Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

n-Butyl Chloride Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-481V) filed by Hart-Delta, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805, proposing safe and effective use of *n*-butyl chloride capsules as an anthelmintic for dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.77 by redesignating paragraphs (a); (b); and (c)(1), (2)(i), (ii), and (iii), and (3) as paragraph (a)(1), (2), (3)(i), (ii)(*a*), (*b*), (*c*), and (iii), respectively, and by adding a new paragraph (b). As revised, § 135c.77 reads as follows:

§ 135c.77 n-Butyl chloride capsules, veterinary.

(a)(1) *Specifications*. *n*-Butyl chloride capsules, veterinary contain 272 milligrams or 816 milligrams of *n*-butyl chloride in each capsule.

(2) *Sponsor*. See code No. 060 in § 135.501(c) of this chapter.

(3) *Conditions of use*. (i) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancyclostoma caninum*, *Ancylostoma braziliense*, and *Uncinaria stenocephala*) from dogs and of the ascarid (*Toxocara cati*) and hookworm (*Ancylostoma tubaeforme*) from cats.

(ii)(*a*) Animals should not be fed for 18 to 24 hours before being given the drug. Puppies and kittens should be wormed at 6 weeks of age. However, if heavily infested, they may be wormed at 4 or 5 weeks of age. Administration of the drug should be followed in ½ to 1 hour with a teaspoonful to a tablespoonful of milk of magnesia or 1 or 2 milk of magnesia tablets. Normal rations may be resumed 4 to 8 hours after treatment. Puppies and kittens should be given a repeat treatment in a week or 10 days. After that they should be treated every 2 months (or as symptoms reappear) until a year old. When the puppy or kitten is a year old, one treatment every 3 to 6 months is sufficient.

(*b*) For dogs or cats that have been wormed regularly, treatment every 3 to 6 months will be sufficient. If a dog or cat has not been wormed previously and has the symptoms of large roundworms a dose should be given and repeated in 10 days. Removal of hookworms may require 3 or 4 doses at 10-day intervals.

(*c*) Puppies, dogs, cats, or kittens weighing 1 to 3 pounds should be given 2 capsules per dose which contain 272 milligrams of *n*-butyl chloride each. Such animals weighing 4 to 5 pounds should be given 3 such capsules. Animals weighing 6 to 7 pounds should be given 4 such capsules and animals weighing 8 to 9 pounds should be given 5 such capsules. Animals weighing 10 to 20 pounds should be given 3 capsules which contain 816 milligrams of *n*-butyl chloride each, animals weighing 20 to 40 pounds should be given 4 such capsules and animals weighing over 40 pounds should be given 5 such capsules with the maximum dosage being 5 capsules, each of which contains 816 milligrams of *n*-butyl chloride.

(iii) A veterinarian should be consulted before using in severely debilitated dogs or cats and also prior to repeated use in cases which present signs of persistent parasitism.

(b)(1) *Specifications*. *n*-Butyl chloride capsules, veterinary contain 221, 442, 884, or 1,768 milligrams or 4.42 grams of *n*-butyl chloride in each capsule.

(2) *Sponsor*. See code No. 102 in § 135.501(c) of this chapter.

(3) *Conditions of use*. (i) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*, *Ancylostoma braziliense*, and *Uncinaria stenocephala*) from dogs.

(ii)(*a*) Dogs should not be fed for 18 to 24 hours before being given the drug. Administration of the drug should be followed in ½ to 1 hour with a mild cathartic. Normal rations may be resumed 4 to 8 hours after treament.

(*b*) The drug is administered orally to dogs. Capsules containing 221 milligrams of *n*-butyl chloride are administered to dogs weighing under 5 pounds at a dosage level of 1 capsule per 1¼ pound of body weight. Capsules containing 442 milligrams of *n*-butyl chloride are administered to dogs weighing under 5 pounds at a dosage level of 1 capsule per 2½ pounds body weight. Capsules containing 884 milligrams of *n*-butyl chloride are administered to dogs as follows: Weighing under 5 pounds, 1 capsule; weighing 5-10 pounds, 2 capsules; weighing 10-20 pounds, 3 capsules; weighing 20-40 pounds, 4 capsules; over 40 pounds, 5 capsules. Capsules containing 1,768 milligrams of *n*-butyl chloride are administered at a dosage level of 1 capsule per dog weighing 5-10 pounds. Capsules containing 4.42 grams of *n*-butyl chloride are administered at a dosage level of 1 capsule per dog weighing 40 pounds or over.

