U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary.

This amendment shall become effective April 29, 1973, with respect to all Federal rice inspection services performed on and after that date.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 37 FR 28468 and 28476)

Done at Washington, D.C., on April 4, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-6886 Filed 4-9-73;8:45 am]

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

[Orange Regulation 71, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment lowers the minimum grade requirements on the handling of Murcott Honey oranges, grown in the production area in Florida. A determination as to the need for less restrictive requirements on shipments of Murcott Honey oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, condition and remaining supply of regulated varities in the production area.

Findings.—(1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade limitations on fresh shipments of Murcott Honey oranges is consistent with the external appearance and remaining supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order.—The provisions of paragraph (a)(7) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565, 8169) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

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

Dated April 5, 1973, to become effective April 6, 1973.

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

[FR Doc.73-6887 Filed 4-9-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt 2]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1971–73)

NO PAYMENTS FOR 1972 MARKETING YEAR

This amendment is issued to include in the regulations a statement that no payments will be made on mohair sold by producers during the calendar year 1972 because the average price received by producers who marketed mohair during 1972 exceeded the support level of 80.2 cents a pound. Since mohair producers received more than the support level in the marketplace from 1972 sales, Commodity Credit Corporation will not make supplemental payments.

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair for the 1971, 1972, and 1973 marketing years, as amended (36 FR 5577; 37 FR 6994), are further amended by adding the following new paragraph (c) at the end of § 1468.8:

§ 1468.8 Rate of payment.

* * * * *

(c) No payments will be made on mohair sold in the 1972 marketing year because the national average price of 81.4 cents a pound, grease basis, received by producers for mohair marketed during that year exceeded the support price of 80.2 cents a pound (§ 1468.3).

(Sec. 4, 62 Stat. 1070; sec. 5, 62 Stat. 1072; secs. 702–708, 68 Stat. 910–912, as amended; secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; sec. 201, 79 Stat. 1188, 82 Stat. 996; sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date.—This amendment shall become effective April 10, 1973. The announcement that no payments will be made on mohair marketed by producers in the 1972 marketing year is in accordance with the formula published March 25, 1971, in § 1468.8 (36 FR 5578). Since there is no latitude for making payments, a delay in the effective date of this amendment would only delay the announcement. It is, therefore, found that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 4, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-6885 Filed 4-9-73;8:45 am]

[Amdt. 3]

PART 1472—WOOL

Subpart—Payment Programs for Shorn Wool and Unshorn Lambs (Pulled Wool) (1971–73)

PAYMENT AND DEDUCTIONS RATES FOR 1972 MARKETING YEAR

This amendment includes in the regulations the payment and deduction rates applicable to shorn wool and unshorn lambs sold by producers during the calendar year 1972. With these rates producers can determine the amount of payments earned on their 1972 marketings.

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for 1971, 1972, and 1973 marketing years, as amended (36 FR 3884, 6561, 8136; 37 FR 6994), are further amended as follows:

1. Section 1472.1305 is amended by adding the following new paragraph (d):

§ 1472.1305 Price support payments.

* * * * *

(d) *1972 Marketing year.*—The national average price received by producers for shorn wool marketed during the 1972 marketing year was 35 cents a pound, grease basis, which was 37 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1972 marketing year is 105.7 percent.

2. Section 1472.1321 is amended by adding the following new paragraph (d):

§ 1472.1321 Price support payments.

* * * * *

(d) *1792 marketing year.*—The rate of payment on unshorn lambs sold during the 1972 marketing year is $1.48 per hundredweight of live lambs based on a difference of 37 cents a pound between the price-support level of 72 cents and the national average price of 35 cents a pound received by producers for shorn wool during the 1972 marketing year (§ 1472.1305(d)).

3. Section 1472.1346 is amended by adding the following new paragraph (c):

§ 1472.1346 Deductions for promotion.

