(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing weeks stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was good last week, having shown improvement over the previous week. Prices f.o.b. averaged $3.58 a carton last week, with sales of 1,024 carlots, compared with an average f.o.b. price of $3.53 a carton and sales of 968 carlots a week earlier. Track and rolling supplies at 417 cars were up 27 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 2 through February 8, 1973, are hereby fixed as follows:

(i) District 1: 891,000 Cartons;
(ii) District 2: 209,000 Cartons;
(iii) District 3: Unlimited.

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

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

Dated: January 31, 1973.

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

[FR Doc.73-2097 Filed 1-31-73;11:23 am]

Title 9—Animals and Animal Products

CHAPTER IV—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND OTHER POULTRY)

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

Change From ASR Division to Animal Research Service

Pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), Parts 445 and 447 of Title 9, Chapter IV, Subchapter A, Code of Federal Regulations, are hereby amended as follows:

1. Wherever in the provisions of Parts 445 and 447 of Title 9, reference is made to the ASR Division or the Animal Science Research Division or to the Division, such provisions are changed to refer to the Service.

§§ 445.1, 447.41 [Amended]

2. Sections 445.1 and 447.41 of the above Title 9 are hereby amended by revising paragraph (d) in each section to read: "(d) *Service.* The Agricultural Research Service of the Department."

§ 445.13 [Amended]

3. In § 445.13(a), the phrase "The Director of the ASR Division is deleted and "Deputy Administrator, Northeastern Region, of the Service" is substituted therefor.

4. In § 445.13, paragraph (c) is deleted.

Effective date. The foregoing amendments shall become effective on February 1, 1973. These amendments are either of an organizational nature or merely editorial. They reflect the changes brought about by the reorganization of July 1, 1972 of the Agricultural Research Service. The amendments do not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1973.

T. W. EDMINSTER,
Administrator, Agricultural Research Service.

[FR Doc.73-1944 Filed 1-31-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

Aircraft Shipment of Nuclear Material

The Atomic Energy Commission has adopted amendments to its regulations in 10 CFR Part 73, "Physical Protection of Special Nuclear Material," which, in the interest of the common defense and security, strengthen existing requirements for physical protection of special nuclear material (SNM) while in transit. The quantities of SNM that may be carried aboard passenger aircraft are limited to 20 grams or 20 curies, whichever is less, of plutonium or uranium 233 or 350 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U-235 isotope). The limitations on plutonium and uranium 233 are consistent with international air transport regulations governing shipments of these materials aboard passenger aircraft. They also are consistent with export license conditions which have been imposed by the Director of Regulation since February 1969, limiting shipments of special nuclear materials on international flights. Shipments in quantities in excess of these values but less than 5,000 grams of plutonium, uranium 233 or uranium 235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) are not subject to the requirements of Part 73 other than the prohibitions on carriage on passenger aircraft.

In the interest of the common defense and security, the Commission has found that, general notice of proposed rule making and public procedure thereon are contrary to the public interest and good cause exists for making the amendments effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 73 are published as a document subject to codification to be effective on February 1, 1973.

1. Section 73.1 of 10 CFR Part 73 is amended by designating the present text thereof as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 73.1 Purpose and scope.

* * * * *

(b) This part also applies to shipments by air of special nuclear material in quantities exceeding (1) 20 grams or 20 curies, whichever is less, of plutonium or uranium 233, or (2) 350 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U-235 isotoype).

2. A new § 73.30 is added to read as follows:

§ 73.30 Transportation of special nuclear material by aircraft.

(a) Except as specifically approved by the Atomic Energy Commission, no shipment of special nuclear material shall be made in passenger aircraft in excess of (1) 20 grams or 20 curies, whichever is less, of plutonium or uranium 233, or (2) 350 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U-235 isotope).

(b) Shipments by air of special nuclear material in quantities exceeding (1) 20 grams or 20 curies, whichever is less, of plutonium or uranium 233, but not exceeding 5,000 grams of plutonium or uranium 233 or (2) 350 grams but not exceeding 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) are not subject to the requirements of this part other than this section.

(Sec. 161, 68 Stat. 948; 43 U.S.C. 2201)

Dated at Germantown, Md., this 26th day of January 1973.

