Title 3—The President

PROCLAMATION 4200

National Wildlife Week

By the President of the United States of America

A Proclamation

Americans carved a nation out of the wilderness. Now we must preserve the wilderness for the Nation.

The theme of this year's National Wildlife Week is: "Discover Wildlife—It's Too Good To Miss." In a greater sense, Americans are *re*discovering the natural animal world around them. Our concern for the fate of wild animals has increased. We have come to realize that the development of the human habitat has occurred at great cost to another kind of habitat. And we are seeking more effective ways to prevent and enhance our wilderness areas.

All men need refuges for their spirit. The wilderness invokes contemplation and provides recreation, and the animal wildlife of America provides a fascinating dimension to our natural heritage which we know must be preserved for future generations to enjoy.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 18, 1973, as National Wildlife Week.

I ask all citizens to renew their efforts to preserve and enhance our natural environment, especially those areas now inhabited by our natural wildlife. Because the need is still great for better tools with which to do the job, I also urge the Congress once again to act promptly on my proposal to strengthen protection for hundreds of endangered species.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, 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.

Richard Nixon

[FR Doc.73-5360 Filed 3-16-73;1:05 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Special Rules Applicable to Food Industry

Part 130 is amended in Subpart F to amplify the rules applicable during Phase III to price adjustments for sales of food by manufacturers, service organizations, wholesalers, and retailers.

Section 130.56, prescribing price rules applicable to wholesalers and retailers in the food industry, is amended in paragraph (b) to provide that a customary initial percentage markup, based on any level other than item control, is the customary initial percentage markup in effect, at the option of the wholesaler or retailer, during its last fiscal year ending before August 15, 1971, or during its last four fiscal quarters ending before January 1, 1972. A customary initial percentage markup based on item control is determined in accordance with the regulations of the Price Commission in effect on January 10, 1973.

Section 130.57a is amended in its entirety to prescribe rules for persons, part of whose sales are subject to the special rules applicable to the food industry (Subpart F), relating to the computation of profit margin and the determination of base period for purposes of the general price standard of § 130.13 of the Phase III regulations. The rewritten section provides that a person, part of whose sales are subject to Subpar F, may choose one of two alternate profit margin and base period combinations for purposes of § 130.13: (1) The profit margin of the firm, including in the computation sales subject to Subpart F, and the same base period used for purposes of the profit margin limitation of Subpart F; or (2) the profit margin of the firm, excluding from the computation sales subject to Subpart F, and any base period authorized by § 130.110. A person who chooses the first option is not permitted to utilize the alternate general price standard provided in § 130.13 (price increases of no more than a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973, to reflect increased costs, without limitation as to profit margin).

Section 130.57b is amended to make it clear that, although nonfood sales are subject to the mandatory rules of Subpart F to the extent they are included in determining profit margin, the prenotification requirements prescribed for wholesalers and retailers in the food industry are not applicable with respect to the nonfood sales.

Section 130.57c is rewritten to clarify and amplify the rules governing the measurement of profit margin by manufacturers and service organizations in the food industry. The section requires that profit margin on food sales be separately computed if it customarily has been separately computed by the manufacturer or service organization. If profit margin on food sales has not customarily been separately computed, the profit margin on food sales has not customarily been separately computed, the profit margin, for purposes of Subpart F, is the profit margin customarily computed at the next highest level of aggregation that includes all food sales. In the event that neither of the foregoing practices customarily has been followed by the manufacturer or service organization, profit margin, at its option, will be computed on total firm sales or on food sales only. The rewritten section repeats the existing rule that, to the extent nonfood sales are included in determining profit margin, such nonfood sales are subject to the rules of Subpart F, except those relating to prenotification.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, title II of Public Law 92-210, 85 Stat. 743, and Executive Order 11695, 38 FR 1473)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 11, 1973.

Issued in Washington, D.C., on March 15, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. Section 130.56(b) is amended to read as follows:

§ 130.56 Wholesalers and retailers—price rules.

* * * * *

(b) Customary initial percentage markup may be applied and reported on the basis of total sales by the wholesaler or retailer or any other level of item or category control. For purposes of this paragraph, a customary initial percentage markup based on other than item control shall be, at the option of the wholesaler or retailer, the customary initial percentage markup in effect during—

(1) Its last fiscal year ending before August 15, 1971; or

(2) Its last four fiscal quarters ending before January 1, 1972.

* * * * *

2. Section 130.57a is revised to read as follows:

§ 130.57a Profit margin measurement—general price standard.

For purposes of § 130.13, the profit margin and base period of a person, part of whose sales are subject to the limitations of this subpart, shall be, at the option of the person—

(a) The profit margin of the firm, including in the computation sales subject to this subpart, and the same base period utilized by the person for purposes of the profit margin limitation of this subpart; or

(b) The profit margin of the firm, excluding from the computation sales subject to this subpart, and any base period authorized by § 130.110.

A person who chooses the option in paragraph (a) of this section may not utilize the alternate general price standard of the second sentence of § 130.13.

3. The final sentence of § 130.57b is amended to read as follows:

§ 130.57b Profit margin measurement—wholesalers and retailers.

* * * To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart, except that the prenotification requirements prescribed for wholesalers and retailers in the food industry are not applicable with respect to the nonfood sales.

4. Section 130.57c is revised to read as follows:

§ 130.57c Profit margin measurement—manufacturers and service organizations.

The profit margin with respect to the food sales of a manufacturer or service organization must be separately computed if it customarily has been separately computed. If the profit margin on food sales has not customarily been computed, the profit margin for purposes of this subpart shall be the profit margin

customarily computed at the next highest level of aggregation that includes all food sales. If a profit margin has not customarily been so computed, the profit margin for purposes of this subpart, at the option of the manufacturer or service organization, shall be computed on total firm sales or on food sales only. To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart, except that such nonfood sales are not subject to the requirement of prenotification.

[FR Doc.73-5275 Filed 3-15-73;2:41 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Certain Federal Inspection Services

Correction

In FR Doc. 73-4186 appearing at page 6284 of the issue for Thursday, March 8, 1973, in § 68.42a the following changes should be made in the list of fees:

1. The phrase "Appeal inspection", which begins the table, should appear immediately below the heading *"Service"*.

2. In the column labeled *"Fee or charge"*, the first price, now reading "$1.15", should read "$7.15".

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Deferral of Effective Date of Certain Provisions

This order defers until further notice the effective date of the Class I base plan provisions §§ 1065.90 through 1065.98 contained in the order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area issued December 15, 1972 (37 FR 28126).

Statement of consideration. Associated Milk Producers, Inc., Central Region, a cooperative association whose membership comprises a substantial number of the producers on the market, has requested that the Class I base plan, scheduled to become effective April 1, 1973, be held in abeyance until certain provisions of the plan have been considered on the basis of a public hearing. The cooperative association alleges that certain provisions contained in the plan would be inequitable to its member producers and that implementation of the plan may have other adverse results.

Inasmuch as uncertainties exist as to whether the Class I base plan as issued can operate without inequities or other possible adverse effects, it is necessary that effectuation of the plan be deferred pending a public hearing and related procedures.

A notice of public hearing, providing for reconsideration of all provisions of the Class I base plan, is issued concurrently with this deferral order.

It is therefore ordered, That the effective date with respect to the aforesaid order provisions is deferred until further notice.