(iii) A veterinarian should be consulted before using in severly debilitated dogs.

Effective date. This order shall be effective on April 15, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 9, 1974.

C. D. Van Houweling,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-8519 Filed 4-12-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

PART 600—STATEMENT OF PROCEDURAL RULES

CFR Correction

In the April 1, 1973, edition of 26 CFR Parts 600 to End, the Federal Register page citation in the second line of the effective date note following § 601.601 (page 102), now reading "37 FR 8246", should read "38 FR 8246".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Ohio

On January 31, 1972, the Governor of Ohio submitted the "Implementation Plan for the Control of Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio" to the Administrator of the Environmental Protection Agency. The plan was adopted by the Ohio Air Pollution Control Board following public hearings held on January 18, 1972, in Columbus, Ohio. This plan was submitted pursuant to section 110 of the Clean Air Act, as amended, which requires States to adopt implementation plans to achieve and maintain the national ambient air quality standards (40 CFR Part 50). On May 31, 1972 (37 FR 10842), the Administrator approved the Ohio plan with specific exceptions. Subsequently, amendments were submitted which permitted full approval of the plan on September 22, 1972 (37 FR 19806).

On June 28, 1973, the United States Court of Appeals for the Sixth Circuit decided the case of Buckeye Power Company, et al. v. EPA, 481 F.2d 162. The court vacated the Administrator's approval of the Ohio plan and remanded the case to the Agency for compliance with section 553 of the Administrative Procedure Act, as articulated in the court's opinion, viz., to take comments, data or other evidence from interested parties, and to express the basis for administrative actions.

On August 27, 1973, the Governor of Ohio withdrew from the proposed Ohio plan the control strategy and regulations for control of sulfur oxides. Accordingly, the plan as of this date contains control strategies designed to achieve the national primary ambient air quality standards for particulate matter, carbon monoxide, hydrocarbons, nitrogen oxides and photochemical oxidants throughout the State of Ohio no later than mid-1975 and to achieve the secondary particulate standards in Ohio with the exception of the Metropolitan Cleveland Intrastate Region (Cleveland) and the Ohio portions of the Northwest Pennsylvania-

Youngstown Interstate Region (Youngstown) and the Steubenville-Weirton-Wheeling Interstate Region (Steubenville). It is anticipated that a new control strategy to achieve national standards for sulfur oxides will be submitted by the Governor of Ohio in the near future. Upon submission, the plan will be published as proposed rule-making for public comments prior to final approval or disapproval.

PUBLIC COMMENT

On November 15, 1973 (38 FR 31542), the Administrator published as proposed rule-making the extant provisions of the Ohio implementation plan and requested public comment thereon. Several responses were received and the major issues and EPA responses thereto can be summarized as follows:

(1) It was suggested that a public hearing be held to consider approval of the plan because of the importance of the proposed action. The Environmental Protection Agency believes that sufficient opportunity for public impact on the plan has been provided by the State public hearing and the Federal public comment period held in accordance with the requirements of section 553 of the Administrative Procedure Act. In this regard, oral presentations are not required (5 U.S.C. 553(c)(1967)).

(2) It was alleged that particulate control is inextricably interwoven with sulfur dioxide control. The Environmental Protection Agency feels that such interdependence does not prevail for the majority of sources. In those exceptional instances where particulate and sulfur dioxide control problems are interdependent, procedures are available to consider any compliance difficulties on a case-by-case basis.

(3) It was suggested that the particulate and hydrocarbon control strategies of the plan be disapproved because the control provisions are more stringent than necessary to achieve national standards for several areas of the State. Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5) requires the Administrator to approve a plan, or portion thereof, if he determines that it meets the requirements listed in section 110(a)(2)(A)-(H). Implementing regulations in 40 CFR Part 51 (Requirements for Preparation, Adoption and Submission of State Implementation Plans) require each State to develop control strategies adequate to attain and maintain the national ambient air quality standards. By definition, a plan with measures more stringent than necessary to achieve the national standards will meet these requirements.

