area to be served;

(ii) The availability of financing for the project on reasonable terms and conditions without such additional loan guarantee;

(iii) Whether the project can be constructed without such additional loan guarantee; and

(iv) Other relevant factors consistent with the purpose of part B of title VII of the act and this subpart.

(3) In determining the cost of construction of the project there shall be excluded from such cost all fees, interest, and other charges relating or attributable to the financing of the project except the following:

(i) Reasonable fees attributable to services rendered by legal counsel in connection with such loan;

(ii) With the approval of the Secretary, reasonable fees attributable to the services of a financial advisor in assisting the applicant in securing the loan and arranging for repayment thereof; and

(iii) Interest attributable to the interim financing of construction of the project prior to the initial permanent financing thereof.

[1] Applications and instructions are available from the Division of Physician and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, Bldg. 31, 9000 Rockville Pike, Bethesda, Md. 20014.

(b) No loan guarantee under this subpart shall apply to more than 90 percent of the loss of principal of and interest on such loan incurred by the holder of such loan upon default by the applicant.

§ 57.2208 Amount of interest subsidy payments; limitations.

The length of time for which interest subsidy payments will be made under the agreement, the amount of loan with respect to which such payments will be made, and the level of such payments shall be determined by the Secretary on the basis of the availability of funds and his determination of the applicant's need therefor taking into consideration his analysis of the present and reasonable projected future financial ability of the applicant to repay the principal and interest of the loan without jeopardizing the quality of its educational program: *Provided however*, That each such interest subsidy payment shall not exceed the amount necessary to reduce by 3 percent per annum the net effective interest rate otherwise payable on the loan or the portion thereof with respect to which such interest subsidy is paid.

§ 57.2209 Forms of credit and security instruments.

Each loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be evidenced by a credit instrument and secured by a security instrument in such forms as may be acceptable to the Secretary.

§ 57.2210 Security for loans.

Each loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be secured in a manner which the Secretary finds reasonably sufficient to insure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facility and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Secretary.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust fund acceptable to the Secretary.

(d) A pledge of a specified portion of annual general or special revenues of the applicant acceptable to the Secretary.

(e) Such other security as the Secretary may find acceptable in specific instances.

§ 57.2211 Opinion of legal counsel.

At appropriate stages in the application and approval procedure for a loan guarantee or interest subsidy, the applicant shall furnish to the Secretary a memorandum or opinion of legal counsel with respect to the legality of any proposed note issue, the legal authority of the applicant to issue the note and secure it by the proposed collateral, and the legality of the issue upon delivery. "Legal counsel" means either a law firm or individual lawyer, thoroughly experienced in the long-term financing of construction projects, and whose approving opinions have previously been accepted by lenders or lending institutions. The legal memorandum or opinion to be provided by legal counsel in each case shall be as follows:

(a) A memorandum, submitted with the application for a loan guarantee or interest subsidy, stating that the applicant is or will be lawfully authorized to finance, construct, and maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority; and

(b) A final approving opinion, delivered to the Secretary at the time of delivery of the evidence of indebtedness to the lender, stating that the credit and security instruments executed by the applicant are duly authorized and delivered and that the indebtedness of the applicant is valid, binding, and payable in accordance with the terms on which the loan guarantee was approved by the Secretary.

§ 57.2212 Length and maturity of loans.

The repayment period for loans with respect to which guarantees are made or interest subsidies paid under this subpart shall be limited to 30 years:

Provided, That: (a) The Secretary may, in particular cases where he determines that a repayment period of less than 30 years is more appropriate to an applicant's total financial plan, approve such shorter repayment period;

(b) The Secretary may, in particular cases where he determines that, because of unusual circumstances, the applicant would be financially unable to amortize the loan over a repayment period of 30 years, approve a longer requirement period which shall in no case exceed 40 years; and

(c) In no case shall a loan repayment period exceed the useful life the facility to be constructed with the assistance of the loan.

§ 57.2213 Repayment.

Unless otherwise specifically authorized by the Secretary, each loan with respect to which a guarantee is made or interest subsidies are paid shall be repayable in substantially level total annual installments of principal and interest, sufficient to amortize the loan through the final year of the life of the loan.

§ 57.2214 Loan guarantee and interest subsidy agreements.

For each application for a loan guarantee or interest subsidy, or combination thereof, which is approved by the Secretary under this subpart, an offer to guarantee such loan and/or make interest subsidy payments with respect thereto will be sent to the applicant, setting forth the pertinent terms and conditions for the loan guarantee and/or interest subsidy, and will be conditioned upon the fulfillment of such terms and conditions. The accepted offer will constitute the loan guarantee agreement, the interest subsidy agreement, or the loan guarantee and interest subsidy agreement, as the case may be. Each such agreement shall include the applicable provisions set forth below:

(a) *Loan guarantee.*—Each agreement pertaining to a loan guarantee shall include the following provisions:

(1) That the loan guarantee evidenced by the agreement shall be incontestable (i) in the hands of the applicant on whose behalf such loan guarantee is made except for fraud or misrepresentation on the part of such applicant, and (ii) as to any person who makes or contracts to make a loan to such applicant in reliance on such guarantee, except for fraud or misrepresentation on the part of such other person.

(2) That the applicant shall be permitted to prepay up to 15 percent of the original principal amount of such loan in any calendar year without additional charge. The applicant and the lender may further agree that the applicant shall be permitted to prepay in excess of 15 percent of the original amount of the loan in any calendar year without additional charge, but no such payment in excess of 15 percent shall be made without the prior written approval of the Secretary.

(3) That if the applicant shall default in making payment, when due, of the principal and interest on the loan guaranteed under the agreement, the holder of the loan shall promptly give the Secretary written notification of such default. The Secretary shall, immediately upon receipt of such notice, provide the holder with written acknowledgement of such receipt.

(4) That if such default is not cured within 90 days after receipt by the Secretary of notice of such default, the holder of the loan shall have the right to make demand upon the Secretary, in such form and manner as the Secretary may prescribe, for payment of 90 percent of the amount of the overdue payments of principal and accrued interest, together with such reasonable charges for late payment as are made in accordance with the terms of the credit instrument or security instrument evidencing or securing such loan. The Secretary shall pay such amount from funds available to him for these purposes.

(5) That in the event of exercise by the holder of the loan of any right to accelerate payment of such loan as a result of default in making payment on the part of the applicant, the Secretary shall, upon demand by the holder after prior notification, pay to such holder 90 percent of the total amount of principal and of interest on the loan remaining unpaid after the holder has exercised his right to foreclose upon and dispose of the security and has applied the proceeds thereby received to reduce the outstanding balance of the loan, in accordance with applicable law and the terms of the security instrument.

(b) *Interest subsidy.*—Each agreement pertaining to the payment of interest subsidies with respect to a loan shall include the following provisions:

(1) That the holder of the loan shall have a contractual right to receive from the United States interest subsidy payments in amounts sufficient to reduce by up to 3 percent per annum the net effective interest rate determined by the Secretary to be otherwise payable on such loan.

(2) That payments of interest subsidies pursuant to subparagraph (1) of this paragraph will be made by the Secretary, in accordance with the terms of the loan with respect to which the interest subsidies are paid, directly to the holder of such loan, or to a trustee or agent designated in writing to the Secretary by such holder, until such time as the Secretary is notified in writing by the holder that such loan has been transferred. Pursuant to such written notification of transfer, the Secretary will make such interest payments directly to the new holder (transferee) of the loan: *Provided, however*, That it shall be the responsibility of the holder to remit any payments of interest subsidy to the new holder which the Secretary may have made to the holder after such transfer and prior to receipt of such written notice, and the Secretary shall not be liable to any party for amounts remitted to the holder prior to receipt of such written notice and acknowledgment in writing by the Secretary of receipt of such notice.

(3) That the holder of the loan will promptly notify the Secretary of any default or prepayment by the applicant with respect to the loan.

(4) In the event of any exercise by the holder of the loan of the right to accelerate payment of such loan, whether as a result of default on the part of the applicant or otherwise, the Secretary's obligations with respect to the payment of interest subsidies shall cease.

(5) Where, during the life of the loan with respect to which interest subsidies are to be paid, the applicant ceases to use the facility for the purposes for which constructed, the Secretary's obligation with respect to the payment of interest subsidies shall cease: *Provided, however*, That where the applicant is continuing to use the facility for purposes eligible for support under part B of title VII of the act, the Secretary may make a determination, based upon the health manpower needs of the community served by the facility as well as other relevant factors, to continue to make interest subsidy payments in accord with the agreement.

(c) *General.*—In addition to the applicable requirements of paragraphs (a) and (b) of this section, each agreement, whether pertaining to a loan guarantee or interest subsidy or both, shall contain such other provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

§ 57.2215 Loan closing.

Closing of any loan with respect to which a guarantee is made or interest subsidies are paid under this subpart shall be accomplished at such time as may be agreed upon by the parties to such loan and found acceptable to the Secretary.

§ 57.2216 Right of recovery—subordination.

(a) The United States shall be entitled to recover from the applicant for a loan guarantee under this subpart the amount of any payment made pursuant to such guarantee, unless the Secretary waives such right of recovery as provided in § 57.2217.

(b) Upon making of any payments pursuant to a loan guarantee under this subpart, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

§ 57.2217 Waiver of right of recovery.

In determining whether there is good cause for waiver of any right of recovery which he may have against an applicant by reason of any payments made pursuant to a loan guarantee under this subpart, the Secretary shall take into consideration the extent to which:

(a) The facility with respect to which the loan guarantee was made will continue to be devoted by the applicant or other owner to the teaching of health professions personnel, or to other purposes in the sciences related to health for which funds are available under part B of title VII of the act and these regulations;

(b) A hospital or outpatient facility will be used as provided for under title VI of the act;

(c) There are reasonable assurances that for the remainder of the repayment period of the loan other facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; and

(d) Such recovery would seriously curtail the training of qualified health professions personnel in the area served by the facility.

[FR Doc.73-9519 Filed 5-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Pt. 217]

[Docket No. RSOR-1, Notice 1]

RAILROAD OPERATING RULES AND PRACTICES

Notice of Proposed Rulemaking

The Federal Railroad Administration (FRA) is considering initial rulemaking in the field of railroad operating practices under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.). The proposed rules would apply to railroads that operate trains and other rolling equipment in the general railroad system of transportation or in rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area. The amendment being proposed would require each railroad to file its operating rules with the FRA and to gage its compliance with those operating rules through a program of inspection and testing. Each railroad would also be required to instruct its employees in operating practices.

Previous FRA rulemaking activities under the 1970 act have been directed toward the promulgation of Federal safety standards for railroad track and railroad freight cars. These areas deserved early attention for being major contributors to train accidents and because specific rulemaking proposals based on existing data were readily available.

At the same time, the FRA recognizes that accidents attributable to operating practices also warrant priority consideration. During fiscal years 1970–72 the FRA investigated 229 major railroad accidents involving collisions and derailments. Those investigations revealed that 34 percent of the accidents were due wholly or in part to failure to operate trains in accordance with restrictive signal indications, yard-limit speed restrictions, and other speed restrictions imposed by operating rules issued by the railroad involved. Based on reports received by the FRA in 1971, these same factors caused 26 percent of all the reported accidents involving collisions and derailments and resulted in 18 deaths and 150 personal injuries.

Consequently, the FRA is considering, as the subject for a future notice of proposed rulemaking, the establishment of uniform operating rules for the Nation's railroads. The scope of these rules has not yet been determined. There may be need for a complete, comprehensive set of rules, or instead, safety standards which concentrate on the revision of a small number of existing railroad operating rules.

The Association of American Railroads' Standard Code of Operating Rules is the foundation on which most railroads have constructed their own rulebooks. However, in many instances, railroads have modified the Standard Code's version of a particular rule to suit their own operating situations. These modifications have resulted in differences in operating rules from road to road. In addition, many times the application of a particular rule has been altered through the use of timetables, orders, bulletins, and other instructions which railroads issue to their operating personnel in running trains and other rolling equipment. If the FRA is to establish uniform operating rules, it will be necessary to spend a considerable amount of time analyzing the relationship of the current industry operating rules and compliance practices with the causes of accidents and the interests of safety.

Therefore, the initial step for the FRA in the field of railroad operating practices being proposed by this notice is intended, in part, as an information-gathering tool looking toward the development of specific operating requirements through a future rulemaking pro-

ceeding. The proposed § 217.7 would require each railroad to file with the FRA its current code of operating rules, timetables, and timetable special instructions together with subsequent amendments. Under §§ 217.9 and 217.17 the FRA would be informed of the compliance practices of each railroad with its operating rules through the implementation of an FRA approved testing and inspection program developed by each railroad concerned. The information to be gained through the implementation of these requirements is considered necessary to the formulation of uniform operating rules.

In a separate but related matter, the FRA believes each railroad must intensify efforts to insure that its employees understand and comply with the company's existing operating rules. Many accidents are attributable to a lack of compliance with railroad operating rules or a misinterpretation of their intended application. If a company's employees have a better understanding of the existing rules, even with their shortcomings, the chances for noncompliance or misinterpretation should be reduced. Therefore, each railroad would be required to conduct an approved program of instruction for its employees to inform them of the meaning and application of the company's operating rules.

The rules being proposed would not apply to a railroad that operates exclusively inside an installation that is not part of the general railroad system of transportation. By proposing to exempt railroads which operate exclusively inside installations which are not part of the general railroad system of transportation, it is the intention of the FRA to exclude from coverage private tramways and other railroad operations used solely for mining, manufacturing, or other industrial purposes, as distinguished from ordinary for-hire railroads engaged in the business of transporting persons or property. Also, the regulations are not intended to apply to strictly recreational type railroads, as these are not considered to be in the general railroad system of transportation.

In consideration of the foregoing it is proposed to amend title 49 of the Code of Federal Regulations by adding a new part 217 to read as follows:

PART 217—RAILROAD OPERATING RULES

Sec.

§ 217.1 Purpose.

Through the requirements of this part the Federal Railroad Administration learns the condition of operating rules and practices with respect to trains and other rolling equipment in the railroad industry, and each railroad is required to instruct its employees in operating practices.

§ 217.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate trains or other rolling equipment on—

(1) Standard gage track which is part of the general railroad system of transportation; or

(2) Track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

(b) This part does not apply to a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation.

§ 217.5 Penalty.

Each railroad to which this part applies that violates any requirement prescribed in this part is liable to a civil penalty of at least $250 but not more than $2,500.

§ 217.7 Filing of operating rules.

(a) Before (30 days after the effective date of this rule) each railroad that is in operation on (effective date) shall file with the Federal Railroad Administrator, Seventh and D Streets SW., Washington, D.C. 20590, one copy of its code of operating rules, timetables, and timetable special instructions which were in effect on (effective date). Each railroad that commences operations after (effective date) shall file with the Administrator one copy of its code of operating rules, timetables, and timetable special instructions before it commences operations.

(b) Each amendment to a railroad's code of operating rules, each new timetable, and each new timetable special instruction which is issued after (effective date) or after the railroad commences operations, whichever is later, must be filed with the Federal Railroad Administrator within 30 days after it is issued.

§ 217.9 Program of inspection and testing; recordkeeping.

(a) Each railroad to which this part applies shall periodically conduct tests and inspections to determine the extent of compliance with its code of operating rules, timetables, and timetable special instructions in accordance with a program approved by the Federal Railroad Administrator.

(b) Before (30 days after the effective date of this rule) or 30 days before commencing operations, whichever is later, each railroad to which this part applies shall submit to the Federal Railroad Administrator, Seventh and D Streets SW., Washington, D.C. 20590, for his approval under § 217.13, three copies of a program to periodically conduct the tests and inspections required by paragraph (a) of this section. The program must—

(1) Provide for testing and inspection of operations under the various operating conditions on the railroad;

(2) Describe each type of test and inspection adopted, including the means and procedures used to carry it out;

(3) State the purpose of each type of test and inspection;

(4) State, according to operating divisions where applicable, the frequency with which each type of test and inspection is conducted; and

(5) Include a schedule for making the program fully operative within 210 days after it becomes effective.

(c) *Records.*—Each railroad shall keep a record of the date and place of each inspection and test performed in accordance with its program. Each record must provide a brief description of the test or inspection, including the characteristics of the operation tested or inspected, and the results thereof. Records must be retained for 1 year and made available to representatives of the Federal Railroad Administration for inspection and copying during regular business hours.

§ 217.11 Program of instruction on operating rules.

(a) To insure that each railroad employee whose activities are governed by the railroad's operating rules understands those rules, each railroad to which this part applies shall periodically instruct that employee on the meaning and application of the railroad's operating rules in accordance with a program approved by the Federal Railroad Administrator.

(b) Before (30 days after the effective date of this rule) or 30 days before commencing operations, whichever is later, each railroad shall submit to the Federal Railroad Administrator, Seventh and D Streets SW., Washington, D.C., for his approval under § 217.13, three copies of a program for the periodic instruction of its employees as required by paragraph (a) of this section. The program must—

(1) Describe the means and procedures used for instruction;

(2) State the frequency of instruction and the basis for determining that frequency;

(3) Include a schedule for completing the initial instruction of employees who are employed on the effective date of the program; and

(4) Provide for initial instruction of each employee hired after the effective date of the program.

§ 217.13 Approval process.

A program submitted under §§ 217.9 and 217.11 becomes effective (90 days after the effective date of this rule) or 30 days after the railroad commences operations, whichever is later, unless before that date the Federal Railroad Administrator notifies the railroad concerned that modification of the program is necessary to meet applicable requirements of this part or to satisfy the purpose of the program. If a notice to modify is issued, the railroad is allowed 60 days from the date of the notice within which to submit a revised program for approval. Alternatively, the railroad may,

within 21 days from the date of the notice, petition the Administrator to reconsider the notice to modify. The petition does not stay the effectiveness of the notice unless the Administrator otherwise decides in writing. A revised program becomes effective not less than 30 days after the railroad receives notice of the Administrator's approval.

§ 217.15 Amendment procedures.

(a) The Administrator may amend any program approved under § 217.9 or § 217.11 if he determines the amendment is necessary in consideration of the size and complexity of the railroad operations involved and the purpose of the program. In making an amendment, the Administrator notifies the railroad in writing of the proposed amendment, allowing it 21 days from the date of the notice within which to submit views and arguments on the proposal. After considering all relevant material, the Administrator notifies the railroad concerned of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the railroad receives notice thereof, unless it petitions the Administrator to reconsider the amendment, in which case the Administrator may stay the effective date.

(b) A railroad may petition the Administrator to amend its program approved under § 217.9 or § 217.11. Each petition must include a statement of the reasons for the proposed amendment. The Administrator grants a petition if he finds the amendment would not diminish the effectiveness of the program and is consistent with the purpose of the program.

§ 217.17 Semiannual report.

In January and July of each year, each railroad to which this part applies shall file with the Federal Railroad Administrator, Seventh and D Streets SW., Washington, D.C. 20590, a written report of the following with respect to its previous 6 months' activities:

(a) The total number of train-miles which were operated over its track.

(b) A summary of the number, type, and result of each test and inspection, stated according to operating divisions where applicable, that was conducted as required by § 217.9.

(c) The number of tests and inspections conducted as required by § 217.9 per 10,000 train miles.

Interested persons are invited to participate in making the safety standards by submitting written data, views, or comments. Communications should identify the docket number and the notice number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, attention: Docket No. RSOR-1, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before June 14, 1973 will be considered by the Federal Railroad Administrator before taking final action on the proposed standards. Comments received after that date will be considered so far as practicable. All comments received will be available for examination by interested persons at any time during regular working hours in room 5428, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

In addition, to insure that all interested persons have an opportunity for oral presentation, the FRA will conduct a public hearing at 10 a.m. on June 15, 1973, in room 5332 400 Seventh Street SW., Washington, D.C.

The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, before June 15, 1973, stating the amount of time required for his initial statement.

This notice issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on May 8, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-9535 Filed 5-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 89]

[Docket No. 19730; FCC 73-458]

SCHOOL BUS OPERATORS

Elimination of Certain Requirements

1. In this proceeding, we have under consideration amendment of § 89.511 (a) and (d) of our rules. These regulations govern eligibility of school bus operators and permissible communications in radio systems authorized in the Special Emergency Radio Service.

2. In recent years, it has become apparent that there is a need to eliminate some of the requirements of these rules, specifically those which provide that only persons or organizations operating school buses in "rural" areas may be licensed and which allow "only messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs."

3. While the limitations we mention undoubtedly served useful purposes at the time they were adopted, the nature of school bus operations has now changed; and it has become desirable to permit broader use of the available radio channels by eligible school bus operators. To illustrate, some urban areas have grown to such an extent that regions once considered "rural" are now relatively well populated. Nevertheless, school buses must travel through one type of area to get to the other. Here, the need for radio communications still obtains, even though the population density has increased, overall, in the school districts served by school bus systems.

4. Further, it has become increasingly important to maintain regular schedules. This is particularly the case where handicapped children are involved, as they should not be left unattended when their school bus is delayed. Thus, the occasion can arise, as in fact it has, when it is important for a driver to notify school officials that he is late or is being delayed in traffic and that a particular child cannot be reached on time. In such instances, other arrangements should be made; but, without radio communications, this is often impossible or impractical. To correct this situation, then, we propose to amend the rules to eliminate these restrictions, maintaining, however, some limitations to preserve the basic integrity of the school bus service, itself.

5. The proposed amendments to the rules are issued pursuant to the authority contained in sections 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before July 10, 1973, and reply comments on or before July 25, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

Adopted May 3, 1973.

Released May 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 89.511 (a) and (d) of subpart P of part 89 of the Commission's rules is amended to read as follows:

§ 89.511 School buses.

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

* * * * *

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

[FR Doc.73-9490 Filed 5-11-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1611, 1623]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rulemaking

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., secs. 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., secs. 451 et seq.).

The proposed amendments to §§ 1611.2 and 1611.5 would permit all persons who have been separated from the Armed Forces after having served on active duty to register with the Selective Service System. The proposed revision of § 1623.1 (b) would restrict the present requirement that the System furnish to the registrant a copy of specified material in his file prior to classification. Only registrants being classified into classes available for military or alternate service would be furnished a copy of such material.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the Director, Selective Service System, Attention: LLD, 1724 F Street NW., Washington, D.C. 20435. Comments received on or before June 13, 1973 will be considered.

The proposed amendments follow:

Section 1611.2(c) is amended to read as follows:

§ 1611.2 Persons not required to be registered.

* * * * *

"(c) Any person who is separated from the Armed Forces after having served on active duty, other than active duty for training, or who has served as a commissioned officer in the National Oceanic and Atmospheric Administration or the Public Health Service for not less than 24 months."

Section 1611.5 Voluntary registration, is amended to read as follows:

§ 1611.5 Voluntary registration.

"Any male person who entered the Armed Forces before being required to be registered in accord with the provisions of § 1611.1 and is separated therefrom after having served on active duty, other than active duty for training, may present himself for and submit to registration before a local board."

Section 1623.1(b) is amended to read as follows:

§ 1623.1 Commencement of classification.

* * * * *

"(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board. No information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official or employee of the Selective Service System will be considered or placed in the registrant's file unless a copy of it has been furnished to the registrant by the Selective Service System. No information in any other document in the registrant's file shall be considered in classifying the registrant into a class available for military or alternate service unless that document was supplied by the registrant or a copy of it or a fair résumé of its contents has been furnished to him by the Selective Service System."

BYRON V. PEPITONE,
Director.

MAY 9, 1973.

[FR Doc.73-9428 Filed 5-11-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ACADEMIC PUBLICATION

Notice of Revision of Policy

On July 1, 1967, the Agency for International Development published in the FEDERAL REGISTER (32 FR 9572) a statement of policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

On February 1, 1972, a proposed revised statement of AID policy on academic policy was submitted to the then existing AID-University Relations Advisory Committee for discussion, comment, and recommendations. Following the advisory committee's meeting of February 1, 1972, the revised statement was circulated among the academic community for further comment. Comments on the revised statement have been received and reviewed by this Agency.

Upon consideration of the foregoing, the Administrator, AID, on April 30, 1973, issued a revised statement of policy on academic publication. The revised statement is published herewith and is effective May 14, 1973.[1] The policy statement of July 1, 1967, is rescinded.

Dated May 4, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.73-9456 Filed 5-11-73;8:45 am]

ACADEMIC PUBLICATION

Statement of Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

UNDERLYING PRINCIPLES

AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution, and use of knowledge developed in its program.

This policy statement does not deal with material that is classified for security reasons. It does deal with considerations of national interest, not of sufficient gravity to warrant security classification, but serious enough to affect adversely the conduct of U.S. assistance programs. Consequently, in addition to the requirements of courtesy, propriety, and confidence which normally guide scholars in their work, there should also be consideration of the potential repercussions of publication on the successful execution of development and other cooperative programs in which the United States and foreign countries are involved.

OPERATIONAL DEFINITIONS

The Agency draws a distinction between two kinds of manuscripts which a scholar may wish to publish: (1) A report which is prepared and delivered to the Agency under the terms of the contract (a "contract manuscript"); and (2) an article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract (a "non-contract manuscript").

There are two kinds of actions, to be specified in the contract, which the Agency can take upon notification of a contractor's desire to publish: (1) Comment only, under which AID and the foreign government involved may review the manuscript, and have their comments considered seriously by the contractor prior to publication; and (2) authorization for release, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

POLICY STATEMENTS

A. AID, as a general rule, will not require an academic institution to obtain permission to publish the written work produced under a contract. It will ask for the opportunity to review the manuscript for comment only, prior to publication.

In the case of a contract manuscript, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a non-contract manuscript, AID reserves the right to dissociate itself from sponsorship or publication.

B. On the other hand, AID may reserve the right of authorization for release in those exceptional cases where conditions exist making it reasonably foreseeable, in light of the contract's scope of work and the manner and place of performance, that the written work to be prepared and delivered under the contract may have adverse repercussions on the relations and programs of the United States. Where this right is reserved, it must be so specified in the contract. In determining where to reserve such right, AID will consider all relevant factors, including:

1. The extent to which prompt and full performance of the contract will require access, facilitated by reason of the contract, to information not generally available to scholars;

2. The extent to which the work involves matters of political concern to foreign countries, particularly where any substantial part of the work is to be performed therein;

3. The extent to which, by reason of AID's close involvement and cooperation in the performance of the contract, the work product may be so identified with AID itself as to prevent effective disclaimer of AID endorsement thereof;

4. The extent to which the objective of the contract is to provide advice to AID or to a foreign government of immediate operational significance in the conduct of the AID program or the implementation of governmental programs in the host country;

5. The desires of the host country.

IMPLEMENTATION

The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. The actual publications provision for a particular contract, then, would be so worded as to reflect the agreement reached in the contract negotiations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

In the normal case of prepublication review for AID comment, the institution will submit a copy of the manuscript not later than the date of submission to the publisher. This gives the Agency time to comment if it is deemed appropriate. However, in the case of review for authorization, timely notification of AID's response will be given, consistent with the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the underlying principles described at the beginning of this policy statement.

