PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval decision. On May 3, 1973, and January 2, 1975, the State submitted supplements to the plan involving developmental changes, as provided for in Subpart B of 29 CFR Part 1953. The supplements contain the Occupational Safety and Health Act of North Carolina which was enacted by the General Assembly on May 1, 1973, and became effective on July 1, 1973, and the North Carolina Safety and Health poster for private employers which is to be posted at all covered workplaces in the State. In addition, a notice was published in the FEDERAL REGISTER on March 11, 1975, concerning the approval of the revised North Carolina standards by the Assistant Regional Director of the Occupational Safety and Health Administration, Region IV (40 FR 11420).

2. *Issues.* (a) *Legislation.* In accordance with commitments expressed in the approved plan and 29 CFR Part 1952.153 (a), the State's enabling legislation, the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) (hereinafter referred to as OSHANC) was enacted by the General Assembly in a form identical to that proposed and approved in Subpart I of Part 1952. Subsequent implementation of OSHANC revealed a potentially critical problem in the interpretation of section 5(g) and section 11(d)(1) of OSHANC dealing with an employee's right to file a workplace complaint. Section 5(g) provides that any employee or "authorized representative of employees" who believes a workplace hazard to exist shall have the right to request an inspection by the Commissioner of Labor. Section 11(d)(1) provides that any employee or "an employee representative of employees" may request such an inspection. In practice, section 11(d)(1) was interpreted by the State to mean that complaints from employee representatives could be accepted only if the representative were actually an employee of the employer concerned, thus precluding a union representative not an employee or family member from filing a complaint on behalf of an employee. This interpretation severely limited the North Carolina employee complaint right and appeared not at least as effective as the Federal provision. By letter dated May 23, 1974, from W. C. Creel, North Carolina Commissioner of Labor, to John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, North Carolina provided assurance that section 5(g) of OSHANC would be interpreted as controlling and "all seemingly valid complaints submitted by employees or their representatives" would be honored. This assurance has been accepted subject to close monitoring of State performance to assure that full employee rights to file workplace complaints either individually or through an authorized representative are provided.

(b) *Poster.* The North Carolina Safety and Health poster contains provisions notifying employees of their obligations and protections under the OSHANC, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur. Since OSHANC section 23 extends coverage to State and local government employees in a manner at least as effective as but with somewhat different enforcement provisions than in the private sector, this poster is intended solely for the information of employers and employees in the private sector.

3. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton Street, Raleigh, North Carolina 27611.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that (1) the North Carolina enabling legislation was enacted in a form identical to that contained in the approved plan and does not constitute any change from the plan as approved, (2) the North Carolina poster incorporates all of the provisions required under 29 CFR 1952.10 (a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036, November 5, 1974). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the North Carolina plan supplements outlined above are approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the North Carolina poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition Subpart I of 29 CFR Part 1952, for the reasons stated in 4 above, is hereby amended effective April 28, 1975, to reflect completion of several developmental steps by adding a new section, § 1952.154 as follows:

§ 1952.154 Completed developmental steps.

(a) In accordance with § 1952.153(a) the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) was enacted by the State legislature on May 1, 1973, and became effective on July 1, 1973.

(b) In accordance with § 1952.153(b), the North Carolina occupational safety and health standards identical to Federal standards (thru 12-3-74) have been promulgated and approved, as revised, by the Assistant Regional Director on March 11, 1975 (40 FR 11420).

(c) In accordance with § 1952.153(p) and the requirements of 29 CFR 1952.10, the North Carolina poster for private employers was approved by the Assistant Secretary on April 17, 1975.

(Secs. 8(g), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10939 Filed 4-25-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-241]

PART 82—BOUNDARY LINES OF INLAND WATERS

Strait of Juan de Fuca, Haro Strait and Strait of Georgia

Correction

In FR Doc. 75-9923, appearing at page 17023 in the issue of Wednesday, April 16, the last line of § 82.120(b) should read "32" W."

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 342-5]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Prohibitions and Requirements

Correction

In FR Doc. 75-9803 appearing at page 17124 in the issue for Wednesday, April

16, 1975, codification errors appear in references made to § 15.20 in paragraph (b)(5) of the preamble and in §§ 15.5(a)(4) and 15.20 (a) (2), (4), and (c).

