Lansing, Mich.—Capital City Arpt., VOR Rwy 6, Amdt. 13.
Port Angeles, Wash.—William R. Fairchild Int'l. Arpt., VOR-A, Amdt. 1.
Willard, Ohio—Willard Arpt., VOR-A, Orig., canceled.
Willard, Ohio—Willard Arpt., VOR/DME-A, Orig.

* * * *effective May 23, 1974:*

Pittsburgh, Pa.—Greater Pittsburgh Int'l Arpt., VOR Rwy 10R (TAC), Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l Arpt., VOR Rwy 28L, Amdt. 1.

* * * *effective May 2, 1974:*

Detroit, Mich.—Detroit City Arpt., VOR Rwy 33, Amdt. 13.

* * * *effective April 25, 1974:*

Memphis, Tenn.—Memphis Int'l. Arpt., VOR/DME Rwy 17R, Orig. Mt. Holly, N.J.—Burlington Co. Airpark, VOR-A, Amdt. 1, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 30, 1974:*

Bremerton, Wash.—Kitsap County Arpt., SDF Rwy 1, Amdt. 1.
Brownsville, Tex.—Brownsville Int'l. Arpt., LOC (BC) Rwy 31L, Orig.
Detroit, Mich.—Willow Run Arpt., LOC (BC) Rwy 23L, Amdt. 1.
Lansing, Mich.—Capital City Arpt., LOC (BC) Rwy 9, Amdt. 12.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., LOC Rwy 6L, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., LOC (BC) Rwy 3L, Orig.

* * * *effective April 25, 1974:*

Laconia, N.H., Laconia Municipal Arpt., LOC Rwy 8, Orig.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l. (Wold-Chamberlain) Arpt., LOC (BC) Rwy 11L, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 3.
Brownsville, Tex.—Brownsville Int'l. Arpt., NDB Rwy 13R, Amdt. 6.
Lansing, Mich.—Capital City Arpt., NDB Rwy 27, Amdt. 13.
Lebanon, Mo.—Floyd W. Jones Lebanon Arpt., NDB Rwy 36, Amdt. 1.
Longview, Tex.—Gregg County Arpt., NDB Rwy 13, Amdt. 5.
Tallahassee, Fla.—Tallahassee Municipal Arpt., NDB Rwy 36, Amdt. 11.
Van Wert, Ohio—Van Wert Municipal Arpt., NDB Rwy 9, Amdt. 1.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., NDB Rwy 6R, Amdt. 3.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28L, Amdt. 1.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28R, Amdt. 1.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 10L, Amdt. 6.

* * * *effective April 25, 1974:*

Laconia, N.H.—Laconia Municipal Arpt., NDB (ADF) Rwy 8, Amdt. 6, canceled.
Laconia, N.H.—Laconia Municipal Arpt., NDB Rwy 8, Orig.
Larned, Kans.—Larned-Pawnee County Arpt., NDB-A, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., ILS Rwy 8R, Amdt. 4.
Brownsville, Tex.—Brownsville Int'l. Arpt., ILS Rwy 13R, Amdt. 3.
Decatur, Ill.—Decatur Arpt., ILS Rwy 6, Amdt. 4.
Lansing, Mich.—Capital City Arpt., ILS Rwy 27, Amdt. 15.
Longview, Tex.—Gregg County Arpt., ILS Rwy 13, Amdt. 1.
Tallahassee, Fla.—Tallahassee Municipal Arpt., ILS Rwy 36, Amdt. 13.

* * * *effective May 23, 1974:*

Anchorage, Alaska—Anchorage Int'l. Arpt., ILS Rwy 6R, Amdt. 3.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 10L, Amdt. 16.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 28L, Amdt. 16.

* * * *effective May 2, 1974:*

Denver, Colo.—Stapleton Int'l. Arpt., ILS BC Rwy 8R, Amdt. 1.

* * * *effective April 25, 1974:*

Minneapolis, Minn.—Minneapolis-St. Paul Int'l. (Wold-Chamberlain) Arpt., ILS Rwy 29R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt., RADAR-1, Amdt. 12.
Baton Rouge, La.—Ryan Arpt., RADAR-1, Orig.
Burbank, Calif.—Hollywood-Burbank Arpt., RADAR-1, Amdt. 10.
Kahului, Hawaii, Kahului Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 30, 1974:*

Hillsboro, Oreg.—Portland-Hillsboro Arpt., RNAV Rwy 20, Orig.
Wichita, Kans.—Wichita Mid-Continent Arpt., RNAV Rwy 1L, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and (5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on April 11, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-8870 Filed 4-17-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-838, Amdt. 21]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Registration of Air Taxi Operators on Less Than 30 Days' Notice and Other Miscellaneous Technical and Interpretative Amendments

Correction

In FR Doc. 74-5421, appearing at page 9173 in the issue of Friday, March 8, 1974, the last paragraph in the second column is corrected by deleting the words "adopted December 21, 1973, and". For your convenience, the entire paragraph, as corrected, is set forth in its entirety below.