For the Atomic Energy Commission.

[SEAL] PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1980 Filed 1-31-73;8:45 am]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Aircraft Transportation of Special Nuclear Material

The Atomic Energy Commission has adopted amendments to its regulations in 10 CFR Part 73, "Physical Protection of Special Nuclear Material," which, in the interest of the common defense and security, strengthen existing requirements for physical protection of special nuclear material (SNM) while in transit. The quantities of SNM that may be carried aboard passenger carrying aircraft are limited to 20 grams or 20 curies, whichever is less of plutonium or uranium-233 or 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope). The limitations on plutonium and uranium-233 are consistent with international air transport regulations governing shipments of these materials aboard passenger aircraft. They also are consistent with export license conditions which have been imposed by the Director of Regulation since February 1969, limiting shipments of special nuclear materials on international flights. Accordingly, Part 150 is being amended to impose similar restrictions on licensees of Agreement States.

In the interest of the common defense and security, the Commission has found that general notice of proposed rule making and public procedure thereon are contrary to the public interest and good cause exists for making the amendments effective without the customary 30-day notice. Pursuant to the Atomic Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 150 is published as a document subject to codification to be effective on February 1, 1973.

1. A new § 150.21 is added to read as follows:

§ 150.21 Transportation of special nuclear material by aircraft.

Except as specifically approved by the Commission no shipment of special nuclear material in excess of 20 grams or 20 curies whichever is less of plutonium or uranium-233 shall be made by a licensee of an Agreement State in passenger aircraft.

(Sec. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2021, 2201)

Dated at Germantown, Md. this 26th day of January 1973.

For the Atomic Energy Commission.

[SEAL] PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1981 Filed 1-31-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 73-121]

PART 584—REGULATED ACTIVITIES

Applications

JANUARY 23, 1973.

The Federal Home Loan Bank Board, at its meeting of January 2, 1973, adopted new forms for use in making certain applications under the Regulations for Savings and Loan Holding Companies (12 CFR Chapter V, Subchapter F). Those forms were captioned H-(e)1, H-(e)2, and H-(e)3 (dealing with applications for acquisitions), H-(d)1 and H-(d)2 (dealing with applications for approval of certain transactions), and H-(g) (dealing with applications for approval of debt issuance), and Instructions HC-F (dealing with financial statements of savings and loan associations to be included in certain filings).

In order to prescribe the use of those forms and make certain technical changes in the instructions for filing applications, the Board, on January 23, 1973, amended 12 CFR Part 584 as follows: § 584.3(f) was revised; §§ 584.4 (f) and (g) were revised; §§ 584.4 (h), (i), (j), and (k) were revoked; § 584.6(c) was revised; § 584.8(a) was revised; § 584.9 (d) was revised; the caption of § 584.10 was revised; § 584.10(c) was revised; and new paragraphs (d) and (e) were added to § 584.10.

Since these amendments relate to Board procedure and practice regarding applications under the Regulations for Savings and Loan Holding Companies, the Board found that notice and public procedure with respect to said amendments were unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments in the opinion of the Board would be unnecessary for the same reason, the Board provided that said amendments shall become effective on February 1, 1973.

1. Section 584.3 is amended by revising paragraph (f) thereof, to read as follows:

§ 584.3 Transactions with affiliates.

* * * * *

(f) *Filing of applications.* Applications for Corporation approval under subparagraphs (4) and (6) of paragraph (a) of this section shall be in the form prescribed by the Corporation in paragraph (c) of § 584.10. Such applications shall be filed with the Corporation by transmitting the number of copies prescribed in the General Instructions of the forms to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the principal office of the applicant is located.

* * * * *

2. Section 584.4 is amended by revising paragraphs (f) and (g) thereof and by revoking paragraphs (h), (i), (j), and (k) thereof, to read as follows:

§ 584.4 Acquisitions.

* * * * *

(f) *Filing of applications.* Applications under this section shall be filed in the form prescribed by the Corporation in paragraph (d) of § 584.10 and filed with the Corporation by transmitting the number of copies prescribed in the General Instructions of the forms to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the insured institutions involved in the acquisition have their home offices.