These errors are due to the fact that the internal paragraphs of § 15.20 as published were edited to conform to the codification of the Code of Federal Regulations, but references to these internal paragraphs were overlooked. These references are corrected here to conform to the correct codification of § 15.20.

As corrected, paragraph (b)(5) of the preamble and §§ 15.5(a)(4) and 15.20 (a) (2), (4), and (c) should read as set forth below:

(5) A commenter suggested that where a facility is listed for reasons other than a court adjudication (§ 15.20(a)(1) (iii) or (vi)), the facility could be subjected to an indefinite listing. A provision was included under § 15.20(c) of the regulations limiting such listing to one year unless a basis for listing under § 15.20 (a)(1) (i), (ii), (iv), or (v) is established by the Director before the one year elapses.

§ 15.5 Exemptions.

(a) * * *

(4) *Exclusion*. The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1) (i) and (iv). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

* * * * *

§ 15.20 List of violating facilities.

(a) * * *

(2) *Listing proceedings*. No facility shall be listed until there has been notification to the owner, and where appropriate, the operator, by the Director of his intent to place the facility on the List and the basis therefor, and the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List. Prior to listing on the basis of § 15.20(a) (1) (ii), (iii), (v), or (vi) the Director must determine that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

* * * * *

(4) *Effective date*. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1) (i) or (iv) effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a) (1) (ii), (iii), (v), (vi) effective July 1, 1975.

* * * * *

(c) *Removal of facility from List*. If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, or if the Assistant Administrator for Enforcement, EPA requests removal, the facility shall be removed promptly from such listing by the Director effective upon receipt of notification of the reversal, modification, or request. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. Such request shall be in writing and must contain appropriate evidence that the condition which gave rise to the listing has been corrected. Alternatively, for facilities listed under §§ 15.20(a)(1) (ii), (iii), (v), and (vi) above, the written request to de-list may be based upon an approved plan of compliance which will ensure the condition which gave rise to the listing will be corrected. Facilities listed on the basis of § 15.20(a)(1) (iii) and (vi) shall be removed from the List one year after the initial date of the listing unless the Director determines theretofore that a basis for listing under § 15.20(a)(1) (i), (ii), (iv), or (v) has been established. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within ten (10) days of receipt of a notice of denial.

SUBCHAPTER C—AIR PROGRAMS

[FRL 354-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On October 3, 1974 (39 FR 35681) the Administrator noted that the State had included in its submittal on August 2, 1974, a number of schedules which had not received a public hearing. These schedules, in the form of temporary operating permits, were subsequently resubmitted on November 7, 1974, after notice and public hearing; additional temporary operating permits were submitted for the first time on the date. On October 8, 1974, Georgia submitted a number of temporary operating permits for sources previously subject to consent orders. Their compliance schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Georgia implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on December 23, 1974 (39 FR 44239). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Georgia Air Quality Control Section in Atlanta, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Georgia Air Quality Control Section provided information on a number of schedules which had been changed since the Administrator's proposal of December 23, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listings.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE
Atlanta, Georgia 30309

Air Quality Control Section
Environmental Protection Division
Department of Natural Resources
270 Washington Street, SW
Atlanta, Georgia 30334

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air qaulity standards. Accordingly, they are hereby approved. (The date August 2 [1974] entered below under 40 CFR 52.-

570(c)(4) refers to schedules approved by the Administrator on January 22, 1975 (40 CFR 3413); through the Agency's error, no entry corresponding to this approval action was made under "Identification of Plan" at that time.)

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in the State of Georgia and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857-c5(a)))

Dated: April 18, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart L—Georgia

1. Section 52.570 is amended by adding paragraph (c)(4) as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(4) August 2, October 8, and November 7, 1974, by the Director of the Environmental Protection Division of the Department of Natural Resources.

