over $9 per gallon, suspended by Proclamation 3564 of December 4, 1963, do hereby proclaim—

(1) the termintaion of such part of Proclamation 3564 of December 4, 1963 as proclaims a rate of duty inconsistent with that provided for in the amendment made by paragraph (2) of this proclamation; and

(2) the amendment of subpart B of part 2 of the Appendix to the Tariff Schedules of the United States to read as follows:

Item	Article	Rates of Duty	
		1	2
945.16	Brandy valued over $17.00 per gallon provided for in items 168.20 and 168.22	$5 per gal	No change.

The rates provided for in the amendment made by paragraph (2) of this proclamation shall be effective as to all articles entered, or withdrawn from warehouse, for consumption on and after July 1, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of July, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Richard Nixon

[FR Doc.74-16664 Filed 7-17-74;11:33 am]

rules and regulations

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

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

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

ENVIRONMENTAL PROTECTION

Licensing and Regulatory Policy and Procedures

On November 1, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 30203) proposed amendments to 10 CFR Parts 2, 30, 40, 50, and 70 of its regulations, and a proposed new Part 51 to be entitled "Licensing and Regulatory Policy and Procedures for Environmental Protection."

The proposed regulations were intended to implement the revised Guidelines of the Council on Environmental Quality published in the FEDERAL REGISTER on August 1, 1973, pertaining to preparation of environmental impact statements pursuant to the National Environmental Policy Act of 1969 (NEPA), 83 Stat. 852. The proposed regulations would place all of the Commission's policy and procedures implementing the Act with respect to the Commission's licensing and regulatory program, previously set forth in Appendix D of 10 CFR Part 50, into a new Part 51, which would apply to rule making as well as licensing of production and utilization facilities and nuclear materials.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by December 17, 1973. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications. The more significant ones are described below.

(1) Issuance of facility manufacturing licenses for nuclear power reactors and construction permits or operating licenses for isotopic enrichment plants have been added to the categories of actions for which an environmental impact statement will be prepared by the Commission in § 51.5(a). The category of "full-power, full-term operating licenses" for which an impact statement is required has been changed to "full-power or design capacity". Appropriate additions to other sections to reflect the above additions have been made.

(2) In the category of amendments of materials licenses in § 51.5(b)(4) for which an environmental impact statement may be prepared, the criterion of "a significant increase in the amount of materials authorized to be used" has been changed to "a significant increase in the potential for accidental releases".

(3) The category of substantive and significant amendments to specified AEC regulations in § 51.5(b)(6) for which an environmental impact statement may be prepared has been qualified to refer to substantive and significant amendments from the standpoint of environmental impact. Amendments to 10 CFR Parts 30 and 40 concerning exemption of products containing byproduct material or source material have been added to the categories of actions for which an environmental impact statement will be prepared in § 51.5(a).

(4) Appropriate references to the Council on Environmental Quality's Guidelines on Preparation of Environmental Impact Statements, 40 CFR Part 1500, have been added with regard to preparation of AEC environmental impact statements.

(5) Provision has been made for routine distribution of draft environmental impact statements to appropriate environmental organizations and to all parties to the proceeding if the draft statement is prepared for a licensing action.

Part 51 also incorporates the recently published changes to Appendix D of Part 50 dealing with the environmental effects of the uranium fuel cycle (39 FR 14188), and appropriate conforming amendments have been made in 10 CFR Parts 2 and 50 relating to the issuance of limited work authorizations (39 FR 14506).

Part 51 does not affect the status of the proposed Annex to Appendix D to Part 50 regarding the discussion of accidents in environmental reports published by the Commission for comment on December 1, 1971. The proposed Annex is still under consideration by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10 of the Code of Federal Regulations, Chapter 1, are published as a document subject to codification.

PART 2—RULES OF PRACTICE

1. The references to "Appendix D of Part 50" or "section A.11 of Appendix D of Part 50" in §§ 2.104(c), 2.104(c), 2.743(g), 2.501(b) (1), (2) and (3) and 2.761a and sections I(c), V(f), VI(c), and VIII(b) of Appendix A, of 10 CFR Part 2, are amended to refer to "Part 51".

2. The references to "section 102(2) (C) and (D) of the National Environmental Policy Act" in §§ 2.104(b)(3)(i), 2.501(b)(3)(i) and sections VI(c)(3) and VIII(b)(7) of Appendix A of 10 CFR Part 2 are amended to refer to "section 102(2) (A), (C) and (D) of the National Environmental Policy Act".

3. The references to "Paragraph A of Appendix D of Part 50" in §§ 2.101(a) and 2.761a are amended to refer to "§ 51.5(a)".

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

4. The references to "Appendix D of Part 50" in §§ 30.11(a), note 2, 30.32(f), and 30.33(a) of 10 CFR Part 30 are amended to refer to "Part 51".

PART 40—LICENSING OF SOURCE MATERIAL

5. The references to "Appendix D of Part 50" in §§ 40.14(a), note 1, 40.31(f), and 40.32(e) of 10 CFR Part 40 are amended to refer to "Part 51".

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

6. The references to "Paragraph A of Appendix D of Part 50" in § 50.10 (c) and (e) of 10 CFR Part 50 are amended to refer to "§ 51.5(a) of this chapter."

7. The references to "Appendix D of Part 50" in §§ 50.11(e)(1), 50.12(b), 50.30(f), and 50.40(d) of 10 CFR Part 50 are amended to refer to "Part 51".

8. The reference to "Paragraph A 11 of Appendix D of Part 50" in § 50.10(e) (2) is amended to refer to "§ 51.52 (b) and (c) of this chapter."

9. The references to "Appendix D" in paragraphs 3, 5(g) and 11 of Appendix M of 10 CFR Part 50 are amended to refer to "Part 51".

10. Appendix D of 10 CFR Part 50 is revoked.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

11. A new Part 51 is added to read as follows:

No. 139—Pt. I——2

AUTHORITY: The provisions of this Part 51 issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332), sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201).