* * * * *

In consideration of the foregoing, the Board hereby amends Part 298 of the Economic Regulations, effective March 8, 1974 as follows:

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTICS AND ANTIBIOTIC-CONTAINING DRUGS

PART 149b—AMPICILLIN

Change in Effective Date and Corrections

In FR Doc. 74-6030 appearing at page 9935 in the FEDERAL REGISTER of March 15, 1974, the Commissioner of Food and Drugs published a final order regarding recodifiction, name change, and technical revisions of the regulations providing for certification of the antibiotic drug ampicillin. The order provided for an effective date of April 15, 1974.

Inquiries have been received by the Commissioner regarding the effective date as it applies to required labeling changes for ampicillin drug products. The Commissioner finds that additional time to allow for the revising of labeling to reflect the minor name change is justified and that use of labeling that complies with all other requirements is not contrary to the public health. Therefore, the effective date is being revised, as set forth below, to allow for the use of currently approved labeling until the next label printing or for six months, whichever occurs first.

The following revisions and corrections are made:

§ 141.544 [Amended]

1. In column 2 on page 9936, the last eight lines of paragraph (a)(1) in

2. In column 1 on page 9937, the authority citation is revised to read, "The provisions of this Part 149b issued under § 141.544 are deleted.
sec. 507, 512(n), 59 Stat. 463 as amended, 82 stat. 350-351; 21 U.S.C. 357, 360b(n)."

§ 149b.4 [Amended]

3. In column 1 on page 9939, in § 149b.4(a)(1) the words, "sodium salt or" are corrected to read, "sodium salt of".

§ 149b.14 [Amended]

4. In column 1 on page 9941, in the second sentence in paragraph § 149b.14 (a)(1) the words, "it contains either 25 milligrams or 50 milligrams, or 100 milligrams" are corrected to read, "it contains either 25 milligrams, 50 milligrams, or 100 milligrams".

§ 149b.20 [Amended]

5. In column 2 on page 9943, the paragraph heading of § 149b.20(b)(1)(ii) is corrected to read, *"Assay procedures"*.

§ 149b.21 [Amended]

6. In column 3 on page 9943, in § 149b.21(a)(3)(i)(*a*) the word "crystalline" is corrected to read, "crystallinity".

7. In column 1 on page 9944, § 149b.23 (a) (1) and (2) are corrected to read as follows:

§ 149b.23 Ampicillin trihydrate boluses, veterinary.

(a) *Requirements for certification—(1) Standards of identity, strength, quality and purity.* Ampicillin trihydrate boluses are composed of ampillin trihydrate with or without one or more suitable and harmless diluents, buffers, preservatives, stabilizing agents and lubricants. * * *

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135c.107 and 148.3 of this chapter, and, in addition, this drug shall be labeled "ampicillin boluses, veterinary."

* * * * *

8. In column 1 on page 9945, the effective date of the order is corrected to read as follows:

Effective date. This order shall become effective on April 15, 1974, except that the nonproprietary name, where designated in paragraph (a) (2) of each section, shall not be effective until new labels are printed in the normal course of business or until September 15, 1974, whichever occurs first.

Dated: April 15, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-8919 Filed 4-17-74;8:45 am]

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

International Standards

A notice of proposed rule making was published in the FEDERAL REGISTER of July 18, 1972 (37 FR 14237) entitled "International Standards". In this document, the Commissioner of Food and Drugs proposed to define the relationship between Food and Drug Administration standards and International Units and provided for (but did not require) the labels of appropriate antibiotic products to bear the potency in terms of International Units. Also included in this proposal was the recognition of the World Health Organization bacitracin standard as the official FDA bacitracin master standard. The "unit" of bacitracin activity being defined was unchanged and no reformulation of pharmaceutical products would be needed. Interested persons were invited to submit comments on the proposal within 60 days. Three comments were received in response to the proposed rule making.