2. Section 52.576 is amended by inserting new lines in the table of paragraph (a) as follows:

§ 52.576 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Coach Co., conical burner, permit No. 2451-005-1595-T.	Milledgeville, Baldwin County.	391-3-1-.02 (2)(L).	Oct. 29, 1974	Immediately..	Dec. 31, 1974
American Cyanamid Co., kaolin clay processing facilities, permit No. 3295-094-1669-T.	Anderson, Sumter County.	391-3-1-.02 (2)(N).	do	do	Nov. 30, 1974
American Industrial Clay Co., kaolin clay processing facilities, permit No. 3295-150-1231-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P).	do	do	Dec. 31, 1974
Associated Rubber Co., facility for the reclaiming of rubber, permit No. 3069-071-1259-T.	Tallapoosa, Haralson County.	391-3-1-.02 (2)(A).	do	do	July 1, 1975
Augusta Building Supply, ready mix concrete facility, permit No. 3273-121-1433-T.	Augusta, Richmond County.	391-3-1-.02 (2)(N).	do	do	Do.
Babcock and Wilcox Co., kaolin clay processing facility, permit No. 3295-121-1719-T.	Hephzibah, Richmond County.	391-3-1-.02 (2)(N).	do	do	Jan. 1, 1975
Bainbridge Tie & Lumber Co., lumber company—open burning of waste, permit No. 2421-043-1800-T.	Fowlstown, Decature County.	391-3-1-.02 (2)(A).	do	do	Dec. 31, 1974
Balfour Lumber Co., conical burner only, permit No. 2421-136-1696-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(L).	do	do	Do.
Bostwick Gin, cotton gin, permit No. 0724-104-1474-T.	Bostwick, Morgan County.	391-3-1-.02 (2)(Q).	do	do	Aug. 15, 1974
Burgess Pigment Co., kaolin clay processing facilities, permit No. 3295-150-1661-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P).	do	do	Aug. 1, 1974
C. & S. Block, Inc., concrete block facility, permit No. 3271-155-1722-T.	Dalton, Whitfield County.	391-3-1-.02 (2)(N).	do	do	July 1, 1975
Cohutta Talc Co., Inc., talc processing facility, permit No. 3295-105-1682-T.	Chatsworth, Murray County.	391-3-1-.02 (2)(N).	do	do	Aug. 31, 1974
Collins Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-018-1345-T.	Jackson, Butts County.	391-3-1-.02 (2)(N).	do	do	Sept. 30, 1974
Columbia Nitrogen Corp., granular fertilizer manufacturing plant, permit No. 2871-011-1341-T.	Macon, Bibb County.	391-3-1-.02(2) (R), 391-3-1-.02(2)(N).	do	do	Dec. 31, 1974
Columbia Nitrogen Corp., sulfuric acid plant, permit No. 2871-035-1360-T.	Moultrie, Colquitt County.	391-3-1-.02(2) (N).	do	do	Do.
Coastal Timber Lands, Inc., conical burner, permit No. 2421-084-1598-T.	Gray-Jones County.	391-3-1-.02(2) (L).	do	do	Do.
Dave T. Brown Lumber Co., lumber wastes, open burning, permit No. 2421-041-1761-T.	Trenton, Dade County.	391-3-1-.02(2) (A).	do	do	Do.
E. C. Carter Gin Co., cotton gin, permit No. 0724-016-1587-T.	Portal, Bulloch County.	391-3-1-.02(2) (Q).	do	do	Aug. 15, 1974
J. U. Barber Lumber Co., Inc., conical burner, permit No. 2421-099-1587-T.	Luthersville, Meriwether County.	391-3-1-.02(2) (L).	do	do	Dec. 31, 1974
V. Albert Brown Lumber Co., conical burner, permit No. 2421-150-1610-T.	Warthen, Washington County.	391-3-1-.02(2) (L).	do	do	Do.
W. C. Bradley Co., cotton gin, permit No. 0724-128-1583-T. mix concrete facility, permit No. 3271-092-1708-T.	Omaha, Stewart County. Lowneds County.	391-3-1-.02(2) (Q). (N).	do	do	Aug. 15, 1974