§ 51.1 Purpose and scope.

(a) The National Environmental Policy Act of 1969 (83 Stat. 852), implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of August 1, 1973 (38 FR 20550), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The principal objective of the National Environmental Policy Act of 1969 is to build into the agency decision making process an appropriate and careful consideration of environmental aspects of proposed actions.

(b) This part sets forth the Atomic Energy Commission policy and procedures for the preparation and processing of environmental impact statements and related documents pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the Commission's licensing and regulatory activities.

(c) This part does not address any limitations on the Commission's authority and responsibility pursuant to the National Environmental Policy Act of 1969 imposed by the Federal Water Pollution Control Act (86 Stat. 916). This matter is addressed in an Interim Policy Statement published in the FEDERAL REGISTER on January 29, 1973 (38 FR 2679).

§ 51.2 Definitions.

(a) "Commission" means the Atomic Energy Commission or its authorized representatives.

(b) "NEPA" means the National Environmental Policy Act of 1969.

(c) "Environmental report" means a document submitted to the Commission by applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, or by petitioners for rulemaking, in order to aid the Commission in complying with section 102(2)(C) of NEPA.

(d) "Notice of intent" means a notice that an environmental impact statement will be prepared and processed.

(e) "Environmental impact statement" means the detailed statement prepared by the Commission pursuant to section 102(2)(C) of NEPA.

(f) "Negative declaration" means a statement that the Commission has determined not to prepare an environmental impact statement for a particular action.

(g) "Environmental impact appraisal" means a document which provides the basis for a negative declaration.

§ 51.3 Interpretations.

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

§ 51.4 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the regulations of this part as it determines are authorized by law and are otherwise in the public interest.

Subpart A—General Requirements for Environmental Impact Statements, Negative Declarations, and Impact Appraisals

§ 51.5 Actions requiring preparation of environmental impact statements, negative declarations, environmental impact appraisals; actions excluded.

(a) An environmental impact statement will be prepared and circulated prior to taking any of the following types of actions:

(1) Issuance of a permit to construct a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;

(2) Issuance of a full power or design capacity license to operate a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;

(3) Issuance of a permit to construct or a design capacity license to operate an isotopic enrichment plant pursuant to § 50.22 of this chapter;

(4) Issuance of a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride pursuant to Part 70 of this chapter;

(5) Issuance of a license to possess and use source material for uranium milling or production of uranium hexafluoride pursuant to Part 40 of this chapter;

(6) Issuance of a license authorizing commercial radioactive waste disposal by land burial pursuant to Parts 30, 40, and/or 70 of this chapter;

(7) Conversion of a provisional operating license for a nuclear power reactor, testing facility or fuel reprocessing plant to a full power or design capacity license pursuant to Part 50 of this chapter where no final environmental impact statement has been previously prepared;

(8) Issuance of a license to manufacture pursuant to Appendix M of Part 50 of this chapter.

(9) Amendments of Parts 30 and 40 of this chapter concerning the exemption from licensing and regulatory requirements of any equipment, device, commodity or other product containing byproduct material or source material.

(10) Any other action which the Commission determines is a major Commission action significantly affecting the quality of the human environment.

(b) Many licensing and regulatory actions of the Commission other than those listed in paragraph (a) may or may not require preparation of an environmental impact statement, depending upon the circumstances. In determining whether an environmental impact statement should or should not be prepared for such action, the Commission shall be guided by the Council on Environmental Quality Guidelines, 40 CFR 1500.6. Such other actions include:

(1) Issuance of a permit to construct, or a full power or design capacity license to operate, a production or utilization facility other than a nuclear power reactor, testing facility, fuel reprocessing plant, or isotopic enrichment plant of the type specified in paragraph (a) of this section.

(2) Issuance of an amendment to a construction permit or full power or design capacity operating license for a nuclear power reactor, testing facility, fuel reprocessing plant, isotopic enrichment plant licensed pursuant to § 50.22 of this chapter or to a license to manufacture that would authorize a significant change in the types or a significant increase in the amounts of effluents or a significant increase in the authorized power level;

(3) Issuance of a license to operate a power reactor, testing facility, fuel reprocessing plant or isotopic enrichment plant at less than full power or at less than the design capacity;

(4) Issuance of an amendment which would authorize a significant change in the types or significant increase in the amounts of effluents or a significant increase in the potential for accidental releases of a license for:

(i) The possession and use of special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride, pursuant to Part 70 of this chapter;

(ii) The possession and use of source material for uranium milling or production of uranium hexafluoride pursuant to Part 40 of this chapter;

(iii) Authorizing commercial radioactive waste disposal by land burial pursuant to Parts 30, 40, and/or 70 of this chapter.

(5) Renewal of licenses to conduct activities listed in paragraph (b)(4)(i)–(iii) of this section;

(6) Substantive and significant amendments (from the standpoint of environmental impact) of Parts 20, 30, 40, 50, 70, 71, 73, or 100 of this chapter;

(7) License amendments or orders authorizing the dismantling or decommissioning of nuclear power reactors, testing facilities, fuel reprocessing plants and isotopic enrichment plants;

(8) Termination of a license for the possession and use of source material for uranium milling at the request of the licensee.

(c) (1) The environmental impact of proposed licensing and regulatory actions listed in paragraph (b) will be evaluated, and if it is determined that an environmental impact statement should be prepared, a notice of intent will be published and distributed in accordance with § 51.50(b) and draft and final environmental impact statements will be prepared. If it is determined that an environmental impact statement need not be prepared for an action listed in paragraph (b), a negative declaration and environmental impact appraisal will, unless otherwise determined by the Commission, be prepared in accordance with §§ 51.7 and 51.50(d).