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

Signed at Washington, D.C., on March 15, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-5226 Filed 3-19-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

[Docket No. 73-516]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Southampton County and portions of Isle of Wight and Nansemond Counties in Virginia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in Virginia remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(5) relating to Virginia is deleted.

(Secs. 4-7, 23 Stat 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective March 15, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-5318 Filed 3-19-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 81—STANDARD SPECIFICATIONS FOR THE GRANT OF PATENT LICENSES

AEC-Owned Inventions

This revision of 10 CFR Part 81 of the Atomic Energy Commission regulations sets forth the standard specifications for the issuance of licenses on inventions owned by the AEC, and is issued pursuant to sections 156 and 161g. of the Atomic Energy Act of 1954, as amended, and the Presidential Patent Policy Statement of August 23, 1971. It is promulgated to implement the General Services Administration regulations, 41 CFR Part 101-4, published February 5, 1973, which provide for the licensing of Government-owned inventions for the purpose of enhancing their utilization.

Part 81 is revised to read as follows:

GENERAL PROVISIONS

Sec.
81.1 Purpose.
81.2 Definitions.
81.3 Communications.
81.4 Interpretations.

AEC-OWNED INVENTIONS—PATENTS AND APPLICATIONS

81.10 Authority.
81.11 Policy.
81.13 Publication of AEC inventions available for licensing.
81.20 Nonexclusive licenses.
81.30 Limited exclusive licenses.
81.31 Selection of an exclusive licensee.
81.32 Terms of exclusive license grant.
81.35 Notices to public of exclusive licenses.
81.40 Contents of a license application.
81.50 Additional licenses.
81.51 Appeals.
81.52 Appeals board.
81.53 Review by the board.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

81.70 Contents of application.
81.71 Basis for issuance.
81.72 Contents of the license.

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

Sec.
81.80 Scope.
81.81 Contents of application.
81.82 Basis for issuance.
81.83 Conditions of the license.

AUTHORITY: Secs. 156 and 161g., 68 Stat. 919, 42 U.S.C. 2186, 2201g.

GENERAL PROVISIONS

§ 81.1 Purpose.

The regulations of this part establish the standard specifications for the issuance of licenses to rights in inventions covered by (a) patents or patent applications vested in the United States of America, as represented by or in the custody of the Commission and other patents in which the Commission has the right to accord or require the grant of licenses, (b) patents declared to be affected with the public interest pursuant to section 153(a) of the Act, and (c) other patents useful in the production or utilization of special nuclear material or atomic energy licensed pursuant to section 153(c) of said Act.

§ 81.2 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 619), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission as established by the Act, or its duly authorized designee. The Assistant General Counsel for Patents is the designee of the Commission under this subpart;

(c) "AEC invention" means an invention covered by a U.S. patent or patent application that is vested in the Government of the United States, as represented by or in the custody of the Commission, or in which the Government of the United States of America, as represented by the Commission, has the right to accord or require the grant of licenses where such invention is designated by the Commission as appropriate for the grant of a nonexclusive or exclusive license; and

(d) "To the point of practical application" means to manufacture in the case of composition, machine or product, to practice in the case of a process, or to operate in the case of a machine, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

§ 81.3 Communications.

All communications concerning the regulations in this part, including applications for licenses, should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Counsel for Patents. Communications and reports may be delivered in person at the Commission's Office at 1717 H Street NW., Washington, DC, or its office at Germantown, Md.

§ 81.4 Interpretations.

Except as specifically authorized by the Commission in writing and by § 81.53, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

AEC-OWNED INVENTIONS—PATENTS AND APPLICATIONS

§ 81.10 Authority.

The regulations of this subpart governing the licensing or rights in AEC inventions are issued pursuant to the authority of the Commission under 42 U.S.C. 2186 (sec. 156 of the Act), 42 U.S.C. 2201g (sec. 161g. of the Act), and according to regulations issued by the Administrator of General Services pursuant to the Memorandum and Statement of Government Patent Policy issued by President Nixon on August 23, 1971 (36 FR 16887).

§ 81.11 Policy.

(a) The inventions covered by the U.S. patents and patent applications vested in the Government of the United States of America, as represented by or in the custody of the Commission, normally will best serve the public interest when they are developed to the point of practical application and made available to the public in the shortest time possible.

(b) The Commission generally prefers to make these inventions available to all interested parties through the granting of nonexclusive licenses. However, the Commission recognizes that to obtain commercial utilization of an invention, it may be necessary to grant an exclusive license for a limited period of time as an incentive for the investment of risk capital to achieve practical application of an invention.

(c) Whenever the Commission deems it appropriate to grant an exclusive license, the license will be negotiated on terms and conditions most favorable to the interests of the public and the Government. In considering the accord of such a license, due weight will be given to assisting small business and minority business enterprises, as well as economically depressed, low income and labor surplus areas within the United States.

(d) All licenses shall be by express written instruments. No license shall be granted or implied in an AEC invention except as provided for in these regulations or in patent rights articles under Commission procurement regulations, pursuant to the Act, or pursuant to any existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

(e) No grant of a license under this subpart shall be construed to confer upon any licensee any immunity from the antitrust laws or from liability for patent misuse, and the acquisition and use of rights pursuant to this subpart shall not be immunized from the operation of State or Federal law by reason of the source of the grant.

(f) No grant of a license under this subpart shall be construed to confer any authorization under Chapters 4, 5, 6, 7, 8, 10, or any other chapter or section of the Act (42 U.S.C., sec. 2011–2296) for which separate application for a license must be made in accordance with the Act or other Commission regulations.

§ 81.13 Publication of AEC inventions available for licensing.

(a) The Commission will have published periodically a list of the AEC inventions available for licensing under this subpart in the FEDERAL REGISTER, the U.S. Patent Office Official Gazette, and in one other publication which it is determined will best serve the public interest and, where advisable, in other publications.

(b) Interested persons may obtain copies of such lists by communicating with the Commission, Washington, D.C. 20545, Attention: Assistant General Counsel for Patents, USAEC. Copies of U.S. patents may be obtained from the U.S. Patent Office. Copies of U.S. patent application specifications, or microfiche reproductions thereof, may be secured at reasonable cost from the National Technical Information Service (NTIS) or from the U.S. Patent Office with Commission approval.

§ 81.20 Nonexclusive licenses.

(a) AEC inventions will normally be made available for the grant of nonexclusive licenses to responsible applicants who will practice the invention and make its benefits reasonably accessible to the public.

(1) The nonexclusive license will be revocable, at the option of the Commission, if the licensee does not comply with all the terms and conditions of the license agreement.

(2) The duration of the license shall be for a specified period and/or such additional period as may be provided for in the license agreement.

(3) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license agreement, or as the period may be extended by the Commission, and then to continue to make the benefits of the invention reasonably accessible to the public.

(4) The license shall be granted for all of the fields of use of the invention, or only such fields of use as may be specified in the license agreement, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia or in any lesser geographic portion thereof as may be specified in the license agreement.

(5) The licensee shall be required to submit periodic reports on his efforts to bring the invention to a point of practical application and the extent to which he continues to make the benefits of the invention reasonably accessible to the public. Unless otherwise specified in the license, such periodic reports will be required annually prior to the anniversary

date of the grant of the license. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention, and other information which the Commission may determine to be pertinent to the licensing activity of the Commission and specified in the license agreement.