Concrete Industries, Inc., concrete products facility, permit No. 3271-047-1709-T.	Albany, Dougherty County.	391-3-1-.02(2)- (N).	do	do	Do.
Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1602-T.	Macon, Bibb County.	391-3-1-.02(2)- (N).	do	do	Aug. 30, 1974
Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1601-T.	do	391-3-1-.02(2)- (N).	do	do	May 15, 1975
Damascus Lumber Co., lumber company—open burning of wastes, permit No. 2421-048-1789-T.	Damascus, Early County.	391-3-1-.02(2)- (A).	do	do	Dec. 31, 1974
Davis Lumber Co., lumber company—open burning of wastes, permit No. 2421-047-1744-T.	Albany, Dougherty County.	391-3-1-.02(2)- (A).	do	do	Do.
Day Co's., conical burner only, permit No. 2421-120-1697-T.	Cuthbert, Randolf County.	391-3-1-.02(2)- (L).	do	do	Dec. 15, 1974
Del-Cook Lumber Co., conical burner No. 1, conical burner No. 2, permit No. 2421-037-1736-T.	Adel, Cook County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Eagle-Picher Industries; zinc and manganous oxide line, permit No. 2875-115-1707-T.	Cedartown, Polk County.	391-3-1-.02 (2)(E)	do	do	Feb. 15, 1975
Espy Materials, Inc., ready mix concrete facility, permit No. 3273-025-1505-T.	Savannah, Chatham County.	391-3-1-.02 (2)(Q)	do	do	Jan. 31, 1975
Feed Seed and Farm Supplies, Inc., feed mill, permit No. 2048-124-1549-T.	Sylvania, Screven County.	391-3-1-.02 (2)(N)	do	do	Do.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
* *	*	*	*	*	*
Freeman Lumber Co., conical burner, permit No. 2448-158-1594-T.	Toomsboro, Wilkinson County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Freeport Kaolin Co., kaolin clay processing facilities, permit No. 3295-158-1672-T.	Gordon, Wilkinson County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
General American Transportation Corp., sandblasting of railroad cars, disposal of paint residue and spray painting of railroad cars, permit No. 3743-148-1622-T.	Waycross, Ware County.	391-3-1-0.2 (2)(N)	do	do	Dec. 15, 1974
General Refractories Co., kaolin clay processing facilities, permit No. 3295-005-1635-T.	Stevens Pottery, Baldwin County.	391-3-1-.02 (2)(P), 391-3-1-.02(2) (N)	do	do	Feb. 28, 1975
Georgia Crate and Basket, conical burner only, permit No. 2449-136-1702-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Georgia Kaolin Co., kaolin clay processing facilities, permit No. 3295-143-1244-T.	Dry Branch, Bibb County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Dec. 1, 1974
Georgia Kaolin Co., kaolin clay bulk terminal facilities, permit No. 3295-025-1717-T.	Savannah, Chatham County.	391-3-1-.02 (2)(N)	do	do	July 31, 1975
Georgia Marble Co., calcium carbonate, permit No. 3281-061-1698-T.	Whitestone, Pickens County.	391-3-1-.02 (2)(N)	do	do	Do.
Georgia Talc Co., Inc., aluminum hydrate processing facility, permit No. 3295-105-1711-T.	Chatsworth, Murray County.	391-3-1-.02 (2)(N)	do	do	Sept. 30, 1974
Georgia Tennessee Mining & Chemical Co., fullers earth clay processing plant No. 8 facilities, permit No. 3295-081-1267-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Sept. 1, 1974
Cold Kist Fertilizer, superphosphate and granular fertilizer manufacturing plant, permit No. 2871-040-1328-T.	Cordele, Crisp County.	391-3-1-.02 (2)(F), 391-3-1-.02(2)(N)	do	do	Dec. 31, 1974