JOHN A. HANNAH,
Administrator.

APRIL 30, 1973.

[FR Doc.73-9457 Filed 5-11-73;8:45 am]

[1] See FR Doc. 73-9457, *infra*.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 136]

DISTRICT DIRECTORS

Delegation of Authority To Sign Agreements

Pursuant to authority vested in the Commissioner of Internal Revenue, there

is hereby delegated to District Directors of Internal Revenue, the authority to sign, on behalf of the Service, agreements entered into under the provisions of Revenue Procedure 73-9.

The authority delegated herein may be redelegated by District Directors and may not be further redelegated.

Issued May 4, 1973.

Effective date.—May 4, 1973.

[SEAL] R. F. HARLESS,
Acting Commissioner.

[FR Doc.73-9481 Filed 5-11-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ADVANCED LOGISTICS SYSTEM PROJECT ADVISORY COMMITTEE

Notice of Meeting

MAY 2, 1973.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advanced Logistics System (ALS) Project Advisory Committee, May 30-31, 1973, beginning at 9 a.m., May 30, 1973, in room 118, building 266, Wright-Patterson Air Force Base, Ohio (Headquarters Air Force Logistics Command).

Because of the proprietary nature of data to be considered by the Project Advisory Committee, this meeting will be closed to the public in accordance with the provisions set forth in section 552 (b)(4) of title 5, United States Code, and section 10(d) of Public Law 92-463.

For additional information on this meeting, telephone 513-257-3296 or write Directorate of Data Automation, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-9422 Filed 5-11-73;8:45 am]

ADVISORY COMMITTEE ON THE AIR FORCE HISTORICAL PROGRAM

Notice of Meeting

MAY 7, 1973.

The Advisory Committee on the Air Force historical program will meet at the Forrestal Building, Washington, D.C., on May 17 and 18, 1973.

The purpose of the meeting is to examine the mission, scope, progress, and productivity of the Air Force historical program.

A portion of this meeting will be open for public attendance on May 17, from 8:45 a.m. until approximately 11:30 a.m., in room 8EO69, Forrestal Building. Among the topics on the tentative agenda during the open portion of the meeting are: Airmen training, reserve tours of duty, museum liaison, the fellowship program, uses of historical products, and publication fund proposals. The remainder of the meeting will pertain to internal historical program policies, procedures, and personnel matters and will be held in closed session.

If additional information is desired, contact HQ USAF (AF/CHO), Washington, D.C. 20314, telephone 693-7373.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-9421 Filed 5-11-73;8:45 am]

Department of the Army, Corps of Engineers

[Reg. 1105-2-507]

ENVIRONMENTAL STATEMENTS

Engineer Regulations on Preparation and Coordination; Correction

In FR Doc. 73-7069 appearing at page 9244 in the issue for Thursday, April 12, 1973, in paragraph 5.c., line 5, the paragraph number 4a should read 4b(2).

For the Chief of Engineers.

H. L. SARGENT,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.73-9419 Filed 5-11-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

MANUFACTURE OF CODEINE

Notice of Application

Pursuant to section 301.43 of title 21 of the Code of Federal Regulations, notice is hereby given that on April 16, 1973, Acid-EZE Co., Inc., Triangle Shopping Center, Trion, Ga., made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of codeine, a basic class of narcotic controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 832(a)(1)) states (italic added):

> The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with U.S. obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:
>
> (1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, *by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate uninterrupted supply of these substances under adequately competitive conditions* for legitimate medical, scientific, research, and industrial purposes;

Any person registered to manufacture codeine in bulk may on or before June 13, 1973, file written comments on or objection to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, room 611, 1405 I Street NW., Washington, D.C. 20537.

Dated May 3, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-9438, Filed 5-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PROPOSED SPIRIT MOUNTAIN RECREATION AREA DEVELOPMENT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Spirit Mountain Recreation Area development project and invites written comments on or before June 14, 1973. Comments from interested members of the public should be addressed to the Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Mich. 48104.

The environmental statement considers the development of approximately 920 acres as a multipurpose, year-round recreation complex in the city of Duluth, Minn. A 100-unit campground plus support facilities is proposed for funding with Land and Water Conservation Fund assistance. A ski facility which will include nine ski runs, three lifts, a central recreation building, and support facilities and utility lines is proposed for funding with Economic Development Administration and Upper Great Lakes Regional Commission grants. In addition to providing outdoor recreation, the project is intended to stimulate the economic situation in the city of Duluth by generating tourist expenditures and providing jobs. The project will serve people in the upper Midwest as well as Duluth.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Mich. 48104.

Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.

State Planning Agency, 802 Capitol Square Building, 550 Cedar Street, St. Paul, Minn. 55101.

Head of the Lakes Council of Governments, 409 City Hall, Duluth, Minn. 55802.

U.S. Department of Commerce, Economic Development Administration, Civic Tower Building, 32 West Randolph, Chicago, Ill. 60606.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated May 7, 1973.

LAWRENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-9420 Filed 5-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

ASSOCIATED AIR FREIGHT, INC.

Notice of Application for Tariff Filing Authority Pickup and Delivery Zone

MAY 7, 1973.

In accordance with part 222 (14 CFR pt. 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, docket 25509 from Associated Air Freight, Inc., 167-16 146th Avenue, Jamaica, N.Y. 11434, for authority to include Red Wing, Minn., in the terminal area of Minneapolis-St. Paul International Airport pickup and delivery area. Red Wing is 40 miles from Minneapolis-St. Paul International Airport.

Under the provisions of § 222.3(c) of part 222, interested persons may file an answer in opposition to or in support of this application on or before May 29, 1973. An executed original and 19 copies of such answer shall be addressed to the docket section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9495 Filed 5-11-73;8:45 am]

NEW YORK AIRLINES PUBLIC RELATIONS ASSOCIATION

Notice of Meeting

Notice is hereby given that a meeting with the above Association will be held on May 16, 1973, at 9 a.m. (local time) in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., for a briefing by the Civil Aeronautics Board staff on its policies and directions.

Dated at Washington, D.C., May 8, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9494 Filed 5-11-73;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND SEA-LAND SERVICES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 4, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Sq., P.O. Box 2064, Oakland, Calif. 94607

Agreement No. T-1768-6 between the City of Oakland (City) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement between the parties, as heretofore amended which provides for the preferential assignment of certain marine terminal facilities to Sea-Land. The purpose of the modification is to (a) enlarge the assigned area by 0.246 acres, and (b) provide that the cost of improvements to the containership crane recently purchased by the City shall be reimbursed to Sea-Land upon completion.

Dated May 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9482 Filed 5-11-73;8:45 am]

GULF-PUERTO RICO LINES ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Gulf-Puerto Rico Lines
U.S.A., Inc.

and

Sea-Land Service, Inc.,
Seatrain Lines, Inc.,
Transamerican Trailer Transport, Inc.

Notice of agreement filed by:

John Mason, Esq., Paul J. McElligott, Esq., 900 17th Street NW., Washington, D.C. 20006

Agreement No. DC-38-2, between the members of the Puerto Rico Ocean Service Association (Gulf-Puerto Rico Lines-U.S.A., Inc., Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc.) modifies the basic agreement between the parties, under which the parties agree to establish uniform practices, terminal and accessorial charges, and regulations in connection with their carriage of cargo between U.S. Atlantic and Gulf ports and Puerto Rico. The purpose of the modification is to change the present self-policing provisions of the agreement by (1) placing in the chairman of the Association the authority to decide whether a violation of the agreement or the carrier's tariff has occurred, and to assess a penalty therefor; (2) separating the investigation and decision functions by providing for an investigating officer who, although an employee of the Association, is independent of the chairman and of the member lines in the initiation and conduct of investigations; and (3) providing authority for the investigating officer in the course of any investigation to: (a) require written reports by a member line; (b) have access to the relevant books and records of the member line under investigation; and (c) to orally examine or interview any person reason-

ably believed to be in possession of relevant facts.

Dated May 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9483 Filed 5-11-73;8:45 am]

NIPPON YUSEN KAISHA AND MATSON NAVIGATION CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David F. Anderson, Matson Navigation Company, 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. 10053 covers an arrangement whereby Nippon Yusen Kaisha (NYK) appoints Matson Navigation Company (Matson) as its exclusive agent for liner and tramp services in California, Oregon, Washington, Alaska, Hawaii, Nevada, Utah, Arizona, Colorado, and New Mexico, and to exercise supervision over NYK's appointed agents for the handling of NYK's vessels in Mexico and Central America under terms and conditions set forth in the agreement.

Dated May 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9484 Filed 5-11-73;8:45 am]

BEST INTERNATIONAL SERVICE ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Frank Hubert Olazabal, doing business as Best International Service, 2135 Las Colinas Avenue, Los Angeles, Calif. 90041.

Jetero Freight Forwarders, Inc., 3086 Jetero Boulevard, Houston, Tex. 77060.

OFFICERS

Robert L. Gonzales, president; Refugio Gonzales, Jr., vice president-treasurer; Hector J. Velasquez, secretary-assistant treasurer.

Kozo Kimura, doing business as Tokyo Express Co., 24 California Street, San Francisco, Calif. 94111.

East Coast Container Corp., 4501 Curtis Avenue, Baltimore, Md. 21226.

OFFICERS AND DIRECTORS

Frank Blackowicz, president; Jeannine Blackowicz, director; Ronald Thomas, secretary-treasurer; Christina Thomas, director.

Columbus Express and Shipping Co., Inc., 1029 East 167th Street, Bronx, N.Y. 10459.

OFFICERS

Angel Colon, president; Elizabeth Colon, secretary.

Schwartz Forwarding Co., Inc., 704 General Pershing Street, New Orleans, La.

Conrad J. Schwartz, president-general manager; Paul C. Thionville, vice president; Rene J. Thionville, secretary-treasurer.

Dated May 7, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9487 Filed 5-11-73;8:45 am]

PACIFIC COAST—AUSTRALASIAN TARIFF BUREAU

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before June 3, 1973. Any person desiring a hearing on the proposed modification of the contract from and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to modify an approved dual rate system and form of contract filed by:

A. H. Eber, Secretary, Pacific Coast—Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 50 DR-2 is an application by the member lines of the Pacific Coast—Australasian Tariff Bureau (agreement No. 50, as amended) for permission under section 14b to modify their approved dual rate system and form of contract in the trade from United States or Canadian Pacific coast ports (not including Alaska) and Hawaii, to ports in Australia, New Zealand, and various South Pacific islands, to limit the application of the conference contract rate system to exporter signatories instead of to both exporters and/or importers as presently in effect.

Dated May 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9486 Filed 5-11-73;8:45 am]

PORT OF NEW ORLEANS AND UNITED BRANDS CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, made be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1973. Any person desiring a hearing on

the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, La.

Agreement No. T-2780, between the Board of Commissioners of the Port of New Orleans (Port) and United Brands Co. (United), provides for the cancellation of, and release of both parties' obligations under agreement No. T-466, which provided for: (a) The advance of certain funds to the Port for improving portions of the Erato Street Wharf and (b) the installation by United of specialized banana handling equipment at the Erato, Julia, and Thalia Street Wharves. Agreement No. T-2780 provides that the parties will, pursuant to the Port's tariff enter into new first call on berth privilege agreements for the above facilities, under which United will continue to operate and maintain the specialized equipment installed on these facilities pursuant to T-466 for itself as well as other banana vessels calling at the Port: *Provided*, That the charges assessed and retained by United will be the same as set forth in the Port's tariff. United's total annual compensation to the Port for the first call on berth privileges will be a fixed sum plus all tariff charges accruing under the Port's dock department tariff.

Dated May 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9485 Filed 5-11-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5294]

FINEST CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On April 13, 1973, a notice was published in the FEDERAL REGISTER (38 FR 9359) stating that Finest Capital Corp., 118-21 Queens Boulevard, Forest Hills, N.Y. 11375, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.701 (1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (the act).

The period for comment ended April 28, 1973.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 02/02-5294 to Finest Capital Corp., pursuant to said section 301(d) of the act.

Dated May 4, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-9418 Filed 5-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF MINI LASH VESSELS

Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of Mini LASH vessels of about 11,000 DWT pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on May 31, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20235.

Dated May 9, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-9531 Filed 5-11-73;8:45 am]

[Docket No. S-350]

EXXON SHIPPING CO.

Notice of Application

Notice is hereby given that Exxon Shipping Co. has filed an application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for a subsidized voyage in progress on that date). The bulk cargo-carrying vessels proposed to be subsidized, and the trade in which they propose to engage are presented below:

Applicant's name and address	Type of ships	Name of ships
Exxon Shipping Co., Exxon Bldg., 800 Bell Ave., Houston, Tex. 77002.	Tanker	Exxon Baton Rouge.
	do	Exxon Philadelphia.
	do	Exxon Boston.
	do	Exxon Houston.
	do	Exxon Washington.

The application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

The vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (the Act), it should be assumed that the five ships listed above will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of any approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before May 21, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application hereinabove described is one with respect to the vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within

the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated May 9, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-9532 Filed 5-11-73;8:45 am]

National Oceanic and Atmospheric Administration

ALASKA FISH AND GAME DEPT.

Application and Hearing To Consider Economic Hardship Exemption for Marine Mammals

Notice is hereby given that the following applicant has filed an application for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and § 216.13 of the interim regulations governing the taking and importing of marine mammals (37 FR 28177).

State of Alaska Department of Fish and Game, Office of the Commissioner, Subport Building, Juneau, Alaska 99801, telephone 907-586-3392, to take the following mammals for scientific research: 25 beluga whales (*Delphinapterus leucas*), 100 land breeding harbor seals (*Phoca vitulina richardi*), 100 ice breeding harbor seals (*Phoca vitulina largha*), 10 steller sea lions (*Eumetopias jubata*), 50 ringed seals (*Phoca hispida*), 10 bearded seals (*Eringnathus barbatus*), and 10 ribbon seals (*Phoca fasciata*), between June and October 21, 1973.

The applicant states: (1) The animals will be taken by shooting, although efforts will be made to utilize specimens from animals taken by Alaskan Native hunters and animals found dead on coastal beaches;

(2) Ongoing, documented and budgeted programs of the Alaska Department of Fish and Game marine mammal research program, which have been conducted since 1959 and have involved the expenditure of $700,000 since that date, are now at a standstill.

(3) The collaborative activities of fish and game personnel, including systematic collection of various samples and specimens in support of nondepartmental programs, have completely ceased. Examples of such collaborative efforts include the following: Blood samples for population identification—University of Alaska, Institute of Arctic Biology; tissue samples for pesticide and heavy metals analysis, State of Alaska Department of Health and Welfare and University of Alaska; parasite studies, State of Alaska and Arctic Health Research Center; investigations of tissue enzymes, University of Alaska and Arctic Health Research Center; taxonomy and systematics, State of Alaska and Arctic Health Research Center;

(4) Planned research cruises in the immediate future intended specifically for collaborative investigation of marine mammals will be jeopardized;

(5) If the economic hardship exemption is not granted the applicant will lose at least $100,000 in salaries and continuity in vital marine mammal research programs will be lost.

In order to solicit comments from the interested public, notice is hereby given that a hearing will be held for the applicant described above, beginning at 10 a.m., local time, on Wednesday, May 23, 1973, in the Carpenters Local, 1281 Hall, 407 Denali Street, Anchorage, Alaska 99501, telephone 907-277-0023, to consider this application for an economic hardship exemption. Individuals and organizations may submit written comments for inclusion in the official record to the Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221. Written comments will be accepted for the official record provided they are postmarked or received by midnight on June 11, 1973.

Documents submitted in connection with this application are available for inspection in the office of the Regional Director, National Marine Fisheries Service, Juneau, Alaska, and in the office of the Director, National Marine Fisheries Service, Washington, D.C.

All factual statement and opinions contained in this notice, with respect to the application, are those supplied by the applicant and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Dated May 10, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-9538 Filed 5-11-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of American Bank of Central Ohio, Harrisburg, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any person wishing to comment on the application 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 May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9442 Filed 5-11-73;8:45 am]

CHASE MANHATTAN CORP.

Order Approving Acquisition of Bank

The Chase Manhattan Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Eastern New York (National Association), Albany, N.Y., a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in New York in terms of domestic deposits, controls five subsidiary banks with aggregate deposits of $15 billion, representing 15.5 percent of the total domestic deposits in commercial banks in the State. (All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Mar. 31, 1973.) Since bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in downtown Albany, and will represent the initial entry by applicant into the fourth banking district in New York State. Applicant's existing banking subsidiaries are presently barred from branching into the Albany market until statewide branching becomes effective on January 1, 1976. Applicant's closest banking office is located about 42 miles south of Albany in Saugerties. Applicant's acquisition of bank would have a procompetitive effect by introducing a new competitor into the moderately concentrated Albany banking market (approximated by the Albany-Schenectady-Troy SMSA) where 4 of the 14 banks competing in that market control over 64 percent of total market deposits. Nine of the competing banks are subsidiaries of multibank holding companies, including six New York City-based institutions. Applicant's entry into this market should stimulate competition without having adverse effects on any competing bank.

The financial condition, management and prospects of applicant and its subsidiary banks are regarded as satisfactory. Since bank will be able to draw on

applicant's financial and managerial resources, its prospects are favorable and the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend weight toward approval as bank will provide an additional source of full banking services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Applicant owns two nonbanking subsidiaries, Berkeley Service Corp., Boston, Mass., and Dovenmuehle, Inc., Chicago, Ill., which were acquired on June 4, 1969, and on December 19, 1969, respectively. Berkeley Service Corp. is a service agency for the Shapiro Factors Division of The Chase Manhattan Bank, and Dovenmuehle, Inc., is a mortgage servicing company.

In making its determination herein, the Board has relied upon a finding that the combination of an additional subsidiary bank with applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after that date, and (c) Chase Manhattan Bank of Eastern New York (National Association), Albany, N.Y., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9445 Filed 5-11-73;8:45 am]

CHASE MANHATTAN CORP.

Order Approving Acquisition of Bank

The Chase Manhattan Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Western New York (National Association), Buffalo, N.Y., successor by merger to Lincoln National Bank, Buffalo, N.Y. The bank into which bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in New York in terms of domestic deposits, controls five subsidiary banks with aggregate deposits of approximately $15 billion, representing 15.5 percent of the total deposits in commercial banks in the State.[1] Consummation of the proposal would not significantly increase applicant's share of deposits in the State.

Bank ($10.2 million in deposits) is the ninth largest of 10 banks in the Buffalo banking market, which includes Niagara and Erie Counties, and controls 0.4 percent of the deposits in that market. The nearest office of one of applicant's banking subsidiaries is approximately 55 miles east of Buffalo, in Rochester, and there is no significant existing competition between this or any other of applicant's subsidiaries. Applicant's acquisition of bank would have a procompetitive effect since bank, with applicant's support, should compete more aggressively with the four largest banks in the market, all of which are affiliated with bank holding companies and control in the aggregate over 97 percent of market deposits (the three largest banks control 94 percent).

While applicant is a potential entrant to the market, entrance into the market by acquisition of this bank may be regarded as a "foothold" entry in view of the fact that bank's share of market deposits has remained virtually constant since June 30, 1968; and bank has actually fallen in rank within the market from seventh to ninth. Under existing New York law, applicant's subsidiaries are prohibited until January 1, 1976 from branching into the market. Additionally, consummation of the proposal would not be likely to raise barriers to entry since bank is not a significant factor in the market and there are other independent banks in the market. Consummation of the proposal will not have any adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of applicant, its subsidiary banks and bank are satisfactory and consistent with approval. The banking needs of the communities involved are being adequately met at present. However, applicant proposes to provide, through bank, an alternative source of specialized banking needs and to revitalize and expand the range of services offered by bank. Therefore, considerations relating to convenience and needs of the communities to be served are consistent with approval. It is the board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

Applicant owns two nonbanking subsidiaries, Berkeley Service Corp., Boston, Mass., and Dovenmuehle, Inc., Chicago, Ill., which were acquired on June 4, 1969, and December 19, 1969, respectively. Berkeley Service Corp. is a service agency for the Shapiro Factors Division of the Chase Manhattan Bank, and Dovenmuehle, Inc., is a mortgage servicing company.

In making its determination herein, the Board has relied upon a finding that the combination of an additional subsidiary bank with applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9446 Filed 5-11-73;8:45 am]

FIRST BANCSHARES OF FLORIDA, INC.

Acquisition of Bank

First Bancshares of Florida, Inc., Boca Raton, Fla., has applied for the Board's approval under section 3(a)(3) to acquire 90 percent or more of the voting shares of Fidelity National Bank of

[1] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through March 31, 1973.

[2] Voting for this action: Chairman Burns and Governors Daane, Sheehan and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

South Miami, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application 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 May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9443 Filed 5-11-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Northline State Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application 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 May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9444 Filed 5-11-73;8:45 am]

FIRST FLORIDA BANCORPORATION

Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Southside Bank of St. Petersburg, St. Petersburg, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20550, to be received not later than June 4, 1973.

Board of Governors of the Federal Reserve System, May 7, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9453 Filed 5-11-73;8:45 am]

HAMILTON BANCSHARES, INC.

Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Hamilton National Bank of Knoxville, Knoxville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application 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 4, 1973.

Board of Governors of the Federal Reserve System, May 7, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9454 Filed 5-11-73;8:45 am]

MIDWESTERN FINANCIAL CORP.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by Midwestern Financial Corp., Denver, Colo., for a determination that following the transfer of its stockholdings in The First National Bank in Golden, Golden, Colo. (Bank), to First Golden Bancorporation, Golden, Colo. (FGB), and the distribution of FGB stock to the shareholders of Applicant, Applicant will not in fact be capable of controlling FGB. At this time there is, and following the transaction there will continue to be, a director common to both Applicant and FGB. Applicant proposes to divest control of FGB in order to terminate its status as a bank holding company under the Bank Holding Company Act of 1956.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 4, 1973. If a request for hearing is filed, such request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested a hearing. In the absence of a request for a hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9447 Filed 5-11-73;8:45 am]

PIEDMONT CAROLINA FINANCIAL SERVICES, INC.

Proposed Acquisition of Credit Loan and Finance Co., Inc.

Piedmont Carolina Financial Services, Inc., Davidson, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Credit Loan and Finance Co., Inc., Greensboro, N.C. Notice of the application was published on April 12, 1973, in the Greensboro Daily News, a newspaper circulated in Greensboro, N.C.

Applicant states that the proposed subsidiary would engage in the activity of making consumer installment loans. Such activity has been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the proposed subsidiary would also engage in the activity of acting as agent for the sale of credit-related life insurance and credit-related accident and health insurance. Under certain circumstances such activity may be permissible for bank holding companies under § 225.4(a)(9) of regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9448 Filed 5-11-73;8:45 am]

PIEDMONT CAROLINA FINANCIAL SERVICES, INC.

Proposed Acquisition of Carolina Finance Company of Charlotte, Inc.

Piedmont Carolina Financial Services, Inc. Davidson, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Carolina Finance Company of Charlotte, Inc., doing business as Carolina Finance Co., Charlotte, N.C. Notice of the application was published on April 11, 1973, in the Charlotte Observer, a newspaper circulated in Charlotte, N.C.

Applicant states that the proposed subsidiary would engage in the activity of making consumer installment loans. Such activity has been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the proposed subsidiary would also engage in the activity of acting as agent for the sale of credit related life insurance and credit related accident and health insurance. Under certain circumstances such activity may be permissible for bank holding companies under § 225.4(a)(9) of regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9449 Filed 5-11-73;8:45 am]

PIEDMONT CAROLINA FINANCIAL SERVICES, INC.

Formation of Bank Holding Company

Piedmont Carolina Financial Services, Inc., Davidson, N.C., has applied for the Board's approval 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 100 percent (less directors' qualifying shares) of the successor by merger to Piedmont Bank & Trust Co., Davidson, N.C. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application 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 May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9451 Filed 5-11-73;8:45 am]

PIEDMONT CAROLINA FINANCIAL SERVICES, INC.

Proposed Acquisition of B. & M. Finance Co., Inc.

Piedmont Carolina Financial Services, Inc., Davidson, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of B. & M. Finance Co., Inc., doing business as Salem Finance Co., Winston-Salem, N.C. Notice of the application was published on April 12, 1973, in the Winston-Salem Journal, a newspaper circulated in Winston-Salem, N.C.

Applicant states that the proposed subsidiary would engage in the activity of making consumer installment loans. Such activity has been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the proposed subsidiary would also engage in the activity of acting as agent for the sale of credit related life insurance and credit related accident and health insurance. Under certain circumstances such activity may be permissible for bank holding companies under § 225.4(a)(9) of regulation Y, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 31, 1973.

Board of Governors of the Federal Reserve System, May 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9452 Filed 5-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 6

Notice of Public Meeting

MAY 7, 1973.

Panel 6 of the Cable Television Technical Advisory Committee will hold an open meeting on Monday, May 21, 1973, at 10 a.m. The meeting will be held in room 6331, 2025 M Street NW., Washington, D.C.

The agenda of the meeting will include:

1. Reviewing and expanding on Herb Michel's draft relative to State and municipal technical regulations.
2. The assignment of tasks.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9493 Filed 5-11-73;8:45 am]

TYPE ACCEPTANCE APPLICATIONS

Revision of Form 723

MAY 8, 1973.

FCC Form 723 has been revised to reflect the requirements of a recent amendment to §§ 1.1102, 1.1103 and 1.1120 of the Commission's rules. This amendment requires that after July 1, 1973, the filing fee and the grant fee must be paid simultaneously and must accompany an application for certification or for type acceptance. Therefore, on or after July 1, 1973, a type acceptance application will not be processed prior to payment of the combined filing and grant fees. Simultaneous filing of fees at the present time is encouraged, although not required prior to July 1, 1973. Other revisions in the form are of an editorial nature and not substantive.

The April 1973 revision of FCC Form 723 may be used by applicants for type acceptance of equipment. Use of this form is encouraged although, presently, its use is optional. Future amendment of the rules is planned to require that this form be submitted with each type acceptance application. A separate copy of form 723, together with one copy of the information and data required for type acceptance, should be submitted for each equipment type number.

On and after July 1, 1973, earlier issues of FCC Form 723 will be obsolete and only the April 1973, or later issues will be acceptable for use.