(2) If, subsequent to the publication of a notice of intent concerning an action, it is determined that an environmental impact statement need not be prepared in connection with that action, or if it is determined that an environmental impact statement need not be prepared in connection with any action with respect to which the Council on Environmental Quality has requested that an environmental impact statement be prepared, a negative declaration and an environmental impact appraisal will be prepared in accordance with §§ 51.7 and 51.50(d).

(3) The Commission may require applicants for permits, licenses, and orders, and amendments thereto, and renewals thereof, and petitioners for rule making covered by paragraph (b) of this section to submit such information to the Commission as may be useful in aiding the Commission in the preparation of an environmental impact appraisal.

(d) Unless otherwise determined by the Commission, an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with the following types of actions:

(1) Issuance of notices and orders pursuant to Subpart B or Part 2 of this chapter;

(2) Amendments to Parts 2, 19, 51, 55, 140, 150, and 170 of this chapter;

(3) Non-substantive and insignificant amendments (from the standpoint of environmental impact) of Parts 20, 30, 40, 50, 70, 71, 73, or 100 of this chapter;

(4) Issuance of a materials license or amendment to or renewal of a materials or facility license or permit or order other than those covered by paragraphs (a) and (b) of this section.

§ 51.6 Notice of intent.

Whenever the Commission determines that an environmntal impact statement will be prepared in connection with an action, a notice of intent will be published and distributed in accordance with § 51.50(b).

§ 51.7 Negative declarations; environmental impact appraisals.

(a) Negative declarations. The negative declaration required by § 51.5(c) will be prepared prior to the taking of the associated action and will state that the Commission has decided not to prepare an environmental impact statement for the particular action and that an environmental impact appraisal setting forth the basis for that determination is available for public inspection. Negative declarations will be published and made publicly available in accordance with §§ 51.50(d) and 51.55. Lists of negative declarations will be maintained and made publicly available in accordance with § 51.54(b).

(b) Environmental impact appraisals. An environmental impact appraisal will be prepared in support of all negative declarations. The appraisal will include:

(1) A description of the proposed action;

(2) A summary description of the probable impacts of the proposed action on the environment; and

(3) The basis for the conclusion that no environmental impact statement need be prepared.

Lists of environmental impact appraisals will be maintained and made publicly available in accordance with § 51.54(b). Impact appraisals will be made available to the public upon request in accordance with § 51.55.

Subpart B—Facilities

§ 51.20 Applicant's Environmental Report—Construction Permit Stage.

(a) Environmental considerations. Each applicant [1] for a permit to construct a production or utilization facility covered by § 51.5(a) shall submit with its application a separate document, entitled "Applicant's Environmental Report—Construction Permit Stage," which contains a description of the proposed action, a statement of its purposes, and a description of the environment affected, and which discusses the following considerations:

(1) The probable impact of the proposed action on the environment;

(2) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. The discussion of alternatives to the proposed action required by paragraph (a)(3) shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to section 102(2)(D) of NEPA, "appropriate alternatives * * * in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

(b) Cost-benefit analysis. The Environmental Report required by paragraph (a) shall include a cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis shall, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they shall be discussed in qualitative terms. The Environmental Report should contain sufficient data to aid the Commission in its development of an independent cost-benefit analysis.

(c) Status of compliance. The Environmental Report required by paragraph (a) shall include a discussion of the status of compliance of the facility with applicable environmental quality standards and requirements (including, but not limited to, applicable zoning and land-use regulations and thermal and other water pollution limitations or requirements promulgated or imposed pursuant to the Federal Water Pollution Control Act) which have been imposed by Federal, State, regional, and local agencies having responsibility for environmental protection. The discussion of alternatives in the Report shall include a discussion whether the alternatives will comply with such applicable environmental quality standards and requirements. The environmental impact of the facility and alternatives shall be fully discussed with respect to matters covered by such standards and requirements irrespective of whether a certification or license from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 401 of the Federal Water Pollution Control Act [2]). Such discussion shall be reflected in the

[1] Where the "applicant", as used in this part, is a Federal agency, different arrangements for implementing NEPA may be made, pursuant to the Guidelines established by the Council on Environmental Quality.

[2] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 401 of the Federal Water Pollution Control Act has not been obtained.

cost-benefit analysis prescribed in paragraph (b). While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis prescribed in paragraph (b) shall, for the purposes of NEPA, consider the radiological effects, together with the other effects, of the facility and alternatives.

(d) The information submitted pursuant to paragraphs (a)–(c) of this section should not be confined to data supporting the proposed action but should include adverse data as well.

(e) In the Environmental Report required by paragraph (a) for light-water-cooled nuclear power reactors, the contribution of the environmental effects of uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, reprocessing of irradiated fuel, transportation of radioactive materials and management of low level wastes and high level wastes related to uranium fuel cycle activities to the environmental costs of licensing the nuclear power reactor, shall be as set forth in the following table. No further discussion of such environmental effects shall be required.

TABLE S-3.—*Summary of environmental considerations for uranium fuel cycle*

[Normalized to model LWR annual fuel requirement]