* * * * *

(c) For the 1972 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070; sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended; secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; sec. 201, 79 Stat. 1188, 82 Stat. 996; sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date.—This amendment shall become effective April 10, 1973. The payment rates announced by this amendment are in accordance with the formulas published March 2, 1971, in §§ 1472.1305(b) (36 FR 3885) and 1472.1321(b) (36 FR 3887). The deduction rates have been established in accordance with the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held June 7 through 18, 1971 (36 FR 8337, 15764). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1972. It is, therefore, found that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 4, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-6884 Filed 4-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

By notice of proposed rulemaking published in the FEDERAL REGISTER on November 28, 1972 (37 F.R. 25177), the Board proposed a revision of its regulation relating to advances and discounts by the Federal Reserve Banks. After consideration of all comments received, the Board has adopted a revision of that regulation in the form of amendments to Part 201, which is substantially the same as the revision earlier proposed, but with certain technical and editorial changes. The revised Regulation will become effective April 19, 1973. The procedure provided by section 553(d) of Title 5, United States Code, with respect to deferment of effective date has not been followed because the amendments relieve restrictions and such deferment would serve no useful purpose and might impair the effective accomplishment of one of the purposes of the amendments.

As indicated in the notice of proposed rulemaking, the principal purposes of this revision of the Board's regulation A are (1) to improve the ability of member banks to meet strong seasonal credit needs of their communities; (2) to eliminate certain restrictions with respect to the eligibility of paper as collateral for Federal Reserve credit; and (3) to condense and simplify technical provisions of the regulation. Short-term Federal Reserve credit will continue to be provided in accordance with present rules. No change in the stance of monetary policy, in either the short or the long run, is intended or expected to result from the revision of regulation A.

To implement its proposal, the Board has amended Part 201, effective April 19, 1973, by changing the heading to read "Extensions of Credit by Federal Reserve Banks" and by changing §§ 201.0 through 201.6 to read as set forth below.

By order of the Board of Governors, April 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

Sec.
201.1 Authority and scope.
201.2 General principles.
201.3 Advances to member banks.
201.4 Discounts for member banks.
201.5 General requirements.
201.6 Federal Intermediate Credit banks.
201.7 Emergency credit for others.

AUTHORITY: 12 U.S.C. 84, 248, 301, 330, 343–347, 347b, 347c, 348, 349, 351, 352, 361, 371, 372, 373, 374.

§ 201.1 Authority and scope.

This part is issued under section 13 and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks.

§ 201.2 General principles.

(a) *Accommodation of credit needs of individual banks.*—Extending credit to member banks to accommodate commerce, industry, and agriculture is a principal function of Reserve Banks. Which open market operations and changes in member bank reserve requirements are important means of affecting the overall supply of bank reserves, the lending function of the Reserve Banks is an effective method of supplying reserves to meet the particular needs of individual member banks.

(b) *Effect on overall monetary and credit conditions.*—The lending functions of the Federal Reserve System are conducted with due regard to the basic objectives of the Employment Act of 1946 and the maintenance of a sound and orderly financial system. These basic objectives are promoted by influencing the overall volume and cost of credit through actions affecting the volume and cost of reserves to member banks. Borrowing by individual member banks, at a rate of interest adjusted from time to time in accordance with general economic and money market conditions, has a direct impact on the reserve positions of the borrowing banks and thus on their ability to meet the needs of their customers. However, the effects of such borrowing do not remain localized but have an important bearing on overall monetary and credit conditions.

(c) *Short-term adjustment credit.*—Federal Reserve credit is available on a short-term basis to a member bank, under such rules as may be prescribed, to such extent as may be appropriate to assist such bank in meeting temporary requirements for funds or to cushion more persistent outflows of funds pending an orderly adjustment of the bank's assets and liabilities.