Copies of FCC Form 723 will not normally be supplied in quantity. Individual reproduction of the form in accordance with the listed conditions may be made by those using it. Limited quantities of the form are available from the Commission offices in Washington, D.C., 20554, and each of its field offices. Requests may be directed to publications, room B-10, Federal Communications Commission, Washington, D.C., 20554, or to the engineer in charge of the nearest field office.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9491 Filed 5-11-73;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

MAY 8, 1973.

In accordance with Public Law 92-463, Federal Advisory Committee Act, the following is a listing of May meetings of the Radio Technical Commission for Marine Services (RTCM):

Special Committee No. 64, MF, HF, and VHF maritime radioteleprinter and data systems and operations, 35th meeting, Tuesday, May 15, 1973, 9:30 a.m., conference room 205, 1229 20th Street NW., Washington, D.C.

Principal agenda items:

a. Report on MarAd developmental program for a digital selective calling system.
b. Preparation of comments on FCC notice of inquiry for 1974 Maritime Conference.
c. Discussion of direct printing and data systems.

Chairman, SC-64, H. T. Blaker, Collins Radio Co., Arlington, Va. 22209, phone 703-524-9503.

Special Committee No. 65, Ship Radar, working group meetings; Wednesday, May 16, 1973, 9:30 a.m., Basic Radar Specifications; 1:30 p.m., Reliability. Conference room 847, 1919 M Street NW., Washington, D.C.

Chairman, SC-65, Irvin Hurwitz, FCC, Washington, D.C. 20554, phone 202-632-7197.

Special Committee No. 66, Receiver Standards for the Maritime Mobile Service. 11th meeting, Wednesday, May 16, 1973, 9 a.m. All day meeting. Conference room 205, 1229 20th Street NW., Washington, D.C.

Principal agenda items:

a. Status reports on work assignments.
b. Final approval of MMS-R1, minimum standards for VHF receivers in the maritime mobile service.
c. Decision on scheduling of the following standards: (1) Portable VHF equipment; (2) VHF antennas; and (3) MF-HF SSB receivers.

Chairman, SC-66, H. R. Smith, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202, phone 201-527-0330.

Special Committee No. 67, Vessel Traffic Systems, Wednesday, May 16, 1973, 10 a.m. All day meeting, Nassif Building, room 7200, 400 Seventh Street, SW., Washington, D.C.

Principal agenda items:

a. Status report on USCG vessel traffic systems study.
b. Report of USCG symposium on vessel traffic systems, May 15, 1973.
c. Reconsideration of terms of reference.
d. Status reports on work assignments:
(1) Operational communications concepts.
(2) Frequency considerations.
(3) Training considerations.

Chairman, SC-67, Capt. B. E. Smith, Gulf Oil Corp., Philadelphia, Pa., phone 215-839-6111.

RTCM Executive Committee, Thursday, May 17, 1973, 1:45 p.m., conference room 847, 1919 M Street NW., Washington, D.C.

Principal agenda items:

a. Progress reports on currently active committees.
b. Status reports on other committees.
c. New membership application.
d. Report on 1973 Seattle RTCM assembly meeting.
e. Report of electronic manufacturing group caucus.
f. Report on 1974 St. Petersburg assembly meeting.
g. Approval of SC-66 report: Minimum Standards for VHF Receivers in the Maritime Mobile Service, April 24, 1973.
h. Review of RTCM accomplishments and plans for future activities.
i. Report on IMCO maritime satellite meeting, London, April 30 to May 4, 1973.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated committee chairman or the RTCM Secretariat, phone 202-632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by special committees and the final reports are approved by the RTCM executive committee. All RTCM meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9492 Filed 5-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329A and 50-330A]

CONSUMERS POWER CO.

Notice and Order for Final Prehearing Conference

MAY 8, 1973.

In the matter of Consumers Power Co. (Midland plants, units 1 and 2).

Take notice that the final prehearing conference in the subject proceeding will be held on June 11, 1973, at 10 a.m., local time, at the U.S. Court of Claims, room 309, 717 Madison Place NW., Washington, D.C. 20005.

At this prehearing conference, the respective parties will offer for receipt into evidence:

(a) Documentary matters; and
(b) Stipulations of fact, if any.

The evidentiary hearing in this proceeding shall commence on June 25, 1973, at a time and place to be established by a subsequent order. The first session of hearings shall proceed as follows:

June 25 through June 29, 1973;
July 2 through July 3, 1973; and
July 5 through July 6, 1973.

The rules governing the evidentiary hearing shall be spelled out by the instant Atomic Safety and Licensing Board at the prehearing conference.

The Board will discuss any other matters sought to be raised by the parties that will facilitate the evidentiary hearing.

It is so Ordered.

Issued at Washington, D.C., this 8th day of May 1973.

ATOMIC SAFETY AND LICENSING BOARD,
[SEAL] JEROME GARFINKEL,
Chairman.

[FR Doc.73-9432 Filed 5-11-73;8:45 am]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as

amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding: Florida Power and Light Co., St. Lucie plant, unit 1.

This action is in reference to the "Notice of Receipt of Application for Facility Operating License; Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing" published by the Commission in the above matter (38 FR 7594, March 23, 1973).

The members of the Board are:

Robert M. Lazo, Esq., *Chairman.*
Dr. Hugh C. Paxton, *Member.*
Dr. Paul W. Purdom, *Member.*

Dated at Washington, D.C. this 8th day of May 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-9433 Filed 5-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE DOUGLAS-FIR TUSSOCK MOTH PEST MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, U.S. Department of Agriculture, has prepared a final environmental statement for the cooperative Douglas-fir tussock moth pest management plan, Oregon and Washington—1973, USDA-FS-FES-(Adm) 73-46.

The environmental statement concerns a proposal to salvage harvest the most heavily damaged timber stands within a total national forest land area of approximately 190,000 acres of Douglas-fir tussock moth infestation in Oregon and Washington. DDT, the only proven effective chemical for control of this insect, is not a viable control alternative. A test using Zectran applied twice at the rate of 0.15 pound in a gallon of fuel oil per acre is also included in the proposal. Treatments would be applied during late May, June, and early July 1973.

The final environmental statement was filed with CEQ on April 26, 1973.

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

USDA, Forest Service, South Agriculture Building, room 3230, 12th Street and Indedence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oreg. 97208.
Forest Supervisor's Office, Umatilla National Forest, 2517 Southwest Hailey Avenue, Pendleton, Oreg. 97801.
Forest Supervisor's Office, Wallowa-Whitman National Forest, Federal Building, Baker, Oreg. 97814.
Forest Supervisor's Office, Wenatchee National Forest, 3 South Wenatchee Avenue, Wanatchee, Wash. 98801.

A limited number of single copies are available upon request to Theodore A. Schlapfer, Pacific Northwest Region, U.S. Forest Service, P.O. Box 3623, Portland, Oreg. 97208.

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

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

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 7, 1973.

[FR Doc.73-9436 Filed 5-11-73;8:45 am]

MILLS RIVER UNIT PLAN

Availability of Final 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 final environmental statement for the Mills River unit plan. USDA-FS-FES-(Adm) 73-36.

The environmental statement concerns the following action:

Administration action.—Proposed management of the Mills River unit, Pisgah Ranger District, Pisgah National Forest, located in Buncombe, Henderson, and Transylvania Counties, N.C. The unit contains 41,466 acres of National Forest land.

The management direction and action proposed and described is for a period beginning July 1, 1973. Included are specific projects and proposals for recreational management, timber harvest and stand improvement, vegetative manipulation to benefit wildlife, erosion control practices, transportation management, and others.

This final environmental statement was filed with CEQ on April 27, 1973.

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, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Road NW., Room 806, Atlanta, Ga. 30309.
USDA, Forest Service, Forest Supervisor, B-Level Plateau Building, 50 South French Broad, P.O. Box 2750, Asheville, N.C. 28802.

A limited number of single copies are available upon request to Forest Supervisor, B-Level Plateau Building, 50 South French Broad, P.O. Box 2750, Asheville, N.C. 28802.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the 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.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 4, 1973.

[FR Doc.73-9437 Filed 5-11-73;8:45 am]

MOUNT HOOD MEADOWS SKI AREA CHAIRLIFT NO. 4

Availability of Final 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 final environmental statement for Mount Hood Meadows Ski Area Chairlift No. 4 USDA-FS-FES (ADM) 73-19.

The environmental statement concerns the proposed construction of a 6,000-ft triple chairlift and related service facilities as an expansion of the existing Mount Hood Meadows Ski Area.

This final environmental statement was filed with CEQ on May 8, 1973.

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, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oreg. 97208.
Forest Supervisor's Office, Mount Hood National Forest, 340 Northeast 122d Avenue, Portland, Oreg. 97216.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oreg. 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the 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.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 8, 1973.

[FR Doc.73-9499 Filed 5-11-73;8:45 am]

PELICAN BUTTE WINTER SPORTS DEVELOPMENT

Availability of Final 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 final environmental statement for the Pelican Butte

Winter Sports Development, USDA–FS–FES–ADM–72–26.

The environmental statement concerns a proposal to offer for development a major winter sports site on Pelican Butte within the Winema National Forest approximately 25 miles northwest of Klamath Falls, Oreg. Support facilities may be located on either National Forest or private lands.

This final environmental statement was filed with CEQ on May 8, 1973.

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, D.C. 20250.

Regional Forester, Multnomah Building, 319 Southwest Pine Street, (Mail: P.O. Box 3623), Portland, Oreg. 97208.

Forest Supervisor, Winema National Forest, Post Office Building, Klamath Falls, Oreg. 97601.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, P.O. Box 3623, Portland, Oreg. 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the 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.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 8, 1973.

[FR Doc.73-9498 Filed 5-11-73;8:45 am]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Arkansas as a result of a natural disaster caused by excessive rainfall, severe flooding, tornadoes, mudslides, and windstorms. The following counties of Arkansas are affected by such natural disasters:

Arkansas	Hempstead
Ashley	Independence
Boone	Jackson
Carroll	Johnson
Chicot	Lafayette
Clark	Lawrence
Clay	Lee
Conway	Lincoln
Craighead	Little River
Crawford	Logan
Crittenden	Lonoke
Cross	Madison
Dallas	Miller
Desha	Mississippi
Faulkner	Monroe
Franklin	Nevada
Grant	Newton
Greene	Ouachita
Perry	Saline
Phillips	Scott
Poinsett	Searcy
Pope	Sebastian
Prairie	Van Buren
Pulaski	White
Randolph	Woodruff
St. Francis	Yell

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this Department prior to July 6, 1973 except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9510 Filed 5-11-73;8:45 am]

COLORADO

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Colorado as a result of a natural disaster caused by freezes and drought followed by heavy rain in some areas. The following counties of Colorado are affected by such natural disasters:

Dolores	Montezuma
Garfield	San Miguel
La Plata	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9505 Filed 5-11-73;8:45 am]

GEORGIA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Georgia as a result of a natural disaster caused by severe flooding and tornadoes beginning on or about March 16, 1973. The following counties of Georgia are affected by such natural disasters:

Banks	Lincoln
Barrow	Lowndes
Bartow	McDuffie
Bleckley	Macon
Bryan	Madison
Bulloch	Marion
Burke	Morgan
Butts	Murray
Calhoun	Oconee
Candler	Oglethorpe
Chattooga	Polk
Clarke	Pulaski
Clay	Putnam
Colquitt	Quitman
Columbia	Randolph
Crisp	Richmond
Decatur	Schley
Dodge	Seminole
Dooly	Stephens
Dougherty	Sumter
Early	Talbot
Elbert	Taliaferro
Evans	Tattnall
Floyd	Taylor
Franklin	Terrell
Glascock	Thomas
Gordon	Toombs
Grady	Walton
Greene	Ware
Gwinnett	Warren
Hancock	Washington
Hart	Webster
Houston	Whitfield
Jackson	Wilcox
Jasper	Wilkes
Lee	Wilkinson

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9503 Filed 5-11-73;8:45 am]

ILLINOIS

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Illinois as a result of a natural disaster caused by drought, excessive rains, hailstorms, and a tornado. The following

counties of Illinois are affected by such natural disasters:

Bureau	McHenry
Clay	Marion
Edwards	Marshall
Effingham	Putnam
Jasper	Richland
Kane	Stark
Lake	Wabash
La Salle	Wayne
Lawrence	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73–9506 Filed 5–11–73;8:45 am]

IOWA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Iowa as a result of natural disasters caused by severe snowstorms, severe rains, and hailstorms. The following counties of Iowa are affected by such natural disasters:

Adair	Madison
Adams	Marshall
Audubon	Mills
Bremer	Pottawattamie
Butler	Tama
Fayette	Taylor
Floyd	Union
Guthrie	Wayne
Lucas	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73–9511 Filed 5–11–73;8:45 am]

LOUISIANA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain parishes in Louisiana as a result of a natural disaster caused by an extremely dry period from May through September 1972 and other natural disasters. The following parishes of of Louisiana are affected by such natural disasters:

Catahoula	Richland
Franklin	St. James
Madison	West Carroll

Therefore, these parishes are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1, 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73–9509 Filed 5–11–73;8:45 am]

MAINE

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Maine as a result of natural disasters caused by excessive rainfall, cold weather, frost, fog, ice, infestation of army worms, and corn blight. The following counties of Maine are affected by such natural disasters:

Androscoggin	Oxford
Aroostook	Penobscot
Cumberland	Piscataquia
Franklin	Sagadahoc
Hancock	Somerset
Kennebec	Waldo
Knox	Washington
Lincoln	York

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas make it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73–9502 Filed 5–11–73;8:45 am]

MISSISSIPPI

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Mississippi as a result of natural disasters caused by drought and excessively high temperatures, heavy rainfall and flooding, and a tornado in Neshoba and Winston Counties on January 18, 1973. The following counties of Mississippi are affected by such natural disasters:

Alcorn	Marshall
Benton	Monroe
Bolivar	Montgomery
Calhoun	Neshoba
Carroll	Oktibbeha
Chickasaw	Panola
Clay	Perry
Coahoma	Pontotoc
Covington	Prentiss
DeSoto	Quitman
Forrest	Sharkey
Greene	Sunflower
Grenada	Tallahatchie
Holmes	Tate
Humphreys	Tippah
Issaquena	Tishomingo
Itawamba	Tunica
Jefferson Davis	Union
Lafayette	Washington
Lee	Wayne
Leflore	Webster
Lowndes	Winston
Madison	Yalobusha
Marion	Yazoo

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed

rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May, 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9517 Filed 5-11-73;8:45 am]

MISSOURI

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Missouri as a result of a natural disaster caused by extended periods of excessive rainfall with flooding beginning about July 1, 1972, and continuing through November 20, 1972. The following counties of Missouri are affected by such natural disasters:

Bollinger	Pemiscot
Butler	Ripley
Cape Girardeau	Scott
Dunklin	Stoddard
Mississippi	Wayne
New Madrid	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9501 Filed 5-11-73;8:45 am]

NEW YORK

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in New York as a result of a natural disaster caused by an unusually cold and wet spring followed by the extremely heavy rains accompanying tropical storm Agnes and continuing excessive rainfall through the growing and harvesting season of 1972. The following counties of New York are affected by such natural disasters:

Albany	Otsego
Clinton	Putnam
Columbia	Rensselaer
Delaware	St. Lawrence
Dutchess	Saratoga
Essex	Schenectady
Fulton	Schoharie
Greene	Warren
Herkimer	Washington
Montgomery	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9504 Filed 5-11-73;8:45 am]

NORTH CAROLINA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in North Carolina as a result of a natural disaster caused by a wet, cool spring, May through June 1972, in all of the recommended counties. Some of the counties suffered damages from other natural disasters. The following counties in North Carolina are affected by such natural disasters:

Caswell	Person
Halifax	Sampson
Northampton	Stokes
Onslow	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9500 Filed 5-11-73;8:45 am]

NORTH DAKOTA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in North Dakota as a result of a natural disaster caused by hailstorms on July 22 and 23 and August 5 and 9, 1972. The following county of North Dakota was affected by such natural disasters:

Mountrail

Therefore, this county is designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9515 Filed 5-11-73;8:45 am]

OHIO

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Ohio as a result of a natural disaster caused by excessive rainfall, flooding, and other natural disasters including a tornado in July 1972 in Lorain County. The following counties in Ohio are affected by such natural disasters:

Adams	Lawrence
Allen	Licking
Ashland	Logan
Ashtabula	Lorain
Auglaize	Lucas
Brown	Madison
Butler	Mahoning
Carroll	Marion
Champaign	Medina
Clarke	Mercer
Clermont	Miami
Clinton	Montgomery
Columbiana	Morrow
Coshocton	Ottawa
Crawford	Paulding
Darke	Perry
Defiance	Pickaway
Delaware	Pike
Erie	Portage
Fairfield	Preble
Fayette	Putnam
Franklin	Richland
Fulton	Ross
Gallia	Sandusky
Geauga	Scioto
Greene	Seneca
Hancock	Shelby
Hardin	Stark
Harrison	Trumbull
Henry	Tuscarawas
Highland	Union
Holmes	Van Wert
Huron	Warren
Jackson	Wayne
Jefferson	Williams
Knox	Wood
Lake	Wyandot

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive

initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9507 Filed 5-11-73;8:45 am]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in South Carolina as a result of a natural disaster caused by drought, excessive rainfall, cold weather, and some killing frosts. The following counties of South Carolina are affected by such natural disasters:

Allendale	Jasper
Anderson	Laurens
Bamberg	Lexington
Barnwell	Marlboro
Chesterfield	Orangeburg
Colleton	Saluda
Dorchester	Spartanburg
Hampton	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9516 Filed 5-11-73;8:45 am]

SOUTH DAKOTA

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in South Dakota as a result of a natural disaster caused by excessive rainfall in spring and summer 1972, hailstorms, and some drought areas. The following counties of South Dakota are affected by such natural disasters:

Aurora	Hutchinson
Bon Homme	Jerauld
Clay	Lake
Douglas	McCook
Faulk	Marshall
Hand	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9512 Filed 5-11-73;8:45 am]

TENNESSEE

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Tennessee as a result of a natural disaster caused by excessive rainfall and flooding during the fall of 1972 and winter of 1972-73. The following counties of Tennessee are affected by such natural disasters:

Benton	Lauderdale
Carroll	Lawrence
Chester	Lewis
Coffee	Lincoln
Crockett	McNairy
Decatur	Madison
Dyer	Marion
Fayette	Montgomery
Gibson	Obion
Giles	Perry
Hardeman	Putnam
Hardin	Rutherford
Haywood	Shelby
Henderson	Stewart
Henry	Tipton
Hickman	Wayne
Humphreys	Weakley
Lake	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9514 Filed 5-11-73;8:45 am]

TEXAS

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Texas as a result of natural disasters caused by heavy rains with flooding, hailstorms, drought, tornadoes, freezes, high winds, and an ice storm in Hale County, an electrical storm in Lubbock County, and bollworm infestation in Reeves County. The following counties of Texas are affected by such natural disasters:

Concho	Lamb
Crosby	Lubbock
El Paso	Lynn
Franklin	Montgomery
Garza	Reeves
Hale	Wharton
Hockley	Wood
Hudspeth	

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9518 Filed 5-11-73;8:45 am]

WASHINGTON

Designation of Areas for Emergency Loans

It has been determined that a general need for agricultural credit which temporarily cannot be met by private, cooperative, or other responsible sources exists in certain counties in Washington as a result of a natural disaster caused by heavy rains which resulted in flooding of the Skagit River and Noakachamps Creek during June and July. Skagit County, Wash., was affected by this natural disaster.

Therefore, these counties are designated eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24. Applications for emergency loans must be received by this Department prior to July 6, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of May 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-9508 Filed 5-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SAWTOOTH NATIONAL RECREATION AREA

Closure Order

Correction

In FR Doc. 73-9002, appearing on page 11474, for the issue of Tuesday, May 8, 1973, Russell P. McRorey, Deputy Chief, Forest Service, should be inserted as well as the signature that now appears at the end of the document.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX73-3; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Citroen Petition for Temporary Exemption

S. A. Automobiles Citroen of Paris, France, has applied for a temporary exemption for its SM vehicle (S model) from the pendulum test requirements of the safety standard on bumpers, on the basis that the overall level of safety of the SM model equals or exceeds that of nonexempted vehicles.

Citroen requests the exemption from S5.2 of standard No. 215, "Exterior Protection" (49 CFR 571.215), for a period of 2 years beginning September 1, 1973, for up to 2,500 passenger cars in each 12-month period for which exemption may be granted. The vehicles would be relieved from compliance with the pendulum-type tests because, in Citroen's words, "the vertical dimension of [the SM model's] front and rear bumpers is not great enough to sustain the pendulum impact at any height between 16 and 20 inches as required by the standard". Citroen states, with reference to section 123(a)(1)(D) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1410(a)(1)(D), "that requiring compliance would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles".

In support of its petition, Citroen describes the following features of the SM model: (1) A self-leveling hydropneumatic suspension that provides constant vehicle height and "exceptional dynamic stability (roadholding)"; (2) power steering with self-returning and self-centering capability; (3) "high pressure" power brakes with front-rear reparti-tioning; (4) "very low center of gravity"; and (5) a cruising speed "in excess of 125 mi/h". Citroen also submitted figures showing compliance with other motor vehicle safety standards.

In order to achieve compliance, Citroen states that the front and rear ends, including the front lighting and cooling systems, would have to be redesigned, at a cost of not less than $1,200,000. Because of the vehicle's low production, 19 units per day for all markets, Citroen states that it has no plans to bring the vehicle into compliance with standard No. 215. Failure to obtain an exemption will mean the termination of its participation in the American market as of September 1, 1973, since the SM is its only product currently offered for sale.

Interested persons are invited to submit comments on the petition of Citroen described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date.—June 11, 1973.

Proposed effective date.—Date of issuance of exemption.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 FR 12147.)

Issued on May 10, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-9594 Filed 5-10-73;3:15 pm]

OFFICE OF EMERGENCY PREPAREDNESS

ARKANSAS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Arkansas, dated April 27, 1973, and published May 3, 1973 (38 FR 11013), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 27, 1973:

The counties of:

Craighead.	St. Francis.
Poinsett.	Woodruff.
Saline.	

Dated May 8, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9430 Filed 5-11-73;8:45 am]

LOUISIANA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Louisiana, dated April 27, 1973, and published May 3, 1973 (38 FR 11014), is hereby amended to include the following parishes among those parishes determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 27, 1973:

The parishes of:

Caldwell.	St. Landry.
Franklin.	Tangipahoa.
Jefferson.	Tensas.
Livingston.	Terrebonne.
Madison.	Washington.
St. James.	West Feliciana.

Dated May 8, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9431 Filed 5-11-73;8:45 am]

WISCONSIN

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Wisconsin, dated April 30, 1973, and published May 4, 1973 (38 FR 11139), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 27, 1973:

The counties of:

Jefferson	Outagamie

Dated May 9, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9521 Filed 5-11-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

LABOR ADVISORY COMMITTEE ON STATISTICS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Labor Advisory Committee on Statistics to be held in room 10104, New Executive Office Building, Washington, D.C., on Tuesday, May 15, 1973, at 2 p.m.

The Committee was established to provide advice and counsel on usefulness of statistical programs of Federal agencies. The agenda for the meeting will include discussions of poverty statistics, social indicators, recent developments in trade statistics, and plans for the GNP Improvement Committee.

The meeting will be open to the public. Anyone wishing to participate should contact the Labor Advisory Committee on Statistics, Statistical Policy Division, room 10214, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3858.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-9620 Filed 5-11-73;9:03 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The registrants processing manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

TEMPORARY INSTRUCTION NO. 661-1

APRIL 20, 1973.

CANCELLATION OF STATE ISSUANCES CONCERNING CONSCIENTIOUS OBJECTOR CLAIMS

1. Guidance concerning consideration of conscientious objector claims is contained in chapter 661 of the registrants processing manual. In the interest of national uniformity, all elements of the Selective Service System shall be guided only by the provisions of the registrants processing manual in the processing of conscientious objector claims.

2. Any issuances other than the registrants processing manual concerning the classification of conscientious objectors shall not be utilized in considering the claim of any registrant for class 1-A-O or 1-O. If any such issuances are in the local board files, they shall be destroyed.

3. State directors shall rescind immediately any State instructions to local boards relative to conscientious objector classifications.

This temporary instruction is effective until the above actions have been accomplished.

BYRON V. PEPITONE,
Director.

MAY 8, 1973.

[FR Doc.73-9429 Filed 5-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Rev. SO No. 994; ICC Order No. 95-A]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC order No. 95 (Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

I.C.C. order No. 95 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, car service division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 3, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-9526 Filed 5-11-73;8:45 am]

[Notice 241]

ASSIGNMENT OF HEARINGS

MAY 9, 1973.

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. No amendments will be entertained after the date of this publication.

MC-C-7734, Resort Bus Lines, Inc., et al. v. Mayflower Coach Corp., now assigned June 4, 1973, at Newark, N.J., is canceled and reassigned June 4, 1973, in room 208, 26 Federal Plaza, New York, N.Y.

MC 125433 Sub 40, F-B Truck Line Co., now being assigned June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC 136224, Southern Transport, Inc., continued to June 25, 1973 (2 days), 536 U.S. Post Office Court House, East Capital Southwest Street, Jackson, Miss.

MC 114273 Sub 110, Cedar Rapids Steel Transportation, Inc., now being assigned continued hearing June 18, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

AB-5 Sub 4, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment the Indiana State Line and Lynn, in Randolph County, Ind., AB-5 Sub 5, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Lynn and New Castle, in Randolph and Henry Counties, Ind., AB-5 Sub 6, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between New Castle and Shirley, in Henry County, Ind., AB-5 Sub 17, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Glen Karn, Ohio, and the Indiana State Line, Darke County, Ohio, AB-5 Sub 101, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion, Springfield branch between Shirley and Wilkinson, Hancock County, Ind., AB 5 Sub 121, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Anderson-Greensburg secondary track, between Emporia and Knightstown, Madison, Hancock, and Henry Counties, Ind., now being assigned hearing July 9, 1973 (1 week), at New Castle, Ind., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9524 Filed 5-11-73;8:45 am]

[Rev. SO No. 994; ICC Order No. 93; Amdt. No. 1]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

Upon further consideration of ICC order No. 93 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That:

ICC order No. 93 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 18, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 4, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 3, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-9527 Filed 5-11-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

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 on or before May 29, 1973.

FSA No. 42680—Joint water-rail container rates—Pacific Far East Lines, Inc. Filed by Pacific Far East Lines, Inc. (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Taiwan, Japan, Korea, Manila, and Saigon, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—water competition.

FSA No. 42681—woodpulp from Fort Francis, Ontario, Canada. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3034), for interested rail carriers. Rates on woodpulp, not powdered, NOIBN, in box cars only, as described in the application, from Fort Francis, Ontario, Canada, to points in official territory.