(6) Normally a royalty shall not be charged U.S. citizens and U.S. corporations for nonexclusive licenses on AEC inventions.

(7) The license may extend to wholly-owned subsidiaries of the licensee but shall be nonassignable, or otherwise nontransferable, without approval of the Commission.

(8) The Commission may revoke the license (i) for failure of the licensee to bring the invention to the point of practical application or to continue to make the benefits of the invention reasonably accessible to the public, (ii) if the licensee defaults in making any periodic report required by the license, or (iii) if the licensee commits any breach of any covenant or agreement therein contained, or (iv) if the licensee willfully makes, or has made, a false statement of a material fact or omitted a material fact in the license application submitted pursuant to § 81.40(a) or in any report required by the license agreement.

(9) The Commission may restrict the licensee to the particular fields of use and/or geographical areas in which the licensee has brought the invention to the point of practical application and continue to make the benefits of the invention reasonably accessible to the public.

(10) Before revoking or restricting any license granted pursuant to this subpart, the Commission shall mail to the licensee and any sublicensee of record, at the last address filed with the Commission, a written notice of the Commission's intention to revoke or restrict the license, and the licensee and any sublicensee shall be allowed thirty (30) days after the mailing of such notice, or within such period as may be granted by the Commission, to remedy any breach of any covenant or agreement as referred to in paragraph (a)(8)(iii) of this section, or to show cause why the license should not be revoked or restricted.

(11) Subject to the rights reserved to the Government in this section, the licensee shall be granted the nonexclusive rights to make, use, and/or sell the invention in accordanc with the terms and conditions specified in the license agreement.

(12) The license may be subject to such other terms and conditions as the Commission may deem in the public interest.

§ 81.30 Limited exclusive licenses.

(a) An AEC invention may be made available for the grant of a limited exclusive license provided that:

(1) The invention has been published as available for licensing pursuant to § 81.13 for a period of at least six (6) months.

(2) The Commission has determined that (i) the invention may be brought to the point of practical application in certain fields of use or in certain geographical locations by exclusive licensing, (ii) the desired practical application has not been achieved under any nonexclusive license granted on the invention, and (iii) the desired practical application is not likely to be achieved expeditiously in the public interest under a nonexclusive license or as a result of further Government-funded research or development.

(3) Notice of the selection of a prospective licensee to be granted a limited exclusive license of a specified duration and scope shall have been transmitted to the Attorney General of the United States and shall have been published for at least sixty (60) days in the FEDERAL REGISTER with a statement advising of the rights of license applicants or third parties to apply for nonexclusive licenses or bring information to the attention of the Commission under the next paragraph; and

(4) After expiration of the period in paragraph (a)(3) of this section, the Commission has determined (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical application as specified in the prospective exclusive license within a reasonable period under a nonexclusive license, and (ii) that the granting of the license would be in the public interest and not be inconsistent with the Act after consideration of all the facts and any written evidence and argument which third parties may present to the Commission within sixty (60) days of the publication of the notices of the selection of the licensee under paragraph (a)(3) of this section.

(5) The Commission shall record and make available for public inspection, upon request, all decisions and the basis thereof under this section.

§ 81.31 Selection of an exclusive licensee.

An exclusive licensee will be selected by the Commission on bases consistent with the policy set forth in § 81.11 of this subpart in accordance with the procedures herein, based upon the information supplied to the Commission in a license application under § 81.40. Consideration will be given to (a) the capabilities of the applicant to further the technical and market development of the invention to bring the same to the point of practical application, (b) the applicant's plan to undertake development of the invention, (c) the projected impact on competition, (d) the benefit to the Government and the public, as well as (e) assistance to small business and minority business enterprises and economically depressed, low income and labor surplus areas, and (f) whether the applicant is a U.S. citizen or corporation.

§ 81.32 Terms of exclusive license grant.

(a) AEC inventions may be made available for the grant of limited exclusive licenses to responsible applicants who will bring the invention to the point of practical application and make its benefits reasonably accessible to the public.

(1) The license may be granted for all or less than all fields of use of the invention, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or any lesser geographical portion thereof.

(2) The duration of the license will be negotiated and shall include (i) a period of exclusivity specified in the license, which shall be related to the period necessary to provide a reasonable incentive for the licensee to invest the necessary risk capital to bring the invention to the point of practical application and which shall not exceed 5 years or be extended unless the Commission determines on the basis of a written submission supported by a factual showing that a longer period is reasonably necessary to permit the licensee to enter the market and recoup his investment in bringing the invention to the point of practical application; and (ii) a terminal portion, sufficient to make the invention reasonably available for the granting of nonexclusive licenses under § 81.20, during which the licensee may have a nonexclusive license if the licensee continues to make the invention reasonably accessible to the public.

(3) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license agreement, or, subject to the approval of the Commission, within a longer period, and then to continue to make the benefits of the invention reasonably accessible to the public.

(4) The license shall require the licensee to expand a specified minimum sum of money and/or to take other specified action, within indicated periods as specified in the license, in an effort to bring the invention to the point of practical application. Reasonable royalties shall be charged by the Commission, as specified in the license agreement, unless the Commission determines that it would not be in the public interest to charge royalties.

(5) The license shall be subject to an irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the Government of the United States and on behalf of any foreign Government or intergovernmental organization pursuant to any existing or future treaty or agreement with the United States.

(6) The license shall reserve to the Commission the right to require the licensee to grant sublicenses to responsible applicants to practice the invention on terms that are reasonable under the circumstances, (i) to the extent that the invention is required for public use by

governmental regulations, or (ii) as may be necessary to fulfill health or safety needs, or (iii) if the invention is useful in the production or utilization of special nuclear material or atomic energy and the licensing of such invention is of importance to effectuate the policies and purposes of the Act, (iv) for other public purposes as stipulated in the license agreement. In the event that the licensee and the Commission cannot agree upon reasonable terms for such sublicenses, the terms, including a reasonable royalty, may be fixed pursuant to the procedure set forth in section 157(c) of the Act.

(7) Subject to the right reserved to the Government in paragraph (a) (5) and (6) of this section, the licensee shall be granted the exclusive right to make, use, and/or sell the invention in accordance with the terms and conditions specified in the license agreement.

(8) The license may extend to wholly owned subsidiaries of the licensee but shall be nonassignable and otherwise nontransferable without approval of the Commission, except assignment may be made, upon notice to the Commission, to successors of that part of the licensee's business to which the invention pertains.

(9) An exclusive licensee may grant sublicenses under his license only with the approval of the Commission. Any sublicense or assignment granted by an exclusive licensee shall be subject to the terms and conditions of the exclusive license, including the rights retained by the Government thereunder, and a copy of each such sublicense or assignment shall be furnished to the Commission.

(10) The license shall require the licensee to submit periodic reports on his efforts to achieve practical application of the invention and the extent to which he continues to make the benefits of the invention reasonably accessible to the public. Unless otherwise specified in the license, such reports will be required annually on the anniversary date of the grant of the license. The report shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention, and other information which the Commission may determine to be pertinent to the licensing activity of the Commission as is specified in the license agreement.