(d) *Seasonal credit.*—Federal Reserve credit is available for longer periods to assist a member bank that lacks reasonably reliable access to national money markets in meeting seasonal needs for funds arising from a combination of expected patterns of movement in its deposits and loans. Such credit will ordinarily be limited to the amount by which the member bank's seasonal needs exceed 5 percent of its average total deposits in the preceding calendar year and will be available if (1) the member bank has arranged in advance for such credit for the full period, as far as possible, for which the credit is expected to be required, and (2) the Reserve Bank is satisfied that the member bank's qualifying need for funds is seasonal and will persist for at least eight consecutive weeks. In making such arrangements for seasonal credit, a Reserve Bank may agree to extend such credit for a period of up to 90 days,[1] subject to compliance with applicable requirements of law at the time such credit is extended. However, in the event that a member bank's seasonal needs should persist beyond such period, the Reserve Bank will normally be prepared to entertain a request by the member bank for further credit extensions under the seasonal credit arrangement.

(e) *Emergency credit for member banks.*—Federal Reserve credit is available to assist member banks in unusual or emergency circumstances such as may result from national, regional, or local difficulties or from exceptional circumstances involving only a particular member bank.

(f) *Emergency credit for others.*—Federal Reserve credit is available to individuals, partnerships, and corporations that are not member banks in emergency circumstances in accordance with § 201.7 if, in the judgment of the Reserve Bank involved, credit is not practicably available from other sources and failure to obtain such credit would adversely affect the economy.

(g) *Credit for capital purposes.*—Federal Reserve credit is not a substitute for capital and ordinarily is not available for extended periods.

(h) *Compliance with law and regulation.*—All credit extended pursuant to

[1] As provided in the law and in this part, the maturity of advances to member banks is limited to 90 days, except as provided in § 201.3(b).

this part must comply with applicable requirements of law and of this part. Among other things, the law requires each Reserve Bank (1) to keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities or for any other purpose inconsistent with the maintenance of sound credit conditions and (2) to give consideration to such information in determining whether to extend credit.

§ 201.3 Advances to member banks.

(a) *Advances on obligations or eligible paper.*—Reserve Banks may make advances to member banks for not more than 90 days if secured by obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks.

(b) *Advances on other security.*—A Reserve Bank may make advances to a member bank for not more than 4 months if secured to the satisfaction of the Reserve Bank, whether or not secured in conformity with paragraph (a) of this section, but the rate on such advances shall be at least one-half of one percent per annum higher than the rate applicable to advances made under paragraph (a) of this section.

§ 201.4 Discounts for member banks.

If a Reserve Bank should conclude that a member bank would be better accommodated by the discount of paper than by an advance on the security thereof, it may discount for such member bank any paper endorsed by the member bank and meeting the following requirements:

(a) *Commercial or agricultural paper.*—A note, draft, or bill of exchange issued or drawn or the proceeds of which have been or are to be used (1) in producing, purchasing, carrying, or marketing goods in the process of production, manufacture, or distribution, (2) for the purchase of services, (3) in meeting current operating expenses of a commercial, agricultural, or industrial business, or (4) for the purpose of carrying or trading in direct obligations of the United States; provided that (i) such paper has a period remaining to maturity of not more than 90 days, except that agricultural paper (including paper of cooperative marketing associations) may have a period remaining to maturity of not more than 9 months and (ii) the proceeds of such paper have not been and are not to be used merely for the purpose of investment, speculation, or dealing in stocks, bonds, or other such securities, except direct obligations of the United States.

(b) *Bankers' acceptances.*—A banker's acceptance (1) arising out of an importation or exportation or domestic shipment of goods or the storage of readily marketable staples or (2) drawn by a bank in a foreign country or dependency or insular possession of the United States for the purpose of furnishing dollar exchange: *Provided*, That such acceptance complies with applicable requirements of section 13 of the Federal Reserve Act.