Natural resource use	Total	Maximum effect per annual fuel requirement of model 1000 MWe LWR
Land (acres):		
Temporarily committed	63	
Undisturbed area	45	
Disturbed area	18	Equivalent to 90 MWe coal-fired powerplant.
Permanently committed	4.6	
Overburden moved (millions of MT)	2.7	Equivalent to 90 MWe coal-fired powerplant.
Water (millions of gallons):		
Discharged to air	156	~2 percent model 1000 MWe LWR with cooling tower.
Discharged to water bodies	11,040	
Discharged to ground	123	
Total	11,319	<4 percent of model 1000 MWe LWR with once-through cooling.
Fossil fuel:		
Electrical energy (thousands of MW-hour).	317	<5 percent of model 1000 MWe LWR output.
Equivalent coal (thousands of MT).	115	Equivalent to the consumption of a 45 MWe coal-fired powerplant.
Natural gas (millions of scf)	92	<0.2 percent of model 1000 MWe energy output.
Effluents—chemical (MT):		
Gases (including entrainment): [1]		
SO_x	4,400	
NO_x [2]	1,177	Equivalent to emissions from 45 MWe coal-fired plant for a year.
Hydrocarbons	13.5	
CO	28.7	
Particulates	1,156	
Other gases:		
F^-	.72	Principally from UF_6 production enrichment and reprocessing. Concentration within range of state standards—below level that has effects on human health.
Liquids:		
SO_4^-	10.3	From enrichment, fuel fabrication, and reprocessing steps. Component that constitute a potential for adverse environmental effect are present in dilute concentrations and receive additional dilution by receiving bodies of water to levels below permissible standards. The constituents that require dilution and the flow of dilution water are NH_3—600 cfs NO_3—20 cfs fluoride—70 cfs
NO_3^-	26.7	
Fluoride	12.9	
Ca^+	5.4	
Cl—	8.6	
Na^+	16.9	
NH_3	11.5	
Fe	.4	
Tailings solutions (thousands of MT).	240	From mills only—no significant effluents to environment.
Solids	91,000	Principally from mills—no significant effluents to environment.
Effluents—radiological (curies):		
Gases (including entrainment):		
Ea-222	75	Principally from mills—maximum annual dose rate <4 percent of average natural background within 5 mi of mill. Results in 0.06 man-rem per annual fuel requirement.
Ea-226	.02	
Th-230	.02	
Uranium	.032	
Tritium (thousands)	16.7	Principally from fuel reprocessing plants—whole body dose is 4.4 man-rem per annual fuel requirements for population within 50-mi radius. This is <0.005 percent of average natural background dose to this population. Release from Federal waste repository of 0.005 Cf/yr has been included in fission products and transuranics total.
Xr-85 (thousands)	350	
I-129	.0024	
I-131	.024	
Fission products and transuranics.	1.01	
Liquids:		
Uranium and daughters	2.1	Principally from milling—included in tailings liquor and returned to ground—no effluents; therefore, no effect on environment.
Ra-226	.0034	From UF_6 production-concentration 5 percent of 10 CER 20 for total processing of 27.5 *b* model LWR annual fuel requirements.
Th-230	.0015	

See footnotes end of table.

Natural resource use	Total	Maximum effect per annual fuel requirement of model 1000 MWe LWR
Th-234	.01	From fuel fabrication plants—concentration 10 percent of 10 CFR 20 for total processing 26 annual fuel requirements for model LWR.
Ru-106	[3] .15	From reprocessing plants—maximum concentration 4 percent of 10 CFR 20 for total reprocessing of 26 annual fuel requirements for model LWR.
Tritium (thousands)	2.5	
Solids (buried):		
Other than high level	601	All except 1 Ci comes from mills—included in tailings returned to ground—no significant effluent to the environment, 1 Ci from conversion and fuel fabrication is buried.
Thermal (billions)	3,360	<7 percent of model 1000 MWe LWR.
Transportation (man-rem): Exposure of workers and general public.	.334	

[1] Estimated affuents based upon combustion of equivalent coal for power generation.
[2] 1.2 percent from natural gas use and process.
[3] Cs-137 (0.075 Ci/AFR) and Sr-90 (0.004 Ci/AFR) are also omitted.

This paragraph does not apply to any applicants environmental report submitted prior to June 6, 1974.

(f) *Number of copies.* Each applicant for a permit to construct a production or utilization facility covered by § 51.5(a) shall submit two hundred (200) copies of the Environmental Report required by paragraph (a).

§ 51.21 Applicant's Environmental Report—Operating License Stage.

Each applicant for a license to operate a production or utilization facility covered by § 51.5(a) shall submit with its application two hundred (200) copies of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same matters described in § 51.20 but only to the extent that they differ from those discussed or reflect new information in addition to that discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report or final environmental impact statement previously prepared in connection with the construction permit. With respect to the operation of nuclear reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full power operation of the facility.

Draft Environmental Impact Statements

§ 51.22 General.

The Director of Regulation or his designee will prepare a draft environmental impact statement for facility licensing actions covered by §§ 51.20 and 51.21 as soon as practicable after receipt of the Applicant's Environmental Report and publication of the notice of intent and availability of the report required by § 51.50.

§ 51.23 Contents of draft environmental statements.

(a) The draft environmental impact statement will include the matters specified in § 51.20 (a) and (e) and § 51.21, as appropriate.

(b) The draft environmental impact statement will contain an analysis of any problems and objections raised by other Federal, State, and local agencies and by interested persons in the review process.

(c) The draft environmental impact statement will include a preliminary cost-benefit analysis which considers and balances the environmental and other effects of the facility and the alternatives available for reducing or avoiding adverse environmental and other effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they will be discussed in qualitative terms. The cost-benefit analysis will indicate what other interests and considerations of Federal policy are thought to offset any adverse environmental effects of the proposed action identified pursuant to paragraph (a). Due consideration will be given to compliance of the facility construction or operation and alternative construction and operation with environmental quality standards and requirements which have been imposed by Federal, State, regional, and local agencies having responsibility for environmental protection, including applicable zoning and land-use regulations and water pollution limitations or requirements promulgated or imposed pursuant to the Federal Water Pollution Control Act. The environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by such standards and requirements irrespective of whether a certification or license from the appropriate authority has been obtained, including any certification obtained pursuant to section 401 of the Federal Water Pollution Control Act. While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of NEPA, consider the radiological effects of the facility and alternatives.

(d) In determining the contents of an environmental impact statement, the Commission shall be guided by the Council on Environmental Quality Guidelines on Preparation of Environmental Impact Statements, 40 CFR 1500.8.