(11) The Commission may modify or revoke the license (i) for failure of the licensee to bring the invention to the point of practical application within the period specified in the license agreement or to continue to make the benefits of the invention reasonably accessible to the public; (ii) if the licensee fails to expend the minimum sum of money or to take any other action specified in the license agreement within the periods specified in the license agreement in an effort to bring the invention to the point of practical application; (iii) if the licensee defaults in making any payments or periodic reports required by the license; or (iv) if the licensee commits any breach of any covenant or agreement therein contained; or (v) if the licensee willfully makes, or has made, a false statement of a material fact or willfully omitted a material fact in the license application submitted pursuant to § 81.40 or in any report required by the license agreement.

(12) Before modifying or revoking any license granted pursuant to this subpart for any cause, the Commission shall mail to the licensee and any sublicensee of record at the last address filed with the Commission a written notice of the Commission's intention to modify or revoke the license, and the licensee and any sublicensee shall be allowed thirty (30) days after the mailing of such notice, or within such period as may be granted by the Commission, to remedy any breach of any covenant or agreement referred to in paragraph (a) (11) (iv) of this section or to show cause why the license should not be modified or revoked.

(13) An exclusive licensee shall be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. The licensee may join the Government of the United States, upon consent of the Attorney General, as a party complainant in such suit, but without expense to the Government and the licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall have an absolute right to intervene in any such suit at its own expense. The licensee shall be obligated to furnish promptly to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent, including, but not limited to, negotiations or settlements and agreements settling claims by a licensee based on the licensed patent, and all other books, documents, papers, and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

(14) A licensee may surrender his license at any time prior to termination of the license upon notice thereof to the Commission, and upon approval of the Commission, but the licensee shall not be relieved of the obligations thereunder without specific approval of the Commission.

(15) The license may be subject to such other terms and conditions as the Commission may deem in the public interest.

§ 81.35 Notices to public of exclusive licenses.

The Commission will have published in the FEDERAL REGISTER notices of the granting, revocation, or modification in duration and/or scope, of limited exclusive licenses under these regulations. Such notices shall identify the invention and shall include, directly, or by reference to previous notice(s) in the FEDERAL REGISTER pursuant to § 81.13 or § 81.30 (a) (3) the following:

(a) Identification of the licensee.

(b) Duration and scope of the exclusive license.

(c) That such a license is being granted or revoked, or the nature of the modification of the license.

(d) The effective date of the grant, modification, or revocation.

§ 81.40 Contents of a license application.

(a) *Nonexclusive license application.* An application for a nonexclusive license under an AEC invention should be accompanied by a fee of ten dollars ($10) for processing the application and must include the following information:

(1) Identification of the invention for which the license is desired, including the patent application serial number or the patent number, title, and date, if known, and any other identification of the invention;

(2) Name and address of the person, company, or organization applying for a license and the citizenship or State of incorporation thereof;

(3) Name and address of a representative of applicant to whom correspondence should be sent and any notices served;

(4) Nature and type of applicant's business;

(5) Identification of the source of applicant's information concerning the availability of a license on the invention;

(6) Purpose for which the license is desired, and a brief description of applicant's plan to achieve that purpose;

(7) A statement of the field and the field(s) of use in which applicant intends to practice the invention; and

(8) A statement of the geographical area(s) in which the applicant will practice the invention.

(b) *Exclusive license application.* An application for a limited exclusive license should include, in addition to the information indicated above for a nonexclusive license application, the following information:

(1) Applicant's status, if any, in any one or more of the following categories:

(i) Small business firm;

(ii) Minority business enterprise;

(iii) Location in a surplus labor area;

(iv) Location in a low income area; and

(v) Location in an economically depressed area.

(2) A statement describing the time, expenditure, and other acts which the applicant considers necessary to bring the invention to a point of practical application, and the applicant's offer to invest that time and sum, and to perform such acts, if the license is granted.

(3) A statement of applicant's capability to undertake the development and/or marketing required to bring the invention to the point of practical application.

(4) A statement that contains applicant's best knowledge of the extent to which the invention is being practiced by

private industry and the Government; and

(5) Any other facts which the applicant believes to show it to be in the public interest for the Commission to grant an exclusive license rather than a nonexclusive license and that such exclusive license should be granted to the applicant.

§ 81.50 Additional licenses.

Subject to any outstanding licenses, nothing in this subpart shall preclude the Commission from granting additional nonexclusive and limited exclusive licenses for inventions covered by this subpart when the Commission determines that to do so would provide for an equitable exchange of patent rights. The following exemplify circumstances wherein such licenses may be granted:

(a) In consideration of the settlement of interferences;

(b) In consideration of a release of any claims;

(c) In exchange for or as part of the consideration for a license under adversely held patent(s); or

(d) In consideration for the settlement or resolution of any proceeding under the Act or other statute.

§ 81.51 Appeals.

An applicant for a license, a licensee, or a third party who has participated under § 81.30(a)(3) shall have the right to appeal in accordance with the appeal procedures of this subpart any decision of the Commission concerning the grant, denial, interpretation, modification, or revocation of a license under this subpart, by filing a notice of appeal with the Commission within thirty (30) days from the date of the mailing of a notice by the Commission of the decision or, if no such notice to the person desiring to appeal, then thirty (30) days from publication in the FEDERAL REGISTER of the facts which show such a decision. The notice of appeal shall specify the portion of the decision from which the appeal is taken, and the reasons why the decision is erroneous. A statement of fact and argument in the form of a brief in support of the appeal may be submitted with the notice of appeal or, if the appellant prefers, may be filed with the Commission within fifteen (15) days after the filing of the notice of appeal. If a statement of fact and argument in the form of a brief in support of the appeal is not submitted with the notice, the appellant shall state in the notice whether such a statement of fact and argument in the form of a brief in support of the appeal will be filed.

§ 81.52 Appeals Board.

(a) *AEC Invention Licensing Appeal Board.* Upon notice of an appeal in accordance with § 81.51, the General Manager of the Atomic Energy Commission will designate within thirty (30) days an Invention Licensing Appeal Board (hereinafter, Board) to decide such an appeal.

(b) *Composition of the Board.* The Invention Licensing Appeal Board shall consist of three members having equal voting power, one of whom will be designated as Chairman.

(c) *Notice of designation of the Board.* The General Manager of the Atomic Energy Commission will advise the appellant of the designation of the Board, its composition, and Chairman.

§ 81.53 Review by the Board.

(a) The Board shall determine the propriety of any decision concerning the grant, denial, interpretation, modification, or revocation of a license according to the policy and criteria of these regulations, including § 81.11, on the record and evidence submitted by an appellant and the Commission to the Board.

(b) A hearing may be requested by the Commission or an appellant within fifteen (15) days after the notice set forth under § 81.52(c). An appellant and the Commission shall be given a minimum of fifteen (15) days' notice of the time and place of a hearing. The Commission and the appellant shall have an opportunity to make oral arguments before the Board.

(c) The Board shall make findings of fact and reach a conclusion with respect to the propriety of the decision of the Commission, which conclusion shall constitute the final action of the commission.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

§ 81.70 Contents of application.

Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the application is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license;

(e) The nature and purpose of the use which the applicant intends to make of the patent license;

(f) Efforts made by applicant to obtain a patent license from the owner of the patent; and

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.71 Basis for issuance.