(c) *Construction paper.*—A note representing a loan made to finance construction of a residential or farm building, whether or not secured by a lien upon real estate, which matures not more than 9 months from the date the loan was made and has a period remaining to maturity of not more than 90 days, if accompanied by an agreement requiring some person acceptable to the Reserve Bank to advance the full amount of the loan upon completion of such construction.

§ 201.5 General requirements.

(a) *Information.*—A Reserve Bank shall require such information as it deems necessary to insure that paper tendered as collateral or for discount is acceptable and meets any pertinent eligibility requirements and that the credit granted is used consistently with this part.

(b) *Amount of collateral.*—A Reserve Bank shall require only such amount of collateral as it deems necessary or advisable.

(c) *Indirect credit for nonmember banks.*—Except with the permission of the Board of Governors, no member bank shall act as the medium or agent of a nonmember bank (other than a Federal Intermediate Credit bank) in receiving credit from a Reserve Bank and, in the absence of such permission, a member bank applying for credit shall be deemed to represent and guarantee that it is not so acting.

(d) *Limitation as to one obligor.*—Except as to credit granted under § 201.3 (b), a member bank applying for credit shall be deemed to certify or guarantee that as long as the credit is outstanding no obligor on paper tendered as collateral or for discount will be indebted to it in an amount exceeding the limitations in section 5200 of the Revised Statutes (12 U.S.C. 84), which for this purpose shall be deemed to apply to State member as well as national banks.

§ 201.6 Federal intermediate credit banks.

A Reserve bank may discount for any Federal Intermediate Credit bank (a) agricultural paper, or (b) notes payable to and bearing the endorsement of such Federal Intermediate Credit bank covering loans or advances made under subsections (a) and (b) of section 2.3 of the Farm Credit Act of 1971 (12 U.S.C. 2074) which are secured by paper eligible for discount by Reserve banks. Any paper so discounted shall not have a period remaining to maturity of more than 9 months or bear the endorsement of a nonmember State bank.

§ 201.7 Emergency credit for others.

In emergency circumstances a Reserve bank may extend credit for periods of not more than 90 days to individuals, partnerships, and corporations (other than member banks) on the security of direct obligations of the United States or any obligations which are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, at such rate in excess of the rate in effect at the Reserve bank for advances under § 201.3(a) as its board of directors may establish subject to review and determination of the Board of Governors.

[FR Doc.73-6874 Filed 4-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-11]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In FR Doc. 73-5950 appearing on page 8134 in the issue of Thursday, March 29, 1973, in the fifth paragraph, delete the fourth line.

Title 21—Food and Drugs

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

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Termination of Provisional Listing and Certification of F.D. & C. Violet No. 1

Section 8.501 of the color additive regulations (21 CFR 8.501) designates those color additives that are provisionally listed, pursuant to section 203(b) of the Color Additive Amendments of 1960, on an interim basis pending completion of scientific investigations needed as a basis for making determinations as to listing of such additives pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

F.D. & C. Violet No. 1 has been in use for some 22 years and is provisionally listed under § 8.501 for food, drug, and cosmetic use and is subject to certification under § 9.90 of the regulations (21 CFR 9.90). Over the years a number of studies have been conducted with F.D. & C. Violet No. 1 for the purpose of establishing its safety pursuant to section 706 of the act. These studies included multiple acute and chronic studies on laboratory animals which demonstrated no significant adverse effects as a result of the feeding or topical application of F.D. & C. Violet No. 1.

Other studies, e.g., the Canadian investigation by Mannell, W. A., et al. with rats and a 2-year dog study conducted by the FDA, suggested possible carcinogenesis as a result of exposure to the test material. After carefully evaluating the available data, however, the Food and Drug Administration concluded that such data did not clearly support the finding that F.D. & C. Violet No. 1 is a carcinogen. In the case of the Canadian study it could not be determined whether the material fed was certifiable F.D. & C. Violet No. 1.