Grounds for relief—market competition.

Tariff—supplement 109 to Traffic Executive Association-Eastern Railroads, agent, tariff E/W-2010-I, ICC No. C-737. Rates are published to become effective on June 10, 1973.

FSA No. 42682—sodium (soda) and related articles from Sarnia, Ontario, Canada. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3036), for interested rail carriers. Rates on sodium (soda), in carloads and tank-car loads, as described in the application, from Sarnia, Ontario, Canada, to points in official territory, including points in northern Illinois and southern Wisconsin.

Grounds for relief—market competition.

Tariff—supplement 121 to Traffic Executive Association-Eastern Railroads, agent, tariff E-2009-H, ICC No. C-733. Rates are published to become effective on June 10, 1973.

FSA No. 42683—pulpboard, fiberboard, or strawboard to points in southern territory. Filed by Illinois Freight Association, agent (No. 382), for interested rail carriers. Rates on pulpboard or fiberboard; boxes, fiberboard, pulpboard or strawboard, in carloads, as described in the application, from points in Illinois Freight Association territory, to points in southern territory.

Grounds for relief—rate relationship and market competition.

Tariff—supplement 9 to Illinois Freight Association, agent, tariff I/S-118-H, ICC No. 1275. Rates are published to become effective on June 16, 1973.

FSA No. 42684—joint water-rail container rates—Sea-Land Service, Inc. Filed by Sea-Land Service, Inc. (No. 74), for itself and interested rail carriers. Rates on general commodities, from Manila, Philippine Islands, to rail carriers' terminals at Baltimore, Md., Boston, Mass., Charleston, S.C., Houston, Tex., Jacksonville, Fla., New Orleans, La., Norfolk, Va., Port of New York, N.Y., and Philadelphia, Pa.

Grounds for relief—water competition.

Tariff—Sea-Land Service, Inc., tariff ICC No. 82. Rates are published to become effective on June 7, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9525 Filed 5-11-73;8:45 am]

[Rev. SO No. 994; ICC Order No. 96]

ILLINOIS CENTRAL GULF RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Illinois Central Gulf Railroad Co., is unable to transport traffic over its line between Winfield, La., and West Monroe, La., because of flooding.

It is ordered, That:

(a) The Illinois Central Gulf Railroad Co., being unable to transport traffic over its line between Winfield, La., and West Monroe, La., because of flooding, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 3 p.m., May 3, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 19, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 3, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-9528 Filed 5-11-73;8:45 am]

[Notice 60]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 7, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, 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, on or before May 29, 1973. 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 42146 (sub-No. 16 TA), filed April 13, 1973. Applicant: A. G. BOONE CO., 1117 South Clarkson Street, P.O. Box 8003, Charlotte, N.C. 28208. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular

routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, under contract with The Great Atlantic & Pacific Tea Co., Inc., between points in North Carolina on the one hand, and, on the other, points in Clarke, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Hall, Jackson, McDuffie, Morgan, Newton, Richmond, and Wilkes Counties, Ga., and Aiken County, S.C., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., 950 Stuyvesant Avenue, Union, N.J. 07083. Send protests to: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 106398 (sub-No. 658 TA), filed April 26, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or duct used for air handling systems*, from the plantsite of United Sheet Metal of Westerville, Ohio, to points in Florida, for 180 days. Supporting shipper: Otto H. Giese, Traffic Manager, United Sheet Metal, 200 East Broadway, Westerville, Ohio 43081. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106920 (sub-No. 48 TA), filed April 25, 1973. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Pennsylvania, New York, New Jersey, and Virginia, for 180 days. Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo. 63101. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 117119 (sub-No. 472 TA), filed April 26, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplace logs, charcoal, charcoal briquets, woodchips, charcoal lighter fluid and grill liner*, from the plantsites of Husky Industries, Inc., at or near Jacksonville, Fla. and Ocala, Fla. and (2) *Fly ash and activated carbon*, in bags, from the plantsite of Husky Industries, Inc., at Romeo, Fla., to points in Arkansas, Missouri, Louisiana, Alabama, Tennessee, Kentucky, West Virginia, Virginia, Maryland, Pennsylvania, Delaware, North Carolina, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119726 (sub-No. 31 TA), filed April 27, 1973. Applicant: N.A.B. TRUCKING CO., INC., P.O. Box 21006, 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1000, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers, caps, covers and tops*, from Terre Haute, Ind., to, at, or near Perry, Ga., for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119726 (sub-No. 32 TA), filed April 27, 1973. Applicant: N.A.B. TRUCKING CO., INC., P.O. Box 21006, 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1000, Indianapolis, Ind. 46221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers, caps, covers, and tops*, from Indianapolis, Ind., to Memphis, Lynchburg, and Chattanooga, Tenn., for 180 days. Supporting shipper: Glass Containers Corp., 114 Penn Avenue, Knox, Pa. 16232. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124887 (sub-No. 2 TA), filed April 30, 1973. Applicant: ELBERT GRADY SHELTON, doing business as SHELTON TRUCKING, Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips, veneer and wooden waste materials*, from points in Calhoun County, Fla., to Cedar Springs, Ga., for 180 days. Supporting shipper: Hayes Forest Products Industries, P.O. Box 438, Blountstown, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138643 (sub-No. 1 TA), filed April 26, 1973. Applicant: MAKOVSKY BROS., INC., Spring Mill Road, Whitehall, Pa. 18052. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinkers*, in bulk, in dump vehicles, from Greenport, N.Y., to Stockertown, Pa., for 180 days. Supporting shipper: Robert H. McKinley, Manager of Distribution, Hercules Cement Co., a Division of American Cement Corp., 1770 Bathgate Road, Bethlehem, Pa. 18018. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 138650 TA, filed April 26, 1973. Applicant: GEORGE'S TRUCKING CORP., 22 Lake Avenue, Trenton, N.J. 08610. Applicant's representative: E. Barry Kline, 1819 South Broad Street, Trenton, N.J. 08610. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bakery products*, from Philadelphia, Pa., to Trenton, Farmingdale, and Red Bank, N.J., for 180 days. Supporting shipper: Tasty Baking Co., 2801 Hunting Park Avenue, Philadelphia, Pa. 19129. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 138651 TA, filed April 26, 1973. Applicant: RALPH HYDER, INC., 660 Southeast 176th Place, Portland, Oreg. 97233. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles* under contract with Wesco Cedar, Inc., from points in Clallam, Jefferson, Grays Harbor, and Snohomish Counties, Wash., to points in California and Arizona, for 180 days. Supporting shipper: Wesco Cedar, Inc., P.O. Box 2566, Eugene, Oreg. 97402. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, Oreg. 97204.

No. MC 138652 TA, filed April 26, 1973. Applicant: BAKER TRUCK SERVICE, INC., 407 North C Street, Grangeville, Idaho 83530. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Idaho north of the southern boundary of Idaho and Lemhi Counties, Idaho, to points in Box Elder, Cache, Salt Lake and Utah Counties, Utah, for 180 days.

NOTE.—Applicant does not intend to tack authority or interline with any other carrier.

Supporting shippers: Idaho Forest Industries, Inc., P.O. Box 7442, Boise, Idaho; Konkolville Lumber Co., Inc., P.O. Box 1208, Orofino, Idaho 83544; Potlatch Forests, Inc., general office, Lewiston, Idaho 83501; and Idaho Forest Indus-

tries, Inc., Coeur D'Alene, Idaho. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

By the Commission.

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

[FR Doc.73-9529 Filed 5-11-73;8:45 am]

[Notice 270]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 9, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR part 1132:

No. MC-FC-74470. By application filed May 3, 1973, BIBEY TRUCKING CO., INC., 937 Mill Creek Avenue, Perryville, Md. 21903, seeks temporary authority to lease the operating rights of THE WHYTE TRUCKING CO., INC., 655 Bourbon Street, Havre de Grace, Md., under section 210a(b). The transfer to BIBEY TRUCKING CO., INC., of the operating rights of THE WHYTE TRUCKING CO., INC., is presently pending.

By the Commission.

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

[FR Doc.73-9530 Filed 5-11-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL, MANMADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

MAY 9, 1973.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745) a letter of September 27, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs announcing implementation of an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton, wool, and manmade fiber textiles and textile products produced or manufactured in the Republic of China. The purpose of this notice is to anounce that the visa stamp required by this administrative mechanism must no longer appear on the back, but on the front of the invoice.

Accordingly, there is published below a letter of May 10, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs changing the proper placement of the visa stamp from the reverse side to the front of the invoice.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

MAY 9, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive of September 27, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit, effective on the date of publication and until further notice, entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textiles and cotton textile products in categories 1-64; wool textile products in categories 101-126, 128, and 131-132; and manmade fiber textile products in categories 200-243, produced or manufactured in the Republic of China, for which the Republic of China had not issued an appropriate Visa.

Under the provisions of the bilateral cotton textile agreement and the bilateral wool and manmade fiber textile agreement, both of December 30, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, effective as soon as possible and until further notice, the directive of September 27, 1972, is amended by changing the first sentence of the third paragraph to read:

"The Visa will be a stamp on the front of the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when such form is used); will indicate the actual quantity of cotton, wool, or manmade fiber textiles and textile products involved in the appropriate unit or units of measure in the correct category or categories corresponding to the merchandise; and the authorized signature of the official issuing the Visa."

You are further directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of shipments of cotton, wool and manmade fiber textiles and textile products produced or manufactured in the Republic of China and exported to the United States from the Republic of China prior to April 21, 1973, notwithstanding that the Visa is stamped on the back of the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when such form is used).

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and manmade fiber textiles and textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-9622 Filed 5-11-73;10:32 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Biometric and Epidemiological Methodology Advisory Committee.	May 16, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed 9 a.m. to 12 noon, open 1 p.m. to 3 p.m., closed after 3 p.m. Charles Anello, D.Sc., room 15B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4594.

Purpose.—Advises the Commissioner of Food and Drugs concerning extramural and intramural research in the area of biometrical and epidemiological methodology.

Agenda.—Documentation, guidelines, and data on cardiovascular disease.

Committee name	Date, time, place	Type of meeting and contact person
2. Dental Drug Products Advisory Committee.	May 23, 9 a.m., Conference Room A, 5600 Fishers Lane Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Clarence C. Gilkes, D.D.S., room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3300.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the practice of dentistry.

Agenda.—Evaluation of data submitted as a result of the FEDERAL REGISTER statement of April 5, 1973 (38 FR 8684), on topical fluoride solutions, pastes, and gels.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Dentifrices and Dental Care Agents.	May 24 and 25, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open May 24, 9 a.m. to 10 a.m., closed May 24 after 10 a.m., closed May 25, Michael Kennedy, Room 16B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed non-prescription drug products containing dentifrices and dental care agents.

Agenda.—Continuing review of over-the-counter dentifrices and dental care agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. National Advisory Veterinary Medicine Committee.	May 31 to June 1, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852.	Open—Kenneth E. Taylor, D.V.M., room 7-79, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4490.

Purpose.—Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring the safety and efficacy of drugs, medical feeds, and food additives used in veterinary medicine and animal production; truthfulness of labeling and wholesomeness of animal foods; animal nutrition; and the safety of food from animals that have been treated with drugs or fed drugs or other additives.

Agenda.—Antimicrobial drugs in feed of food animals, recycling waste into animal feeds, and selenium in animal feeds.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated May 10, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-9558 Filed 5-11-73;8:45 am]

METHADONE

Notice of Extension of Interim Approval

In the FEDERAL REGISTER of December 15, 1972 (37 FR 26790), the Commissioner of Food and Drugs amended 21 CFR part 130 by promulgating new regulations for methadone.

These new regulations required that, beginning March 15, 1973, methadone will be available for use as an analgesic and for the treatment of narcotic addiction only through a closed distribution system to approved pharmacies and approved methadone treatment programs. On March 15, 1973, a notice of interim approval was published in the FEDERAL REGISTER (38 FR 7014), because of the Commissioner's concern that all ongoing methadone treatment programs continue to operate without interruption and that methadone be available in as many approved hospital pharmacies as was justified for its analgesic use.

By May 2, 1973, approximately 728 applications for approval of methadone treatment programs and 2,450 requests for approval of hospital pharmacies had been received by the Food and Drug Administration and such applications are continuing to be received. Each of these applications requires a review and a determination of its adequacy by the Food and Drug Administration. Substantive review of the methadone treatment program applications has revealed the majority of the applications to be incom-

plete. These deficiencies have placed an administrative strain on FDA resources to process these applications in a timely manner. Further, the regulations require that the single State authority approve and that FDA consult with the Bureau of Narcotics and Dangerous Drugs (BNDD) prior to giving final approval and some problems of coordination have been experienced because of the newness of these regulations.

To provide for continued supply of methadone to treatment programs ongoing prior to March 15, 1973, and to hospital pharmacies, the Commissioner concludes that the interim approval granted by the notice published in the FEDERAL REGISTER on March 15, 1973, shall be extended until the final approval or denial process can be executed. The interim approval does not apply to any exception or exemption requested under the new methadone regulations nor will it preclude the Food and Drug Administration from taking regulatory action against a methadone treatment program for failing to comply with any provisions of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

This interim approval is not to be construed as an extension of the March 15, 1973 effective date, for adherence to the methadone regulations. All methadone treatment programs are expected to fully comply with these regulations and those programs receiving notices of deficiencies in their applications should take immediate corrective action. Failure to do so may result in the methadone supply being discontinued.

This notice is issued pursuant to sections 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257(a)), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated May 10, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-9557 Filed 5-11-73;8:45 am]

FD&C RED NO. 2

Briefing of Food and Drug Administration Consultants

In October 1971 the Commissioner of Food and Drugs requested that the National Academy of Sciences evaluate the safety of FD&C Red No. 2 as a color additive in food, drugs, and cosmetics. The report of the ad hoc subcommittee of the Committee on Food Protection of the Food and Nutrition Board of the National Research Council was delivered by the president of the National Academy of Sciences to the Commissioner in June 1972. The ad hoc subcommittee recommended further scientific testing but no restrictions on the use of FD&C Red No. 2 at that time.

The Commissioner issued a proposal to amend the provisional regulations for color additives to establish interim tolerances for FD&C Red No. 2, published in the FEDERAL REGISTER of July 4, 1972 (37 FR 13181). Substantial comment has been received on this proposal from interested persons. Further views of the ad hoc subcommittee were sent to the president of the National Academy of Sciences in November 1972 and were then transmitted to the Commissioner of Food and Drugs in December 1972.

After a thorough review of the available data on FD&C Red No. 2, the Commissioner has concluded that additional scientific judgment is now required with respect to the applicability to humans of the studies conducted on rats through administration of FD&C Red No. 2 by gavage. The ad hoc subcommittee and the president of the National Academy of Sciences concluded that administration by gavage to animals is not similar to human consumption of a beverage. Other scientists consulted by the Food and Drug Administration have concluded that gavage results are properly applied to human beverage consumption.

The Commissioner has therefore determined that, before a final regulation is promulgated on this matter, further advice and consultation should be obtained by the Food and Drug Administration from other scientists with expertise in areas related to this specific issue. Arrangements have been made to utilize the following individuals as ad hoc consultants for this purpose:

Gloria Sarto, M.D., University of Wisconsin Hospitals, Department of Gynecology and Obstetrics, 1300 University Avenue, Madison, Wis. 53706.

Ivan Danhof, M.D., Ph.D., Professor of Physiology, University of Texas, Southwestern Medical School, Dallas, Tex. 75235.

Leon Goldberg, Ph.D., The Institute of Experimental Pathology and Toxicology, Albany Medical College, Albany, N.Y. 12208.

James G. Wilson, M.D., Ph.D., Children's Hospital Research Foundation, Cincinnati, Ohio 45229.

E. Noel McIntosh, M.D., Department of Population Science, Harvard School of Public Health, 665 Huntingdon Avenue, Boston, Mass 02115.

In order to brief these consultants on the matter, a meeting has been scheduled for May 16, 1973, to be held in Conference Room 1813 of the Food and Drug Administration, FB-8, 200 C Street SW., Washington, D.C., beginning at 9:30 a.m. Food and Drug Administration scientists will initially present the relevant background scientific material pertinent to the question of whether adverse results obtained in a gavage study are properly extrapolated to humans. Other interested individuals and organizations will then have an opportunity to make presentations on this same subject. Presentations will be limited to this issue, and it is requested that any such presentations be made by scientific experts competent in the fields relevant to this matter.

Any interested person who wishes to make an oral presentation at this briefing must so inform Dr. Lloyd B. Tepper (telephone 301-443-3216; room 14-57, 5600 Fishers Lane, Rockville, Md. 20852) of that intention by close of business on Tuesday, May 15, 1973. The volume and nature of material to be presented will determine the time to be allotted to each participant, and this allocation will be announced at the start of the meeting. Any interested person may also present written data or views, which shall be considered. Three copies of such written presentations should be addressed to Dr. Tepper at the above address.

Dated May 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9513 Filed 5-11-73;9:37 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on May 24-25, 1973, at 9 a.m., local time, in the HEW auditorium, HEW-North Building, 4th and Independence Avenue SW., Washington, D.C.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (chapter 33, title 38, United States Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions and programs.

The meeting of the Committee shall be open to the public on Thursday, May 24, 1973. The proposed agenda includes presentations by representatives of accrediting agencies and associations which have petitions for recognition pending before the Committee, a review of various policy items and a general discussion of policy matters and other issues which have been and will be under review by the Committee. Under the authority of section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and section 552(b) of title 5 of the United States Code, the meeting will be closed to the public on May 25, 1973. Records shall be kept of all Committee proceedings.

Signed at Washington, D.C., on May 7, 1973.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.73-9455 Filed 5-11-73;8:45 am]

Office of the Secretary

EMERGENCY SCHOOL AID

Notice of Reallotment of Funds

The Assistant Secretary for Education hereby gives notice that on or about June 10, 1973, funds made available under the Emergency School Aid Act for basic grants to local educational agencies (section 706(a) of the act), pilot projects conducted by such agencies (section 706(b) of the act), and projects conducted by other public or nonprofit private agencies (section 708(b) of the act) will be reallotted in accordance with section 705(b) of the act and 45 CFR 185.95 (c)(2) and (d)(3) from States having no need for such funds to States where such need exists.

In accordance with section 705(b)(3) of the act and 45 CFR 185.14(c)(2), no need for funds for basic grants under section 706(a), of the act will be considered to exist in a State where there are no pending applications for such grants (for which funds are not available) which have been awarded at least 50 points on the basis of the criteria set forth in 45 CFR 185.14 (a) and (b) and at least 28 points on the basis of the criteria set forth in 45 CFR 185.14(b). In accordance with section 705(b)(3) of the act and 45 CFR 185.14(c)(2) and 185.24 (c), no need for funds for pilot projects under section 706(b) of the act will be considered to exist in States where there are no pending applications for such projects (for which funds are not available) which have been awarded at least 50 points on the basis of criteria set forth in 45 CFR 185.24 (a) and (b) and at least 33 points on the basis of the criteria set forth in 45 CFR 185.24(b). In accordance with section 705(b)(3) of the act and 45 CFR 185.64(c)(2), no need for funds for projects by other public or nonprofit private agencies will be considered to exist in States where there are no pending applications for such projects (for which funds are not available) which have been awarded at least 48 points on the basis of the criteria set forth in 45 CFR 185.64 (a) and (b) and at least 28 points on the basis of the criteria set forth in 45 CFR 185.64(b).

Dated MAY 7, 1973.

S. P. MARLAND, Jr.,
Assistant Secretary for Education.

[FR Doc.73-9427 Filed 5-11-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8143]

ALABAMA POWER CO.

Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 19, 1973, Alabama Power Co. (Alabama) tendered for filing the following documents:

(1) Unsigned agreements dated February 5, 1973, with the following municipalities: (a) City of Evergreen, (b) City of Fairhope, (c) the Utilities Board of the Town of Fulton, (d) City of LaFayette, (e) City of Lanett, (f) City of Troy, and (g) the Utilities Board of the City of Tuskegee, which agreements are filed pursuant to the company's filed tariff rate schedule MUN-1 filed with the Commission on November 1, 1971; and

(2) Unsigned agreements dated February 13, 1973, with the following cooperatives: (a) Baldwin County Electric Membership Corp., (b) Central Alabama Electric Cooperative, Inc., (c) Clarke-Washington Electric Membership Corp., (d) Dixie Electric Cooperative, Inc., (e) Pioneer Electric Cooperative, Inc., (f) Tallapoosa River Electric Cooperative, Inc., (g) Tombigbee Electric Cooperative and (h) Wiregrass Electric Cooperative, Inc., which agreements are filed pursuant to the company's filed tariff rate schedule REA-1 filed with the Commission on November 1, 1971.

Alabama is also submitting for filing the following revised sheets to the index of purchases section of its tariff filed on November 1, 1971:

Second revised sheet No. 34.
Second revised sheet No. 35.
Second revised sheet No. 36.
Second revised sheet No. 37.
Third revised sheet No. 38.
Third revised sheet No. 39.

Alabama states that it could not submit signed service agreements pursuant to its tariff filed on November 1, 1971, due to the failure of its customers to execute such agreements and the pendency of docket No. E-7674.

Alabama requests waiver of the 30-60 day notice requirements and that the enclosed service agreements be accepted for filing, and it states that the company has informed the Commission by monthly reports in accordance with the Commission's order of December 31, 1971, of the dates of changeover of the various customers from the contractual rate to the company's filed tariff.

According to Alabama, a copy of this letter, with contract and revised index sheets has been mailed to the various cooperatives and municipalities listed in paragraphs Nos. 1 and 2.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 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 18, 1973. 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.73-9464 Filed 5-11-73;8:45 am]

[Docket No. E-8154]

ARIZONA PUBLIC SERVICE CO.

Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 23, 1973, Arizona Public Service Co. (Arizona) tendered for filing supplement No. 12 to the wholesale power supply agreement with the Navajo Tribe of Indians as a part of Arizona's FPC rate schedule No. 6. Arizona states that this supplement provides for a ratchet relief to the demand charges for the winter months, which is during the company's off-peak period. Arizona requests that the benefits of this supplement become effective for the 1973-74 winter period. According to Arizona, total charges for the 12 months preceding the date of change of rate will be $1,243,857 under the proposed rate and $1,256,372 under the current rate.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20425, 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 21, 1973. 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.73-9466 Filed 5-11-73;8:45 am]

[Docket No. E-8142]

ARKANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 18, 1973, Arkansas Power and Light Co. tendered for filing a power coordination, interchange, and transmission agreement dated April 20, 1972, between Arkansas Electric Cooperative Corp. (AECC) and Arkansas Power and Light Co. (Arkansas) which has been designated rate schedule FPC No. 67, and billing data under rate schedule FPC No. 67 and supplement No. 1 for the 12 months commencing June 1973, the expected date of the initial sale of additional power requirements to AECC under the new power coordination, interchange, and transmission agreement. Arkansas states that the purpose of this filing is to complete the filing submitted on April 28, 1972, in order to provide for the sale of additional power requirements to AECC commencing in the month of June 1973. Arkansas requests that the Commission accept for filing rate schedule FPC No. 67 for the purpose of the sale of additional power requirements to AECC to become effective June 1, 1973, and it is also requested by Arkansas that to the extent necessary, the Commission waive its regulations to accomplish the foregoing.

In addition Arkansas states that in submitting these filings it does not concede the Commission's jurisdiction with respect thereto and hereby specifically

reserves the right to contest the Commission's jurisdiction should action appear necessary or appropriate.

Arkansas states further that notice of this filing has been mailed to AECC.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 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 18, 1973. 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.73-9465 Filed 5-11-73;8:45 am]

[Dockets Nos. E-7738 and E-7784]

BOSTON EDISON CO.

Extension of Procedural Dates and Postponement of Prehearing Conference and Hearing

MAY 4, 1973.

On April 25, 1973, Boston Edison Co. filed a motion for an extension of the procedural dates as established by notice issued April 4, 1973, in the above-designated matter. The motion states that neither staff counsel nor Edison's customers except Norwood, Wellesley, and Concord object to the request. On April 30, 1973, cities of Norwood, Wellesley, and Concord filed a response in opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Company rebuttal service date, June 5, 1973.
Prehearing conference, June 12, 1973 (10 a.m. e.d.t.).
Hearing, June 19, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9467 Filed 5-11-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Extension of Procedural Dates and Postponement of the Prehearing Conference and Hearing

MAY 4, 1973.

On April 25, 1973, Consumers Power Co. filed a motion for an extension of the procedural dates established by order issued January 5, 1973, in the above-designated matter. The motion states that neither staff nor intervenors, Alpena and Edison Sault, object to the proposed new schedule. On April 27, 1973, counsel for cities/coops intervenors filed a response to the motion, stating that they had no objection to the motion but requested that the hearing on the anti-competitive issue be held as presently scheduled.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff testimony, July 24, 1973.
Intervenors' testimony, August 8, 1973.
Prehearing conference, August 22, 1973 (10 a.m. e.d.t.).
Applicant's rebuttal, September 12, 1973.
Hearing, September 19, 1973 (10 a.m. e.d.t.).

Further action on the request that hearing on the anti-competitive issue be held as scheduled will be by subsequent order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9463 Filed 5-11-73;8:45 am]

[Dockets Nos. CI67-1830 and CI67-1832]

KERR-McGEE CORP.

Notice of Applications

MAY 4, 1973.

Take notice that on March 7, 1973, Kerr-McGee Corp. (Kerr-McGee) filed in dockets Nos. CI67-1830 and CI67-1832 applications, as amended on April 16, 1973, pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon sales of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from the East Unionville Field, Lincoln Parish, La., and for an amendment to the order issuing a certificate in said dockets by authorizing the sale in place of the remaining gas reserves situated in the Vaughn Sand of said acreage to Mississippi River Transmission Corp. (Mississippi), all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

Kerr-McGee proposes to abandon its sales of gas to Texas Eastern from the Vaughn Sand formation of the East Unionville Field because Mississippi proposes to acquire and develop the Vaughn Sand in said field as an underground storage reservoir. Kerr-McGee states that it does not propose to abandon any gas sales from any other formation inside the said area. Kerr-McGee also seeks authorization to sell the remaining gas reserves situated in the Vaughn Sand to Mississippi for a consideration of 18.3c/M ft³, at 15.025 lb/in²a, pursuant to a letter agreement dated October 19, 1972.

Mississippi has filed in docket No. CP73-130 an application to acquire inter alia, Keer-McGee's interests in the Vaughn Sand and to develop the Vaughn Sand as an underground gas storage reservoir. Mississippi in a supplemental filing in docket No. CP73-130 on April 27, 1973, indicates that it is essential that injections into the proposed storage field be commenced at the earliest possible date so that withdrawals can be made during the 1973-74 winter to assist in meeting Mississippi's high priority service requirements.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the amendment and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9468 Filed 5-11-73;8:45 am]

[Docket No. E-8083]

MINNESOTA POWER & LIGHT CO.