The Commission will issue a patent license for patents declared by the Commission to be affected with the public interest pursuant to section 153 of the Act upon a finding that:

(a) The activities to which the patent license is proposed to be applied by the applicant are of primary importance to the conduct of an activity by such applicant authorized under the Act.

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 81.72 Conditions of the license.

Each license shall contain and be subject to the following conditions:

(a) The license shall be nonexclusive and revocable.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred.

(c) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the Act.

(d) The licensee shall be subject to and the licensee shall observe all applicable rules, regulations, and orders of the Commission.

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

§ 81.80 Scope.

Any person:

(a) Who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

(b) To whom such license, permit, or lease has been issued by the Commission;

(c) Who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under section 62 or 81; or

(d) Whose activities or proposed activities are authorized under section 31, may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent.

§ 81.81 Contents of application.

Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the applicant is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect of such activities stemming from the grant or denial of the license;

(e) The nature and purpose of the use which the applicant intends to make of the patent license;

(f) Efforts made by applicant to obtain a patent license from the owner of the patent;

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.82 Basis for issuance.

The Commission will issue the patent license upon a finding that:

(a) The invention or discovery covered by the patent is of primary importance

in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of the Act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant.

§ 81.83 Conditions of the license.

Each license shall obtain and be subject to the following conditions:

(a) The license shall be nonexclusive and revocable;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The license shall be limited to the purpose for which it is issued;

(d) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the Act;

(e) The licensee shall be subject to and the licensee shall observe all applicable rules, regulations, and orders of the Commission.

This part is effective March 20, 1973. However, comments will be received and considered until May 21, 1973.

Dated at Washington, D.C., this 14th day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5214 Filed 3-19-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5373, 34-10006, 35-17882, 40-7673, AS-141]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Interpretations and Minor Amendments Applicable to Certain Revisions of Regulation S-X; Correction

Certain errors appeared inadvertently in Releases Nos. 33-5373, 34-10006, 35-17882, 40-7673, and AS-141 which were published in the FEDERAL REGISTER for March 6, 1973, at 38 FR 6064, and should be corrected to read as indicated below.

I. The amendment in § 210.1-02 to paragraph (q) (2) thereof is correct and the previous reference to paragraph (g) was erroneous.

II. In the amendment to § 210.12-16 the word "and" in the caption should be deleted so that the section caption will read:

§ 210.12-16 Supplementary income statement information.[1]

III. In § 210.12-43 the word now reading "baleoon" in the second line of footnote 5 thereof should read "balloon" so that footnote 5 thereunder reads as follows:

* * * * *

[5] State whether principal and interest is payable at level amount over life to maturity or at varying amounts over life to maturity. State amount of balloon payment at maturity, if any. Also state prepayment penalty terms, if any.

* * * * *

§ 210.12-43 Mortgage loans on real estate.[1]

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 13, 1973.

[FR Doc.73-5295 Filed 3-19-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 73-302]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Board Records

Correction

In FR Doc. 73-4601 appearing on page 6376 in the issue of Friday, March 9, 1973, transpose the 18th line of § 505.4 (d) to appear immediately under the 10th line.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Submission of Transportation and/or Land Use Controls

On April 30, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The Act requires that the primary standards protect the public health with an adequate margin of safety, and that the secondary standards protect the public welfare from from any known or anticipated adverse effect. Under section 110 of the Act, States are required to prepare and submit to the Administrator plans for implementing the national ambient air standards in each air quality control region in the State. The Administrator published on May 31, 1972, his initial approvals and disapprovals of State implementation plans developed and submitted under these provisions of Federal law.

Since the presence in the ambient air of three of the pollutants for which control strategies were required to be submitted by States—carbon monoxide, hydrocarbons, and photochemical oxidants—is largely attributable to motor vehicles, many States were unable to submit adequate control strategies utilizing only limitations on emissions from stationary sources. However, as the Administrator noted in the preamble to his May 31 approval/disapproval of implementation plans, neither the States nor EPA had any practical experience that would permit the development of meaningful transportation control schemes and predict their impact on air quality. States were advised that adoption of transportation control schemes could be deferred beyond the statutory deadline for submittal of implementation plans but the State plans would have to define the degree of emission reduction to be achieved through transportation control measures and identify the measures being considered. States were required to submit adopted transportation control strategies no later than February 15, 1973.

In addition, many States requested 2-year extensions pursuant to section 110(e) of the Act for the attainment of the primary standards for these pollutants based on the unavailability of transportation control measures. It was the Administrator's determination that transportation control measures would not be available soon enough to permit attainment of the primary standards within the 3-year time period prescribed by the Act. Therefore, 2-year extensions were granted at the request of the States where the State determined that transportation control measures would be necessary. In some cases, this meant that States were required to submit on February 15, 1973, transportation and/or land-use control measures that would achieve the standards by 1977. In other cases, the 2-year extension meant that certain States would not have to submit transportation control measures because the effects of the Federal Motor Vehicle Control Program would be adequate to achieve the standards by 1977 without the application of any other transportation and/or land-use measures.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of "Natural Resources Defense Council, et al. v. Environmental Protection Agency" (Civil Action No. 72-1522) and seven other related cases. It issued an order which held that the Clean Air Act does not permit the delay in States' submission of transportation control portions of implementation plans until February 15, 1973, or permit the granting of extensions to mid-1977 for attainment of the national primary air standards where plans had not yet been submitted. The order required the Administrator to formally rescind through notice to the States and publication in the FEDERAL REGISTER the extension of time granted to submit transportation and/or land use control

portions of implementation plans. It also required the Administrator to formally rescind in the same manner the extension granted to several States to delay implementation of their plans or portions thereof until May 31, 1977. The court ordered the Administrator to inform the States concerned that "all States that have not yet submitted an implementation plan fully complying with the requirements of the Clean Air Act of 1970 must submit such a plan by April 15, 1973. That plan must satisfy each and every requirement of section 110(a)(2)(A)–(H) if it is to be approved by the Administrator. In particular, it must provide for the attainment of the primary standards as expeditiously as practicable but in no case later than May 31, 1975, * * *"

In accordance with this order, 22 States were notified by telegram on February 5, 1973, that any extensions granted because of the unavailability of transportation and/or land use controls were canceled and that plans for the attainment and maintenance of the standards for these three pollutants would be required by April 15, 1973. This FEDERAL REGISTER notice is to complete the requirements of that court order by specifically amending the provisions of this part with regard to each of the States concerned.

These amendments provide that every State which was granted an extension to achieve those primary standards and/or permitted to defer submittal of the transportation and/or land use control strategies until February 15, 1973, will now all be required to submit no later than April 15, 1973, transportation and/or land use controls which will show achievement of the standards by 1975. In addition to those States which were required to submit transportation and/or land use control strategies on February 15, a number of other States which had regions that would not achieve the standard by 1975 but were not required to submit transportation control strategies in order to permit the Federal motor vehicle control program to achieve the standards by 1977 will now also be required to submit transportation control strategies on April 15. States must adopt strategies which provide for attainment and maintenance of these standards by May 31, 1975. At the time of submission of these plans on April 15, the Governors of the States may request an extension of time of up to 2 years for compliance with the provisions of these plans by certain sources. The Administrator will grant such extensions only if the specific requirements of section 110(e) are satisfied by the State plan.