Nevertheless, because of concern about the safety of F.D. & C. Violet No. 1, on June 2, 1971, the Commissioner of Food and Drugs referred the available data on

F.D. & C. Violet No. 1 to an advisory committee for a report and recommendations pursuant to section 706(b)(5)(C)(i) of the act. Members of the advisory committee, nominated by the National Academy of Sciences, were experts in the field of pathology and emminently qualified to evaluate the data referred to them. After considering the data, it was the judgment of the advisory committee that F.D. & C. Violet No. 1 was not carcinogenic but that additional studies should be conducted. The advisory committee recommended that F.D. & C. Violet No. 1 remain on the provisional list pending completion of these additional studies. The FDA concurred in the recommendations of the advisory committee, and these studies, including teratology and multigeneration reproduction studies, are currently underway.

Recently, however, the FDA has been informed of unpublished data from two studies in which rats of the Sprague-Dawley strain were fed Violet No. 1 at a level of 5 percent of the diet. Although these data are preliminary in nature, they nonetheless suggest that the material fed may be carcinogenic. In one of these studies the color used was not certifiable F.D. & C. Violet No. 1. In the other study, however, preliminary analysis by FDA indicates the color used to be certifiable as F.D. & C. Violet No. 1 although not enough of the color was available to FDA for performance of a confirmatory duplicate analysis. In view of these preliminary findings the Commissioner is of the opinion that prudence dictates the removal of F.D. & C. Violet No. 1 from food, drug, and cosmetic use until such time as the color additive may be established as being safe for such use.

Accordingly, on the basis of the scientific evidence before him, the Commissioner concludes that the postponement of the closing date of the provisional listing of F.D. & C. Violet No. 1 should be terminated, that all certificates heretofore issued for batches of F.D. & C. Violet No. 1 should be canceled as of April 10, 1973, and that after that date use of F.D. & C. Violet No. 1 in any food, drug, or cosmetic will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action. The Commissioner further concludes that the protection of the public health does not require the recall from the market of foods, drugs, and cosmetic containing the color additive.

Therefore, pursuant to provisions of title II of the Color Additive Amendments of 1960 (title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and under authority delegated to the Commissioner (21 CFR 2.120), parts 8 and 9 of the color additives regulations are amended as follows:

A. In part 8 under subpart—provisional regulations:

§ 8.501 [Amended]

1. The entry for F.D. & C. Violet No. 1 under § 8.501(a) is deleted.

2. The following new paragraph (e) is added to § 8.502.

§ 8.502 Termination of provisional listings of color additives.

* * * * *

(e) *F.D. & C. Violet No. 1.*—The Commissioner of Food and Drugs, in order to protect the public health, hereby terminates the provisional listing of F.D. & C. Violet No. 1 (§ 9.90 of this chapter) for use in foods, drugs, and cosmetics.

3. A new paragraph (h) is added to § 8.510 as follows:

§ 8.510 Cancellation of certificates.

* * * * *

(h)(1) Certificates issued for F.D. & C. Violet No. 1 (§ 9.90 of this chapter) and all mixtures containing this color additive are canceled and have no effect after April 10, 1973, and use of such color additive in the manufacture of foods, drugs, or cosmetics after that date will result in adulteration.

(2) The Commissioner finds that no action needs to be taken to remove foods, drugs, and cosmetics containing this color additive from the market on the basis of the scientific evidence before him.

§ 8.515 [Amended]

4. By deleting paragraph (b) from § 8.515.

B. In subpart B of part 9:

§ 9.90 [Revoked]

1. By revoking § 9.90 F.D. & C. Violet No. 1.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of the Public Law 86-618 so provides.

Effective date.—This order shall be effective on April 10, 1973.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated April 5, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-6791 Filed 4-9-73;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Revocation of Standard Concerning Retiring Rooms for Women

1. *Background.* On June 7, 1972, notice was published in the FEDERAL REGISTER (37 FR 11340) for a proposal to revoke the standard in paragraph (f) of 29 CFR 1910.141, which requires at least one retiring room for the use of female employees, or, where fewer than 10 women are employed and a restroom is not furnished, some other equivalent space to be provided and made suitable for the use of female employees.