(g) *Procedure on applications.* Upon receipt of an application filed pursuant to this section, other than in an acquisition instituted for supervisory reasons, the Corporation will publish in the FEDERAL REGISTER a notice of such receipt, stating the names and addresses of the applicant and the institution or other company involved, indicating the nature of the proposed acquisition and allowing 30 days (or a shorter period in exceptional circumstances) for the submission of written comments or views. Such comments or views shall be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552. Notice of receipt of any such application will also be given to the appropriate State supervisory authority by the Corporation.

(h) [Revoked]

(i) [Revoked]

(j) [Revoked]

(k) [Revoked]

3. Section 584.6 is amended by revising paragraph (c) thereof, to read as follows:

§ 584.6 Holding company indebtedness.

* * * * *

(c) *Filing of applications*. Applications for prior written approval of the Corporation for the issuance, sale, renewal, or guarantee of any debt security, or the assumption of any debt, shall be filed with the Corporation in the form prescribed in paragraph (e) of § 584.10 and in the numbers prescribed in the General Instructions of the form. Applications shall be addressed to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and to the Supervisory Agent of the district in which the principal office of a subsidiary insured institution is located.

* * * * *

4. Section 584.8 is amended by revising paragraph (a) thereof, to read as follows:

§ 584.8 Claim of diversified savings and loan holding company status.

(a) *Claim of diversified status*. Any savings and loan holding company desiring to claim status as a diversified savings and loan holding company shall file with the Corporation a statement asserting such claim, supported by completed schedules in the form set forth below. Such claim shall be filed with the Corporation by transmitting the original and one copy of such statement together with the supporting schedules, to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy thereof to the Supervisory Agent.

* * * * *

5. Section 584.9 is amended by revising paragraph (d) thereof, to read as follows:

§ 584.9 Prohibited acts.

* * * * *

(d) *Applications for approval*. Applications for Corporation approval required by this section shall contain a full statement of the reasons in support thereof. Such applications shall be filed with the Corporation by transmitting the original and one copy to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy to the Supervisory Agent.

6. Section 584.10 is amended by revising the caption and paragraph (c) thereof and by adding new paragraphs (d) and (e) thereto, to read as follows:

§ 584.10 Statements, applications, reports and notices to be filed.

* * * * *

(c) *Applications under § 584.3(a)*—(1) *H–(d)1*. This application shall be used for all applications under § 584.3(a) (4) filed by a subsidiary insured institution of a savings and loan holding company for approval of a loan, discount, or extension of credit to a third party, on the security of property acquired from a wholly owned affiliate service corporation of such institution, except that under circumstances set forth in General Instruction 1 of Form *H–(d)1*, a letter application may be filed.

(2) *H–(d)2*. This application shall be used for all applications under § 584.3(a) (6) filed by a subsidiary insured institution of a savings and loan holding company for approval of certain transactions with affiliates.

(d) *Applications under § 584.4*—(1) *H–(e)1*. This application shall be used for all applications filed under § 584.4(b) by a company other than a savings and loan holding company for approval of acquisition of one insured institution, directly or indirectly, or through one or more subsidiaries or through one or more transactions.

(2) *H–(e)2*. This application shall be used for all applications filed for approval of acquisition, directly or indirectly, or through one or more subsidiaries or through one or more transactions of (i) one or more insured institutions by a savings and loan holding company under § 584.4(a) or (ii) more than one insured institution by any other company under § 584.4(b).

(3) *H–(e)3*. This application shall be used for all applications filed (i) under § 584.4(a)(2) by a savings and loan holding company for approval of acquisition by a merger, consolidation, or purchase of assets of an insured or uninsured institution or a savings and loan holding company or (ii) under § 584.4(b) by any company for approval of acquisition by a merger, consolidation, or purchase of assets of two or more insured institutions, and shall be used also for approval under §§ 563.22 and 571.5 of the Rules and Regulations for Insurance of Accounts.

(e) *Applications under § 584.6. H–(g)*. This application shall be used for all applications under § 584.6 filed by a savings and loan holding company and/or its noninsured subsidiaries for approval of the issuance, sale, renewal, or guarantee of any debt security or assumption of any debt by such companies.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary*.