Griffin Gin & Supply Co., Inc.; cotton gin, permit No. 0724-130-1581-T.	Meigs, Thomas County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Hallman Wood Products, Inc., conical burner, permit No. 2411-117-1607-T.	Eatonton, Putnam County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Hardwoods of Georgia Inc., lumber company—open burning of wastes, permit No. 2421-038-1790-T.	Raymond, Coweta County.	391-3-1-.02 (2)(A)	do	do	Do.
Harris Cement Products, Inc., concrete products facility, permit No. 3272-008-1793-T.	Cartersville, Bartow County.	391-3-1-.02 (2)(N)	do	do	Sept. 30, 1974
Harris Lumber Co., conical burner, permit No. 2421-028-1586-T.	Ballground, Cherokee County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Harrison Lumber Co., conical burner, permit No. 2421-147-1585-T.	Monroe, Walton County.	391-3-1-.02 (2)(L)	do	do	Do.
Hatcher Feed Mills, Inc.; feed mill, permit No. 2048-102-1457-T.	Forsyth, Monroe County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
Heart of Georgia Peanut & Gin Co., cotton gin, permit No. 0724-116-1567-T.	Hawkinsville, Pulaski County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Hogan-Scarboro Corp., conical burner, permit No. 2434-87-1589-T.	Dudley, Laurens County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Homerville Pole Co., conical burner, permit No. 2411-32-1559-T.	Homerville, Clinch County.	391-3-1-.02 (2)(L)	do	do	Do.
Hopeful Peanut and Milling Co., feed mill, permit No. 2048-125-1551-T.	Camilla, Mitchell County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
J. M. Huber Corp., kaolin clay processing facilities, permit No. 3295-081-1657-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(N)	do	do	June 1, 1975
Irvin Lumber Co., lumber company—open burning of wastes, permit No. 2421-154-1745-T.	Cleveland, White County.	391-3-1-.02 (2)(A)	do	do	Dec. 31, 1974
Jackson Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-078-1627-T.	Commerce, Jackson County.	391-3-1-.02 (2)(N)	do	do	May 15, 1975
Jones Concrete Co., ready mix concrete facility, permit No. 3273-137-1626-T.	Tifton, Tift County.	391-3-1-.02 (2)(N).	do	do	Do.
M. C. Jones Lumber Co., Inc., conical burner only, permit No. 2421-134-1701-T.	Milan, Telfair County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Howard Q. Kennedy Co., feed mill, permit No. 2048-135-1537-T.	Parrott, Terrell County.	391-3-1-.02 (2)(N).	do	do	Jan. 31, 1975
Frank G. Lake Sawmill, conical burner, permit No. 2421-079-1616-T.	Monticello, Jasper County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Thiele Kaolin Co., kaolin clay processing facilities, permit No. 3295-062-1654-T.	Stapleton, Jefferson County.	391-3-1-.02 (2)(N).	do	do	June 1, 1975
Thiele Kaolin Co., kaolin clay processing facility, permit No. 3295-150-1640-T.	Sandersville, Washington County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N).	do	do	Dec. 31, 1974
Thomasson Lumber Co., Inc., conical burner, permit No. 2421-153-1609-T.	Dalton, Whitfield County.	391-3-1-.02 (2)(L).	do	do	Do.
Thor Mining Co., fullers earth processing facilities, permit No. 3295-136-1716-T.	Ochlocknee, Thomas County.	391-3-1-.02(2) (P), 391-3-1-.02(2)(N)	do	do	Sept. 15, 1974