The notice invited interested persons to submit written data, views, and arguments concerning the proposal. In addition, interested persons were permitted an opportunity to file written objections to the proposal and to request a hearing on the objections. Several written comments, views, and arguments were received in response to the notice. Petitions were filed requesting a public hearing on the proposal.

On August 5, 1972, a notice of an informal hearing was published in the FEDERAL REGISTER (37 FR 15880) inviting interested persons to submit data, views, and arguments concerning the proposed revocation. Pursuant to the notice, a hearing was held on October 3, 1972. On or about October 24, 1972, the presiding administrative law judge certified the record of the proceeding.

2. *Issues.* The proposal has elicited numerous comments, all of which have been carefully examined and considered. The basic issue raised in this rulemaking proceeding is whether the provision of retiring rooms for any employee, male or female, is reasonably necessary or appropriate in order to provide a safe and healthful place of employment. There were other related issues raised, such as, whether separate facilities should be provided for female and male employees, and whether the present standard, requiring retiring rooms for women only, discriminates against men, within the meaning of the Equal Employment Opportunity Commission guidelines which prohibit sex discrimination in any fringe benefits of employment. Since it is concluded that the retention of the standard is not necessary or appropriate for the safety or health of employees of either sex, it is not necessary to reach those collateral issues.

3. *Public comments.* Many of those objecting to the proposed revocation contend that any employee, female or male, may become ill on the job. It is argued that any employee who becomes ill may need to lie down and rest, and that a retiring room should be provided where he may do so. More specifically, it is stated that pregnant women and persons employed in areas of noise and heat stress may need to lie down and rest during the workday in a retiring room located away from the stress and strain of the work environment. With respect to the telephone and telegraph industry, it is stated that irregular shifts, split shifts, day and night duty and long overtime hours make retiring rooms necessary for employees who must make adjustments in their sleeping patterns.

Those supporting the proposed revocation argue essentially that employees who are ill should be referred to a medical facility for treatment or be sent home, rather than be permitted to rest in unattended rooms. It is contended that in instances where conditions of health require an employee to lie down, it should be done in a medically supervised facility. One medical director of a company asserts that the use of retiring rooms by ill employees delays and impedes the administration of proper medical treatment.

4. *Discussion.* The present requirement of retiring rooms "applies to all permanent places of employment except where domestic, mining, or agricultural work only is performed," 29 CFR 1910.141(f). We think that a retiring room standard of such wide application cannot be justified by considerations which may be relevant only to a few and special work environments. Accordingly, we put to one side arguments based on an asserted need to recline in order to recuperate from exposure to excessive heat or noise. We point out that two advisory committees appointed under section 7(b) of the act are now considering the need for standards on exposure to noise and heat stress. Whether retiring rooms should be required in workplaces subject to such exposure will be considered in the development of these particular standards.

Of course employees, male and female, may become ill while at work. But this possibility does not require the conclusion that retiring rooms are "reasonably necessary or appropriate to provide safe or healthful employment and places of employment." (Definition of "Occupational Safety and Health Standard," 29 U.S.C. 652(8).)

Implicit in the argument for retiring rooms is the premise that their use would restore the health and normal capacity of employees who are ill, who could therefore return to perform their duties with unimpaired efficiency and alertness.

From the information before us, it is concluded that the premise is faulty and that the use of retiring rooms will probably detract from safety or health at places of employment. Retiring rooms would not be provided for the occasional breaks, such as coffeebreaks. They would be provided for employees who may be so ill that they cannot even sit, but must lie down in bed. We agree with those who stress that, in general, it is not safe to let employees in such conditions rest in retiring rooms without medical supervision, and then return to their normal duties. It is not safe for the employees, because necessary or appropriate medical attention and medication may be delayed, with a risk of complications. Further, it may not be safe for their fellow workers if the ill employees return after a brief rest and possibly only a transitory relief from the initial symptoms of perhaps serious illness. This is especially true where work involves strenuous physical exertion, or operation of heavy machinery or equipment.