All three comments were received from manufacturers of veterinary products. They agreed to the use of the new master standard to define the bacitracin "unit" of activity for pharmaceutical drugs but requested that a "gram" of activity also be recognized. There is an established practice in the field of veterinary antibiotics to express the bacitracin activity in feed and in animal water medication products as grams per pound or ton or gallon of drinking water with each "gram" being equivalent to 42,000 units of bacitracin activity. The Association of Official Agricultural Chemists also recognizes this factor in their official methods of analysis of bacitracin in animal feed premixes and final feeds. To alter this factor would result in a great deal of confusion in the use of bacitracin in animal feed and in animal drinking water medication products. The Commissioner considers these comments valid and provision has been made in the final regulation to establish that a "gram" of bacitracin activity is by definition equivalent to 42,000 units.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 145 is amended in § 145.4 by adding an introductory text thereto, and by revising paragraphs (a) (2), (b) (13) and (b) (14) to read as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

Unless it has been otherwise specified in the individual definitions in this section, the activity assigned to each "unit" or "microgram" is equivalent to an International Unit, if such has been defined by the World Health Organization.

(a) * * *

(2) *Bacitracin.* The term "unit" applied to bacitracin means a bacitracin activity (potency) contained in 13.51 micrograms of the bacitracin master standard, except that when the activity (potency) of bacitracin is expressed in terms of its weight, as in the feed and drinking water of animals, 1 gram of activity is equivalent to 42,000 units.

* * * * *

(b) * * *

(13) *Colistin.* The term "microgram" applied to colistin means the colistin base activity (potency) contained in 1.495 micrograms of the colistin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistin is not equivalent to the International Unit.

(14) *Colistimethate.* The term "microgram" applied to colistimethate means the activity (potency) calculated as colistin base that is contained in 1.938 micrograms of the colistimethate master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistimethate is not equivalent to the International Unit.

* * * * *

Effective date. This order shall become effective May 20, 1974.

(Sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357))

Dated: April 12, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-8917 Filed 4-17-74;8:45 am]

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

Redefining "Microgram" as It Applies to Carbenicillin Indanyl

The material originally designated as the carbenicillin indanyl master standard has deteriorated and a new material, which has a different potency, has been designated as the carbenicillin indanyl master standard. Since the definition of the term "microgram" as it applies to carbenicillin indanyl is based on the master standard, the Commissioner of Food and Drugs finds that the regulations should be amended, as set forth below, to provide for the new potency of the master standard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 145 is amended in § 145.4 by revising paragraph (b) (52) to read as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(52) *Carbenicillin indanyl.* The term "microgram" applied to carbenicillin indanyl means the carbenicillin activity (potency) contained in 1.4514 micrograms of the carbenicillin indanyl master standard.

* * * * *

Since this matter is noncontroversial in nature and publication of a proposal with time for comment is impracticable and unnecessary, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on April 18, 1974.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: April 12, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-8918 Filed 4-17-74;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Variances From Performance Standards

On October 24, 1973, the Commissioner of Food and Drugs published a notice of proposed rule making in the FEDERAL REGISTER (38 FR 29340) to amend Parts 1010 and 1020 of Subchapter J to provide for the granting of variances to any electronic product for which there are standards under 21 CFR, Chapter I, Subchapter J. The proposal would add a new § 1010.4 (21 CFR 1010.4) to Part 1010 to set forth provisions for granting variances to electronic products. Since this proposal would also be applicable to variances from performance standards for diagnostic x-ray systems and their major components, the proposal would revoke § 1020.30(i) (21 CFR 1020.30(i)).

Interested persons were given the opportunity to participate in the rule making procedure through submission of comments within 60 days after date of publication of the proposed rule in the FEDERAL REGISTER. Two letters commenting on the proposed rule were received.

1. One letter suggested that the final regulation provide that State radiation regulatory authorities be supplied with a copy of the variance application when a proposed variance or amendment thereto pertains to electronic products to be located in only one or two States. This letter further suggested that comments made by State agencies should be addressed in relevant notices published in the FEDERAL REGISTER, and any issues identified in the comments should be resolved before proceeding with processing of the variance or amendment thereto.

In the preamble to the proposed rule it was affirmed that, when appropriate, State radiation regulatory authorities would be notified of applications for variances as well as actions taken. In addition to routinely receiving from the Bureau of Radiological Health all notices published in the FEDERAL REGISTER, specific State radiation regulatory authorities would be consulted concerning the variance application when those agencies either have special information with regard to the variance or would be substantially affected by the variance. It is concluded, therefore, that the proposal to amend the regulation to provide that State radiation regulatory authorities always be supplied with a copy of the variance application be rejected, since such requirement in the regulations would not always provide the most appropriate means of consulting the State authorities, nor would it be permissible if the application contained proprietary information.

The suggestion to address in the notice of the approved variance, comments submitted by State agencies, is accepted and paragraph (c)(2), as set forth herein, indicates that the notice will contain "such other information that may be relevant to the application or variance."