(e) *Other considerations.* A draft environmental impact statement prepared in connection with the issuance of an operating license will cover only matters which differ from, or which reflect new information in addition to, those matters discussed in the final environmental impact statement prepared in connection with the issuance of the construction permit. The draft statement may incorporate by reference any information contained in that final environmental statement. With respect to the operation of nuclear reactors, unless otherwise determined by the Commission, the draft statement will be prepared only in connection with the first licensing action that authorizes full power operation of the facility.

(f) The draft environmental impact statement normally will include a preliminary conclusion by the Director of Regulation or his designee, on the basis of the information and analysis described in paragraphs (a)-(e), as to whether, after weighing the costs and benefits of the proposed action and considering available alternatives, the action called for is issuance of the proposed permit or license with or without conditions, or denial of the permit or license. In appropriate circumstances the Director of Regulation or his designee may, in lieu of such preliminary conclusion, indicate in the draft statement that two or more alternatives are under consideration.

(g) The draft environmental impact statement will also contain a summary sheet prepared in accordance with Appendix I, 40 CFR Part 1500.

§ 51.24 Distribution of draft environmental impact statement; news releases.

Draft environmental impact statements will be distributed as follows:

(a) Ten (10) copies of the draft environmental impact statement, the Applicant's Environmental Report, and any comments received on the statement or report will be provided to the Council on Environmental Quality.

(b) One (1) copy of the draft environmental impact statement will be provided to the license or permit applicant;

(c) Copies of the draft statement and the applicant's environmental report will be provided to:

(1) Those Federal agencies that have special expertise or jurisdiction by law with respect to any environmental impacts involved and which are authorized to develop and enforce relevant environmental standards;

(2) The Environmental Protection Agency;

(3) The appropriate State and local agencies authorized to develop and enforce relevant environmental standards and the appropriate State, regional, and metropolitan clearinghouses. A reasonable effort will be made to distribute draft environmental statements prepared for licensing actions to all States that may be affected; and to appropriate national and local environmental organizations;

(4) All parties to the licensing proceeding, if the draft statement is for a licensing action.

(d) One (1) copy of the draft statement will be provided to those persons on the Commission's list to receive environmental impact statements in accordance with § 51.54(c) and other persons upon request to the extent available.

(e) News releases will be provided to the local newspapers and other appropriate media that state the availability for comment and place for obtaining or inspecting a draft statement and the applicant's environmental report.

(f) A notice will be published in the FEDERAL REGISTER in accordance with § 51.50(c).

§ 51.25 Requests for comments on draft environmental impact statements.

Draft environmental impact statements distributed in accordance with §§ 51.24(c) and 51.24(d) and news releases provided pursuant to § 51.24(e) will be accompanied by or include a request for comments on the proposed action and on the draft environmental impact statement within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Council on Environmental Quality announcing the availability of the draft statement, or within such longer period as the Commission may specify. If no comments are provided within the time specified, it will be presumed, unless the agency or person requests an extension of time, that the agency or person has no comment to make. The Commission will endeavor to comply with requests for extensions of time up to fifteen (15) days.

FINAL ENVIRONMENTAL IMPACT STATEMENTS

§ 51.26 Final environmental impact statements.

(a) After receipt of the comments requested pursuant to §§ 51.25 and 51.50(c) the Director of Regulation or his designee will prepare a final environmental impact statement in accordance with the requirements in § 51.23 for draft environmental impact statements. The final environmental statement will include a final cost-benefit analysis and a final conclusion as to the action called for.

(b) The final environmental impact statement will make a meaningful reference to the existence of any responsible opposing view not adequately discussed in the draft environmental statement, indicating the response to the issues raised. All substantive comments received on the draft (or summaries thereof where the response has been exceptionally voluminous) will be attached to the final statement, whether or not each such comment is individually discussed in the text of the statement.

(c) The final environmental impact statement will be distributed in the same manner as specified for draft environmental impact statements in § 51.24, except that in the case of Federal, State, and local agencies, other than the Environmental Protection Agency, and interested persons, only those who submitted comments on the draft environmental impact statement or environmental report or requested final statements will be sent a copy of the final statement. Where the number of comments on a draft environmental impact statement is such that distribution of the final statement to all commentators is impracticable, the Council on Environmental Quality will be consulted concerning alternative arrangements for distribution of the statement.

(d) The draft and final environmental impact statements and any comments received pursuant to this part will accompany the application through, and shall be considered in, the Commission's review processes.

Subpart C—Materials Licensing and Other Actions

§ 51.40 Environmental reports.

Applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, covered by § 51.5(a) shall submit two hundred (200) copies of an environmental report which discusses the matters described in § 51.20. Petitioners for rule making covered by § 51.5(a) shall submit eighty (80) copies of an environmental report which discusses the matters described in § 51.20.

§ 51.41 Administrative procedures.

Except as the context may otherwise require, procedures and measures similar to those described in §§ 51.22–51.26 will be followed in proceedings for the issuance of materials licenses and other actions covered by § 51.5(a) but not covered by §§ 51.20 or 51.2. The procedures followed with respect to materials licenses will reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation.

Subpart D—Administrative Action and Authorization; Public Hearings and Comment

§ 51.50 "Federal Register" notices; distribution of reports; public announcements; public comment.

(a) Notice of availability of environmental report. After receipt of any applicant's environmental report, submitted in connection with a docketed application, a summary notice of availability of the report will be published in the FEDERAL REGISTER. The report will be placed in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in any public document room established by the Commission in the vicinity of the site of the proposed facility or licensed activity where a file of documents pertaining to such proposed facility or activity is maintained. The report will also be placed in State, regional, and metropolitan clearinghouses in the vicinity of the site of the proposed facility or licensed activity. In addition, a public announcement of the availability of the report will be made. Any comments by interested persons on the report will be considered by the Commission's regulatory staff, and there will be further opportunity for public comment on the draft environmental impact statement in accordance with §§ 51.25 and 51.41.