Furthermore, section 116 of the Act (42 U.S.C. 1857d-1) preserves the right of States to adopt and enforce whatever standards, emission limitations or control requirements deemed necessary providing they are as stringent as Clean Air Act and 40 CFR Part 51 requirements. Taken together, the statutory and regulatory provisions clearly preclude the Administrator from disapproving a State plan in which control provisions may be more stringent than necessary to achieve national standards in a particular area.

(4) Several representatives of fuel-burning sources commented that it is impossible to comply with the requirements of AP-3-07 (Control of visible air contaminants from stationary sources) during periods of startup, shut-down and malfunction. While the agency is aware of the merits of this argument, AP-3-07, to the extent that it may under certain conditions be a form of control more stringent than necessary to achieve the national standards, is subject to the same arguments presented in Item (3) above, and, on that basis, can not be disapproved.

(5) It was claimed that many sources will be unable to comply with the July 1, 1975, date for compliance with the regulations because of lengthy time requirements for installing new control equipment. The State regulations have been in effect since early 1972 and a three-year compliance time frame is generally deemed adequate for installing needed control systems. If special problems exist, procedures are available for case-by-case consideration.

(6) Several comments noted that nitrogen dioxide emission limitations were unnecessary because the Environmental Protection Agency has proposed reclassifying all Ohio air quality control regions as Priority III. Even if the Ohio Nitrogen Dioxide Plan constitutes control more stringent than necessary to achieve the national standards, the Administrator may not disapprove the plan for reasons presented in Item (3) above. When the Environmental Protection Agency has completed reclassification of regions for nitrogen dioxide, Ohio may wish to consider revising or removing the existing emission regulations from the applicable plan.

(7) The hydrocarbon and carbon monoxide control regulations were criticized for requiring immediate compliance. While the Environmental Protection Agency recognizes the wisdom of regulating compliance by means of a schedule, immediately enforceable regulations do not per se constitute grounds for disapproval. The Environmental Protection Agency has noted that variance procedures adopted by Ohio can be used to permit the operation of sources during the period necessary to achieve compliance with the regulations.

(8) Other comments concerned economic infeasibility of control requirements and lack of attention to cost-effectiveness in the plan. While the Environmental Protection Agency is concerned that no serious economic dislocation be created as a result of emission controls, there is no provision for disapproval on such a basis within the § 110(a) requirements. It is the position of the Environmental Protection Agency that any serious difficulties of compliance can be resolved through utilization of available State and Federal procedures.

(9) Additional comments concerned the feasibility of a sulfur dioxide control strategy. Inasmuch as no such strategy has been proposed by the State, these comments will be addressed when EPA takes action on the sulfur dioxide control strategy.

APPROVAL COMMENTS

The Ohio Implementation Plan meets the requirements of Section 110 of the Clean Air Act, as amended, and the regulations for Preparation, Adoption, and Submittal of Implementation Plans in 40 CFR Part 51, and is approved with four exceptions.

The first exception relates to requirements for review of indirect sources as promulgated by the Administrator on June 18, 1973 (38 FR 15834). The State was required to submit a plan revision by August 15, 1973. No submission has been received from Ohio and on October 30, 1973 (38 FR 29893), the Environmental Protection Agency reaffirmed its March 8, 1973 (38 FR 6279), disapproval of all State plans for lack of procedures to review construction of indirect sources. At the same time the Administrator proposed a Federal regulation to correct this plan deficiency in Ohio as well as many other States. The Environmental Protection Agency conducted a public hearing in Columbus on November 30, 1973, on the proposed regulation and a final version was promulgated on February 25, 1974 (39 FR 7270). Meanwhile, the disapproval notice pertaining to new indirect source review procedures required by 40 CFR 51.18 remains unaffected by this notice. The February 25, 1974, publication also provided for a disapproval relating to § 51.12(g), air quality maintenance plan requirements for all States; this disapproval remains in effect.

The second exception relates to the adequacy of the control strategy and regulations for control of sulfur oxides. Because the Governor of Ohio withdrew the originally submitted control strategy and regulations for control of sulfur oxides, the plan must be noted as deficient in that respect. However, the Ohio Environmental Protection Agency is adopting a new strategy and regulations for the control of sulfur oxides and submittal as a plan revision is forthcoming. The Environmental Protection Agency is, therefore, not proposing a sulfur oxides control strategy at this time.