JANUARY 29, 1973.

[FR Doc.73-1993 Filed 1-31-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Famphur

Correction

In FR Doc. 73-1072, appearing on page 1739, in the issue of Thursday, January 18, 1973, in § 135a.13(d), transpose the fourth line to appear as the third line.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-EA-123]

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

Alteration of Transition Area

Correction

In FR Doc. 73-1423, appearing on page 2331 of the issue for Wednesday, January 24, 1973, in the third line of the description for the Blackstone, Va., transition area, the word "with" should read "within".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7244]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Return Regulations; Cross-References

Correction

In FR Doc. 72-22406 appearing at page 28896 of the issue for Saturday, December 30, 1972, the following changes should be made:

1. The line of three stars which precedes the heading for § 1.172-9 should be deleted.

2. The second line of paragraph 3 of the amendatory language, reading "revising paragraph (d) to read as", should read "revising the last sentence of paragraph".

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7228]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Direct Investment in Certain Qualified Lending and Financing Corporations

Correction

In FR Doc. 72-21751 appearing at page 27622 of the issue for Tuesday, December 19, 1972, in § 147.7-9(c)(1)(iv), the 25th and 26th lines reading "sources allowed all or a portion of under this paragraph. It must refinance such", should read, "sources allowed under this paragraph. It must refinance all or a portion of such".

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of North Carolina Plan

1. *Background*. Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval under the requirements of that section, plans for the development and enforcement of State occupational safety and health standards.

The State of North Carolina submitted on November 27, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary of Labor for Occupational Safety and Health.

On December 9, 1972, a notice was published in the FEDERAL REGISTER (37 FR 26371) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The Department of Labor has been designated by the Governor of North Carolina to administer the plan throughout the State. The Department of Labor has entered into an agreement with the State Board of Health whereby the State Board of Health is to assist the Department of Labor in the administration and enforcement of occupational health standards. However, full authority for the promulgation and enforcement of occupational safety and health standards remains with the Department of Labor. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Moreover, it is understood that the plan will cover all employers and employees in the State except those whose working conditions are not subject to the Federal act by virtue of section 4(b)(1) thereof, dockside maritime workers, and domestic workers. The Department of Labor is currently exercising statewide inspection authority to enforce many State standards. The plan describes procedures for the development and promulgation of additional safety standards; rule-making power for enforcement of standards, laws, and orders in all places of employment in the State; the procedures for prompt restraint or elimination of imminent danger conditions; and procedures for inspections in response to complaints.

The plan includes proposed draft legislation to be considered by the North Carolina General Assembly during its 1973 session. Such legislation is designed to implement major portions of the plan and to bring it into conformity with the requirements of Part 1902.

Under this legislation, all occupational safety and health standards and amendments thereto which have been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring) will be adopted upon ratification of the proposed legislation. Enforcement of such standards will take place 90 days thereafter, under an approved merit system. The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart I of 29 CFR Part 1952.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of North Carolina. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature.

Interested persons were afforded 30 days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of the plan.

Written comments concerning the plan were submitted on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and the U.S.S. *Agri-Chemicals*. No other written comments were received, and no request for an informal hearing was received.

2. *Issues*. Public comments raised the issue of the effectiveness of the treatment of public employees under the plan suggesting that protection thereunder might be something less than that afforded private employees. Section 23 of North Carolina's proposed legislation is essentially similar to section 19 of the Federal act. Further, section 23(j) of the proposed legislation provides that employees in the public sector are to be given the same rights and protections as those in the private sector.