Amendment to Line Switch Agreement

MAY 7, 1973.

Take notice that on March 19, 1973, Minnesota Power & Light Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Commission's regulations, an amendment to the line switch agreement, dated December 11, 1972, between Cooperative Power Association (Cooperative) and Applicant, designated in FPC rate schedule No. 89. The amendment provides for the addition of the Todd-Wadena No. 9 (Menahga) point of delivery to cooperative. The application states that this amendment will have no adverse effect upon revenue.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9469 Filed 5-11-73;8:45 am]

NATIONAL GAS SURVEY, DISTRIBUTION-TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda, Distribution-Technical Advisory Committee, to be held in conference room 7103 of the Federal Power Commission, Union Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on May 24, 1973 at 10 a.m.

Presiding—Mr. Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary.

1. Meeting call to order—Mr. Gallagher.
2. Objectives and purposes of the meeting:
A. Review of the report of the general task force, Mr. Ralbern H. Murray, Director.
B. Review of the report of the facilities task force, Mr. M. M. Levy, Director.
C. Review of the report of the regulation and legislation task force, Mr. Arthur R. Seder, Jr., Director.
D. Review of the report of the finance task force, Mr. Charles G. Freund, Director.
E. Review of the activities of the Distribution-Technical Advisory Committee and presentation of the TAC summary statement, Mr. G. J. Tankersley, Vice Chairman.
F. Other business.
3. Adjournment, Mr. Gallagher.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force, which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the task force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9459 Filed 5-11-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY AND TASK FORCE ON ENVIRONMENTAL ASPECTS

Order Designating Additional Member

APRIL 16, 1973.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Conservation of Energy.

2. *Membership.*—An additional member to the Technical Advisory Committee on Conservation of Energy and its task force on environmental aspects, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mrs. Frances M. West, Director, member, Division of Consumer Affairs, Department of Community Affairs and Economic Development, State of Delaware.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9460 Filed 5-11-73;8:45 am]

[Docket No. R-308]

NATURAL GAS PIPELINE COMPANIES

Order Denying Petitions for Rehearing and Reconsideration

MAY 3, 1973.

Total gas supply of natural gas pipeline companies—annual report FPC Form No. 15.

Petitions for rehearing and reconsideration of Commission Order No. 476, prescribing revised form 15, issued March 6, 1973, in this proceeding have been filed by Natural Gas Pipeline Co. of America and Michigan Wisconsin Pipe Line Co., on April 4, 1973; Texas Gas Transmission Corp., Tennessee Gas Pipeline Co., and Independent Natural Gas Association of America, on April 5, 1973; Lone Star Gas Co., on April 6, 1973; Panhandle Eastern Pipe Line Co. and Trunkline Gas Co. (jointly), and Transcontinental Gas Pipe Line Corp. on April 9, 1973; and Texas Eastern Transmission Corp., and Transwestern Pipeline Co. (jointly), on April 16, 1973. Each of said petitioners requests that the Commission grant rehearing for the purpose of reconsidering the date on which the data required by order No. 476 is to be filed and to extend such date from April 1 to June 1 for each year subsequent to 1972.

Each of said petitions set out basically the same reasons for extending the time of filing, namely—

(a) The data required to be filed is not available until approximately the middle of March of each year.

(b) Approximately 2 months is required to adjust the reserves figures to reflect production from such reserves and to schedule deliveries from the various reserves.

(c) The April 1 date does not permit sufficient time within which to properly prepare the data required to be submitted.

Several petitioners also stated that granting the extension to June 1 would permit more accurate reporting in that it would eliminate the need for estimating production for the last 3 months of the previous calendar year or that, in the alternative, it may be necessary to request a waiver of the time regulation to produce the more accurate data. Several petitioners also stated that they had no notice of advancing the filing date to April 1 and that the first time such date was mentioned was in the March 6, 1973 order.

When that order was issued we were aware that the time allowed for collecting the data and preparing the report would require close coordination of the various departments within the companies reporting. However, we were likewise aware of the need for more current data to assist in alleviating problems which have been and are continuing to arise as a result of the gas shortage. In that March 6, 1973 order, we stated, "we are aware that the time factor may be somewhat burdensome to some persons who are required to complete the revised form No. 15", and emphasized the great need for data "at this time of energy shortage". Since timeliness of the data required to be filed is of major significance, it would not be in the public interest to grant the extension of time requested.

The Commission finds

Good grounds for granting the extension of time requested for filing the revised form No. 15 to June 1 of each year subsequent to December 31, 1972, have not been shown and to grant such extension in the present climate of energy shortage would not be in the public interest.

The Commission orders

The aforementioned petitions for rehearing and reconsideration are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9462 Filed 5-11-73;8:45 am]

[Docket No. CP73-276]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 4, 1973.

Take notice that on April 13, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-276, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to loop partially its existing transmission pipeline in La Salle County, Ill., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate 0.77 mile of 36-inch pipeline, partially looping its existing main transmission pipeline in La Salle County, Ill. Applicant states that these facilities are required due to a requested load shift by its customer, Illinois Power Co. (Illinois Power), as a consequence of the development of Illinois Power's Shanghai storage field in Warren and Mercer Counties, Ill.

Applicant states that Illinois Power will reimburse Applicant for the estimated $178,000 cost to construct the fa-

cilities that Applicant will own and operate.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to be a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9470 Filed 5-11-73;8:45 am]

[Dockets Nos. CP72-156 and CP73-126]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing and Establishing Procedures and Extending Time for Filing Petitions for Intervention

MAY 3, 1973.

On November 10, 1972, Northern Natural Gas Co. (Northern) filed in docket No. CP73-126 an application pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. §§ 717-717w) for a certificate of public convenience and necessity authorizing the installation of a satellite sales station for service to Iowa Public Service Co. (IPS) for resale to an alfalfa and hay-drying plant operated by George MacClure (MacClure) located near Sloan, Iowa. It is proposed that IPS will serve MacClure about 480 M ft³ per day, peak, or about 85,800 M ft³ annually (April through October) on an interruptible basis.

The cost of the proposed delivery point is approximately $6,600, which will be reimbursed by IPS.

The application is unopposed by any party. IPS has filed a petition to intervene in support of the application.

On May 17, 1971, IPS requested Northern to establish the proposed delivery point under its 1971 budget authority, and Northern refused. In response to this refusal, IPS filed a complaint with the Commission in docket No. RP12-67. IPS asserted that MacClure was entitled to service because it had acquired the dehydration equipment of a then existing user, Worthington Dehydrating Co., which had been provided with interruptible natural gas service by Greely Gas Co., also a distributor customer of Northern. Therefore, IPS asserts that the proposed sale will not result in an increase in Northern's overall sales requirements.

Northern answered that MacClure would be a new customer under its definitions and would occasion a net increase in requirements on its system since no sales were made to Worthington in 1971.

On September 18, 1972, the Commission issued an order directing that IPS's complaint be dismissed upon the filing with the Commission of an application by Northern for a certificate to construct the new delivery point for service to the George MacClure plant and upon the filing of an agreement between Northern and IPS effectuating settlement of the complaint.

The settlement agreement between Northern and IPS, dated November 3, 1972, provides that the sale from Northern to IPS be subject to the condition that on any day Northern should order IPS to curtail deliveries below contract demand in the operational area in which the MacClure plant is located. IPS would cease deliveries to the MacClure plant or otherwise reduce deliveries in the operational area by an amount equal to that delivered to the MacClure plant on such day of curtailment.

On January 17, 1972, IPS filed a petition to intervene in docket No. CP72-156 and requested a formal hearing in that case.[1] IPS asserted that Northern was interpreting its tariff inconsistently and was thereby discriminating unfairly against IPS and others. On November 20, 1972, following the filing of the settlement agreement by IPS and Northern in docket No. RP72-67, the complaint case referred to above, IPS filed a request to withdraw its petition to intervene in docket No. CP72-156.

Inasmuch as the Commission is, by this order, setting this case (docket No. CP73-126) for formal hearing, we shall allow IPS and any other party 30 days from the date of this order to file or refile a petition to intervene in docket No. CP72-156.

The Commission finds

(1) Applicant has not presented sufficient information to show that public convenience and necessity requires the issuance of the requested certificate in the docket No. CP73-126 proceeding.

(2) Good cause exists for the Commission to enter upon a hearing concerning applicant's request for a certificate of public convenience and necessity in the docket No. CP73-126 proceeding and for establishing the procedure for that hearing.

(3) Good cause exists for the Commission to allow IPS and any other party 30 days from the issuance of this order to file a petition to intervene in docket No. CP72-156.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held commencing June 18, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the propriety of issuing a certificate of public convenience and necessity to applicant as requested in its application filed in docket No. CP73-126 on November 10, 1972.

(B) On or before June 4, 1973, applicant shall serve its testimony and exhibits comprising its case-in-chief in support of its application on all parties to the docket No. CP73-126 proceeding.

(C) An administrative law judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR, 3.5(d)) shall preside at the hearings in the docket No. CP73-126 proceeding, and shall prescribe relevant procedural matters not herein provided.

(D) IPS and any other party is given 30 days from the issuance of this order in which to file a petition to intervene in docket No. CP72-156.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9471 Filed 5-11-73;8:45 am]

[Docket No. E-8135]

OKLAHOMA GAS & ELECTRIC CO.

Amendatory Letter Agreement

MAY 7, 1973.

Take notice that Oklahoma Gas & Electric Co. (Applicant) filed on April 18, 1973, an amendatory letter agreement dated April 4, 1973, between Applicant and the city of Stroud, Okla. This letter agreement provides only for a change in delivery voltage to 12.5 kV to meet the electrical requirement for future growth of Stroud, Okla., and is to be effective upon completion of the necessary facilities.

Applicant states that copies of the filing were served upon the city of Stroud, Okla.

Any person desiring to be heard or to make any protest with reference to said

[1] The proceeding in docket No. CP72-156 involves an application filed by Northern under sec. 7(c) of the act to transfer an existing firm industrial sale from one delivery point on its system to another delivery point.

application should file petitions to intervene or protests with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 30, 1973. 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 in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9473 Filed 5-11-73;8:45 am]

[Dockets Nos. CP72-181, CP73-44]

PANHANDLE EASTERN PIPE LINE CO. AND COLORADO INTERSTATE GAS CO.

Notice of Extension of Time

MAY 4, 1973.

On April 27, 1973, Panhandle Eastern Pipe Line Co. and Colorado Interstate Gas Co., a division of Colorado Interstate Corp., filed a joint motion for an extension of time to file the information required by paragraph (F) of the Commission's orders issued March 30, 1973, in docket No. CP72-181 and paragraph (D) of the order issued in docket No. CP73-44.

Upon consideration, notice is hereby given that the time is extended to and including May 14, 1973, within which to comply with paragraphs (F) and (D) of the orders issued March 30, 1973, in docket Nos. CP72-181 and CP73-44, respectively.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9474 Filed 5-11-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 17, 1973, South Carolina Electric and Gas Co. (South Carolina) tendered for filing nine service agreements for the supply of wholesale electric power service to nine municipal, cooperative and power companies as part of its FPC electric tariff, together with exhibit A of each service agreement and resale service schedule SR-1 or resale service schedule SR-2 whichever is applicable. South Carolina states that these nine service agreements supersede at increased rates current agreements with the nine customers. The proposed effective dates for the service agreements are October 1, 1973, for Palmetto Electric Cooperative, Inc., May 1, 1973, for the town of McCormick, S.C., May 1, 1973, for Broad River Electric Cooperative, May 1, 1973, for the city of Orangeburg, S.C., May 1, 1973, for South Carolina Public Service Authority, May 1, 1973, for the town of Winnsboro, S.C., January 1, 1974, for Little River Electric Cooperative, Inc., July 1, 1973, for Berkeley Electric Cooperative, Inc., and June 26, 1973, for Central Electric Power Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 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 14, 1973. 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.73-9475 Filed 5-11-73;8:45 am]

[Dockets Nos. RP73-7, RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 1, 1973.

On April 23, 1973, Commission staff counsel filed a motion to extend service and hearing dates. The motion states that no party has any objection to the proposed dates. Counsel for Philadelphia Gas Works, division of UGI Corp., stated that if data requests were made of his client, he wanted to reserve his rights to further comment.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff service date, June 8, 1973.
Prehearing Conference,[1] June 19, 1973 (10 a.m., e.d.t.).
Intervenors' service date, June 29, 1973.
Company rebuttal date, July 13, 1973.
Hearing, July 24, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9461 Filed 5-11-73;8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.

Notice of Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 25, 1973, Southwest Gas Corp. (Southwest) tendered for filing as part of its FPC gas tariff, original volume No. 1, two copies of third revised sheet No. 3A. Southwest states that requested therein is a proposed change in rates principally to recover increases in virtually all items of cost including a rate of return of 9.38 percent, excluding purchased gas increases. Southwest states further that its rates are deficient by some $279,319 annually, and the increase applicable to the FPC volumes is $279,375. According to Southwest, the increase in jurisdictional rates to produce this deficiency is .338 cents per therm. The proposed effective date for the revised tariff sheet is May 26, 1973. Southwest states further that copies of this filing have been served on Sierra Pacific Power Co., California-Pacific Utilities Co., California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 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 18, 1973. 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.73-9476 Filed 5-11-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Notice of Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 26, 1973, The Sylvania Corp. (Sylvania) tendered for filing tariff sheets to FPC gas tariff, first revised volume No. 1, superseding original volume No. 1. The proposed effective date of the tariff sheets is June 10, 1973. Sylvania states that the tariff revisions referred to will cancel the fixed rate in each instance heretofore provided and provide a commodity rate for all deliveries by Sylvania based upon a cost of service which rate will be adjusted in the future as applicable costs change. Sylvania states further that the proposed increase, based upon the cost of service for the 12 months ended December 31, 1972, as adjusted, will recover approximately $338,069 annually. Sylvania requests that the Commission waive the requirements of § 154.63(b)(3) of the regulations, which require the filing of statement P material within 15 days of the date of the filing of the notice of change in rate and that in the event the Commission suspends the proposed changes in rate, Sylvania be permitted to file the statement P material within 15 days after the date of such suspension.

[1] New address of the Federal Power Commission will be: 825 North Capitol Street NE., Washington, D.C.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 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 23, 1973. 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.73-9477 Filed 5-11-73;8:45 am]

[Docket No. RP73-101]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 4, 1973.

Take notice that Transwestern Pipeline Co. (Transwestern) on April 25, 1973, tendered for filing proposed changes in its FPC gas tariff, first revised volume No. 1. The proposed changes add to the general terms and conditions of Transwestern's tariff certain sections covering procedures to be followed in the event it is necessary to curtail deliveries of natural gas on Transwestern's system.

Transwestern states that it is submitting this filing for the purpose of establishing curtailment procedures for periods when curtailed deliveries are necessary due to a gas supply shortage on its system. In addition, it is filing tariff sheets which contain provisions to eliminate demand charge adjustment credits to its customers when curtailment is due to a gas supply shortage on its system or to directives of governmental agencies.

Transwestern states that its filing will establish curtailment procedures on its system in compliance with those established by the Commission in its statements of policy issued in order No. 467, as amended. Transwestern requests an effective date of June 1, 1973, for its filing.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 22, 1973. 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9478 Filed 5-11-73;8:45 am]

[Docket No. E-8099]

UNION ELECTRIC CO.

Notice of Facility Use Agreement

MAY 7, 1973.

Take notice that on January 2, 1973, Union Electric Co. (Applicant) filed with the Federal Power Commission a proposed facility use agreement dated February 14, 1972, between Applicant and Illinois Power Co.

The application states that said agreement amends in its entirety the facility use agreement, dated July 24, 1962, between these parties, designated in Union Electric Co. rate schedule FPC No. 51. Charges provided for in the existing facility use agreement were considered inadequate by the parties, and that agreement has been amended to provide for equitable reimbursement of costs and for sharing cost benefits. Specifically, a distinction is made between (1) an interconnection established initially for the principal benefit of one party, which may eventually become beneficial to and required by both parties, and (2) taps made to supply area loads of the tapping party. On March 2, 1972, Illinois Power Co. filed with the Commission a certificate of concurrence in this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9479 Filed 5-11-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*
10699–10788	May 1	11427–12084	May 8
10789–10908	2	12085–12194	9
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federal register

MONDAY, MAY 14, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 92

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

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

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. Since that date, the Administrator and many of the States have acted to correct the plan deficiencies identified in the publication and to clarify and revise the information presented there.

On June 14, 1972 (37 FR 11826), and July 27, 1972 (37 FR 15094), and September 22, 1972 (37 FR 19829), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for 40 States. The Administrator has subsequently taken action (excluding promulgation of nitrogen oxides emission-limiting regulations) on 30 of these States. This publication sets forth action on 6 of the remaining 10 States; the remaining 3 States will be dealt with in a future publication. One of these States, Oklahoma, submitted supplemental information which demonstrated that all deficiencies in regulatory provisions had been corrected; therefore, no further rulemaking action will be taken with respect to Oklahoma. Regulations are promulgated below for three States (Indiana, Nebraska, and Wisconsin).

On July 27, 1972 (37 FR 15094), the Administrator proposed amendments to Subpart A—General Provisions, setting forth certain definitions. No comment was received on this proposal and they are promulgated below as proposed.

Section 110(a)(2)(F)(iv) of the Clean Air Act and 40 CFR 51.10(e) require that State implementation plans include procedures for making emission data as correlated with applicable emission limitations, available to the public. The regulations promulgated below for the States of Nebraska and Wisconsin provide for the Administrator's carrying out this program. This is necessary because these States do not have the necessary legal authority to assure that such procedures will be carried out.

Section 110(a)(2)(B) of the Clean Air Act and 40 CFR 51.15 require that State implementation plans contain legally enforceable compliance schedules and that any such compliance schedule that extends beyond January 31, 1974, shall contain periodic increments of progress toward compliance. The regulations promulgated below provide the Administrator with a means of obtaining the necessary compliance schedules from sources in the State of Nebraska. This promulgation is necessary because the requirement for sources to submit compliance schedules for all the State's emission limitations is contingent upon the issuance of a notice of violation by the State. There is no assurance that sources will be notified; therefore, there is no assurance that compliance schedules will be obtained. Regulations promulgated below for Nebraska require sources to submit schedules for compliance with the particulate matter emission limitations being promulgated by the Agency in the Lincoln-Beatric-Fairbury Intrastate Region. This regulation is necessary because the State cannot prescribe compliance schedules for the affected sources.

Section 110(a)(2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans provide for legally enforceable procedures that will enable the States to prevent construction of new sources or modification of existing sources if such construction or modification: (1) Will result in violation of the applicable portion of the State's control strategy; or (2) will interfere with attainment or maintenance of a national ambient air quality standard. The regulations promulgated below provide the Administrator with such procedures for action under (2) above with respect to stationary sources in Nebraska which are subject to the jurisdiction of the City of Omaha Permits and Inspection Division. The regulations also provide procedures for preventing construction of new or modified sources in Lancaster County, Nebr., and of other new or modified sources in Nebraska which are not subject to part 60 of this chapter, if any such source would violate any portion of the applicable control strategy or would interfere with the attainment or maintenance of a national standard. Equivalent regulations are also promulgated for the State of Indiana. The plans for these two States did not provide adequate procedures to prevent construction or modification of sources in the circumstances noted.

Section 110(a)(2)(F)(iii) of the Clean Air Act and 40 CFR 51.19(a) require that State implementation plans include 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 and other information necessary to determine whether such sources are in compliance with applicable portions of the control strategy. The regulations promulgated below for sources in Nebraska, except for sources subject to the jurisdiction of the City of Omaha Permits and Inspection Division, provide for the Administrator's carrying out this program.

Because ambient air quality concentrations in the Lincoln-Beatrice-Fairbury Intrastate Region in Nebraska exceed the national standards for particulate matter, the Administrator proposed on July 27, 1972 (37 FR 15094), particulate matter emission limitations applicable to process sources and a ban on certain open burning operations in all counties in this region except Lancaster County. Local emission limitations are in effect in Lancaster County; however, it is not clear that they are part of the applicable State plant. Pending clarification of the status of the local regulations EPA is promulgating particulate emission limitations only for the other counties. A particulate matter emission reduction of 1,250 tons pear year is necessary to attain and maintain the secondary standards for particulate matter in this region. The emission limitations for process sources and the regulation for open burning promulgated below together with the local emission limitations in Lancaster County, will reduce emissions by 1,270 tons per year by 1975, thus providing for attainment and maintenance of the secondary standards for particulate matter. The growth factors presented in the State's plan were utilized in the above calculations. To provide a mechanism for enforcement of the emission limitation for process sources, a visible emission regulation is also promulgated below which is applicable only to such process sources.

Public hearings on the proposed regulations were held by the Environmental Protection Agency in most affected States. Interested parties presented their comments at these hearings and through the mail. Consideration of this information and further review of the proposed regulations led to only minor revisions:

(1) The Administrator will specify at least one location in each of the affected States where he will make emission data obtained by the Agency available to the public. It should be noted that these data will not be generally available before July 1, 1973, because the Administrator must notify sources of their reporting requirements, insure that valid data are collected, and correlate reported emissions with allowed emissions.

(2) The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation." Since it has not been possible to promulgate regulations for correcting plan deficiencies for all States at once, this change allows all sources subject to Federal regulations for compliance schedules an equal amount of time to submit such schedules to the Administrator.

(3) The proposed regulations for compliance schedule "increments of progress" was modified to clarify the definition of "increments of progress".

(4) The procedures for review of new and modified sources have been changed to allow the Administrator to waive requirements for performance tests after the new or modified source commences operation. It is recognized that compliance with applicable emission limitations can be determined in certain circumstances without the need for performance testing. Also, the list of sources exempt from the new source review requirements is expanded to cover additional sources of minor pollutant contribution. The emissions from the additional sources exempted are similar in magnitude to those sources already exempted and are considered to have an insignificant effect on air quality.

In this publication, the Administrator prescribes the latest date by which certain of the national ambient air quality standards are to be attained in

Alaska, Illinois, Nebraska, Oklahoma, Virginia, and Wisconsin. The dates are equivalent to those proposed on June 14, 1972 (37 FR 11826) and July 27, 1972 (37 FR 15094). The dates proposed on June 14 and July 27, 1972, were expressed in terms of "years from plan approval or promulgation" as specified in sections 110(a)(2)(A)(i) and 110(e) of the act. Because of the various dates on which the Agency has taken action involving these States, the above notation could lead to confusion concerning the intended attainment date. Consequently, the appropriate footnotes have been changed to specify the month and year. The dates indicated are consistent with the intent of the act.

This specification of the latest dates for attainment of the national standards is also extended, where appropriate, to States for which the Agency has completed all necessary action. Thus, this publication includes revisions to the attainment date tables for the following States: Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New Jersey, Rhode Island, South Dakota, and Tennessee.

Consistent with the approach discussed above, the attainment dates for certain of the national ambient air quality standards in Maine have been changed from "three years from plan approval or promulgation" to "June 1975," since this was the date specified in the Maine plan.

The regulations described above, with the exception of regulations providing for the review of new sources and modifications, are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making such regulations effective upon publication because section 110(e) of the Clean Air Act calls for promulgation of such regulations by the Administrator, and the prescribed date for such promulgation has passed.

The regulations providing for review of new sources and modifications [§§ 52.780(d) and 52.1428 (d) and (e)] are effective June 13, 1973.

This publication also contains amendments to the Administrator's approval/disapprovals pertinent to nine States. For Indiana, Nebraska, Pennsylvania, Oklahoma, and Virginia, certain disapprovals are revoked because the States submitted supplemental information which corrected some or all plan deficiencies.

On May 31, 1972, the Administrator disapproved that portion of Indiana's plan pertaining to public availability of emission data. Supplemental information submitted by the State on July 24 and August 17, 1972, details the legal authority, locations of the data and procedures for making the data available to the public. The Administrator finds this submission approvable and revokes the disapproval below.

The original Indiana plan did not provide for hydrocarbon emission reductions sufficient to attain the national standard for photochemical oxidants. On September 15, 1972, Indiana submitted an amended hydrocarbon control regulation (APC–15) which provides sufficient emission reduction and, accordingly, the disapproval is revoked below. The September 15, 1972, submission also contained an amendment to APC–13, which as amended provides for compliance schedules for sources of sulfur oxides and amends wording which previously made the regulation unenforceable. Accordingly, the pertinent disapprovals are revoked.

Supplemental information submitted on May 17, 1972, by Indiana specified the design basis of the air quality surveillance network, the State's analytical capability, and data handling and analysis procedures. This action cures deficiencies which necessitated Agency disapprovals, which are revoked below.

The legal authority and general provisions portions of the Pennsylvania plan were disapproved in part on May 31, 1972, since the local agencies in Philadelphia and Allegheny County lacked the authority to release emission data to the public. An amendment to the Allegheny County ordinances removed the deficiencies and the Philadelphia authority, upon further legal review, has been determined to be adequate. Also, due to enactment of new legislation by the State, the legal authority deficiency regarding State enforcement against a source located in the jurisdiction of an approved local agency has been corrected. Therefore, §§ 52.2024 and 52.2025 are revoked below.

Supplemental information submitted on November 3, 1972, contained amended particulate matter emission regulations for the city of Philadelphia which will provide the degree of control necessary to attain and maintain the national standards. Accordingly, disapprovals applicable to those regulations are revoked below.

Amendments to the source surveillance procedures submitted by Allegheny County and Philadelphia on August 14 and November 3, 1972, enable the Administrator to revoke the disapprovals in § 52.2030(a), (b)(3), and (c) below. The Governor of Pennsylvania also submitted a statement on November 3, 1972, which commits the State to transmit to the States of Maryland, New York, and West Virginia, any data about factors which may affect the air quality in those States. Thus, § 52.2032 is revoked below.

Virginia supplemented its plan on July 26, 1972, to provide for periodic testing of stationary sources, thereby enabling the Administrator to revoke his disapproval in § 52.2427(a).

The new and modified source review procedures in Oklahoma's plan were originally disapproved in part because they did not take effect until January 1, 1973. The State corrected this deficiency by submission of an amendment effective on October 15, 1972, and the Agency's disapproval is revoked below.

A revision is made to the compliance schedule disapproval for California involving rule 66(c) of the Los Angeles County Air Pollution Control District. The compliance date for this regulation extends beyond January 31, 1974, but does not provide increments of progress as required by 40 CFR 51.15(c). The earlier disapproval inadvertently omitted this action.