The third exception concerns plans to attain secondary standards for particulate matter in certain air quality control regions and the fourth exception relates to public comment procedures on review of new or modified sources; these exceptions are more fully described below.

A detailed description of the plan approval is set forth as follows: The originally published plan of May 31, 1972, contained a classification of regions (§ 52.1871) and attainment dates for national standards (§ 52.1875). These sections are retained with this publication. From time to time, § 52.1870 Identification of plan has been amended as new submissions have been made. This section is retained as originally published on May 31, 1972, together with any subsequent amendments. Sections 52.1874 and 52.1876 have previously been revoked.

With regard to requirements of 40 CFR Part 51, the Administrator has made the following determinations: The plan strategy to achieve national standards for particulate matter by implementation of Ohio regulations AP-3-01, Definitions; AP-3-06, Classification of Regions; AP-3-07, Control of Visible Air Contaminants from Stationary Sources; AP-3-08, Open Burning Prohibited; AP-3-09, Restriction of Emission of Fugitive Dust and Gases; AP-3-10, Restriction on Emissions from Incinerators; AP-3-11, Restriction on Emission of Particulate Matter from Fuel Burning Equipment; and AP-3-12, Restriction of Emission of Particulate Matter from Industrial Process, meets the appropriate requirements of 40 CFR 51.13 and 51.22. Utilizing the example region approach for the particulate matter strategy development, EPA has determined that the 80 percent emission reduction obtainable by implementation of the above-cited regulations will be adequate to achieve the primary standards statewide.

The strategy will also achieve the secondary standards throughout the State, with the exception of the Youngstown, Cleveland and Steubenville regions. On May 31, 1972, when the Ohio plan was originally approved, the Administrator granted 18-month extensions for submission of plans to achieve the secondary standards for particulate matter in the Youngstown, Cleveland, and Steubenville regions (40 CFR 52.1872(a)). The time for submission of these plans expired July 31, 1973, and retention of the extension provision by this publication does not alter that expiration date. On January 25, 1974, the required plans were submitted by the State of Ohio; the submission will be published as proposed rule-making before the Administrator approves or disapproves it. Although a disapproval notice will be published at this time, a substitute strategy will not be proposed for attainment of secondary standards for particulate matter in the above-identified regions unless review of the State submission indicates a substitute strategy will be necessary.

The application of the emission limitations per the P-2 curve in AP-3-11(B)(3) and AP-3-12(B)(3) and the P-3 curve in AP-3-12(B)(4) of the Ohio regulations to sources of particulate matter in Priority II and III regions will achieve secondary standards with a sufficient amount of leeway to provide for maintenance of these standards as well. In a letter from the Director of the Ohio EPA, dated June 6, 1973, the State indicates that the portions of regulations AP-3-11(B)(4) and AP-3-12(B)(5) requiring sources in Priority II and III regions to achieve an additional emission reduction have been submitted for informational purposes only. Therefore, these requirements will not be deemed a part of the applicable implementation plan for the State of Ohio.

The plan strategy to achieve the national standards for photochemical oxidants (hydrocarbons) by implementation of Ohio regulations AP-5-01, Definitions; AP-5-06, Classification of Regions; AP-5-07, Control of Emission of Organic Materials from Stationary Sources, meets the appropriate requirements of 40 CFR 51.14 and 51.22. EPA has determined that the 40% reduction obtainable by implementation of the above-cited regulations will be adequate to achieve the national standards insofar as control of stationary sources is required.

Ohio submitted plans to achieve the photochemical oxidant standards in the Metropolitan Dayton Intrastate Region (Dayton) on July 24, 1973, and in the Ohio portions of the Metropolitan Cincinnati Interstate (Cincinnati) and the Metropolitan Toledo Interstate (Toledo) regions on June 29, 1973. These plans were published on August 15, 1973 (38 FR 22045), as proposed rulemaking and final action approving the Dayton and Toledo plans was taken on November 8, 1973 (38 FR 30971). On November 8, EPA also disapproved the deficiencies in the transportation plan for the Cincinnati region and promulgated substitute regulations. An oversight correction is being made to change the citation of § 51.15 to § 51.14 in the November 8 promulgation of § 52.1877. Today's action, together with the action taken on November 8, constitute the complete Federal plan for attainment and maintenance of national standards for photochemical oxidants (hydrocarbons).