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
* *	*	*	*	*	*
Transvaal Inc., cuprous chloride, Permit No. 2819-033-1564-T.	Powder Springs, Cobb County.	391-3-1-.02(2)(A)	do	do	June 16, 1975
Tucker Concrete Co. Inc., ready mix concrete facility, permit No. 3273-044-1752-T.	Tucker, Deklab County.	391-3-1-.02(2)(N)	do	do	June 15, 1975
Waverly Mineral Products Co., fullers earth processing facilities, permit No. 3295-136-1361-T.	Meigs, Thomas County.	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	Feb. 1, 1975
Wrightsville Lumber Co., lumber company—open burning of wastes, permit No. 2421-083-1743-T.	Wrightsville, Johnson County.	391-3-1-.02(2)(A)	do	do	Dec. 31, 1974
Young Harris College, 4-90 horsepower coal fired boilers. Permit No. 8221-139-1481-T.	Young Harris, Towns County.	391-3-1-.02(2)(D)	do	do	June 1, 1975
Wilson & Sons, ready mix concrete facility, permit No. 3273-033-1521-T.	Marietta, Cobb County.	391-3-1-.02(2)(N)	do	do	Apr. 30, 1975
Longleaf Industries Inc., conical burner only, permit No. 2421-128-1692-T.	Lumpkin, Stewart County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Macon Prestressed Concrete Co., prestressed concrete facility, permit No. 3272-011-1710-T.	Macon, Bibb County.	391-3-1-.02(2)(N)	do	do	May 30, 1975
Mathis-Akins Concrete Block Co., concrete products facility, permit No. 3272-011-1713-T.	do	391-3-1-.02(2)(N)	do	do	Do.
Mathis-Akins Concrete Block Co., ready mix concrete facilities, permit No. 3273-076-1712-T.	Warner Robins, Houston County.	391-3-1-.02(2)(N)	do	do	Do.
Mayo Products Co., anhydrous sodium metasilicate products, permit No. 2819-033-1699-T.	Smyrna, Cobb County.	391-3-1-.02(2)(E), 391-3-1-.02(2)(N)	do	do	July 22, 1975
Meredith Pole and Timber Co., Inc., open burning of wastes, permit No. 2411-000-1741-T.	Fitzgerald, Ben Hill County.	391-3-1-.02(2)(A)	do	do	Dec. 31, 1974
NVF Co.—Hartwell Division, homade burner, permit No. 3441-073-1778-T.	Hartwell, Hart County.	391-3-1-.02(2)(L)	do	do	Do.
New Riverside Ochre Co., barite and ochre processing facility, permit No. 2816-008-1705-T.	Cartersville, Bartow County.	391-3-1-.02(2)(N)	do	do	Feb. 28, 1975
Norman Park Gin Warehouse, cotton gin, permit No. 0724-035-1573-T.	Norman Park, Colquitt County.	391-3-1-.02(2)(Q).	do	do	Aug. 15, 1974
Oil-Dri Corp. of Georgia, fullers earth processing facilities, permit No. 3295-136-1354-T.	Ochlocknee, Thomas County.	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	Aug. 1, 1974
Omega Farm Supply Inc., cotton gin, permit No. 0724-137-1645-T.	Omega, Tift County	391-3-1-.02(2)(Q)	do	do	Sept. 1, 1974
Putnam Lumber Co., conical burner, permit No. 2421-117-1608-T.	Eatonton, Putnam County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Rockmart Gin Co., cotton gin, permit No. 0724-115-1605-T.	Rockmart, Polk County.	391-3-1-.02(2)(Q)	do	do	Aug. 15, 1974
Royster Co., superphosphate and granular fertilizer manufacturing plant, permit No. 2371-029-1343-T.	Athens, Clarke County.	391-3-1-.02(2)(N)	do	do	Dec. 31, 1974
Royster Co., granular fertilizer manufacturing plant, permit No. 2871-011-1342-T.	Macon, Bibb County.	391-3-1-.02(2)(N)	do	do	Do.
Sardis Lumber Co., open burning of wastes, permit No. 2421-017-1739-T.	Sardis, Burke County.	391-3-1-.02(2)(A)	do	do	Do.
R. D. Sharpe Lumber Co., open burning of wastes, permit No. 2421-083-1738-T.	Millen, Jenkins County.	391-3-1-.02(2)(A)	do	do	Do.
Shirley Feed & Seed Service, feed mill, permit No. 2048-078-1568-T.	Commerce, Jackson County.	391-3-1-.02(2)(N)	do	do	Jan. 31, 1975
Southeast Schokbston Inc., concrete products facility, permit No. 3272-060-1522-T.	Lavonia, Franklin County.	391-3-1-.02(2)(N)	do	do	Sept. 1, 1974
Southern Crate and Veneer Co., conical burner only, permit No. 2449-011-1703-T.	Macon, Bibb County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Southern Talc Co., talc, barite and aluminum hydrate processing facility, permit No. 3295-105-1644-T.	Chatsworth, Murray County.	391-3-1-.02(2)(N)	do	do	Aug. 15, 1974
Southwire Co., nickel sulfate plant, permit No. 3357-022-1639-T.	Carrollton, Carroll County.	391-3-1-.02(2)(A)	do	do	Oct. 15, 1974