(b) Notices of intent. The Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER a notice of intent that an environmental impact statement will be prepared in accordance with §§ 51.5(c) and 51.6. The notice will briefly describe the nature of the proposed agency action and state that an environmental impact statement will be prepared. The notice may be consolidated with the summary notice of the availability of the environmental report or with the list of environmental impact statements in preparation required by § 51.54(a). The publication requirement of this paragraph may be satisfied by forwarding the notice of intent to the Council on Environmental Quality for publication in the FEDERAL REGISTER. Copies will be forwarded to the appropriate Federal, State, and local agencies, the appropriate State, regional, and metropolitan clearinghouses and to interested persons upon request. A public announcement of the notice of intent will also be made.

(c) Environmental impact statements; notice of availability. (1) The Director of Regulation or his designee will forward copies of draft and final environmental impact statements to the Council on Environmental Quality in accordance with §§ 51.24, 51.26 and 51.41. The Council will publish weekly in the FEDERAL REGISTER lists of environmental impact statements received during the preceding week that are available for public comment. The date of publication of such lists shall be the date from which the minimum period for comment on and advance availability of statements shall be calculated.

(2) Upon preparation of a draft environmental impact statement, the Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the statement. The summary notice will request, within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Council on Environmental Quality announcing the availability of the draft statement, or within such longer period as the Director of Regulation or his designee may specify, comment from interested persons on the proposed action and on the draft statement. The summary notice shall also contain a statement to the effect that the comments of Federal, State, and local agencies and interested persons thereon will be available when received.

(3) Upon preparation of a final environmental impact statement the Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER a notice of availability of the statement.

(d) The Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER negative declarations required by § 51.5(c). The negative declaration will describe the proposed action and state that the Commission has determined not to prepare an environmental impact statement for the proposed action. It will also state that an environmental impact appraisal setting forth the basis for the determination is available for public inspection and will list the location or locations where the environmental impact appraisals may be inspected.

§ 51.51 Administrative action.

To the maximum extent practicable, no permit, license, or order, or renewal of or amendment to a permit, license, or order, or effective regulation, for which an environmental impact statement is required will be issued until ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council on Environmental Quality, and made available to the public. Neither will such licenses, permits, orders, renewals, amendments, or regulations be issued until thirty (30) days after the final environmental impact statement (together with comments) has been furnished to the Council and commenting agencies, and made available to the public. If a final environmental impact statement is furnished and made available within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council, and made available to the public, the minimum thirty (30) day period and the ninety (90) day period may run concurrently to the extent they overlap.

§ 51.52 Public hearings.

(a) In any proceeding in which a draft environmental impact statement is prepared pursuant to this part, the draft environmental impact statement will be made available to the public at least fifteen (15) days prior to the time of any relevant hearing. At any such hearing, the position of the Commission's regulatory staff on matters covered by this part will not be presented until the final environmental impact statement is furnished to the Council on Environmental Quality and commenting agencies and made available to the public. Any other party to the proceeding may present its case on NEPA matters as well as on radiological health and safety matters prior to the end of the fifteen (15) day period.

(b) (1) In a proceeding in which a hearing is held for the issuance of a permit, license, or order, or amendment to or renewal of a permit, license, or order, covered by § 51.5(a), and matters covered by this part are in issue, the regulatory staff will offer the final environmental impact statement in evidence. Any party to the proceeding may take a position and offer evidence on the aspects of the proposed action covered by NEPA and this part in accordance with the provisions of Subpart G of Part 2 of this chapter.

(2) In such a proceeding the presiding officer will decide those matters in controversy among the parties within the scope of NEPA and this part.

(3) In such a proceeding, an initial decision of the presiding officer may include findings and conclusions which affirm or modify the content of the final environmental impact statement prepared by the regulatory staff. To the extent that findings and conclusions different from those in the final environmental statement prepared by the regulatory staff are reached, the statement will be deemed modified to that extent and the initial decision will be distributed as provided in § 51.26(c). If the Commission or the Atomic Safety and Licensing Appeal Board in a final decision reaches conclusions different from the presiding officer with respect to such matters, the final environmental impact statement will be deemed modified to that extent and the decision will be similarly distributed.

(c) In addition to complying with applicable requirements of paragraphs (a) and (b) of this section, in a proceeding for the issuance of a construction permit for a nuclear power reactor, testing facility, fuel reprocessing plant or isotopic enrichment plant, or for the issuance of a license to manufacture, the presiding officer will:

(1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and this part have been complied with in the proceeding;

(2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit with a view to determining the appropriate action to be taken; and

(3) determine after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering available alternatives whether the construction permit or license to manufacture should be issued, denied, or appropriately conditioned to protect environmental values.

(4) determine, in an uncontested proceeding, whether the NEPA review conducted by the Commission's regulatory staff has been adequate.

(5) determine, in a contested proceeding, whether in accordance with this part, the construction permit or license to manufacture should be issued as proposed.

(d) In any proceeding in which a hearing is held for the issuance of a permit, license, or order, or amendment thereto or renewal thereof, where the Director of Regulation or his designee has determined that no environmental impact statement need be prepared for the particular action in question, any party to the proceeding may take a position and offer evidence on the aspects of the proposed action covered by NEPA and this part in accordance with the provisions of Subpart G of Part 2 of this chapter. In such proceedings, the presiding officer will decide any such matters in controversy among the parties.

§ 51.53 Hearings—Operating licenses.

(a) The presiding officer, during the course of a hearing on an application for an operating license covered by § 51.5(a), may authorize, pursuant to § 50.57(c) of this chapter, the loading of nuclear fuel in the reactor core and limited operation within the scope of § 50.57 (c) of this chapter, upon compliance with the procedures described therein. In any such hearing, where any party opposes such authorization on the basis of matters covered by this part, the provisions of §§ 51.52 (b), (c), or (d) will apply, as appropriate.

§ 51.54 Required lists.