The plan strategy to achieve the national standards for carbon monoxide by implementation of Ohio regulations, AP-5-06, Classification of Regions and AP-5-08, Control of Carbon Monoxide Emissions from Stationary Sources, meets the appropriate requirements of 40 CFR 51.14 and 51.22. Expected emission reductions on affected stationary sources of approximately 80 percent have been determined by the Administrator to be adequate to achieve the national standards.

The plan strategy to achieve the national standard for nitrogen dioxide by implementation of Ohio Regulations AP-7-05, Classification of Regions and AP-7-06, Control of Nitrogen Oxide Emissions from Stationary Sources meets the appropriate requirements of 40 CFR 51.14 and 51.22. Expected emission reductions have been determined by the Administrator to be adequate to achieve the national standard.

All of the regulations comprising the control strategies are immediately effective, thus meeting the requirements of 40 CFR 51.15.

The plan description of Ohio's ambient air monitoring program and source surveillance procedures meets the requirements of 40 CFR 51.17 and 40 CFR 51.19.

The plan presentation of Ohio's legal authority to carry out the provisions of the plan meets the requirements of 40 CFR 51.11. In addition, the plan description of the legal authority needed by local governmental units to carry out assigned roles and of interstate cooperation agreements is approved as meeting the requirements of 40 CFR 51.21.

The description of resources available to carry out the plan meets the requirements of 40 CFR 51.20. The procedures to require self-monitoring by a source in Ohio regulations AP-9-02 and AP-9-03, the procedures to require submission of emission information in Ohio regulation AP-2-03, and the procedures to make emission data available to the public in Ohio regulation AP-9-08 meet the requirements of 40 CFR 51.19 and 51.10(e). The procedures to implement control plans in case of emergency episode situations in AP-11-01, AP-11-02, AP-11-03, and AP-11-04 of the Ohio Regulations meet requirements of 40 CFR 51.16.

Review procedures provided in Ohio regulation AP-9-02 satisfy the requirements of 40 CFR 51.18 with the exception of paragraph (h) relating to public comment procedures and paragraph (a) with respect to review of indirect sources as noted above. Since Ohio regulations do not provide for public comment on review of new or modified sources a disapproval notice is published today together with a corrective regulation requiring the State to provide for public comment as part of its new source review procedure. The Administrator finds good cause for promulgating this correction without having first proposed it, since the substantive rights of those seeking permits to construct or modify sources are not affected and such procedures are clearly required by 40 CFR 51.18, which was previously available for public comment prior to promulgation. Furthermore, it is in the public interest to cause a procedure for allowing public comment on State actions affecting the environment to be instituted. The Administrator will accept written comments on the public comment requirement postmarked not later than May 15, 1974. Changes to the regulation will be made, where appropriate, based on the comments received.

The rules and regulations submitted meet the requirements of 40 CFR 51.22. All of the substantive provisions thereof, as identified in this notice of approval, become part of the applicable implementation plan for the State of Ohio, subject to the exceptions noted herein.

More detailed information supporting this decision is available in the "Evaluation Report of the Ohio Implementation Plan," which may be examined at the Freedom of Information Center, EPA, Room 329, 401 M Street, S.W., Washington, D.C., and at the Program Support Branch, EPA, Region V, 1 North Wacker Drive, Chicago, Illinois 60606.

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 1857c-5).

Dated: April 8, 1974.

JOHN QUARLES,
Acting Administrator.

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

Subpart KK—Ohio

1. Section 52.1870 is amended by adding paragraph (c) (4) as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(4) June 6, 1973, by the Director, Ohio Environmental Protection Agency.

2. Section 52.1873 is revised to read as follows:

§ 52.1873 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Ohio's plan for the attainment and maintenance of the national standards. The State included various provisions in its plan relating to AP-3-11(B)(4) and AP-3-12(B)(5) which, as described in the Governor's letter of June 6, 1973, were included for information purposes only and were not to be considered a part of the plan to implement national standards. Accordingly, these additional provisions are not considered a part of the applicable plan.

§ 52.1877 [Amended]

3. Section 52.1877 is amended by changing the citation of § 51.15 to § 51.14.

4. Section 52.1879 is amended by adding paragraphs (c) and (d) as follows:

§ 52.1879 Review of new sources and modifications.