Under section 18(c)(6) of the Federal Act and Part 1902, States are required to establish and maintain public employee programs as effective as the standards applicable to the private employee sector. Concern was expressed that North Carolina's plan for public employees would be ineffective for it relies on a system of self-inspection unlike the private sector. However, in the public employee programs the method of assuring compliance does not have to be the same as the remedial system applicable to private employers. Although North Carolina's State agencies and political subdivisions will be operating under a system of self-inspection, the North Carolina Department of Labor will be closely monitoring the effectiveness of these programs and will institute full coverage including regular inspections by the Department if a public employer's program, within the first 2 years of operation, is found to be less effective than that in the private sphere. Further, the plan contains assurances that when the health and safety programs for public employees are developed in the State, such programs will provide for:

(1) Regular inspections of workplaces, including inspections in response to complaints; (2) a means for employees to bring possible violations to the attention of inspectors; (3) notification to employees when no violations are found in a complaint—response inspection; (4) information for employees about their protections and responsibilities under the program; (5) protection for employees against employer retaliation for exercising their rights under the program; (6) information for employees about their exposure to toxic materials, especially when exposures are above levels specified by standards; (7) procedures for prompt restraint or elimination of imminent danger situations; (8) a means of notifying employers and employees when an alleged violation has been found; and (9) a means of establishing timetables for correction of violations, and for notifying employees and employers about them.

The public employee program is developmental with implementation of such programs scheduled to occur in three phases depending upon size of the governmental unit. However, public employee programs are to be fully effective throughout the State and its political subdivisions 3 years after grant award.

Public comment also expressed concern about the effectiveness of the plan regarding health issues. In particular, concern was expressed as to the lack of self-initiated health investigations on the part of industrial hygienists with health inspections occurring only on referral when found appropriate in the course of safety inspections.

The North Carolina Department of Labor has entered into an agreement with the State Board of Health under which the latter will provide health expertise and personnel to assist the Department of Labor in the administration and enforcement of all health matters. Under this agreement the Department of Labor retains authority and responsibility for the promulgation and enforcement of occupational safety and health standards. During the first year of the plan's operation, initial inspections of workplaces will be made by representatives of the Department of Labor. If a health hazard is suspected a health investigation will then be conducted with an industrial hygiene engineer. Then, in fiscal year 1975 a special program will be started for "target-health hazard" industries. These industries will be selected based on severity of hazard and the size of the exposed worker population. In these "target-health hazard" industries health field investigators will be furnished to accompany safety investigators on initial plant visits. It would appear that these plans for health inspections will meet the index of effectiveness specified in § 1902.4(c)(2)(i) which calls for inspections of covered workplaces in a manner at least as effective as the Federal program. The State's industrial hygiene program will be closely monitored by OSHA to assure that it is as effective in operation as the Federal program.

In addition, it is noted that the plan also provides for onsite consultations at the request of employers and/or private industry, State agencies or political subdivisions. The State's proposed consultation program should not detract from its enforcement program and the plan meets the conditions set out in the issues discussed in the Washington decision (38 FR 2421, Jan. 26, 1973).

3. *Decision*. After careful consideration of the North Carolina plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the act and Part 1902.

This decision incorporates requirements of the act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in North Carolina will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under Section 8(f), continue its target safety and target health programs, and inspect a cross section of all industries on a random basis.

About 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Special attention will be directed toward occupational health standards and enforcement and the State's public employee programs to insure that the plan is being operated effectively in these areas.

Pursuant to Section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart I as follows:

Subpart I—North Carolina

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart I—North Carolina

§ 1952.150 Description of the Plan.

(a) The Department of Labor has been designated by the Governor of North Carolina to administer the plan throughout the State. The Department of Labor has entered into an agreement with the State Board of Health whereby the State Board of Health is to assist the Department of Labor in the administration and enforcement of occupational health standards. However, full authority for the promulgation and enforcement of occupational safety and health standards remains with the Department of Labor. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter. Moreover, it is understood that the plan will cover all employers and employees in the State except those whose working conditions are not covered by the Federal act by virtue of Section 4(b)(1) thereof, dockside maritime and domestic workers. The Department of Labor is currently exercising statewide inspection authority to enforce many State standards. The plan describes procedures for the development and promulgation of additional laws, and orders in all places of employment in the State; the procedures for prompt restraint or elimination of imminent danger conditions; and procedures for inspections in response to complaints.

(b) The plan includes proposed draft legislation to be considered by the North Carolina General Assembly during its 1973 session. Such legislation is designed to implement major portions of the plan and to bring it into conformity with the requirements of Part 1902 of this chapter.