2. The second letter stated that publication in the FEDERAL REGISTER of a notice of an approved variance, as required by proposed § 1010.4(c)(2), and the public availability of information submitted to the Hearing Clerk, Food and Drug Administration, would not adequately protect the commercial confidentiality of long-range development of new products in that publication of a notice of approval of a variance could adversely affect a manufacturer's patent rights. It was suggested that proposed § 1010.4(c) be written so that the variance application, submitted data, and the ruling by the Director, Bureau of Radiological Health, shall be considered confidential and not subject to public disclosure until notification to the Director by the applicant that FEDERAL REGISTER publication of the variance approval is timely. Such public notification would occur prior to introduction into commerce of the device for which the variance was sought. The subsequent procedure for public comment and objection would then be the same as in the proposed § 1010.4(c)(3).

Pursuant to section 1905 of title 18 of the United States Code, referred to in section 360A(e) of the Public Health Service Act (82 Stat. 1183; (42 U.S.C. 263j)), information submitted in the variance application which is marked confidential and contains adequate justification for its confidentiality, would be prohibited from being published. However, a manufacturer would be free to consult with the technical staff of the Food and Drug Administration on proprietary matters with respect to the product under development, and the extent to which such product might fulfill the criteria for a variance under § 1010.4. It is considered unlikely that a manufacturer could adequately support a variance application in the early conceptual stages of the product's development, i.e., prior to the time when he would be able to file an acceptable patent application.

The Commissioner concludes that, pursuant to § 1010.4(c), action must be initiated promptly to publish the variance approval notice in the FEDERAL REGISTER after the applicant is informed of such approval. Therefore, if a manufacturer concludes that publication of the approval notice would disclose information considered commercially confidential with respect to his product, it would be necessary for him to withhold his variance application or request delay of the decision with respect to such application until such time as a notice of approval could be published as provided herein.

Pursuant to the provisions of § 6.1(b) (21 CFR 6.1(b)), the possible environmental consequences of this regulation have been considered. It has been concluded that the provisions, as set forth herein, would not significantly affect the quality of the human environment. The environmental consequences of applications for variances submitted pursuant to § 1010.4 will be evaluated on an individual basis and the conclusions reported in the notice of approved variance. When it has been determined on the basis of assessment of an environmental impact analysis report that the approval of a variance under consideration constitutes an agency action requiring an environmental impact statement, action shall be taken as prescribed in §§ 6.2 and 6.3.

Therefore, pursuant to provisions of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f, 263j)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Parts 1010 and 1020 of Subchapter J be amended as follows:

1. By adding a new § 1010.4 to read as follows:

§ 1010.4 Variances.

(a) *Criteria for variances.* Upon application by a manufacturer (including assembler), the Director, Bureau of Radiological Health, Food and Drug Administration, may grant a variance from one or more provisions of any standard under Subchapter J of this chapter for an electronic product subject to such standard, when he determines that the variance is so limited in its applicability as not to justify an amendment to the standard, or is of such need as not to allow sufficient time for the processing of an amendment to the standard, and that the granting of such variance is in keeping with the purposes of the Radiation Control for Health and Safety Act of 1968. In addition, the issuance of the variance will be based upon a determination that the product:

(1) Utilizes alternate means for providing radiation safety or protection equal to or greater than that provided by products meeting all requirements of the applicable standard, or

(2) Utilizes suitable means for providing radiation safety or protection and is required to perform a necessary function or is intended for a special purpose which cannot be performed or accomplished with equipment meeting all requirements of the applicable standard, or for which one or more requirements of the applicable standard would not be appropriate.

(b) *Applications for variances.* Applications for variances or for amendments or extensions thereof shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

(1) The application for variance shall include the following information:

(i) A description of the product and its intended use.

(ii) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(iii) A description of the manner in which it is proposed to deviate from the requirements of the applicable standard.

(iv) A description of the advantages to be derived from such deviation.

(v) An explanation of how alternate or suitable means of radiation protection will be provided.

(vi) The period of time it is desired that the variance be in effect, and, if appropriate, the number of units the applicant wishes to manufacture.

(vii) In the case of prototype or experimental equipment, the proposed location of each unit.

(viii) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(2) The application for amendment or extension of a variance shall include the following information:

(i) The variance number and expiration date.

(ii) The amendment or extension requested and basis for the amendment or extension.

(iii) A description of the effect of the amendment or extension on protection from radiation produced by the product.

(iv) An explanation of how alternate or suitable means of protection will be provided.

(c) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve or deny, in whole or in part, a requested variance or any amendment or extension thereof and he shall inform the applicant in writing of his action on a requested variance or amendment or extension.