The action taken herein to require submittal of transportation and/or land use control strategies is not intended to and should not be construed as affecting the validity of prior approvals or promulgations of other portions of State plans by the Administrator. These other provisions of approved or promulgated plans remain in effect and are enforceable by the State and/or Federal Government in accordance with the provisions of the Clean Air Act.

Nor do these provisions prevent a State from adopting and submitting a control strategy utilizing controls on stationary sources in connection with transportation and/or land use controls or relying solely on stationary source controls if such a control strategy is adequate to attain and maintain the standards.

The amendments set forth below are effective from the date of publication in the FEDERAL REGISTER since the amendments are made pursuant to a court order which requires the Agency to formally rescind prior actions and require States to submit portions of implementation plans by April 15, 1973.

(42 U.S.C. 1857c-5)

Dated: March 13, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart B—Alabama

§ 52.52 [Revoked]

1. Section 52.52 is revoked.

§ 52.54 [Amended]

2. In § 52.54, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Metropolitan Birmingham Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Birmingham Intrastate and Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Regions, with the date "May 31, 1975, e", and by adding a new footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

3. Subpart B is amended by adding § 52.55 as follows:

§ 52.55 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Alabama must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Alabama's presently adopted stationary source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Birmingham Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the Mobile-Pensacola-Panama City-Southern Mississippi Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such control strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such control strategies.

Subpart C—Alaska

§ 52.81 [Amended]

4. In § 52.81, the attainment date table is revised by replacing the "July 1975, e" date for attainment of the national standards for carbon monoxide in the Northern Alaska Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

5. Section 52.83 is revised to read as follows:

§ 52.83 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Alaska must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Northern Alaska Intrastate Region by May 31, 1975. By such date (April 15, 1973:, the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975, and a description of the specific responsibilities delegated to the local agencies.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such control strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such control strategy.

Subpart D—Arizona

6. In § 52.122, paragraph (a) is revised to read as follows:

§ 52.122 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national primary standards for sulfur oxides in the Phoenix-Tucson Intrastate Region and in the Arizona portions of the Arizona-New Mexico Southern Border and Four Corners Interstate Regions.

§ 52.131 [Amended]

7. In § 52.131, the attainment date table is revised by replacing the dates "July 1977, d" and "July 1975, d" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region with the date "May 31, 1975, d", and by revising footnotes "d" and "e" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

e. Transportation and/or land use control strategy will be proposed by the Administrator.

8. Section 52.132 is revised to read as follows:

§ 52.132 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Arizona must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Arizona's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants in the Phoenix-Tucson Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart F—California

§ 52.222 [Amended]

9. In § 52.222, paragraph (b) is revoked.

10. In § 52.238, the table is revised to read as follows:

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
North Coast [a] Intrastate	(e)	(e)	(e)	(e)	(e)	(e)	(e)
San Francisco Bay Intrastate	(d)	(e)	(e)	(e)	*May 31, 1975 f*	*May 31, 1975 f*	*May 31, 1975 f*
North Central Coast Intrastate	(d)	(e)	(e)	(e)	(e)	(e)	(e)
South Central Coast Intrastate	(d)	(e)	(e)	(e)	(e)	(e)	(e)
Metropolitan Los Angeles Intrastate	*July 1975 f*	(e)	(d)	(e)	(e)	*May 31, 1975 f*	*May 31, 1975 f g*
San Diego Intrastate	(e)	(e)	(e)	(e)	(e)	*May 31, 1975 f*	*May 31, 1975 f*
Northeast Plateau Intrastate	(e)	(e)	(e)	(e)	(e)	(e)	(e)
Sacramento Valley Intrastate	(d)	(e)	(e)	(e)	(e)	*May 31, 1975 f*	*May 31, 1975 f*
San Joaquin Valley Intrastate	*July 1975 g*	*July 1975 g*	(e)	(e)	(e)	*May 31, 1975 f*	*May 31, 1975 f*
Great Basin Valley Intrastate	(e)	(e)	(e)	(e)	(e)	(e)	(e)
Southeast Desert Intrastate	(e)	(e)	(e)	(e)	(e)	(e)	*May 31, 1975 f*

NOTE: Dates or references which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.
[a] 3 years from plan approval.
[b] 5 years from plan approval.
[c] 18-month extension granted.
[d] Air quality levels presently below primary standards.
[e] Air quality levels presently below secondary standards.
[f] Transportation and/or land-use control strategies to be submitted no later than Apr. 15, 1973.
[g] Transportation and/or land-use control strategies will be proposed by the Administrator.

11. Section 52.239 is revised to read as follows:

§ 52.239 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of California must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with California's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the San Francisco Bay Area, Metropolitan Los Angeles, San Diego, Sacramento Valley, and San Joaquin Valley Intrastate Regions, the national standard for photochemical oxidants (hydrocarbons) in the Southeast Desert Intrastate Region, and the national standards for nitrogen dioxide in the San Francisco Bay Area Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart G—Colorado

§ 52.322 [Amended]

12. In § 52.322, paragraph (b) is revoked.

§ 52.325 [Amended]

13. In § 52.325, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

14. Section 52.326 is revised to read as follows:

§ 52.326 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Colorado must submit to the Administrator:

(1) No later than April 15, 1973, transportation and land use control strategies and a demonstration that said control strategies, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority necessary for carrying out such control strategies.

(3) No later than December 30, 1973, the adopted regulations and administrative policies necessary for carrying out such control strategies.

Subpart J—District of Columbia

15. In § 52.481, the table is revised to read as follows:

§ 52.481 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
National Capital Interstate....	(a)	(a)	(a)	(a)	*July 1975...*	*May 31, 1975* [b]	*May 31, 1975* [b]

NOTE: Dates or references which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

[a] 3 years from plan approval or promulgation.
[b] Transportation and/or land-use control strategy to be submitted no later than Apr. 15, 1973.

16. In § 52.482, paragraph (a) is revised to read as follows:

§ 52.482 Transportation and land use controls.

* * * * *

(a) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with the District of Columbia's presently adopted stationary source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the District of Columbia portion of the National Capital Interstate Region by May 31, 1975. By such date (April 15, 1973), the District of Columbia also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

Subpart O—Illinois

§ 52.727 [Amended]

17. In § 52.727, the attainment date table is revised by replacing the date "July 1975, c" for attainment of the national standards for carbon monoxide in the Metropolitan Chicago Interstate Region with the date "May 31, 1975, c", and by revising footnote "c" to read as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

18. Section 52.728 is revised to read as follows:

§ 52.728 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Illinois must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Illinois' presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Illinois portion of the Metropolitan Chicago Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart P—Indiana

§ 52.772 [Amended]

19. In § 52.772, paragraph (b) is revoked.

§ 52.783 [Amended]

20. In § 52.783, the attainment date table is revised by replacing the letter "b", which designates the attainment date for the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region, with the date "May 31, 1975, g", and by adding footnote "g" as follows:

g. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

21. Subpart P is amended by adding § 52.784 as follows:

§ 52.784 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Indiana must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Indiana's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart R—Kansas

§ 52.872 [Revoked]

22. Section 52.872 is revoked.

§ 52.879 [Amended]

23. In § 52.879, the attainment date table is revised by replacing the letter "b", which designates the attainment date for the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region, with the date "May 31, 1975, d", and by adding footnote "d" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15,1973.