* * * * *

(c) The requirements of § 51.18(h) of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, "Director" shall mean the "Director of the Ohio Environmental Protection Agency".

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

5. Sections 52.1880 and 52.1881 are added as follows:

§ 52.1880 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) The requirements of § 51.13 of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide).

[FR Doc.74-8576 Filed 4-12-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Southwest Pennsylvania AQCR, Gasoline Transfer Vapor Control

On November 28, 1973, the Environmental Protection Agency, acting under court order, promulgated a number of transportation control measures for the Southwest Pennsylvania Intrastate Air Quality Control Region. Among these measures was a regulation requiring vapor recovery devices, capable of reducing hydrocarbon emissions by 90 percent, to be installed for use during the transfer of gasoline between delivery trucks and storage tanks at service stations and elsewhere.

The gasoline transfer vapor control regulation is applicable to gasoline transfer operations in the Allegheny County portion of the Southwest Pennsylvania Intrastate AQCR. Public comment on this regulation, as well as on the other measures promulgated, was invited by the Environmental Protection Agency for an additional thirty days from the date of promulgation. The Associated Petroleum Industries of Pennsylvania did submit a number of thoughtful comments within the thirty day period.

One specific comment from the Associated Petroleum Industries referred to a portion of the gasoline transfer vapor control regulation which provides that gasoline delivery vehicles "may be refilled only at facilities equipped with a vapor recovery system, or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling." The Associated Petroleum Industries pointed out that it is unclear whether this provision applies to reloading at facilities in Allegheny County, the Southwest Pennsylvania Intrastate AQCR, or to reloading at any facility regardless of geographical location. The regulation is, therefore, being amended today to indicate that the restriction against reloading a delivery vehicle at facilities not equipped with the specified vapor recovery system applies only to reloading within the Southwest Pennsylvania Intrastate Air Quality Control Region.

It should be noted that even though attainment of photochemical oxidant (hydrocarbon) standards can be achieved in the Southwest Pennsylvania Intrastate AQCR by control only of the service stations within the Allegheny County portion of the Region, the control of the so-called "bulk loading" facilities at which gasoline delivery vehicles reload, is necessary on an AQCR-wide basis. This control is necessary because unlike carbon monoxide pollution, which builds up in a fairly localized area surrounding the point of emission, photochemical oxidant pollution is an area-wide phenomenon in which hydrocarbon emissions at any point in the Southwest Pennsylvania Region, a natural air basin, may result in high oxidant levels at far distant points within the Region. Therefore, if the vapor collected within Allegheny County were released outside the County but within the AQCR, the oxidant levels in Allegheny County may well not be reduced at all. Without bulk facility control on an AQCR-wide basis, nothing may be gained.

The Associated Petroleum Industries also pointed out that reference was made in the vapor control regulation to an additional regulation controlling gas transfer vapor emissions. The regulation had been in an earlier draft of the Southwest Pennsylvania promulgation, but had subsequently been found to be unnecessary and was deleted. Therefore, the reference should also have been deleted and is today being deleted.

In view of the fact that this notice simply makes clear previously ambiguous provisions and in view of the fact that substantial prior opportunities for comment on these provisions have been given, the Administrator finds that good cause exists for making these amendments effective April 15, 1974. It should be noted to avoid confusion that the effective date is merely the date on which the amendments become an official part of the regulation. It is not the date for final compliance. That date is specified in the regulation itself.

This notice of final rulemaking is issued under authority of sections 110 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5 and 1857g.

Dated: April 8, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart NN of 40 CFR Part 52 is amended as follows:

1. Section 52.2042 is amended by revising paragraphs (c)(2) and (c)(3)(ii) to read as follows:

§ 52.2042 Gasoline transfer vapor control.

* * * * *

(c) * * *

(2) If a "vapor-balance return" or "simple displacement" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system.

(3) * * *

(ii) Within the Southwest Pennsylvania Intrastate AQCR, the vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

* * * * *

[FR Doc.74-8577 Filed 4-12-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Field Operations Bureau, Organizational Statement; Order

This Order is being issued to reflect changes in the organization and functional statements of the Field Operations Bureau that were adopted in actions by the Commission on January 10, 1974 and February 6, 1974.

These amendments relate to internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of these amendments is contained in sections 4(i) and 5(b) and (d) of the Communications Act of 1934, as amended, and in section 0.231(d) of the Commission's Rules.