(2) A notice of an approved variance or any amendment or extension will be published in the FEDERAL REGISTER. Such notice will name the applicable performance standard for which the variance is requested and will state the manner in which the variance differs from the standard, the effective date and the termination date of the variance, a summary of the requirements and conditions attached to the variance, such other information that may be relevant to the application or variance, and, if appropriate, the number of units or other similar limitations for which the variance is approved. Each variance shall be assigned an identifying number.

(3) An approved variance or amendment or extension thereof shall become effective 30 days after publication of a notice in the FEDERAL REGISTER or upon the effective date of the standard from which the variance is requested, whichever is specified in such notice, but in no case less than 30 days after such publication, unless objections and supporting documentation are received by the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852. Objections and supporting documentation requesting that the variance or amendment or extension be modified or not be granted must be received within 30 days following publication of approval in the FEDERAL REGISTER. Upon receipt of objections and supporting documentation, the effective date of the action is automatically stayed until the Director rules on them. The applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review pursuant to section 358(d) of the act.

(4) The Director, Bureau of Radiological Health, shall amend or withdraw a variance whenever he determines that such action is necessary to protect the public health or otherwise is justified by the provisions of 21 CFR Subchapter J. Such action shall become effective in accordance with the procedure in paragraph (c)(3) of this section, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(5) All applications for variances and for amendments and extensions thereof and all correspondence relating to such applications shall be available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(e) of the act.

(d) *Certification of equipment covered by variance.* The manufacturer of any product for which a variance is granted shall modify the tag, label, or other certification required by § 1010.2 to state:

(1) That the product is in conformity with the applicable standard, except with respect to those characteristics covered by the variance;

(2) That the product is in conformity with the provisions of the variance; and

(3) The assigned number and effective date of the variance.

§ 1020.30 [Revoked]

2. By revoking paragraph (i) of § 1020.30.

Effective date. This order shall become effective April 29, 1974.

(Sec. 358, 82 Stat. 1177–1179; (42 U.S.C. 263f, 263j))

Dated: April 15, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–8915 Filed 4–17–74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 190—INCENTIVE (½ PERCENT BONUS) PAYMENTS FOR CONTROLLING OUTDOOR ADVERTISING ON THE INTERSTATE SYSTEM

Policies and Procedures

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 190 as set forth below. Part 190 codifies policies and procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 30–8 pertaining to incentive (½ Percent Bonus) payments for controlling outdoor advertising on the Interstate System.

These amendments to Title 23, Code of Federal Regulations are prepared under the authority of 23 U.S.C. 131(j) and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Sec.
190.1 Purpose.
190.2 Agreement to control advertising.
190.3 Bonus project claims.
190.4 Processing of claims.

AUTHORITY: 23 U.S.C. § 131(j); 49 CFR 1.48(b).

§ 190.1 Purpose.

The purpose of this part is to prescribe project procedures for the incentive payment authorized by 23 U.S.C. 131(j).

§ 190.2 Agreement to Control Advertising.

To qualify for the bonus payment, a State must, not later than June 30, 1965, have entered into an agreement with the Secretary to control outdoor advertising and must have fulfilled its obligations under such agreement.

§ 190.3 Bonus Project Claims.

(a) Following execution of the advertising control agreement and compliance with all requirements of the agreement and of this Part, the State may claim payment of the ½ percent bonus by submission of vouchers (available at the division office) to the Federal Highway Administration (FHWA) division office.

(b) Costs upon which the bonus payment is to be computed must be for projects or portions thereof which meet the requirements of the national standards and the advertising control agreement and for which (1) the section of highway on which the project is located has been opened to traffic, and (2) final payment has been made. A bonus project may cover an individual Interstate project, or a part thereof, or a combination of Interstate projects, on a section of an Interstate route.

(c) No claim shall be submitted on any bonus project until all required advertising controls have been effected on said project and any nonconforming advertising signs in controlled areas have been removed therefrom. The signature of the division engineer on each voucher will be accepted as a certification that this has been verified.

(d) Each bonus project voucher submitted by the State shall be supported by accompanying or previously submitted strip maps of adequate scale and in sufficient detail to identify the limits of the areas within which advertising controls have been established. These maps may be suitably annotated copies of the right-of-way strip maps which supported either the original right-of-way acquisition or the separate acquisition of the advertising rights. Where advertising rights have been acquired under the power of eminent domain, or advertising control has been achieved under the police power, the physical limits of such advertising rights or controls should be delineated. Other suitable maps or plans may be used at the discretion of the division engineer.

(e) Each bonus project voucher submitted by the State shall be supported also by two copies of form FHWA–1175 (available at the division office) for use