24. Subpart R is amended by adding § 52.880 as follows:

§ 52.880 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Kansas must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Kansas' presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Kansas portion of the Metropolitan Kansas City Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart T—Louisiana

§ 52.979 [Amended]

25. In § 52.979, the attainment date table is revised by replacing the date "July 1977" for the attainment of the national standard for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region with the date "May 31, 1975, c", and by adding footnote "c" as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

§ 52.981 [Revoked]

Section 52.981 is revoked.

26. Subpart T is amended by adding § 52.982 as follows:

§ 52.982 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Louisiana must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Louisiana's presently adopted stationary source emission limitation for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart V—Maryland

§ 52.1072 [Amended]

27. In § 52.1072, paragraph (b) is revoked.

§ 52.1078 [Amended]

28. In § 52.1078, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Region and for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the National Capital Interstate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

29. Section 52.1079 is revised to read as follows:

§ 52.1079 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Maryland must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Maryland's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Region and in the Maryland portion of the National Capital Interstate Region and for photochemical oxidants in the Maryland portion of the National Capital Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart W—Massachusetts

§ 52.1122 [Amended]

30. In § 52.1122, paragraph (b) is revoked.

§ 52.1127 [Amended]

31. In § 52.1127, the attainment date table is revised by replacing the date "July 1977, f" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Boston Intrastate Region and the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Hartford-New Haven-Springfield Interstate Region, with the date "May 31, 1975, f", and by revising footnote "f" to read as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

32. Section 52.1128 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Massachusetts must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Massachusetts' presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants and carbon monoxide in the Metropolitan Boston Intrastate Region and the national standards for carbon monoxide in the Hartford-New Haven-Springfield Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart Y—Minnesota

§ 52.1222 [Revoked]

33. Section 52.1222 is revoked.

§ 52.1226 [Amended]

34. In § 52.1226, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

35. Section 52.1227 is revised to read as follows:

§ 52.1227 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Minnesota must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart AA—Missouri

§ 52.1322 [Revoked]

36. Section 52.1322 is revoked.

§ 52.1332 [Amended]

37. In § 52.1332, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region, with the date "May 31, 1975, b", and by revising footnote "b" to read as follows:

b. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

38. Subpart AA is amended by adding § 52.1333 as follows:

§ 52.1333 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Missouri must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control

strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart FF—New Jersey

§ 52.1572 [Amended]

39. In § 52.1572, paragraph (b) is revoked.

§ 52.1580 [Amended]

40. In § 52.1580, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions, with the date "May 31, 1975, e", and by adding footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

41. Subpart FF is amended by adding § 52.1581 as follows:

§ 52.1581 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of New Jersey must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with New Jersey's presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart HH—New York

§ 52.1672 [Amended]

42. In § 52.1672, paragraphs (b)(3) and (b)(4) are revoked.

43. In § 52.1682, the table is revised to read as follows:

§ 52.1682 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Niagara Frontier Intrastate	July 1977	(a)	July 1977	(a)	*July 1975*	(a)	(a)
Champlain Valley Interstate	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Central New York Intrastate	*July 1975*	(a)	(a)	(a)	(a)	May 31, 1975 [f]	(a)
Genesee-Finger Lakes Intrastate	(a)	(a)	(a)	*July 1975*	*July 1975*	(a)	May 31, 1975 [f]
Hudson Valley Intr state	(a)	(a)	*July 1975*	*July 1975*	(a)	(a)	(a)
Southern Tier East Intrastate	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Southern Tier West Intrastate	(a)	(a)	(a)	*July 1975*	(a)	(a)	(a)
New Jersey-New York-Connecticut Interstate	July 1977	(a)	(a)	(a)	*July 1975*	May 31, 1975 [f]	May 31, 1975 [f]

NOTE: Dates or references which are italicized are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

[a] 3 years from plan approval.
[b] 5 years from plan approval.
[c] 18-month extension granted.
[d] Air quality levels presently below primary standards.
[e] Air quality levels presently below secondary standards.
[f] Transportation and/or land-use control strategy to be submitted no later than Apr. 15, 1973.

44. Section 52.1683 is revised to read as follows:

§ 52.1683 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of New York must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with New York's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New York portion of the New Jersey-New York-Connecticut Interstate Region, the national standard for photochemical oxidants (hydrocarbons) in the Genesee-Finger Lakes Intrastate Region, and the national standards for carbon monoxide in the Central New York Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land-use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart KK—Ohio

§ 52.1872 [Amended]

45. In § 52.1872, paragraph (b) is revoked.

§ 52.1875 [Amended]

46. In § 52.1875, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati and Metropolitan Toledo Interstate Regions, and the date "July 1977, f" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Dayton Intrastate Region with the date "May 31, 1975, f", and by revising footnote "f" as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

47. Section 52.1876 is revised to read as follows:

§ 52.1876 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Ohio must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Ohio's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati Interstate, Metropolitan Dayton Intrastate, and Metropolitan Toledo Interstate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative polices required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart MM—Oregon

48. In § 52.1973, footnote "c" to the table is revised to read as follows:

§ 52.1973 Attainment dates for national standards.

* * * * *

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

49. Section 52.1974 is revised to read as follows:

§ 52.1974 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Oregon must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Oregon's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Oregon portion of the Portland Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart NN—Pennsylvania

§ 52.2022 [Amended]

50. In § 52.2022, paragraph (b) is revoked.

§ 52.2034 [Amended]

51. In § 52.2034, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Southwest Pennsylvania Intrastate Region, and the date "July 1977, f" for the attainment of the national standards for carbon monoxide in the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate Regions with the date "May 31, 1975, f", and by revising footnote "f" as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

52. Section 52.2035 is revised to read as follows:

§ 52.2035 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Pennsylvania must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Pennsylvania's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Southwest Pennsylvania Intrastate Region and Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region, and the national standard for photochemical oxidants (hydrocarbons) in the Southwest Pennsylvania Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart SS—Texas

§ 52.2272 [Revoked]

53. Section 52.2272 is revoked.

§ 52.2279 [Amended]

54. In § 52.2279, the attainment date table is revised by replacing the date "July 1975, c" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Austin-Waco, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions and the El Paso-Las Cruces-Alamogordo Interstate Region and the date "July 1977, c" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Intrastate Regions with the date "May 31, 1975, c" and by revising footnote "c" as follows:

c. Transportation and/or land use control strategies to be submitted no later than April 15, 1973.

55. Section 52.2280 is revised to read as follows:

§ 52.2280 Transportation and land use controls.

(a) To complete the requirement of §§ 51.11(b) and 51.14 of this chapter, the Governor of Texas must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Texas' presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the El Paso-Las Cruces-Alamogordo Interstate and Austin-Waco, Corpus Christi-Victoria, Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart TT—Utah

§ 52.2322 [Amended]

56. In § 52.2322, paragraph (a) is revoked.

§ 52.2331 [Amended]

57. In § 52.2331, the attainment date table is revised by replacing the date "July 1977, d" for attainment of the national standard for carbon monoxide in the Wasatch Front Intrastate Region with the date "May 31, 1975, d", and by revising footnote "d" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

58. Section 52.2332 is revised to read as follows:

§ 52.2332 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Utah must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Wasatch Front Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart WW—Washington

§ 52.2472 [Revoked]

59. Section 52.2472 is revoked.

§ 52.2478 [Amended]

60. In § 52.2478, the attainment date table is revised by replacing the date "June 1977" for attainment of the national standards for carbon monoxide in the Eastern Washington-Northern Idaho Interstate and Puget Sound Intrastate Regions and for the national standard for photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Region with the date "May 31, 1975, c", and by revising footnote "c" as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

61. Section 52.2479 is revised to read as follows:

§ 52.2479 Transportation and land use controls.