(a) Environmental impact statements in preparation. The Director of Regulation or his designee will maintain a list of actions for which environmental impact statements are being prepared and make the list available for public inspection on request. The list will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to the Council on Environmental Quality for publication in the FEDERAL REGISTER.

(b) Negative declarations and environmental impact appraisals. The Director of Regulation or his designee will maintain a list of negative declarations and environmental impact appraisals and make the list available for public inspection. The list will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to the Council on Environmental Quality for publication in the FEDERAL REGISTER.

(c) Interested groups. The Director of Regulation or his designee will maintain a list of groups, including relevant conservation commissions, known to be interested in the Commission's licensing and regulatory activities and will notify such groups of the availability of a draft environmental impact statement as soon as it is prepared.

§ 51.55 Costs of materials distributed to public.

Applicant's Environmental Reports, draft and final environmental impact statements, negative declarations, and environmental impact appraisals will be made available to the public upon request without charge to the extent practicable notwithstanding the provisions of Part 9 of this chapter, or at a fee not exceeding the actual reproduction cost.

§ 51.56 Application of part to proceedings.

The provisions of this part are applicable to all draft and final environmental impact statements filed with the Council on Environmental Quality after August 19, 1974. Facility licensing proceedings in which notice of hearing was published in the FEDERAL REGISTER on or before August 19, 1974, shall be subject to the provisions of Appendix D of Part 50 of this chapter applicable to the proceeding in effect on August 19, 1974.

PART 70—SPECIAL NUCLEAR MATERIAL

8. The references to "Appendix D of Part 50" in §§ 7014(a), note 1, 70.21(f), and 70.23(a) of 10 CFR Part 70 are amended to refer to "Part 51."

Effective date: The foregoing amendments become effective on August 19, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948; sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 2201, 4332))

Dated at Germantown, Maryland, this 10th day of July 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-16341 Filed 7-17-74;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Pricing of Unleaded Gasoline

Correction

FR Doc. 74-15475 was inadvertently published in the Proposed Rules Section at page 24923 in the issue of Monday, July 8, 1974. The document should have been published in the Rules and Regulations Section with the headings reading as set forth above.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Pricing of Unleaded Gasoline; Effective Date

Correction

FR Doc. 74-15999 was inadvertently published in the Proposed Rules Section on page 25359 in the issue of Wednesday, July 10, 1974. The document should have been published in the Rules and Regulations Section with the headings reading as set forth above.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-683]

PART 545—OPERATIONS

Remote Service Units; Correction

JULY 15, 1974.

The Federal Home Loan Bank Board hereby corrects Board Resolution No. 74-573, which was dated June 26, 1974, and published in the FEDERAL REGISTER on June 28, 1974 (39 FR 23991; FEDERAL REGISTER Document No. 74-15010). Said Resolution No. 74-573, which amended §§ 545.4-2 and 545.14-5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.4-2 and 545.14-5), is corrected by making the following changes:

1. Section 545.4-2 is amended by revising paragraphs (b)(3) and (j)(1) and amending (g)(3) by revising the last sentence as follows:

§ 545.4-2 Remote service units (temporary provision).

* * * * *

(b) * * *

(3) Receiving payments related to loans invested in or being serviced by such association: *Provided*, That in no case may applications for loans or approvals of loans be made at a remote service unit; and

* * * * *

(g) * * *

(3) * * * Any contract, agreement or understanding, whether written or oral, between or among a Federal association and any other financial institution or other business organization relating to the participation in or the establishment, maintenance or use of a remote service unit by such Federal association shall be subject to any rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt including a requirement that any such contract, agreement or understanding be terminated.

* * * * *

(j) * * *

(1) The term "remote service unit" means an information processing device, including associated equipment, structures and systems, by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which, for activation and account or deposit access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of such account or deposit. The term "remote service unit" includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines, but does not include terminals or teller machines using passbooks regardless of whether the passbooks are machine-readable. A remote service unit is not a branch office, satellite office or other type of office, facility or agency of a Federal association within the meaning of §§ 545.14, 545.14-1, 545.14-2, 545.14-3, 545.14-4, 545.14-5 or 545.15.

* * * * *

Dated: July 15, 1974.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-16456 Filed 7-17-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-09]

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

Alteration of Transition Area; Correction

On June 27, 1974, FR Doc. 74-14705 was published in the FEDERAL REGISTER (39 FR 23252). This document alters the description of the Boise, Idaho, transition area. A review of the description revealed that the radial of the McCall VORTAC, defining the northwest boundary of the 1200' transition area northwest of Boise, was not identified correctly. Accordingly, action is taken herein to correct this.

Since the radial was depicted correctly in the notice of proposed rulemaking, this change is editorial in nature and imposes no additional burden on any person; notice and public procedure hereon is unnecessary.

In view of the foregoing, FR Doc. 74-14705 (39 FR 23252) is amended effective immediately by deleting the phrase "* * * that airspace northwest of Boise bounded on the northwest by the McCall VORTAC 295° radial, * * *" and inserting therefor "* * * that airspace northwest of Boise bounded on the northwest by the McCall VORTAC 223° radial * * *"

(Sec. 307(a), Federal Aviation Act of 1958 as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on July 10, 1974.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.74-16386 Filed 7-17-74;8:45 am]

[Airspace Docket No. 74-CE-11]

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

Designation of Transition Area

On page 18664 of the FEDERAL REGISTER dated May 29, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsburg, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 12, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on July 8, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added:

PITTSBURG, KANSAS

That airspace extending upward from 700′ above the surface within a 6.5 statute mile radius of Atkinson Municipal Airport (latitude 37°26′48″ N., longitude 94°43′50″ W.); and within three statute miles each side of the 358 true bearing from Pittsburg, Kansas RBN (latitude 37°26′35″ N., longitude 94° 43′-52″ W.); extending from the 6.5 statute mile radius area to eight statute miles NNW of the Pittsburg, Kansas RBN; and that airspace extending upward from 1200′ above the surface within 9.5 statute miles west and 4.5 statute miles east and parallel to the 358° bearing from the Pittsburg RBN, extending from the Pittsburg RBN to a distance of 18.5 statute miles NNW of the Pittsburg RBN, but excluding that controlled airspace with a base altitude of 1200′ above the ground which is presently established and published.