For Connecticut, Washington, and Wisconsin dates for submission of supplemental information were previously listed incorrectly; the correct dates are set forth below.

The 9-month time period for Indiana's submission of a plan for attainment and maintenance of the secondary standards for sulfur oxides in the Metropolitan Indianapolis intrastate region is extended to 13 months. The State had assumed that the 9-month extension granted on May 31, 1972 (37 FR 10842) began on the date the extension was approved in the FEDERAL REGISTER. As specified in section 110(b) of the act, extensions of the date for submission of a plan for attainment and maintenance of secondary standards begin "from the date otherwise required for submission of the plan" (i.e. January 30, 1972). Since the State's plan development efforts are designed to meet a submission date of February 28, 1973, the extension period is revised to coincide with that date. Although this date has already passed, this action is being taken to maintain a correct record of all actions on this plan. The table specifying the latest dates for attainment of the national standards is also revised accordingly. This revision is consistent with section 110(b) of the act, which permits such extensions "not to exceed 18 months."

These amendments for the 10 States are effective May 14, 1973. The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rulemaking 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 rulemaking for comment by interested persons,

(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 comments, and further public participation is unnecessary and impracticable, and

(3) The Administrator is required by law to promulgate substitute provisions for any regulatory portion of a plan for which no approval is in effect, and a deferred effective date would necessitate promulgation of Federal regulations for State regulations already judged approvable.

Authority: 42 U.S.C. 1857c–5 and 9.

Date May 7, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. Section 52.01 is amended by adding paragraphs (g) and (h) as follows:

§ 52.01 Definitions.

* * * * *

(g) The term "heat input" means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015–66, D240–64, or D1826–64) of all fuels burned.

(h) The term "total rated capacity" means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use, whichever is greater.

2. Subpart A is amended by adding § 52.18 as follows:

§ 52.18 Abbreviations.

Abbreviations used in this part shall be those set forth in part 60 of this chapter.

3. Subpart A is amended by adding § 52.19 as follows:

§ 52.19 Revision of plans by Administrator.

After notice and opportunity for hearing in each affected State, the Administrator may revise any provision of an applicable plan, including but not limited to provisions specifying compliance schedules, emission limitations, and dates for attainment of national standards; if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the act and with the requirements applicable to implementation plans under part 51 of this chapter.

Subpart F—California

4. In § 52.240, paragraph (a)(1) is amended by adding subdivision (vi) as follows:

§ 52.240 Compliance schedules.

(a) * * *

(1) * * *

(vi) Rule 66(c) of the Los Angeles County APCD.

* * * * *

Subpart H—Connecticut

5. In § 52.370, paragraph (c) is revised to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) Supplemental information was submitted on March 21, April 6, and August 10, 1972, by the Connecticut Department of Environmental Protection.

Subpart P—Indiana

6. In § 52.770, paragraph (c) is revised to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 16, May 17, July 24, and August 17, 1972, by the Indiana Air Pollution Control Board, and

(2) April 11, May 1, May 16, June 30, and September 15, 1972.

7. In § 52.772, paragraph (a) is revised to read as follows:

§ 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 13 months the statutory timetable for submission of the plan for attainment and maintenance of the secondary standards for sulfur oxides in the Metropolitan Indianapolis Intrastate Region.

§§ 52.774, 52.777 [Revoked]

8. Section 52.774 is revoked.

9. Section 52.777 is revoked.

10. In § 52.778, paragraph (a) is revised, as follows, and paragraph (b) is revoked.

§ 52.778 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since the compliance schedules for sources of nitrogen oxides extend over a period of more than 18 months and periodic increments of progress are not included.

§ 52.779 [Amended]

11. In § 52.779, paragraphs (a), (b), and (c) are revoked.

12. Section 52.780 is amended by adding paragraph (d), as follows:

§ 52.780 Review of new sources and modifications.

* * * * *

(d) *Replacement regulation for APC–1 of Indiana's "Air Pollution Control Regulations".*—(1) This requirement is applicable to any stationary source in the State of Indiana, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator,

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of a source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement of peerformance tests if the owner or operator of a source has demonstrated by other means to the Adminis-

trator's satisfaction that the source is being operated in compliance with all local, State, and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance as specified by the Administrator.

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

13. In § 52.781, paragraphs (c) and (d) are revoked and paragraph (b) is revised. As amended, § 52.781 reads as follows:

§ 52.781 Rules and regulations.

* * * * *

(b) A part of the second sentence in 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 regulation unenforceable by the State agency.

(c) [Revoked]

(d) [Revoked]

14. In § 52.783, footnote "f" is revised to read as follows:

§ 52.783 Attainment dates for national standards.

* * * * *

(f) Thirteen-month extension granted.

Subpart CC—Nebraska

15. In § 52.1420, paragraph (c) is revised to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 16, April 25, June 9, September 26, September 27, and October 2, 1972, by the Nebraska Department of Environmental Control, and

(2) January 24, June 9, and June 29, 1972.

16. Section 52.1423 is amended by adding paragraph (b) as follows:

§ 52.1423 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—Emission data obtained from owners or operators of stationary sources pursuant to § 52.1429(f) will be correlated with applicable emission limitations and other control measures. All such emission data and correlations will be available during normal business hours at the regional office (region VII). The Administrator will designate one or more places in Nebraska where such emission data and correlations will be available for public inspection.

§ 52.1424 [Amended]

17. In § 52.1424, paragraph (b)(1) is revoked.

18. Section 52.1425 is amended by adding paragraph (b) as follows:

§ 52.1425 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.*—(1) Except as provided in paragraph (b)(2) of this section, any owner or operator of a source subject to rules 12, 13, 14, 16, 18, 20, or 21 of "Rules and Regulations Implementing Nebraska Ambient Air Quality Standards," or § 52.1432(b) shall comply with such rule or regulation on or before January 31, 1974.

(i) Any owner or operator in compliance with such rule or regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with such rule or regulation after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with any rule or regulation specified in paragraph (b)(1) as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation or emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) The owner or operator of a stationary source subject to § 52.1429(g) shall comply with such regulation on the date such owner or operator is required under this paragraph to comply with § 52.1432(b).

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

§ 52.1426 [Revoked]

19. Section 52.1426 is revoked.

20. Section 52.1428 is amended by adding paragraphs (d) and (e) as follows:

§ 52.1428 Review of new sources and modifications.

* * * * *

(d) *Regulations for review of new sources and modifications.*—(1) This requirement is applicable to any stationary source specified as follows, the construction or modification of which is commenced after the effective date of this regulation:

(i) All sources in the State of Nebraska not subject to the provisions of part 60 of this chapter and not subject to the jurisdiction of the City of Omaha Permits and Inspection Division.

(ii) All sources in Lancaster County.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date,

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirements for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with local, State, and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 stdft^3 (5.7 g/100 stdm^3); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify a source shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(e) *Regulation for review of new sources and modifications (city of Omaha).*—(1) The requirements of this paragraph are applicable to any stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (40 CFR 81.50) subject to the jurisdiction of the City of Omaha Permits and Inspection Division, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emission. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (e)(3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with the attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, and Federal regulation which is part of the applicable plan.

21. In § 52.1429, paragraphs (b) and (d) are revoked and paragraphs (f) and (g) are added. As amended, § 52.1429 reads as follows:

§ 52.1429 Source surveillance.

* * * * *

(b) [Revoked]

* * * * *

(d) [Revoked]

* * * * *

(f) *Regulation for source recordkeeping and reporting.*—(1) The owner or operator of any stationary source in the State of Nebraska, except those sources subject to the jurisdiction of the City of Omaha Permits and Inspection Division, shall upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(g) *Regulation for control of visible emissions.*—(1) Except as provided under paragraph (g)(2) of this section, no owner or operator of any process source subject to the provisions of § 52.1432(b) shall emit or cause the emission of air pollutants of a shade or density equal to or darker than that designated as No. 1 of the Ringelmann chart or 20-percent opacity.

(2) An owner or operator subject to subparagraph (1) of this paragraph may emit or cause the emission of air pollutants of a shade or density not darker than that designated as No. 3 on the Ringelmann chart or 60-percent opacity for a period or periods aggregating not more than 3 minutes in any 60 minutes.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.1425(b)(4).

(4) The procedures used to determine compliance with this paragraph are prescribed in method 9 in the appendix to part 60 of this chapter.

22. Section 52.1432 is amended by adding paragraphs (b) and (c) as follows:

§ 52.1432 Control strategy: Particulate matter.

(a) * * *

(b) *Regulation for process industries (Jefferson, Gage, and Thayer Coun-*

ties).—(1) No owner or operator of any process source in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intrastate Region (40 CFR 81.226) shall discharge or cause the discharge of particulate matter into the atmosphere from such source in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
100	0.551	60,000	40.00
200	0.877	80,000	42.50
400	1.35	120,000	46.30
1,000	2.58	160,000	49.00
5,000	7.58	200,000	51.20
10,000	12.00	1,000,000	69.00
20,000	19.2	2,000,000	77.60

(i) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by the use of the equation:

$E=4.10\ P^{0.67}$ $P \leq 30$ tons/h

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$E=55.0\ P^{0.11}-40$ $P>30$ tons/h

Where: E=Emission in pounds per hour.
P=Process weight in tons per hour.

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight by the number of hours for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter from a process source.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.1425(b).

(3) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are prescribed in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft³, corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 5.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(c) *Regulation for open burning (Jefferson, Gage, and Thayer Counties).*—(1) No person in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intrastate Region (40 CFR 81.226) shall ignite, permit to be ignited, or maintain any open fire except as follows:

(i) Open fires for the cooking of food for human consumption;

(ii) Open fires for recreational or ceremonial purposes;

(iii) Open fires to abate a fire hazard, providing such hazard is so declared by the fire department of fire district having jurisdiction;

(iv) Open fires for prevention or control of disease or pests;

(v) Open fires for training personnel in the methods of fighting fires;

(vi) Open fires for the disposal of dangerous materials, where there is no alternate method of disposal and burning is approved in advance by the Administrator;

(vii) Open fires set in operation of smokeless stacks for combustion of waste gases, provided they satisfy the requirements of § 52.1429(g) (1) and (2);

(viii) Open fires set for land clearing for roads or other construction;

(ix) Open fires set in an agricultural operation;

(x) Open fires set on residential premises in areas where no provision is made for public collection of refuse, provided that such open fire is for disposal of ordinary household trash originating on the premises. Public collection of refuse shall mean the service provided by any governmental agency or commercial enterprise for the pickup on a regularly scheduled basis of refuse from groups of individual homes, businesses, apartment buildings, or other establishments.

(2) Compliance with this paragraph shall be no later than July 1, 1973.

Subpart LL—Oklahoma

23. In § 52.1920, paragraph (c) is revised to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 15, February 25, May 4, and October 16, 1972, by the Oklahoma State Department of Health, and

(2) July 14 and October 4, 1972.

24. Section 52.1922 is revised to read as follows:

§ 52.1922 Approval status.

The Administrator approves Oklahoma's plan for the attainment and maintenance of the national standards.

§§ 52.1923, 52.1924 [Revoked]

25. Section 52.1923 is revoked.

26. Section 52.1924 is revoked.

Subpart NN—Pennsylvania

27. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 17, March 27, May 4, June 20, and August 14, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, and

(2) May 5, June 6, and November 3, 1972.

§§ 52.2024, 52.2025, 52.2026, 52.2028 [Revoked]

28. Section 52.2024 is revoked.

29. Section 52.2025 is revoked.

30. Section 52.2026 is revoked.

31. Section 52.2028 is revoked.

32. In § 52.2030, paragraphs (a) and (b)(3) are revoked and paragraph (b)(2) is revised. As revised, § 52.2030 reads as follows:

§ 52.2030 Source surveillance.

(a) Revoked.

(b) * * *

(2) The plan does not provide for stationary sources to be periodically inspected in the jurisdiction of the Allegheny County Health Department.

(3) Revoked.

§ 52.2032 [Revoked]

33. Section 52.2032 is revoked.

Subpart VV—Virginia

34. In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) June 30 and July 26, 1972.

§ 52.2427 [Amended]

35. Section 52.2427(a) is revoked.

36. In order to correct the citations in 37 FR 15080 at 15091 (July 27, 1972), the references to §§ 54.2424, 54.2425, and 54.2427(b) are changed to read respectively, §§ 52.2424, 52.2425, and 52.2427(b), and the references to § 54.2429 are changed to read § 52.2429.

Subpart WW—Washington

37. In § 52.2470, paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) January 28, May 5, and September 11, 1972, and

(2) July 18, 1972, by the State of Washington Department of Ecology.

Subpart YY—Wisconsin

38. In § 52.2570, paragraph (c) is revised to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on February 15, March 3, March 16, and April 7, 1972, by the Bureau of Air Pollution Control and Solid Waste Disposal.

39. Section 52.2573 is amended by adding paragraph (b) as follows:

§ 52.2573 General requirements.

* * * * *

(b) *Regulation for public availability of emissions data.*—(1) The owner or operator of any stationary source in the State of Wisconsin shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1, to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the regional office (region V). The Administrator will designate one or more places in Wisconsin where such emission data and correlations will be available for public inspection.

40. In subparts B, C, E, G, H, K, L, M, P, Q, R, S, T, V, X, Y, AA, CC, FF, KK, LL, NN, OO, QQ, RR, VV, and YY, footnote (a) beneath the tables setting forth dates of attainment of national standards is amended to read as follows: "a. July 1975."

41. In subpart U, footnote (a) beneath the table setting forth dates of attainment of national standards is amended to read as follows: "a. June 1975."

42. In subparts P, CC, LL, NN, VV, and YY, the note beneath the tables setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed." As amended, the note reads: "Note.—Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable."

[FR Doc.73-9331 Filed 5-11-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

State Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. Since that date, the Administrator and many of the States have acted to correct the plan deficiencies identified in the publication and to clarify and revise the information presented there.

On June 14, 1972 (37 FR 11826), July 27, 1972 (37 FR 15094), and September 22, 1972 (37 FR 19829), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for 40 States. On July 27, 1972 (37 FR 15080), September 22, 1972 (37 FR 19806), and October 28, 1972 (37 FR 23085), the Administrator took final action (excluding promulgation of nitrogen oxides emission-limiting regulations) on 24 of these States. On March 23, 1973 (38 FR 7554) the Administrator took final action on the regulations proposed on July 27, 1972, affecting powerplants in Arizona, New Mexico, and Utah. This publication sets forth Agency action on Arizona, California, Idaho, Nevada, New Mexico, and Utah, but does not correct all remaining deficiencies in the plans for four of these States (Arizona, California, Idaho, and Utah); the remaining deficiencies will be dealt with in a future publication.

Section 110(a)(2)(F)(iv) of the Clean Air Act and 40 CFR 51.10(e) require that State implementation plans include procedures for making emission data, as correlated with applicable emission limitations, available to the public. The regulations promulgated below for the States of California, Nevada, and Utah provide for the Administrator's carrying out this program, since the plans lacked such procedures.

Section 110(a)(2)(B) of the Clean Air Act and 40 CFR 51.15 require that State implementation plans contain legally enforceable compliance schedules and that any such compliance schedule that extends beyond January 31, 1974, shall contain periodic increments of progress toward compliance. The regulations promulgated below provide the Administrator with a means of obtaining the necessary compliance schedules from sources in New Mexico. This promulgation is necessary because the compliance dates for certain of the State's emission limitations extend beyond January 31, 1974, and increments of progress are not specified. Regulations promulgated below for Arizona and Utah require sources to submit schedules for compliance with the emission limitations being promulgated by the Agency. These regulations are necessary because the States could not prescribe compliance schedules for the affected sources.

Section 110(a)(2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans provide for legally enforceable procedures that will enable the States to prevent construction of new sources or modification of existing sources if such construction or modification: (1) Will result in violation of the applicable portion of the State's control strategy; or (2) will interfere with attainment or maintenance of a national ambient air quality standard. The regulations promulgated below provide the Administrator with such procedures for action under (2) above with respect to stationary sources in Pima County, Ariz.; Washoe County, Nev.; and 37 counties in California. Regulations are also promulgated below four other counties in California to provide the Administrator with procedures for action under both (1) and (2) above in four other California counties. The plans for these three States did not provide adequate procedures to prevent construction or modification of sources in the circumstances noted. The Administrator is aware that some of the counties in California have acted to correct these deficiencies; however, the State has not submitted the new local regulations to the Administrator for inclusion in the implementation plan. Upon official submission, the regulations promulgated below may be revoked for certain of the California counties.

Procedures also are promulgated below to prevent construction or modification of sources in Arizona and Utah which are subject to the regulations promulgated below for control of particulate matter emissions, if any such source would result in violation of any provision of the regulations. Such procedures are necessary because the State cannot prevent construction of sources which would violate provisions of federally promulgated regulations.

Section 110(a)(2)(F)(iii) of the Clean Air Act and 40 CFR 51.19(a) require that the State implementation plans include 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 and other information necessary to determine whether such sources are in compliance with applicable portions of the control strategy in the State implementation plan. The regulations promulgated below for sources in Arizona, California, and Nevada provide for the Administrator's carrying out this program, since the State's plans did not contain adequate procedures.

The Arizona plan was not adequate to attain the primary standards for particulate matter in the Phoenix-Tucson Intrastate Region. The emission inventory indicated that the problem is a result of emissions from stationary sources (mainly process sources) and fugitive dust sources. Accordingly, control of both these source categories is necessary to attain the national particulate matter standards. Since additional stationary source control beyond that required by the State's regulations could be obtained

by applying reasonably available control technology to process sources, the emission limitations for process sources in the plan were disapproved on May 31, 1972 (37 FR 10842).

On July 27, 1972 (37 FR 15094), the Agency proposed substitute regulations for process sources equivalent to reasonable available control technology. These regulations are promulgated below essentially as proposed, except that a specific regulation has been developed for portland cement plants. It was pointed out at the public hearing that the proposed process weight regulation would require portland cement plants above a certain size to control emissions below that specified in 40 CFR 60.60 (New Source Performance Standards.) Since the new source performance standard represents the best available control technology for new portland cement plants, the Agency has determined that it would be unreasonable to impose more stringent control requirements. However, testing and inspection of existing portland cement plants as well as other analysis associated with the development of the new source standards demonstrated to the Agency's satisfaction that the control technology is available to control the large plants in question to the same degree as required for new plants under 40 CFR 60.60. Controls for fugitive dust sources in Arizona will be proposed by the Administrator in a separate FEDERAL REGISTER notice.

The Utah implementation plan included a regulation for control of particulate matter emissions (Code of Air Conservation Regulations, sec. 3.5), which was determined to be unenforceable because it is ambiguous as to the method for determining application of the requirement for 85 percent control of particulate matter emissions. This regulation was therefore disapproved on May 31, 1972 (37 FR 10842). Because a 42-percent reduction in emissions (18,080 tons per year) is required in the Wasatch Front Intrastate Region to attain and maintain the secondary standards for particulate matter ($60\mu g/m^3$, annual geometric mean), the Administrator proposed on July 27, 1972 (37 FR 15094), particulate matter emission limitations applicable to process sources (except by-product coke ovens), fuel burning sources, and incinerators. The regulation promulgated below for fuel burning sources differs from the proposed regulation in that it has been modified to exclude waste heat boilers. This revision is in response to a statement at the public hearing by the affected source that its waste heat boiler would be subject to both the proposed fuel burning source regulation and the proposed process source regulation. The Agency has determined that since the particulate matter emitted from the waste heat boiler is in fact generated by a process source—a catalytic cracking unit—it is appropriate from a technological standpoint to apply only the process source emission limitation to this boiler. The requisite control will be achieved by the application of the limitation.

The Agency's proposed regulation for process sources exempted byproduct coke ovens; a separate visible emission regulation was proposed for these ovens. This approach reflects the Agency's determination that compliance with the emission limitations in the process weight regulation is not feasible for byproduct coke ovens. Particulate matter emissions from such ovens may be controlled, however, by proper "housekeeping" and operating practices, the visible emission limitation promulgated below, revised only slightly from the proposal, will require that these ovens be operated in a manner so as to substantially control emissions.

The Agency has determined that the emission limitations promulgated below will reduce emissions to 17,600 tons per year by mid-1975, thus providing for attainment of the secondary standards for particulate matter. The growth factors used in the calculations were determined from population and economic projections for Salt Lake City (Economic Projections for Air Quality Control Regions, U.S. Department of Commerce, 1970).

Public hearings on the proposed regulations were held by EPA in most affected States. Interested parties testified at the hearings and submitted written comments. Consideration of this information and further review of the proposed regulations led to only minor revisions:

(1) The Administrator will specify at least one location in each affected State where he will make emission data obtained by the Agency available to the public. These data generally will not be available before July 1, 1973, because EPA must notify sources of reporting requirements, insure that valid data are collected, and correlate reported emissions with allowed emissions.

(2) The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation." This change allows all sources subject to Federal regulations an equal amount of time to submit compliance schedules.

(3) The proposed regulations for compliance schedule "increments of progress" has been modified to clarify the definition of "increments of progress".

(4) The procedures for review of new and modified sources have been modified to allow the Administrator to waive requirements for performance tests after a new or modified source commences operation. It is recognized that compliance with applicable emission limitations can be determined by other means in certain circumstances without the need for emission performance testing. Also, the list of sources exempt from the new source review requirements is expanded to cover additional sources of minor pollution contribution. The emissions from the additional sources exempted are similar in magnitude to those sources already exempt and are considered to have an insignificant effect on air quality.

In this publication, the Administrator prescribes the latest dates by which certain of the national ambient air quality standards are to be attained in Arizona, California, Idaho, Nevada, New Mexico, and Utah. The dates are equivalent to those proposed on July 27, 1972 (37 FR 15094). The dates proposed on July 27 were expressed in terms of "years from plan approval or promulgation" as specified in sections 110(a)(2)(A)(i) and 110(e) of the act. Because of the various dates on which the Agency has taken action involving these States, the above notation could lead to confusion concerning the intended attainment date. Consequently, the appropriate footnotes have changed to specify the month and year. The dates indicated are consistent with the intent of the act.

The regulations described above, with the exception of regulations providing for the review of new sources and modifications, are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making such regulations effective upon publication because section 110(c) of the Clean Air Act calls for prompt promulgation of such regulations by the Administrator, and the date for such promulgation has passed.

The regulations providing for review of new sources and modifications [§§ 52.129 (c) and (d), 52.233 (f) and (g), 52.1478(b), 52.1628(a), and 52.2334 (a)] are effective on June 13, 1973.

This publication also contains amendments to the Administrator's approval/disapprovals pertinent to five States. A brief discussion of the details involved in correcting some of the plan deficiencies in the affected States is presented below.

The Arizona plan, as initially submitted, did not contain State emission limitations; however, the emission limitations of two county agencies were submitted. Since the local agency regulations were part of the control strategy, the State was required to have authority to enforce the local regulations. The State did not have such authority and thus the plan was disapproved in this area. This deficiency was subsequently rectified by the State's submittal of emission limitations which are essentially the same as the local regulations. The Agency's pertinent disapprovals are revoked below.

The Idaho plan did not provide the sulphur oxide emission reductions necessary for the attainment and maintenance of national ambient air quality standards in the Eastern Idaho Intrastate Air Quality Control Region. This deficiency was corrected when the State submitted a regulation limiting emissions from sulfuric acid plants. The regulation requires a sulphur oxides emission limitation of 28 lb/ton of 100-percent sulfuric acid produced. Based on the results of a diffusion modeling study, EPA concurs that this emission reduction will be adequate to attain and maintain the secondary sulfur oxides standards.

Idaho's plan also did not contain procedures for adequate review of new and modified sources, since the State's regulation exempted certain modified sources from review. The State procedures also did not provide that approval of con-

struction would not relieve source owners and operators from responsibility to comply with applicable portions of the control strategy. The State has subsequently revised its new source review procedures to correct these deficiencies and the Agency's disapproval is revoked below.

The Nevada plan required all abatement orders issued during air pollution emergency episodes to be subject to de novo judicial review, which would stay the enforcement of the orders. The legal opinion from the Office of the attorney general of the State of Nevada states that the filing of court appeal from an emergency order of the Control Officer, as affirmed by the State Environmental Protection Board, will not automatically stay the effect of the order. A court may, upon the filing of an appeal, stay the order but it is discretionary with the court. Accordingly, the Administrator has determined that the plan is not deficient in this area and revokes the original disapproval.

The Utah plan as originally submitted did not provide for the disapproval of construction of a new source or modification of an existing source which would interfere with the attainment or maintenance of a national standard. Also, the manpower program provided in the plan did not provide for adequate engineering activities. The State has submitted a revision to its regulations which will enable it to prevent construction or modification of a source if a national standard would be exceeded. The State also submitted a revised manpower distribution schedule which allocated sufficient resources to enforcement and engineering. Therefore, the deficiencies noted above have been corrected and accordingly, the appropriate disapprovals are revoked.

The New Mexico plan initially indicated that the local agency in Bernalillo County would be responsible for carrying out requirements for making emission data available to the public, for review of new or modified sources, and for source recordkeeping and reporting; however, the local agency procedures were inadequate in these areas. The State has adequate procedures in each of these areas and has subsequently indicated that it will assume reponsibility for implementing these procedures throughout the State. The appropriate disapprovals are revoked accordingly.

New Mexico has submitted supplemental information which permits the State agency to prevent construction of new or modified sources which would interfere with attainment or maintenance of any national standard. The previous disapproval is revoked below. The State also supplemented its plan by correcting deficiencies for dealing with air pollution emergency episodes and source recordkeeping and reporting, which enables the Agency to revoke below the disapprovals based upon those deficiencies.

The amendments for these five States are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rulemaking 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 rulemaking 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 comments, and consequently further public participation if unnecessary and impracticable.

(42 U.S.C. 1857c-5 and 9)

Dated: May 7, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart D—Arizona

§ 52.124 [Revoked]

1. Section 52.124 is revoked.

2. Section 52.126 is amended by adding paragraph (b) as follows:

§ 52.126 Control strategy and regulations: Particulate matter.

* * * * *

(b) *Replacement regulation for Regulation 7-1-3.6 of the Arizona Rules and Regulations for Air Pollution Control, Rule 31(E) of Regulation III of the Maricopa County Air Pollution Control Rules and Regulations, and Rule 2(B) of Regulation II of the Rules and Regulations of Pima County Air Pollution Control District (Phoenix-Tucson Intrastate Region).*—(1) No owner or operator of any stationary process source in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
50	0.36	60,000	28.60
100	0.55	80,000	31.19
500	1.53	120,000	33.28
1,000	2.25	160,000	34.85
5,000	6.34	200,000	36.11
10,000	9.73	400,000	40.35
20,000	14.99	1,000,000	46.72

(i) Interpolation of the data in the table for process weight rates up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 3.59\ P^{0.62} \quad P \leq 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \quad P > 30 \text{ tons/h}$$

Where: E = Emissions in pounds per hour
P = Process weight in tons per hour

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of the given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

(2) Paragraph (b)(1) of this section shall not apply to incinerators, fuel burning installations, or Portland cement plants having a process weight rate in excess of 250,000 lb/h.