(c) Under this legislation, all occupational safety and health standards and amendments thereto which have been promulgated by the Secretary of Labor, except those found in Parts 1915, 1916, 1917, and 1918 of this chapter (ship repairing, shipbuilding, shipbreaking, and longshoring) will be adopted upon ratification of the proposed legislation. Enforcement of such standards will take place 90 days thereafter.

(d) The legislation will give the Department of Labor full authority to administer and enforce all laws, rules and orders protecting employee safety and health in all places of employment in the State. It also proposes to bring the plan into conformity in procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances.

(e) The proposed legislation will insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations before, during, and after inspections; protection of employees against discharge or discrimination in terms and conditions of employment; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; and employer's right to review of alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings.

(f) The Plan also provides for the development of a program to encourage voluntary compliance by employers and employees.

(g) The Plan includes a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution and laws of North Carolina. The Plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 upon enactment of the proposed legislation by the State legislature.

(h) The North Carolina Plan includes the following documents as of the date of approval:

(1) The Plan description document with appendixes.

(2) Telegram from the Governor of North Carolina, James E. Holshouser, Jr., expressing his full support for the Occupational Safety and Health Act of North Carolina and his anticipation of its passage during the 1973 session of the North Carolina General Assembly.

(3) Letter from W. C. Creel, Commissioner, North Carolina Department of Labor, to Mr. Thomas C. Brown, Director, Federal and State Operations, clarifying several issues raised during the review process.

(4) Also available for inspection and copying with the Plan documents will be the public comments received during the review process.

§ 1952.151 Where the Plan may be inspected.

A copy of the complete North Carolina Plan may be inspected and copied during normal business hours at the North Carolina Department of Labor, Room 106, Labor Building, Corner of Salisbury and Edenton, Raleigh, N.C. 27602. A copy of the complete North Carolina Plan may also be inspected and copied during normal business hours at (a) the Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1371 Peachtree Street NE., Atlanta, GA 30309; and (b) Office of Federal and State Operations, OSHA, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

§ 1952.152 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in North Carolina will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its target safety and target health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.153 Developmental schedule.

The North Carolina Plan is developmental. The following is the schedule of the developmental steps provided by the Plan:

(a) It is estimated that the draft bill will be enacted by April 1, 1973.

(b) The Federal standards will be adopted on the date the bill is ratified.

(c) A refresher course for inspectors will begin sixty (60) days after the enactment of the draft bill.

(d) Merit system examinations of current department of labor personnel will be completed within sixty (60) days after Federal acceptance of the State Plan.

(e) The hiring of new personnel in both the department of labor and the State board of health will begin thirty (30) days after the department is assured that State and Federal funds are available. Tentative plans provide for both agencies to be fully staffed within six (6) months after the enactment of the bill.

(f) All new personnel will receive official OSHA training in the National Institute of Training. Employment dates will generally correspond to dates established for the Institute schools.

(g) Employers and employees will be notified of the availability of consultative services within ninety (90) days after ratification of the draft bill.

(h) The Department of Labor will initiate a developmental plan for a "Management Information System" on the date of Plan approval. This program is to be fully implemented in ninety (90) days after enactment of the proposed legislation.

(i) The enforcement of standards will begin ninety (90) days after ratification of the draft bill.

(j) A State Compliance Operations Manual is to be completed ninety (90) days after ratification of the draft bill.

(k) The Commissioner will begin issuing administrative "rules and regulations" when necessary as stated in the draft bill ninety (90) days after ratification of the draft bill. Meanwhile, the Federal rules and regulations will be adopted and applied until the State rules and regulations are acceptable.

(l) Safety programs for State employees will begin one (1) year and ninety (90) days after ratification of the draft bill, with full implementation scheduled a year later.

(m) Safety programs for large counties and municipalities with over 10,000 population will be initiated ninety (90) days after draft bill ratification. Full implementation will occur one (1) year later.

(n) Safety programs for other counties and municipalities with 4,000 to 10,000 population will be initiated within two (2) years and ninety (90) days after Plan grant is approved. Full implementation will occur three (3) years after grant award.

(o) Safety programs for towns and other governing units having between 1,000 and 4,000 population will be initiated within two (2) years and ninety (90) days after Plan grant is approved, with full implementation within three years after grant award.