Of course, this decision to revoke a general requirement for retiring rooms is based on information before us relating to the general use of retiring rooms as a minimum safety and health standard. It does not preclude the possibility that in particular employments retiring rooms may be reasonably necessary or appropriate to provide safety. Nor does the revocation prohibit retiring rooms in such circumstances, or in any other circumstances when their use does not constitute a hazard foreclosed under section 5(a)(1) of the act.

Therefore, pursuant section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), 29 CFR 1910.4, 29 CFR Part 1911, and Secretary of Labor's Order No. 12–71 (36 FR 8754), paragraph (f) of 29 CFR 1910.141 is hereby revoked, effective April 10, 1973.

Signed at Washington, D.C., this 4th day of April 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6893 Filed 4-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-218R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

North Fork, Mokelumne River, Calif.

The amendment changes the regulations for the highway (Miller Ferry) bridge across the North Fork, Mokelumne River near Walnut Grove to add periods during which the draw shall open on signal. This amendment was circulated as a public notice dated November 13, 1972 by the Commander, Twelfth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72-128P) on November 8, 1972 (37 FR 23731). Seven comments were received. Three supported the proposal and four had no objection.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by revising subparagraph (2) of paragraph (h) of § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

* * * * *

(h) * * *

(2) North Fork; Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge). From May 15 through September 15, from 9 a.m. to 5 p.m., the draw shall open on signal. At all other times the draw shall open on signal if at least 12 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date: This revision shall become effective on May 7, 1973.

Dated March 30, 1973.

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

[FR Doc.73-6863 Filed 4-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-50—ADMINISTRATIVE MATTERS

Subpart 3-50.3—Preparation of Negotiation Memorandums

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to establish a standardized format for the preparation of negotiation memorandums.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve administrative matters. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. The following is added to the table of contents:

Subpart 3-50.3—Preparation of Negotiation Memorandums

Sec.
3-50.300 Scope of subpart.
3-50.301 Contents of the Negotiation Memorandum.
3-50.302 Requirement for Prenegotiation Memorandum.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

2. Part 3-50 is amended to add a new subpart which reads as follows:

§ 3-50.300 Scope of subpart.

The purpose of this regulation is to establish a standardized format for the preparation of negotiation memorandums (Summary of Negotiations).

§ 3-50.301 Contents of the negotiation memorandum.

The negotiation memorandum is a complete record of all actions leading to award of a contract. It should be in sufficient detail to explain and support the rationale, judgments, and authorities upon which all actions were predicated. The memorandum will document the negotiation process and reflect the negotiator's actions, skills, and judgments in concluding a satisfactory agreement for the Government. Negotiation memorandums shall contain discussion of the following or a statement of nonapplicability, however, information already contained in the contract file need not be reiterated. A reference as to the document which contains the required information is satisfactory.

(a) *Description of articles and services and period of performance.*—A description of articles and services, quantity, unit price, total contract amount, and period of contract performance shall be set forth (if Supplemental Agreement—show previous contract amount as revised as well as information with respect to the period of performance).

(b) *Negotiation authority.*—Cite the particular paragraph of 41 U.S.C. 252 permitting the negotiations and an indication of the date of approval of the required "Findings and Determinations" (F&D) authorizing the negotiation. If a class F&D is cited, indicate expiration date.

(c) *Procurement planning.*—Summarize any procurement planning activities that have taken place. Include such items as meetings with programs and staff personnel and the development of procurement planning schedules (See HEWPR Subpart 3-3.50 for further details relative to procurement planning).

(d) *Synopsis of proposed procurement.*—A statement as to whether the