(a) To complete the requirements of §§ 52.11(b) and 51.14 of this chapter, the Governor of Washington must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Eastern Washington-Northern Idaho Interstate and Puget Sound Intrastate Regions and the national standard for photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

[FR Doc.73-5135 Filed 3-19-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Ethylamino-4-Isopropylamino-6-Methylthio-s-Triazine

A petition (PP 3F1299) was filed by CIBA-GEIGY Corp., Ardsley, N.Y. 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine in or on the raw agricultural commodities grapefruit and oranges at 0.25 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerances of 0.25 part per million to 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purposes for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.258 is amended by adding a new paragraph "0.1 part per million * * *", as follows:

§ 180.258 2-Ethylamino-4-isopropylamino-6-methylthio-s-triazine; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on grapefruit and oranges.

Any person who will be adversely affected by the foregoing order may at any time on or before April 19, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 20, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5137 Filed 3-19-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dinoseb

In keeping with the practice of listing pesticide chemicals in the Code of Federal Regulations by their common name, it is concluded that the common chemical name dinoseb should be included in § 180.281 where appropriate.

Therefore, § 180.281 is amended by revising the section heading and introductory paragraph to read as follows:

§ 180.281 Dinoseb; tolerances for residues.

Tolerances are established for residues of the herbicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its alkanolamine salts (of the ethanol and isopropanol series) in or on raw agricultural commodities as follows:

* * * * *

Since this order merely provides for a minor technical change which is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective on March 20, 1973.

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5136 Filed 3-19-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N,N-Diallyl Dichloroacetamide

A petition (PP 2F1273) was filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of *N,N*-diallyl dichloroacetamide when used as an inert ingredient in pesticide formulations applied to growing crops only.

Subsequently, the petitioner amended the petition by proposing establishment of an exemption from the requirement of a tolerance for residues of *N,N*-diallyl dichloroacetamide when used as an inert ingredient in formulations of the herbicides *S*-ethyl dipropylthiocarbamate, *S*-ethyl diisobutylthiocarbamate, and *S*-propyl dipropylthiocarbamate applied to cornfields before the corn plants emerge from the soil.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide chemical is useful for the purpose for which the exemption is being established.

2. The exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new section to Subpart D:

§ 180.1026 *N,N*-Diallyl dichloroacetamide; exemption from the requirement of a tolerance.

N,N-Diallyl dichloroacetamide is exempted from the requirement of a tolerance when used as an inert ingredient in formulations of the herbicides *S*-ethyl diisobutylthiocarbamate, *S*-ethyl dipropylthiocarbamate, and *S*-propyl dipropylthiocarbamate applied to cornfields before the corn plants emerge from the soil.

Any person who will be adversely affected by the foregoing order may at any time on or before April 19, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 20, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-5138 Filed 3-19-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE PROCUREMENT ACTIVITIES

Miscellaneous Amendments

The following is to (i) provide a definition of "head of the procuring activity" in the Federal Supply Service, (ii) add a requirement that the determination to delay an award because of a protest, where stock items are involved, must be coordinated with National Inventory Control Center Branch, (iii) revise contract approval requirements in line with current delegations of authority, (iv) amend instructions on the distribution of contractual information, and (v) add a requirement for showing contractors' FTS telephone numbers in contractual documents.

PART 5A–1—GENERAL

Part 5A–1 is amended by the addition of new Subpart 5A–1.2 as follows:

Subpart 5A–1.2—Definition of Terms

Sec.
5A–1.206 Head of the procuring activity.

Subpart 5A–1.2—Definition of Terms

§ 5A–1.206 Head of the procuring activity.

"Head of the procuring activity" in the Federal Supply Service includes: (a) In the Central Office, the Assistant Commissioner for Procurement and the Director, National Buying Center Division (FPN); and (b) in the regional offices, the Regional Commissioner, FSS, and the Regional Director, Procurement Division.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.4—Opening of Bids and Award of Contract

Section 5A–2.407–8 is amended as follows:

§ 5A–2.407–8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on FSS cases involving protests received through GAO are prepared by the Procurement Division, Office of General Counsel (LP), and are submitted for concurrence to the Assistant Commissioner for Procurement (FP). Before concurring, the Assistant Commissioner shall review the decision to delay or to proceed with an award, reflected in the statement to be furnished in accordance with (c), below.

(b) When preparing supporting information on protests for submission to the Procurement Division, Office of the General Counsel (LP), contracting officers shall ascertain the extent to which delay in award may result in significant supply difficulties. On pending awards for stock items, the contracting officer shall consult with the National Inventory Control Center Branch (FXIN).

(c) A statement dealing with the urgency of need, prepared by the contracting officer and signed by the Regional Commissioner, FSS, or Director, National Buying Center Division (FPN), as appropriate, shall be included with the information submitted to LP.

* * * * *

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.8—Price Negotiation Policies and Techniques

Section 5A–3.870 is revised as follows:

§ 5A–3.870 Contracts requiring Central Office approval.

Requirements for Central Office approval of regional contracts are set forth in the GSA Delegations of Authority Manual, 7–67f (ADM P 5450.39). Additionally, the following type contracts shall also be submitted for Central Office approval:

(a) Contracts involving advance payment by the Government; and

(b) All cost, cost-plus-a-fixed-fee, or incentive-type contracts.

* * * * *

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stock Items

Section 5A–72.105–23 is amended as follows by revising paragraphs (a) (3) and (6), and paragraph (b) is reserved.

§ 5A–72.105–23 Preparation and distribution of contractual information.

(a) * * *

(3) To provide advance information, one copy of each solicitation for offers involving national or zonal indefinite-delivery-type contracts for stock items shall be forwarded to the Director, Inventory Management Division, Attention: FXIN, at the time distribution is made to prospective bidders.

* * * * *

(6) When it is apparent that award of contract will be delayed, a notification shall be furnished to FXIN at least 20 days before the contract expiration date. The notification should indicate the approximate date contract award data will be furnished and what action should be taken with respect to purchasing interim requirements. (See § 5A–72.105–29.) Subsequently, when such awards are made, the contracting activity shall, in addition to normal distribution of award information, promptly notify (by TWX, if appropriate) all ordering activities and FXIN that contract award has been made.

* * * * *

(b) [Reserved].

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.124–8 is amended as follows:

§ 5A–73.124–8 List of contractors.

(a) Following the list of supplies or services shall be a tabulation entitled "List of Contractors," consisting generally of the following columnar subheadings, as applicable: Contract Number; Contractor's Name, Address, and Complete Telephone Number (both commercial and Federal Telecommunications System (FTS)) (if payment address is different from address to which orders are to be mailed, the former shall also be shown in this column); Discounts for Prompt Payments; Plant Location (for inspection at origin); Region Responsible for Inspection (by number designation, except that when origin inspection does not apply insert "N/A" (not applicable)); and other entries as required.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: March 6, 1973.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.73-5259 Filed 3-19-73;8:45 am]