Accordingly, it is ordered, Effective April 15, 1974, that Part 0 of the rules and regulations is amended as set forth in the Appendix attached hereto.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 29, 1974.

Released: April 9, 1974.

FEDERAL COMMUICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 0 of Chapter I of 47 CFR is amended as follows:

1. Section 0.111 is revised to read as follows:

FIELD OPERATIONS BUREAU

§ 0.111 Functions of the Bureau.

The Field Operations Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations and wire facilities including enforcement activities (inspection, investigation, monitoring), radio operator examination and licensing, interference suppression, and communications user liaison. These programs include, among others: (a) On-the-air measurement of technical operating parameters of all classes of radio stations; (b) Surveys of frequency occupancy and levels of violative activity; (c) Engineering projects concerning enforcement procedures and user activities; (d) Assistance to other federal agencies and local law enforcement organizations concerning illegal use of radio; (e) Full range of matters concerning licensing and activities of commercial radio operators; (f) Nationwide program of lighting and marking of antenna structures; (g) Local assistance to the public, government agencies, and user organizations in their relationship with the Commission and specific field support activities.

2. Section 0.112 is revised to read as follows:

§ 0.112 Units of the Bureau.

The Bureau consists of the following units:

(a) Office of the Bureau Chief
(b) Enforcement Division
(c) Regional Services Division
(d) Engineering Division
(e) Violations Division

3. Section 0.113 is revised to read as follows:

§ 0.113 Office of the Bureau Chief.

The Office of the Bureau Chief plans, directs, and coordinates the activities of the Bureau.

(a) *Operational functions.* (1) Responsible for the enforcement of the Commission's rules and regulations. Such enforcement activities include monitoring, inspections, and investigations of all non-government communications matters.

(2) Advises and makes recommendations to the Commission and acts for the Commission in matters pertaining to the enforcement of the Commission's rules and regulations, licensing of commercial radio operators (Part 13 of this chapter), marking and lighting of antenna towers (Part 17 of this chapter), and field liaison with the user public and local and federal government agencies (Part O).

(3) Participates in international conferences dealing with monitoring and measurements and serves as the point of contact for the United States government in matters of international monitoring, fixed and mobile direction finding, and interference elimination.

(4) Responsible for reducing or eliminating interference to authorized communications.

(5) Coordinates with, and lends assistance to, appropriate local and federal law enforcement agencies concerning the illegal or improper usage of radio communications in the field.

(6) Develops and implements programs for the marking, lighting, and placement of antenna towers constructed and operated by authorized communication users.

(7) Provides liaison assistance to the public, users and other government agencies in the field in dealing with the Commission.

(b) *Administrative functions.* (1) Develops and implements Bureau-wide management programs including resource management system, work measurement procedures, resource allocation model, management information/reporting and program review/evaluation systems; prepares consolidated budget estimates and justifications for the Bureau; develops and controls execution of operating budgets and financial plans.

(2) Develops and implements Bureau plans for personnel management, including recruiting, training, career development, employee relations, occupational health and safety and EEO activities; maintains Bureau personnel records.

(3) Coordinates external management surveys, studies and audits of Bureau operations; conducts or coordinates internal studies of systems and procedures; performs organization planning.

(4) Coordinates paperwork and committee management programs for the Bureau; including forms, reports and directives.

(5) Plans and coordinates Bureau and headquarters requirements for administrative support services such as space and printing.

(6) Provides for headquarters mail distribution.

(c) *Program development and evaluation functions.* (1) Develops overall policies, programs, objectives, and priorities (budget year and beyond) for all Bureau programs and activities; in consultation with the Divisions of the Bureau; insures that Bureau's programs are consistent with Commission policies; reviews program performance, accomplishments and effectiveness; recommends changes in policies, programs, objectives and priorities.

(2) Analyzes short and long term technical developments and the impact that predicted growth of existing and new telecommunications services will have on the Bureau's mission and workload in consultation with other Commission bureaus and offices; develops plans to integrate new and revised requirements for field enforcement and public service activities into current and future programs.

(3) Develops and evaluates (through such techniques as cost benefit-analysis) alternative field enforcement techniques and organizations in consultation with the Divisions of the Bureau; considers potential trade-offs between various technologies applicable to accomplishing the Bureau's mission; recommends