(p) A State "Safety and Health" poster will be prepared within ninety (90) days after ratification of the draft bill.

(q) The State of North Carolina will be fully operational with respect to agriculture 1 year and 90 days after enactment of the draft bill.

Signed at Washington, D.C., this 26th day of January 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

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Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 100—UNSATISFACTORY PERFORMANCE OF READY RESERVE OBLIGATION

The Deputy Secretary of Defense has approved the following revision to Part 100:

AUTHORITY: 5 U.S.C. 552(a) and 44 U.S.C. 1505.

§ 100.1 Purpose and applicability.

This part provides the Military Departments with Department of Defense policies concerning the actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in reserve training is determined to be unsatisfactory.

§ 100.2 Definitions.

(a) *"Selected Reserve"* consists of members of the Ready Reserve in pay groups A, B, C, and F. These reservists are either (1) members of units who (i) regularly participate in drills and annual active duty for training or annual field training in the case of the National Guard, or (ii) are on initial active duty for training; or (2) individuals who participate in regular drills and annual active duty for training on the same basis as members of reserve units. Excluded from the Selected Reserve are reservists who only participate in annual active duty for training but are not paid for attendance at regular drills (pay categories D and E), reservists enrolled in ROTC training, members of the individual Ready Reserve pool, and reservists on extended active duty. (See Part 102 and 10 U.S.C. 268(b).)

(b) *"Unsatisfactory participation"* by a member of the Ready Reserve consists of failure to fulfill individual obligation or agreement to be a member of a unit of the Ready Reserve as described in 10 U.S.C. 268(b); or failure to meet the standards as prescribed by the Military Departments concerned for attendance at training drills, attendance at active duty for training, for training advancement, or for performance of duty.

(c) *"Reasonable commuting distance"* for purposes of the application of the policy set forth in § 100.3(c)(2), is defined as the maximum distance a member of a Reserve component can be expected to travel involuntarily between residence and drill training site, and is further defined as:

(1) Any distance within a 100-mile radius of the drill site, but not exceeding that which can be traveled by automobile under average conditions of traffic, weather, and roads within a period of 3 hours, for those units that exclusively conduct four drills on 2 consecutive days during the training year, and only if Government meals and quarters are provided at the base where drills are conducted. (The provisions of this subparagraph shall apply only to those individuals enlisting, reenlisting, or extending their enlistments after the effective date of this part.)

(2) Any distance within a 50-mile radius of the drill site, but not exceeding that which can be traveled by automobile under average conditions of traffic, weather, and roads within a period of 1½ hours, for all other units.

§ 100.3 Policies and responsibilities.

(a) *Satisfactory participation in the Ready Reserve.* (1) Personnel without prior military service who enlist or have enlisted in one of the Reserve components under the provisions of 10 U.S.C. 511, 32 U.S.C. 302, or section 262, Reserve Forces Act of 1955, as amended, are expected to participate and perform satisfactorily as a member of the Ready Reserve in fulfillment of their obligation and/or agreement and in accordance with the standards prescribed in Parts 101 and 102 of this subchapter and by the Military Department concerned.

(2) It is the responsibility of the Secretaries of the Military Departments concerned to insure to the maximum extent practicable that applicants for enlistment in the Reserve components understand prior to their enlistment the obligations and requirements as members of the Ready Reserve for satisfactory participation, and for active service in the event of mobilization.

(b) *Compliance measures for unsatisfactory participation.* (1) Members of the Ready Reserve who (i) fail, or are unable, to participate satisfactorily in units of the Ready Reserve, (ii) have not fulfilled their statutory reserve obligation, and (iii) have not served on active duty or active duty for training for a total of 24 months will be ordered to active duty under the provisions of 10 U.S.C. 673a and Executive Order 11366.

(2) A member of the Ready Reserve ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals 24 months.

(3) Where the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under the provisions of 10 U.S.C. 673a and Executive Order 11366 expires before he has served the prescribed period of active duty, the enlistment or period of military service may be extended until his obligated active duty service has been completed.

(4) Orders will be mailed to a reservist when he is in an unsatisfactory participation status, if the reservist is not locatable by the usual personal visit or when attending scheduled drills.