[FR Doc.74-16387 Filed 7-17-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PLASTICIZERS IN POLYMERIC SUBSTANCES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2824) filed by Continental Oil Co., High Ridge Park, Stamford, CT 06904, and other relevant material concludes that the food additive regulations should be amended as set forth below to provide for safe use of di-*n*-alkyl adipate produced from synthetic fatty alcohols as a plasticizer in polymeric substances intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2511 (b) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2511 Plasticizers in polymeric substances.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Di-*n*-alkyl adipate made from C_6-C_8-C_{10} (predominately C_8 and C_{10}) or C_6-C_{10} synthetic fatty alcohols complying with § 121.1238.	For use only: 1. At levels not exceeding 24 percent by weight of permitted vinyl chloride homo- and/or copolymers used in contact with nonfatty foods. The average thickness of such polymers in the form in which they contact food shall not exceed 0.005 in. 2. At levels not exceeding 24 percent by weight of permitted vinyl chloride homo- and/or copolymers used in contact, under conditions of use F and G described in table 2 of § 121.2526(c), with fatty foods having a fat and oil content not exceeding a total of 40 percent by weight. The average thickness of such polymers in the form in which they contact food shall not exceed 0.005 in. 3. At levels not exceeding 35 percent by weight of permitted vinyl chloride homo- and/or copolymers used in contact with nonfatty foods. The average thickness of such polymers in the form in which they contact food shall not exceed 0.002 in. 4. At levels not exceeding 35 percent by weight of permitted vinyl chloride homo- and/or copolymers used in contact, under conditions of use F and G described in table 2 of § 121.2526(c), with fatty foods having a fat and oil content not exceeding a total of 40 percent by weights. The average thickness of such polymers in which they contact food shall not exceed 0.002 in.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 19, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 18, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: July 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-16408 Filed 7-17-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Lead and Phosphorus Test Procedures

Correction

In FR Doc. 74-15449 appearing at page 24890 in the issue of Monday, July 8, 1974, and corrected on page 25653 in the issue of Friday, July 12, 1974, paragraph 3. of the correction should read as follows:

3. In the second column on page 24893, the word "and" in the fifth line of paragraph 4.11 should be deleted and the word "add" should be substituted.

SUBCHAPTER E—PESTICIDE PROGRAMS

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

4-Aminopyridine

A petition (PP 4F1498) was filed by Avitrol Corp., P.O. Box 45141, Tulsa, OK 74145, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodity sunflower seeds at 0.1 part per million.

No. 139—Pt. I——3

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

1. The bird repellent is useful for the purpose for which the tolerance is being established.

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

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

4. This tolerance and the existing tolerance for 4-aminopyridine represent negligible residues.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.312 is revised as follows:

§ 180.312 4-Aminopyridine; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain, corn fodder and forage, and sunflower seeds.

Any person who will be adversely affected by the foregoing order may at any time on or before August 19, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 18, 1974.

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

Dated: July 15, 1974.

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

[FR Doc.74-16482 Filed 7-17-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5C—PROPERTY MANAGEMENT AND DISPOSAL SERVICE, GENERAL SERVICES ADMINISTRATION

CANCELLATION OF CHAPTER 5C

This change to the General Services Administration Procurement Regulations (GSPR) cancels Chapter 5C, GSPR.

Chapter 5C is deleted in its entirety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on the date shown below.

Dated: July 3, 1974.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.74-16437 Filed 7-17-74;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-51—PROVISION AND ASSIGNMENT OF QUARTERS AND FURNISHINGS

Design Standards

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

As this amendment relates solely to matters of internal Departmental policy, it is determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on July 18, 1974.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

JULY 11, 1974.

Subpart 114-51.1—Provision of Quarters

Section 114-51.103 is amended to read as follows:

§ 114-51.103 Design standards.

Employee housing units constructed by Bureaus and Offices of the Department of the Interior shall:

(a) Not exceed the following standards:

(1) Standard materials, millwork, equipment, and fixtures that are readily available at local supply centers will be used in all dwelling construction.

(2) Design will be simple with no features that increase building costs, such as irregularities in roof framing.

(3) Not to exceed one and a half baths.

(4) One stall garage in areas subject to deep snow or prolonged periods of below freezing temperatures, carports in warmer climates.

(5) Sun porches, enclosed patios, or similar features will not be provided.

(6) Floor area shall not exceed—two-bedroom dwellings, 1,250 square feet; three-bedroom dwellings, 1,300 square feet; exclusive of basement and garage space (or service and storage space in lieu of basement).

(7) No four-bedroom dwellings shall be permitted.

(8) Fireplaces will not be permitted except where essential for adequate heating.

(b) Be designed taking energy conservation into consideration as a prime design goal.

[FR Doc.74-16424 Filed 7-17-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1191]

PART 1033—CAR SERVICE

Storage Charges on Assigned Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1974.

It appearing, that existing tariffs governing rules and regulations with respect to storage charges for assigned cars are creating instability in the number of cars assigned to shippers; that pending revision of such traiffs is now being considered by carriers; that in the interim the Commission is of the opinion that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1191 Service Order No. 1191.

(a) *Storage charges on assigned cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all empty cars assigned to the exclusive use of a specified shipper or receiver.

(iii) Exception: To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(2) *Placing of cars.* (i) Empty cars described in subparagraph (1)(ii) of this section which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of $5.00 per car per day or fraction thereof until ordered placed for loading or appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, and holidays. Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff 4-J, I.C.C. H-59 naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof. (See exception, subparagraph (2)(ii) of this paragraph.)