(3) No owner or operator of a Portland cement plant in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter) with a process weight rate in excess of 250,000 lb/h shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the amount specified in § 60.62 of this chapter.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3 (1.70 m^3), corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2 and traversing according to method 1. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

3. Section 52.129 is amended by adding paragraphs (c) and (d) as follows:

§ 52.129 Review of new sources and modifications.

* * * * *

(c) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to any stationary source in Pima County in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (c)(3) of this section.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State or Federal regulation which is part of the applicable plan.

(d) *Regulation for review of new sources and modifications: Federal Regulations.*—(1) This requirement is applicable to any stationary source subject to the requirements of § 52.126(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation, without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of § 52.126(b).

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.126(b).

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

4. Section 52.130 is amended by adding paragraph (c) as follows:

§ 52.130 Source surveillance.

* * * * *

(c) *Regulation for source recordkeeping and reporting.*—(1) The owner or operator of any stationary source in the counties of Gila, Pinal, and Santa Cruz in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter); or the Arizona portions of the Four Corners, Clark-Mohave, or Arizona-New Mexico Southern Border Interstate Regions (§§ 81.121, 81.80, and 81.99 of this chapter), shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures. All such emission data will be available during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Arizona where such emission data and correlations will be available for public inspection.

5. In § 52.134, paragraph (a) is revised to read as follows:

§ 52.134 Compliance schedules.

(a) *Federal compliance schedule.*—(1) Except as provided in paragraph (a)(2) of this section, the owner or operator of any stationary source subject to § 52.126(b) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.125(c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been submitted pursuant to paragraph (a)(2) of this section.

(i) Any owner or operator in compliance with § 52.126(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.125(c) or § 52.126(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to § 52.125(c) and paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) as expeditiously as practicable but no later than March 15, 1976. Any owner or operator of a stationary source subject to § 52.126(b) and paragraph (a)(1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.126(b) as expeditiously as practicable but not later than July 31, 1975.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

* * * * *

Subpart F—California

6. Section 52.224 is amended by adding paragraph (b), as follows:

§ 52.224 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—(1) The owner or operator of any stationary source in the Mendocino County and Lake County Air Pollution Control District portions of the North Coast Intrastate Region (§ 81.161 of this chapter) shall, upon notification from the Administrator maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources pursuant to this paragraph and § 52.234(d) will be correlated with applicable emission limitations and other control measures. The Administrator will designate one or more places in California where such emission data and correlations will be available for public inspection.

7. Section 52.233 is amended by adding paragraphs (f) and (g), as follows:

§ 52.233 Review of new sources and modifications.

* * * * *

(f) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to:

(i) Any stationary source in the specified portions of the regions listed below, the construction or modification of which is commenced after the effective date of this regulation:

(*a*) Metropolitan Los Angeles Intrastate (§ 81.17 of this chapter):

(*i*) Ventura County Air Pollution Control District.

(*ii*) Santa Barbara County Air Pollution Control District.

(*b*) Sacramento Valley Intrastate (§ 81.163 of this chapter):

(*i*) Sacramento County Air Pollution Control District.

(*c*) San Joaquin Valley Intrastate (§ 81.167 of this chapter):

(*i*) Mariposa County Air Pollution Control District.

(*d*) South Central Coast Intrastate (§ 81.166 of this chapter):

(*i*) Santa Barbara County Air Pollution Control District.

(ii) Any stationary source subject to the requirements of §§ 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date or initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all local, State and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(g) *Regulation for review of new sources and modifications.*—(1) The requirements of this paragraph are applicable to any stationary source in the specified portions of the regions listed below, the construction or modification of which is commenced after the effective date of this regulation.

(i) Great Basin Valley Intrastate (§ 81.159 of this chapter):

(a) Alpine County Air Pollution Control District.

(b) Inyo County Air Pollution Control District.

(c) Mono County Air Pollution Control District.

(ii) Metropolitan Los Angeles Intrastate (§ 81.17 of this chapter):

(a) Los Angeles County Air Pollution Control District.

(b) Orange County Air Pollution Control District.

(c) Riverside County Air Pollution Control District.

(d) San Bernardino County Air Pollution Control District.

(iii) North Central Coast Intrastate (§ 81.160 of this chapter):

(a) Monterey-Santa Cruz Unified Air Pollution Control District.

(b) San Benito County Air Pollution Control District.

(iv) North Coast Intrastate (§ 81.161 of this chapter):

(a) Humboldt County Air Pollution Control District.

(b) Mendocino County Air Pollution Control District.

(c) Siskiyou County Air Pollution Control District.

(v) Northeast Plateau Intrastate (§ 81.162 of this chapter):

(a) Lassen County Air Pollution Control District.

(b) Siskiyou County Air Pollution Control District.

(c) Modoc County Air Pollution Control District.

(d) Shasta County Air Pollution Control District.

(vi) Sacramento Valley Intrastate (§ 81.163 of this chapter):

(a) El Dorado County Air Pollution Control District.

(b) Glenn County Air Pollution Control District.

(c) Nevada County Air Pollution Control District.

(d) Placer County Air Pollution Control District.

(e) Plumas County Air Pollution Control District.

(f) Shasta County Air Pollution Control District.

(g) Sierra County Air Pollution Control District.

(h) Sutter County Air Pollution Control District.

(i) Yolo-Solano Unified Air Pollution Control District.

(vii) San Diego Intrastate (§ 81.164 of this chapter):

(a) San Diego Intrastate Air Pollution Control District.

(viii) San Joaquin Intrastate (§ 81.167 of this chapter):

(a) Amador County Air Pollution Control District.

(b) Tuolumne County Air Pollution Control District.

(c) Calaveras County Air Pollution Control District.

(d) Fresno County Air Pollution Control District.

(e) Kern County Air Pollution Control District.

(f) Kings County Air Pollution Control District.

(g) Madera County Air Pollution Control District.

(h) Merced County Air Pollution Control District.

(i) San Joaquin County Air Pollution Control District.

(j) Stanislaus County Air Pollution Control District.

(k) Tulare County Air Pollution Control District.

(ix) Southeast Desert Intrastate (§ 81.167 of this chapter):

(a) Los Angeles County Air Pollution Control District.

(b) Riverside County Air Pollution Control District.

(c) San Bernardino County Air Pollution Control District.

(d) San Diego County Air Pollution Control District.

(e) Kern County Air Polution Control District.

(x) San Francisco Bay Area Intrastate (§ 81.21 of this chapter):

(a) Yolo-Solano Unified Air Pollution Control District.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (g) (3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and notify the applicant in writing of his approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

8. Section 52.234 is amended by adding paragraph (d) as follows:

§ 52.234 Source surveillance.

* * * * *

(d) *Regulation for source record-keeping and reporting.*—(1) The owner or operator of any stationary source in the State of California, except in the Mendocino County Air Pollution Control District and Lake County Air Pollution Control District portions of the North Coast Intrastate Region (§ 81.161 of this chapter), shall, upon notification from the Administrator maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the

Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

9. Section 52.240 is amended by adding paragraphs (c) and (d), as follows:

* * * * *

§ 52.240 Compliance schedules.

(c) *Federal compliance schedule.*—(1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to rule 68.a of the Orange County Air Pollution Control District shall comply with such rule or regulation on or before January 31, 1974.

(i) Any owner or operator in compliance with this rule on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with such rule or regulation after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (c) (1) of this section may, not later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the rules and regulations specified in paragraph (c) (1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(d) *Regulation for increments of progress.*—(1) The requirements of this paragraph are applicable to any stationary source in the following regions subject to the indicated regulations.

(i) Metropolitan Los Angeles Intrastate:

(*a*) Rules 50–A, 52–A, 53–A(a), 53–A (b), 53–A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(*b*) Rules 53, 72.1, and 72.2 of the Riverside County APCD

(*c*) Rules 53 and 66.c of the Orange County APCD

(*d*) Rule 39.1 of the Santa Barbara County APCD

(*e*) Rule 59 of the Ventura County APCD

(*f*) Rule 66(c) of the Los Angeles County APCD

(ii) Northeast Plateau Intrastate:

(*a*) Rule 4.5 of the Siskiyou County APCD

(iii) San Francisco Bay Area Intrastate:

(*a*) Rule 64(c) of the Sonoma County APCD

(iv) Southeast Desert Intrastate:

(*a*) Rules 50–A, 52–A, 53–A(a), 53–A (b), 53–A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(*b*) Rules 53, 72.1, and 72.2 of the Riverside County APCD

(v) San Joaquin Valley Intrastate:

(*a*) Rule 409 of the Tulare County APCD

(vi) North Coast Intrastate:

(*a*) Rule 4.5 of the Siskiyou County APCD

(2) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the final compliance date specified by such applicable regulation. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

Subpart N—Idaho

10. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission, and

(2) March 2, May 5, and June 9, 1972, and February 15, 1973.

§ 52.675 [Revoked]

11. Section 52.675 is revoked.

§ 52.679 [Revoked]

12. Section 52.679 is revoked.

Subpart DD—Nevada

13. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, and January 19, 1973.

14. In § 52.1473, the first sentence in paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1473 reads as follows:

§ 52.1473 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met except in Clark County, since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public. * * *.

(b) *Regulation for public availability of emission data.*—Emission data obtained from owners or operators of stationary sources pursuant to § 52.1479(c) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Nevada where such emission data and correlations will be available for public inspection.

§ 52.1474 [Revoked]

15. Section 52.1474 is revoked.

16. In § 52.1477, paragraph (a) is revised and paragraph (b) is revoked. As amended, § 52.1477 reads as follows:

§ 52.1477 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b)(3) of this chapter are not met, except in Clark and Washoe Counties, since the emission control actions in the plan do not prohibit open burning during episode stages.

(b) [Revoked]

17. In § 52.1478, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1478 reads as follows:

§ 52.1478 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the regulations for Washoe County in the Northwest Nevada Intrastate Region do not include legally enforceable means of disapproving construction or modification of a source if it will interfere with attainment or maintenance of a national standard.

(b) *Regulation for review of new sources and modifications (Washoe County):*

(1) This regulation is applicable to any stationary source, the construction or modification of which is commenced after the effective date of this regulation, which is subject to review under chapter 030.005 of the "Air Pollution Control Regulations" of the District Board of Health of Reno, Sparks, and Washoe County in the Northwest Nevada Intrastate Region (§ 81.115 of this chapter).

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to the requirements of subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

18. In § 52.1479, paragraph (a) is revised and paragraph (c) is added. As amended, § 52.1479 reads as follows:

§ 52.1479 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met, except in Clark County, since the plan does not provide 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.

* * * * *

(c) Regulation for source recordkeeping and reporting:

(1) The requirements of this paragraph are applicable to stationary sources in the State of Nevada, except those in Clark County.

(2) The owner or operator of any stationary source to which this paragraph is applicable, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(3) The information recorded shall be summarized and reported to the Administrator on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(4) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

Subpart GG—New Mexico

19. In § 52.1620, paragraph (c) is revised to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 7 and September 4, 1972, and January 3 and January 18, 1973, by the New Mexico Environmental Improvement Agency, and (2) May 9, and July 31, 1972.

§ 52.1623 [Revoked]

20. Section 52.1623 is revoked.

21. Section 52.1626 is amended by adding paragraph (d) as follows:

§ 52.1626 Compliance schedules.

* * * * *

(d) *Regulation for increments of progress.*—(1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source subject to regulations 504.D, 506.B, 603.B, 604.B, or 652.A of New Mexico's "Air Quality Control Regulations" shall submit to the Administrator no later than 120 days following the effective date of this paragraph, a proposed compliance schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the dates specified in the applicable regulations. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process charges or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§§ 52.1627–52.1629 [Revoked]

22. Section 52.1627 is revoked.

23. Section 52.1628 is revoked.

24. Section 52.1629 is revoked.

Subpart TT—Utah

25. In § 52.2320, paragraph (c) is revised to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on May 18 and September 13, 1972.

26. Section 52.2324 is amended by adding paragraph (b) as follows:

§ 52.2324 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.*—(1) The owner or operator of any stationary source in the State of Utah shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial report-

ing period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the regional office (region VIII). The Administrator will designate one or more places in Utah where such emission data and correlations will be available for public inspection.

27. In § 52.2327, paragraph (b) is revised to read as follows:

§ 52.2327 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.*—(1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to § 52.2330(c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to §§ 52.2325(c) or 52.2330(b) of this chapter shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b)(2) of this section.

(i) Any owner or operator in compliance with § 52.2330(c) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.2325(c) or § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2330 (b) or (c) as expeditiously as practicable but no later than July 31, 1975, or with § 52.2325(c) as expeditiously as practicable but no later than March 15, 1976.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for any stationary source subject to § 52.2325(c) which extends beyond July 31, 1975, shall apply any available interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§§ 52.2328, 52.2329 [Revoked]

28. Section 52.2328 is revoked.

29. Section 52.2329 is revoked.

30. Section 52.2330 is amended by adding paragraph (c) as follows:

§ 52.2330 Rules and regulations: Particulate matter.

* * * * *

(c) *Replacement for section 3.5 (Wasatch Front Instrastate Region).*—(1) Process sources—No owner or operator of any process source, except byproduct coke ovens, in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for each source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
100	0.551	60,000	40.00
200	0.877	80,000	42.50
600	1.83	120,000	46.30
1,000	2.58	160,000	49.00
5,000	7.58	200,000	51.20
10,000	12.00	1,000,000	69.00
20,000	19.20	2,000,000	77.60

(i) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by use of the equation:

$$E = 4.10P^{0.67}, \text{ for } P \leq 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$$E = 55.0P^{0.11} - 40, \text{ for } P > 30 \text{ tons/h}$$

Where: E = Emissions in pounds per hour.
P = Process weight in tons per hour.

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(2) Fuel burning sources: No owner or operator of any stationary source in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from fuel-burning equipment, with the exception of carbon monoxide waste heat boilers, in excess of the rate set forth in the following table:

Total rated capacity (10^6 *Btu/h*)	*Maximum allowable emissions of particulate matter* (*lb*/10^6 *Btu*)
10 or less	0.60
100	0.42
1,000	0.29
10,000 or more	0.20

The allowable emission rate for equipment having an intermediate total rated capacity between 10 MBtu and 10,000 MBtu/h may be determined by the formula:

$$A = 0.87C^{-0.16}$$

Where: A = The allowable emission rate in lb/10^6 Btu
C = The total rated capacity in 10^6 Btu/h

(3) Incinerators: No person in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.16 lb (72.6 g) per 100 pounds (45.4 kg) of refuse charged, from any incinerator with a waste burning capacity equal to or in excess of 10,000 lb (4,500 kg) per hour.

(i) Emission tests shall be conducted at the maximum burning capacity of the incinerator.

(4) Byproduct coke ovens: No owner or operator of byproduct coke ovens in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall operate a battery of coke ovens during the pushing and charging operations in such a manner as to cause, permit or allow the emissions of particulate matter of a shade or density equal to or darker than that designated as No. 1 on the Ringlemann Chart or 20-percent opacity, except that emisions of particulate matter of a shade or density darker than that designated as No. 1 on the Ringlemann Chart or 20-percent opacity shall be allowed for a period or periods aggregating no more than 3 minutes in any consecutive 60-minute period.

(i) No owner or operator of a coke oven identified in paragraph (c)(4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions from any opening on the top side of a battery of coke ovens, except for periods when a battery of coke ovens is being charged, except that emissions of particulate matter of a shade or density not darker than that designated as No. 2 on the Ringelmann Chart or 40-percent opacity shall be allowed for a period or periods aggregating no more than 3 minutes in any consecutive 60-minute period.

(ii) No owner or operator of a coke oven identified in paragraph (c)(4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions, except nonsmoking flame, from more than 10 percent of the coke ovens in any battery at any time except as provided in paragraph (c)(4)(i) of this section.

(iii) The owner or operator of coke ovens identified in paragraph (c)(4) of this section shall maintain equipment in good condition. Self-sealing coke oven doors found to be discharging visible emission into the atmosphere 30 minutes or more after an oven is charged shall be adjusted, repaired, or replaced prior to the next coking cycle. Luted doors found to be discharging visible emissions into the atmosphere shall be reluted immediately.

(iv) No owner or operator of coke ovens identified in paragraph (c)(4) of this section shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles.

(5) The test methods and procedures used to determine compliance with paragraph (c)(1) of this section are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3 (1.70 m^3) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The test methods and procedures used to determine compliance with paragraph (c)(2) of this section shall be those prescribed for particulate matter in § 60.46 of this chapter.

(7) The test methods and procedures used to determine compliance with paragraph (c)(3) of this section shall be those in § 60.54 of this chapter.

(8) The procedures used to determine compliance with this paragraph are prescribed in method 9 in the appendix to part 60 of this chapter.

(9) Compliance with this paragraph shall be in accordance with § 52.2327(b).

31. In subpart TT, § 52.2334 is added as follows:

§ 52.2334 Review of new sources and modifications.

(a) *Regulation for review of new sources and modifications: Federal Regulation.*—(1) This requirement is applicable to any stationary source subject to the requirements of § 52.2330, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of § 52.2330.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.2330.

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

32. In subparts D, F, N, DD, GG, and TT, footnote (a) beneath the table setting forth dates of attainment of national standards is amended to read as follows: "a. July 1975."

33. In subparts D, F, N, GG, DD, and TT, the note beneath the table setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed." As amended, the note reads: "Note.—Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable."

[FR Doc.73-9330 Filed 5-11-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards for the States of Hawaii, Michigan, New Hampshire, New Jersey, Ohio, Rhode Island, Wyoming, Vermont, Wisconsin, and the Virgin Islands. On July 27, 1972 (37 FR 15080), and September 22, 1972 (37 FR 19806), the Administrator approved previously disapproved portions of the Ohio implementation plan based on supplemental information submitted by the State correcting the deficiencies identified on May 31. Also, on September 22, the Administrator promulgated regulations to correct deficiencies in the regulatory provisions of the Michigan, New Jersey, and the Virgin Islands implementation plans. This publication contains amendments to the previous actions involving these 10 States.

For six States, the Administrator's approval/disapprovals are amended as a result of the following:

1. Supplemental information and/or compliance schedules were submitted by two States (Hawaii and Wisconsin).

2. Revisions were submitted by three States (Ohio, Rhode Island, and New Hampshire).

3. An error in designating the date for submission of supplemental information is corrected for one State (Vermont).

This publication also contains revisions to the EPA's previously promulgated regulations for review of new or modified sources in four States (Michigan, New Jersey, Wyoming, and the Virgin Islands) and for compliance schedules in two States (Michigan and New Jersey).

Hawaii submitted supplemental information which amends the Hawaii Public Health Regulations, chapter 43. The amended regulations correct the remaining deficiencies in the Hawaii plan regarding compliance schedules and source surveillance requirements and enable the Administrator to rescind below the Agency's regulations covering these aspects of the plan.

Wisconsin submitted supplemental information which renders certain portions of the Wisconsin plan approvable. The control strategy presented in the plan for sulfur oxides in the Wisconsin portion of the Southeast Minnesota-La Crosse Interstate Region was disapproved because the State did not certify that a public hearing was held on the strategy and associated regulations. The State has subsequently submitted certification that a hearing was held on this control strategy; thus, the previous disapproval is revoked. On May 31, 1972 (37 FR 10842), the Administrator proposed a date of July 1977 for attainment of the secondary sulfur dioxide standards. This date was based on the compliance date for the anticipated Federal regulation which would have been necessary to correct the control strategy deficiency in the Wisconsin plan. The State strategy herein approved provides for attainment of the standards by July 1975, and, thus, the attainment date is changed accordingly. Also submitted were revised emergency episode criteria levels which the Administrator finds consistent with the requirements of 40 CFR 51.16. The submission also includes an individual compliance schedule which the Administrator hereby approves, as consistent with 40 CFR 51.15 since it provides for compliance as expeditiously as practicable and prior to the final date specified for attainment of the national standards for sulfur oxides. The compliance schedule also contains acceptable increments of progress, as required by 40 CFR 51.15(c).

After notice and public hearing, New Hampshire submitted a revision to the approved plan extending the interim compliance date for the State's fuel sulfur regulation. Since the final compliance date was not changed and does not extend beyond January 31, 1974, no interim compliance dates are required. Thus, the revision is consistent with the Clean Air Act and 40 CFR Part 51 and is hereby approved. The State also submitted two variance requests to regulation No. 5 (sulfur-in-fuel) of the New Hampshire Air Pollution Control Commission which the Administrator finds meet the requirements of 40 CFR 51.15.

For Ohio, revisions amending approved portions of the plan are approved by the Administrator. The revisions are additions and amendments which are intended to clarify rather than modify the approved State "Air Pollution Regulations." The revisions have no significant effect on the approved control strategy and are, therefore, approved. Also, the title of the attainment date table was previously listed incorrectly on July 27, 1972 (37 FR 15080); the correct title is set forth below.

For Rhode Island, the revision consists of an errata sheet clarifying the text of the plan. These changes are not of a regulatory nature and do not affect the approved control strategy.

For Vermont, a date for submission of supplemental information was previously listed incorrectly; the correct date is set forth below.

This notice also includes revisions to the regulations for review of new and modified sources promulgated by the Administrator for the States of Michigan, New Jersey, Wyoming, and the Virgin Islands on September 22 (37 FR 19806) and October 28 (37 FR 23085), 1972. These revisions allow the Administrator to waive requirements for performance tests after the new or modified source commences operation. It is recognized that compliance with applicable emission limitations can be determined in certain circumstances without the need for performance testing. Also, the list of sources exempt from the new source review requirements is expanded to cover additional minor sources of pollutant contribution. The emissions from the additional sources exempted are similar in magnitude to those from sources already exempt and are considered to have an insignificant effect on air quality.

This notice also includes a revision to the regulations for compliance schedules promulgated by the Administrator for the States of Michigan and New Jersey on October 28, 1972 (37 FR 23085). The revision extends the date for achieving compliance with the applicable regulations from December 31, 1973, to January 31, 1974. This change is made to be consistent with the provisions of 40 CFR part 51.15(c) as amended December 9, 1972 (37 FR 26310) which specifies January 31, 1974 as the date for compliance after which increments of progress are required for a compliance schedule. This notice includes an additional revision to the regulation for compliance schedules promulgated by the Administrator for the State of Michigan on October 28, 1972 (37 FR 23085). This regulation, as initially promulgated by the Administrator, resulted in several persons misinterpreting the applicability of the regulation. The regulation is clarified below to specify that compliance is required with the approved emission limitations in table 3 or 4 in R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health.

Since the amendments to Federal compliance schedule and new source review regulations have no significant effect on the attainment or maintenance of the national standards and impose no additional regulatory burden, the Agency finds that good cause exists for not issuing a notice of proposed rulemaking, inasmuch as public participation is unnecessary, and for making the amendments effective on May 14, 1973, without a deferred effective date.

The approval/disapproval actions are also effective on May 14, 1973. The agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. The implementation plan provisions revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enable the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

Authority: 42 U.S.C. 1857c-5.

Dated May 7, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart M—Hawaii

1. In § 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

1. April 4, 1972, by the Department of Health, and

2. May 8, May 22, and November 21, 1972.

2. In § 52.623, the first sentence is revised to read as follows:

§ 52.623 Approval status.

The Administrator approves Hawaii's plan for attainment and maintenance of the national standards.

3. Section 52.626 is revoked.

4. Section 52.627 is revoked.

Subpart X—Michigan

5. In § 52.1175, the first sentences in paragraph (b)(1), subdivisions (i) and (ii), and paragraph (b)(2) are revised as follows:

§ 52.1175 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.*

(1) Except as provided in paragraph (b)(2) of this section, the owner or

operator of a stationary source subject to R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health, shall comply with the final emission limitations in table 3 or 4 of such regulations on, or before, January 31, 1974. * * *

(i) Any owner or operator in compliance with the emission limitations in table 3 or 4 of R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health, on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator achieving compliance with the emission limitations in table 3 or 4 of R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health, after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b) (1) of this paragraph may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the emission limitations in table 3 or 4 of R 336.49 as expeditiously as practicable but not later than the dates specified in R 336.49(7). * * *

6. In § 52.1176, subdivision (b) (6) (iii) is revised as follows:

§ 52.1176 Review of new sources and modifications.

* * * * *

(b) * * *

(6) * * *

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 std/f^3 (5.7 g/100 std/m^3); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

Subpart EE—New Hampshire

7. Section 52.1520 is amended by adding paragraph (d), as follows:

§ 52.1520 Identification of plan.

* * * * *

(d) Plan revisions were submitted on September 26, 1972.

8. In subpart EE, § 52.1524 is added as follows:

§ 52.1524 Compliance schedules.

(a) Compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Brown Co	Berlin	No. 5	Sept. 22, 1972	Immediately	Sept. 30, 1973
Groveton Papers Co	Groveton	No. 5	do	do	Do.

Subpart FF—New Jersey

9. In § 52.1577(d) (1) and (2), the date "December 31, 1973", is changed to "January 31, 1974".

10. In § 52.1578, subdivision (c) (8) (iv) is added and subdivision (c) (9) (ii) is revised. As amended, § 52.1578 reads as follows:

§ 52.1578 Review of new sources and modifications.

* * * * *

(c) * * *

(8) * * *

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all State and Federal regulations which are part of the applicable plan.

(9) * * *

(ii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 gr H_2S per 100 stdft^3 (5.7g/100 stdm^3); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

Subpart KK—Ohio

11. Section 52.1870 is amended by adding paragraph (d) as follows:

§ 52.1870 Identification of plan.

* * * * *

(d) Plan revisions were submitted on August 4 and October 12, 1972.

§ 52.1875 [Amended]

12. The title to § 52.1875, which was erroneously revised to read "§ 52.1875 Classification of regions" 37 FR 15080 at 15088 (July 27, 1972) is corrected to read "§ 52.1875 attainment dates for national standards."

Subpart OO—Rhode Island

13. Section 52.2070 is amended by adding paragraph (d) as follows:

§ 52.2070 Identification of plan.

* * * * *

(d) Plan revisions were submitted on October 3, 1973, by the Rhode Island Department of Health.

Subpart VV—Vermont

14. In § 52.2370, paragraph (c) is revised to read as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) Supplemental information was submitted on February 3 and May 19, 1972, by the Vermont Agency of Environmental Conservation.

Subpart YY—Wisconsin

15. In § 52.2570, paragraph (c) is revised to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 15, March 3, March 16, and April 7, 1972, by the Bureau of Air Pollution Control and Solid Waste Disposal, and

(2) January 10, 1973.

Section 52.2575 is revoked.

Section 52.2576 is revoked.

16. In § 52.2577, the attainment date table is revised by replacing the date "July 1977" for attainment of the national secondary standards for sulfur oxides in the Southwest Minnesota-La Crosse (Wis.) Interstate Region with the date "July 1975."

17. In subpart YY, § 52.2578 is added as follows:

§ 52.2578 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Dairyland Power Cooperative	La Crosse	NR 154 and NR 155.	Aug. 16, 1972	Aug. 16, 1972	May 1, 1974

Subpart ZZ—Wyoming

18. In § 52.2625, subdivision (b) (8) (iv) is added and subdivision (b) (9) (iii) is revised as follows:

§ 52.2625 Review of new sources and modifications.

* * * * *

(b) * * *

(8) * * *

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all State and Federal regulations which are part of the applicable plan.

(9) * * *

(iii) Fuel burning equipment, other than smokehouse generators, which has

a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 gr H_2S per 100 std ft^3 (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

Subpart CCC—Virgin Islands

19. In § 52.2775, subdivision (b)(6)(iii) is revised as follows:

§ 52.2775 Review of new sources and modifications.

* * * * *

(b) * * *

(6) * * *

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/ph (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 gr H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

[FR Doc.73-9329 Filed 5-11-73;8:45 am]

federal register

MONDAY, MAY 14, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 92

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

EMERGENCY PERMIT CONTROL

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 90—EMERGENCY PERMIT CONTROL

Manufacture and Processing of Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers

A notice of a petition filed by the National Canners Association (NCA), 1133 20th Street NW., Washington, D.C. 20036, on the commercial processing of foods in hermetically sealed containers was published in the FEDERAL REGISTER of November 12, 1971 (36 FR 21688). The petition proposed that there be promulgated in part 3 of this chapter a statement of general policy and interpretation relating to commercial processing of foods for human consumption manufactured, processed, or packed in hermetically sealed containers which are processed by heat either before or after being sealed in the containers. In response to the notice, 30 comments were received by the hearing clerk from members of industry, trade associations, and a law school. In addition, the petitioner submitted revisions of the proposal which incorporated comments it received directly from respondents or that were filed with the hearing clerk. The Commissioner of Food and Drugs published a notice in the November 14, 1972 issue of the FEDERAL REGISTER (37 FR 24117) that he was placing on display at the office of the hearing clerk a tentative final order containing minimum good manufacturing practices for thermally processed low-acid foods packaged in hermetically sealed containers and he also mailed out copies of such order to all those who commented on the proposal. In the January 24, 1973 (38 FR 2398) issue of the FEDERAL REGISTER, the Commissioner published 21 CFR part 128b as an order ruling on parts of the aforementioned proposal. In the preamble to that order, the Commissioner dealt only with those comments concerning part 128b including those received during or after the display of the tentative final order.

In the final order promulgating new part 128b, the Commissioner stated that he would publish at a later date an enforcement mechanism under section 404 of the act. A general enforcement mechanism is proposed elsewhere in this issue of the FEDERAL REGISTER as subpart A of new part 90.

In this order, the Commissioner is publishing, as a final regulation under subpart B of new part 90, the specific enforcement provisions relating to low-acid canned foods that were originally proposed by the National Canners Association for inclusion under part 3 of this chapter. These specific enforcement provisions were not included in the January 24, 1973 order promulgating part 128b because it was necessary to coordinate them with the general enforcement mechanism being developed under subpart A of part 90.

The comments raised with respect to this portion of the National Canners Association petition, and the Commissioner's conclusions, are as follows:

1. Two comments questioned the legal grounds for the proposed provisions of the regulations. One stated that the import of section 404 of the act is to authorize FDA to require certain procedures for the manufacture, processing, or packing of a class of foods after it becomes evident that micro-organism contamination is present in it, but not before that time as the proposal would appear to require. Other comments sought clarification of the requirements for institution of the emergency permit control provisions.

Section 404 of the act recognized that the injurious nature of foods contaminated with micro-organisms cannot be adequately determined after the entrance of such foods into interstate commerce. The Commissioner concludes that he has the authority under that section of the act to require that procedures which will assure the freedom from micro-organisms which could endanger the public health shall be followed during the manufacture, processing, or packing of such foods. Unless the precautions set out in these regulations are taken, there is a significant potential for injury to the public health from thermally processed low-acid foods in hermetically sealed containers as a result of contamination with *Clostridium botulinum* or other micro-organisms. The legislative history of section 404 of the act explicitly mentioned botulism as one of the major problems against which the emergency permit control procedure was directed.

2. One comment asserted that mandatory registration under threat of section 404 provisions of the act is a devious and questionable way of achieving registration. The Commissioner concludes, however, that the registration of those persons who manufacture, process, or pack thermally processed low-acid foods in hermetically sealed containers is necessary to permit adequate monitoring of compliance with the regulations and to provide for the immediate application of emergency permit control should an emergency situation arise.

The Commissioner hopes that there will be full compliance with the conditions and requirements in the regulations set forth below, and that it thus will be unnecessary to require even one manufacturer, processor, or packer to obtain a permit. Should a permit be required, it would be only for such temporary period as is necessary to protect the public health.

3. One comment suggested that, in view of questions raised abou the legality of the procedure under section 404, a better way to approach this matter would be simply to issue current good manufacturing practice regulations governing the above-mentioned class of foods. The Commissioner believes that there is no valid question about the legality of implementing under section 404 the procedures set forth in the regulations below. Even if legal challenge of these regulations should arise, however, the procedures set forth in new part 128b would still remain in effect as current good manufacturing practice regulations.

The Commissioner recognizes that issuance of these regulations cannot guarantee elimination of all future problems of botulism or other contamination in canned food. Amendments to these regulations will undoubtedly be required from time to time, as greater experience is obtained with them. However, the Commissioner has concluded that these regulations contain highly important additional provisions whereby consumers will be further assured of safe foods.

4. Comments were received requesting clarification of the procedures which would be used by the Commissioner to implement the provisions of section 404 of the act. There is published elsewhere in this issue of the FEDERAL REGISTER a proposal by the Commissioner for a new subpart A of part 90 setting forth definitions and procedural regulations applicable to section 404 of the act.

5. The National Canners Association petition requested that the requirements and conditions for exemption from the emergency permit control provisions of section 404 of the act be established in a statement of policy under part 3 of title 21. In view of the need to establish definitions and procedures with respect to the application of section 404 in a new part 90, however, the Commissioner concludes that the provisions that concern the requirements and conditions for exemption from the emergency permit control provisions of section 404 and that have been requested by the National Canners Association petition should be included in part 90 rather than in part 3. Section 90.20 as set forth below establishes the requirements for exemption from and compliance with the section 404 emergency permit control provisions, and incorporates by reference the manufacturing procedures and controls set out in part 128b.

6. The National Canners Association petition included a provision under which the factory processing records submitted to the Food and Drug Administration would not be used in any criminal prosecution against the company or its employees; however, they could be used to sustain seizure or injunctive action. This provision has not been included in the final order. It has been the practice of the Food and Drug Administration in exercising its discretion under section 306 of the act to weigh carefully all the circumstances involved in any charged violation of the Federal Food, Drug, and Cosmetic Act before recommending the institution of criminal prosecution. The Commissioner believes that the continued application of this long-established practice will be sufficient to preclude the unfair use of these documents, and therefore the requested general immunity to criminal prosecution is not given.

7. One comment referring to the requirement for the filing of processes with the Food and Drug Administration, asked for deletion of the following:

Provided, That the filing of such information, or the failure of the Food and Drug Administration to challenge the process shall not constitute approval of the process by the Food and Drug Administration.

It is the responsibility of the processor to ascertain the adequacy of any process before putting it into use. The Commissioner will establish a process review committee to examine the processes submitted; however, it is not the province of the Food and Drug Administration to approve such processes. The section on the filing of processes is therefore retained.

8. In response to another comment, a statement has been included in the regulations set forth below that both information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of section 301(j) of the act. In addition, where it is deemed necessary, the authority has been reserved for the Food and Drug Administration to obtain additional information concerning processes and procedures and information on the establishment of new processes.

9. A trade association recommended clarification of the applicability of the proposal to commercial processors in States that have established regulations for the thermal processing of low-acid foods in hermetically sealed containers. The Commissioner has the prerogative of permitting any State to enforce, within its own jurisdiction, regulations promulgated by the Food and Drug Administration if the Commissioner determines that the State is prepared to carry out such regulatory actions satisfactorily. In this matter of enforcing the regulations concerning commercial thermal processing of low-acid foods in hermetically sealed containers, the Commissioner intends to authorize any State that is qualified to enforce the provisions to do so. In cases in which a State regulates the commercial thermal processing of low-acid foods in hermetically sealed containers in accordance with its own effective regulations specifying manufacturing practices and these manufacturing practices are at least equivalent to those specified in regulations as set forth under part 128b, the Commissioner will issue a notice stating that any such processing that is in compliance with the provisions of the State regulations shall be deemed to be in compliance with the provisions of part 128b.

10. Two comments questioned the proposed requirement to notify FDA of all inadvertent incidences of underprocessing disclosed by processing records, processor check, or otherwise. The comments did not question the intent of this requirement, but expressed the belief that FDA would be buried under an avalanche of reports of underprocessing that poses no threat to public health.

Section 128b.9 of this chapter now states that whenever any process is less than the scheduled process, the processor shall either fully reprocess that portion of the production involved or set aside that portion for further evaluation as to any public health significance and that either upon completion of full reprocessing and the attainment of commercial sterility or after the determination that no significant potential health hazard exists, that portion of the production involved may be shipped in normal distribution. It is not necessary to notify FDA in these instances. The processor has primary responsibility for insuring that all low-acid foods are adequately processed before distribution. FDA does not have the resources necessary for the evaluation of all incidences in which it is suspected that the process was less than that scheduled for the product. Notification of FDA is required only in instances where such portion of production or lots which may be injurious to health by reason of contamination with micro-organisms have entered distribution.

11. A requirement regarding the filing of heat sterilizing values (F_o) or other equivalent scientific evidence of process adequacy as part of the scheduled thermal processes has been added. The Commissioner may allow, on an individual basis, an extension beyond the time allowed for the submission of heat sterilizing values (F_o), or other equivalent scientific evidence of process adequacy if the commercial processor submits in writing a request for such an extension giving the reason for the delay, the actions he has taken to comply with this requirement, and a definite plan and date for submitting such data. No other extensions for filing data concerning the scheduled process will be granted.

12. One comment stated that spoilage from leakage should be omitted from the category of spoilage having a public health significance. The Commissioner concurs with this conclusion. However, he is of the opinion that if a manufacturer has a high percentage of spoilage associated with leakage, such lots should be voluntarily recalled by the manufacturer.

13. All other comments have been carefully considered by the Commissioner and, where deemed to be appropriate, have been incorporated into the final order.

Accordingly, having evaluated the comments received and other relevant material, the Commissioner concludes that the regulations should be adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701, 52 Stat. 1046–1047 as amended, 1048, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 342, 344, 371) and under authority delegated to the Commissioner (21 CFR 2.120), chapter I of title 21 is amended as follows:

By adding a new part 90 consisting at present of subpart B as follows:

Subpart A—Definitions and Procedures

Sec.
90.1–90.19 [Reserved]

Subpart B—Requirements and Conditions for Exemption From or Compliance With an Emergency Permit

90.20 Thermal processing of low-acid foods packaged in hermetically sealed containers.

AUTHORITY.—Secs. 402, 404, 701, 52 Stat. 1046–1047 as amended, 1048, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 342, 344, 371.

§ 90.20 Thermal processing of low-acid foods packaged in hermetically sealed containers.

(a) Inadequate or improper manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers may result in the distribution in interstate commerce of processed foods that may be injurious to health. The harmful nature of such foods is not adequately determinable after these foods have entered into interstate commerce. The Commissioner of Food and Drugs therefore finds that, in order to protect the public health, it may be necessary to require any commercial processor, in any establishment engaged in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers, to obtain and hold an emergency permit provided for under section 404 of the Federal Food, Drug, and Cosmetic Act. Such a permit may be required whenever the Commissioner finds, after investigation, that the commercial processor has failed to fulfill all the requirements of this section, including registration and the filing of process information, and of part 128b. These requirements are intended to insure safe manufacture, processing, and packing procedures and to permit the Food and Drug Administration to verify that these procedures are being followed. Such failure shall constitute a prima facie basis for the immediate application of the emergency permit control provisions of section 404 to that establishment, pursuant to the procedures established in subpart A of this part.

(b) The definitions in part 128b.1 of this chapter are applicable when such terms are used in this section.

(c) *Registration and process filing.*—(1) *Registration.*—A commercial processor when first engaging in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers in any State, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register, with the Food and Drug Administration on form FD–2541 (food canning establishment registration) information including (but not limited to) his name, principal place of business, the location of each establishment in which such processing is carried on, the processing method, and a list of the low-acid foods so processed in each such establishment. These forms are available from the Food and Drug Ad-

ministration, Bureau of Foods, Industry Guidance Branch BF–326, 200 C Street, SW., Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form shall be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food Technology BF–419, 200 C Street, SW., Washington, D.C. 20204. Commercial processors presently so engaged shall register not later than July 13, 1973. Commercial processors duly registered in accordance with this section shall notify the Food and Drug Administration not later than 90 days after such commercial processor ceases or discontinues the manufacture, processing, or packing of thermally processed foods in any establishment: *Provided*, That, such notification shall not be required as to the temporary cessation necessitated by the seasonal character of the particular establishment's production or caused by temporary conditions such as strikes, lockouts, fire, or acts of God.

(2) *Process filing.*—A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall, not later than 60 days after registration and prior to any subsequent introduction or change of a process, provide the Food and Drug Administration, information as to the scheduled process including but not limited to the processing method, type of retort or other thermal processing equipment, minimum initial temperature, time and temperature of processing sterilizing value (F_o), or other equivalent scientific evidence of process adequacy, critical control factors affecting heat penetration, and source and date of the establishment of the process for each such low-acid food in each container size: *Provided*, That the filing of such information does not constitute approval of the information by the Food and Drug Administration, and that information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on the following forms as appropriate: Form FD–2541a (food canning establishment and process filing for still retort processes), form FD–2541b (food canning establishment and process filing for agitating processes), or form FD–2541c (food canning establishment and process filing for other than still retort and agitating processes). These forms are available from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch BF–326, 200 C Street SW., Washington, D.C. 20204, or at any Food and Drug Administration District office. The completed form(s) shall be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food Technology BF–419, 200 C Street SW., Washington, D.C. 20204.

(3) *Process adherence and information.*—(i) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers in any registered establishment shall process each low-acid food in each container size in accordance with at least the scheduled processes filed in accordance with subparagraph (2) of this paragraph.

(ii) *Process information availability.*—When requested, a commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall provide the Food and Drug Administration with any information concerning processes and procedures which is deemed necessary by the Food and Drug Administration to determine the attainment of commercial sterility.

(d) A commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall promptly report to the Food and Drug Administration any instance of spoilage or process deviation the nature of which indicates potential health significance where any lot of such food has in whole or in part entered distribution.

(e) A commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall promptly report to the FDA any instance wherein any lot of such food which may be injurious to health by reason of contamination with microorganisms has in whole or in part entered distribution.

(f) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall have prepared and in his files a current procedure for effecting recalls to the consumer level including a plan for identifying, collecting, warehousing, and controlling the product; for determining the effectiveness of the recall; for notifying the Food and Drug Administration of any recall; and for implementing the recall program.

(g) All operators of retorts, thermal processing systems, aseptic processing, and packaging systems, or other thermal processing systems, and container closure inspectors shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in retort operations, aseptic processing, and packaging systems operations or other thermal processing systems operations, and container closure inspections, and has satisfactorily completed the prescribed courses in instruction: *Provided*, That this requirement shall not apply in those States listed in paragraph (i) of this section and shall not apply until September 25, 1974, in any other State.

(h) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall prepare, review, and retain at the processing plant for a period of not less than 3 years all records of processing, deviations in processing, container closure inspections, and other records specified in part 128b of this chapter. Upon demand by a duly authorized employee of the Food and Drug Administration, a commercial processor shall permit the inspection and copying by such employee of these records to verify the adequacy of processing, the integrity of container closures, and the coding of the products.

(i) This section shall not apply to the commercial processing of any food processed under the continous inspection of the meat and poultry inspection program of the Animal and Plant Health Inspection Service of the Department of Agriculture under the Federal Meat Inspection Act (Public Law 90–201, 81 Stat. 584, 21 U.S.C. sec. 601 et seq.) and the Poultry Products Inspection Act (Public Law 90–492, 82 Stat. 791, 21 U.S.C. sec. 451 et seq.)

(j) Wherever the Commissioner finds that any State regulates the commercial processing of low-acid foods in accordance with effective regulations specifying at least the requirements of part 128b of this chapter, he shall issue a notice stating that compliance with such State regulations shall constitute compliance with part 128b. However, the provisions of this section shall remain applicable to the commercial processing of low-acid foods in such State. The laws and regulations governing the thermal processing of low-acid foods packaged in hermetically sealed containers in the following States have been determined by the Commissioner to be equal to the requirements of part 128b of this chapter, and compliance with these State laws and regulations shall therefore constitute compliance with part 128b:

(1) California.

(k) *Imports.*—(1) This section shall apply to any foreign commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers and offering such foods for import into the United States except that, in lieu of providing for the issuance of an emergency permit under paragraph (a) of this section, the Commissioner will request the Secretary of the Treasury to refuse admission into the United States, pursuant to section 801 of the act, of any such low-acid foods which the Commissioner determines, after investigation, may result in the distribution in interstate commerce of processed foods that may be injurious to health as set forth in paragraph (a) of this section.

(2) Any such food refused admission shall not be admitted until such time as the Commissioner may determine that the commercial processor offering the food for import is in compliance with the requirements and conditions of this section and that such food is not injurious to health. For the purpose of making such determination, the Commissioner reserves the right for a duly authorized employee of the Food and Drug Administration to inspect the commercial processor's manufacturing, processing, and packing facilities.

Any person who will be adversely affected by the foregoing order may at any time on or before June 13, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person fi-

ing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—Except for the provisions of § 90.20(f), which relates to personnel training and which shall become effective on September 25, 1974; and except for the requirements relating to process filing which shall become effective when the process filing forms become available (approximately July 1, 1973) notice of which will be given in the FEDERAL REGISTER; this order shall become effective on July 13, 1973, unless there are any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 402, 404, 701, 52 Stat. 1046–1047 as amended, 1048, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 342, 344, 371.)

Dated May 8, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-9425 Filed 5-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 90]

EMERGENCY PERMIT CONTROL

Proposed Definitions and Procedures

The Commissioner of Food and Drugs has published elsewhere in this issue of the FEDERAL REGISTER a final order adding a new part 90 (consisting at this time of subpart B), which establishes requirements and conditions for the thermal processing of low-acid foods packaged in hermetically sealed containers to be exempt from or in compliance with the emergency permit control provisions contained in section 404 of the Federal Food, Drug, and Cosmetic Act. The Commissioner has concluded that, as a corollary to this final order, general procedural regulations should be adopted to govern both the establishment of requirements and conditions for exemption from or compliance with section 404 for this and other classes of foods, and the application of the emergency control permit requirements pursuant to section 404 when there is a failure to comply with those requirements and conditions.

The procedural regulations proposed herein provide for the establishment of requirements and conditions for exemption from or compliance with emergency permit control either on the initiative of the Commissioner or in response to a petition from an interested person. Upon failure of a manufacturer, processor, or packer in any locality to meet the applicable requirements and conditions, the manufacturer, processor, or packer will be served with a determination that a permit is required before a food or class of foods is introduced or delivered for introduction by him into interstate commerce. An emergency permit will be granted upon a showing that the violative conditions have been corrected and thus the applicable requirements and conditions have been met. An opportunity for an expedited hearing will be provided, and the decision of the Commissioner will constitute final agency action from which appeal lies to the courts.

To cover emergency conditions to which section 404 of the act applies and to provide for prompt and efficient action, emergency permit control can be applied immediately and as broadly as necessary to protect the public health. For example, it may be applied to the use, in a single plant, a series of plants under a single management, all plants in a region, or all plants in an industry, of certain raw materials, processes, practices, or equipment which are found to be the cause of a hazard to public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701(a), 52 Stat. 1046 as amended, 1048, 1055; 21 U.S.C. 342, 344, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that part 90 be amended by adding the following new subpart A:

PART 90—EMERGENCY PERMIT CONTROL

Subpart A—Definitions and Procedures

Sec.

§ 90.1 Definitions.

(a) The definitions contained in section 201 of the Federal Food, Drug, and Cosmetic Act are applicable to such terms when used in this part.

(b) "Commissioner" means the Commissioner of Food and Drugs.

(c) "Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(d) "Permit" means an emergency permit issued by the Commissioner pursuant to section 404 of the act.

(e) "Manufacture, processing, or packing of food in any locality" means activities conducted in a single plant or establishment, a series of plants under a single management, or all plants in an industry or region, by a manufacturer, processor, or packer.

§ 90.2 Establishment of requirements for exemption from section 404.

(a) Whenever the Commissioner finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he shall promulgate regulations in subpart B of this part establishing requirements and conditions governing the manufacture, processing, or packing of the food necessary to protect the public health. Such regulations may be proposed by the Commissioner on his own initiative or in response to a petition from any interested person. Petitions requesting promulgation of regulations in subpart B shall be in the form specified in § 2.65 of this chapter.

(b) A manufacturer, processor, or packer of a food for which a regulation has been promulgated in subpart B of this part shall be exempt from the requirement for a permit only if he meets all of the requirements and conditions established in that regulation.

§ 90.3 Determination of the need for a permit.

(a) Whenever the Commissioner determines after investigation that a manufacturer, processor, or packer of a food for which a regulation has been promulgated in subpart B does not meet the conditions and requirements established in such regulation, he shall issue to such manufacturer, processor, or packer an order determining that a permit shall be required before the food may be introduced or delivered for introduction into interstate commerce by that person.

(1) The manufacturer, processor, or packer shall have 3 working days after receipt of such order within which to file objections. If such objections are filed, the determination is stayed pending a hearing to be held within 5 working days after the filing of objections on the issues are provided for such a hearing.

(2) If the Commissioner finds that there is an imminent hazard to health, the order shall contain this finding and the reasons therefor, and shall state that the determination of the need for a permit is effective immediately pending an expedited hearing.

(b) A hearing under this section shall be conducted by the Commissioner or his designee. The manufacturer, processor, or packer shall have the right to cross-examine the Food and Drug Administration's witnesses and to present witnesses on his own behalf.

(c) Within 5 working days after the hearing, and based on the evidence presented at the hearing, the Commissioner shall determine whether a permit is required and shall so inform the manufacturer, processor, or packer in writing, with the reasons for his decision.

(d) The Commissioner's determination of the need for a permit constitutes final agency action from which appeal lies to the courts. The Commissioner will not stay a determination of the need for a permit pending court appeal except in unusual circumstances, but will participate in expediting any such appeal.

§ 90.4 Issuance or denial of permit.

(a) After a determination and notification by the Commissioner in accordance with the provisions of § 90.3 that a manufacturer, processor, or packer requires a permit, such manufacturer, processor, or packer may not thereafter introduce or deliver for introduction into interstate commerce any such food manufactured, processed, or packed by him unless he holds a permit issued by the Commissioner or obtains advance written approval of the Food and Drug Administration pursuant to § 90.7(a).

(b) Any manufacturer, processor, or packer for whom the Commissioner has made a determination that a permit is necessary may apply to the Commissioner for the issuance of such a permit. The application shall contain such data and information as is necessary to show that all requirements and conditions for the manufacture, processing or packing of a food for which regulations are established in subpart B of this part are met and, in particular, shall show that the deviations specified in the Commissioner's determination of the need for a permit have been corrected or suitable interim measures established. The Commissioner shall issue such a permit to which shall be attached, in addition to the requirements of subpart B of this part, any additional requirements or conditions which may be necessary to pro-

tect the public health if he finds that all requirements and conditions of subpart B are met or suitable interim measures are established.

(c) Denial of a permit constitutes final agency action from which appeal lies to the courts. The Commissioner will not stay such denial pending court appeal except in unusual circumstances, but will participate in expediting any such appeal.

§ 90.5 Suspension and reinstatement of permit.

(a) Whenever the Comimssioner finds that a permit holder is not in compliance with the requirements and conditions established by the permit, he shall immediately suspend the permit and so inform the permit holder, with the reasons for the suspension.

(b) Upon application for reinstatement of a permit, the Commissioner shall reinstate the permit if he finds that the person is in compliance with the requirements and conditions established by the permit.

(c) Any person whose permit has been suspended or whose application for reinstatement has been denied may request a hearing. The hearing shall be conducted by the Commissioner or his designee within 5 working days of receipt of the request. The permit holder shall have the right to present witnesses on his own behalf and to cross-examine the Food and Drug Administration's witnesses.

(d) Within 5 working days after the hearing, and based on the evidence presented at the hearing, the Commissioner shall determine whether the permit shall be reinstated and shall so inform the permit holder, with the reasons for his decision.

§ 90.6 Revocation of determination of need for permit.

(a) A permit shall be required only during such temporary period as is necessary to protect the public health.

(b) Whenever the Commissioner has reason to believe that a permit holder is in compliance with the requirements and conditions established in subpart B of this part and is likely to remain in compliance, he shall, on his own initiative or on the application of the permit holder, revoke both the determination of need for a permit and the permit that had been issued. Such revocation is without prejudice to the initiation of further permit proceedings with respect to the same manufacturer, processor, or packer should later information again show the need for a permit.

§ 90.7 Manufacturing, processing, or packing without a permit or in violation of a permit.

(a) A manufacturer, processor, or packer may continue at his own risk to manufacture, process, or pack without a permit a food for which the Commissioner has determined that a permit is required. All food so manufactured, processed, or packed without a permit shall be retained by the manufacturer, processor, or packer and may not be introduced or delivered for introduction into interstate commerce without the advance written approval of the Food and Drug Administration. Such approval may be granted only upon an adequate showing that such food is free from micro-organisms of public health significance.

(b) Except as provided in paragraph (a) of this section, no manufacturer, processor, or packer may introduce or deliver for introduction into interstate commerce without a permit or in violation of a permit a food for which the Commissioner has determined that a permit is required.

Interested persons may, on or before July 13, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 4, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-9424 Filed 5-11-73;8:45 am]