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Southern Wood Piedmont Co., conical burner only, permit No. 2491-121-1715-T.	Augusta, Richmond County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Stowe-Woodward Co., open burning of solvents, permit No. 3552-126-1620-T.	Griffin, Spalding County.	391-3-1-.02 (2)(A)	do	do	Sept. 1, 1974
Sullivan Lumber Co., conical burner only, permit No. 2421-152-1685-T.	Preston, Webster County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Taylor Gin and Warehouse, cotton gin, permit No. 0724-035-1543-T.	Doerun, Colquitt County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Continental Can Co. Inc., conical burner, permit No. 2421-557-1781-T.	Washington, Wilks County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Great Southern Paper Co., No. 2 lime kiln, permit No. 2631-049-2218-T.	Cedar Springs, Early County.	391-3-1-.02 (2)(E)	do	do	Nov. 1, 1974
Greater Southern Paper Co., No. 1 dissolving tank with gas reinjection, No. 2 dissolving tank with mesh pad, permit No. 2631-049-2216-T.	Cedar Springs, Early County.	393-3-1-.02 (2)(E)	do	do	Jan. 1, 1975
Greater Southern Paper Co., Nos. 1 and 2 recovery boiler and electrostatic precipitator, permit No. 2631-049-2215-T.	do	391-3-1-.02 (2)(E)	do	do	Oct. 31, 1974
Owens Illinois, Inc., Riley boiler, permit No. 2631-092-1861-T.	Valdosta, Lowndes County.	391-3-1-.02 (2)(D)	do	do	Jan. 1, 1975
Owens Illinois, Inc., No. 1 C.E. boiler, No. 2 C.E. boiler, permit No. 2631-093-1860-T.	do	391-3-1-.02 (2)(D)	do	do	Do.
Owens Illinois, Inc., Nos. 1, 2, and 3 lime kiln, permit No. 2631-092-1859-T.	do	391-3-1-.02 (2)(E)	do	do	Nov. 30, 1974
Owens Illinois, Inc., No. 3 dissolving tank, permit No. 2631-092-1858-T.	do	391-3-1-.02 (2)(E)	do	do	Do.
Owens Illinois, Inc., No. 3 recovery, permit No. 2631-092-1856-T.	do	391-3-1-.02 (2)(E).	do	do	Dec. 1, 1974
Owens Illinois, Inc., facility for the surface treatment of glass products with $SnCl_4$, permit No. 3221-060-1769-T.	Hapeville, Fulton County.	391-3-1-.02 (2)(E)	do	do	Dec. 1, 1974
Owens Illinois, Inc., glass furnace E, permit No. 3221-060-1768-T.	Hapeville, Fulton County.	391-3-1-.02 (2)(E)	do	do	Oct. 1, 1974
Engelhard Minerals & Chemicals Corp., sulphuric acid byproducts plant, permit No. 2819-043-2039-T.	Attapulgus, Decatur County.	391-3-1-.02 (2)(P), 391-3-1-.02(2) (N)	do	do	May 1, 1975
Engelhard Minerals & Chemicals Corp., fuller earth processing facilities, permit No. 3295-043-1723-T.	do	391-3-1-.02(2) (P), 391-3-1-.02(2)(N)	do	do	July 31, 1975
Southern States Phosphate & Fertilizer, 2 contact sulfuric acid plants, permit No. 2819-025-1446-T.	Savannah, Chatham County.	391-3-1-.02 (2)(J)	do	do	Dec. 31, 1974
Southern States Phosphate & Fertilizer, granular fertilizer manufacturing plant, normal superphosphate manufacturing plant, permit No. 2871-025-1445-T.	do	391-3-1-.02 (2)(R)	do	do	Do.
Cities Service Co., sulfuric acid plant, aluminum manufacturing plant, permit No. 2819-121-1443-T.	Augusta, Richmond County.	391-3-1-.02 (2)(J)	do	do	Do.
Anderson Construction Co., ready mix concrete facility, permit No. 3273-030-1504-T.	Fort Gaines, Clay County.	391-3-1-.02(2) (N).	Oct. 29, 1974	do	July 1, 1975
Augusta Foundry Inc., induction furnace, permit No. 3321-121-1550-T.	Augusta, Richmond County.	391-3-1-.02(2) (Q).	do	do	Apr. 30, 1975
Baxley Ready Mix, ready mix concrete facility, permit No. 3273-100-1529-T.	Baxley, Appling County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Brunswick Pulp and Paper Co., power boilers No. 1, 2, 3, and 4, permit No. 2631-063-1882-T.	Brunswick, Glynn County.	391-3-1-.02(2) (D).	do	do	Apr. 1, 1975
Brunswick Pulp and Paper Co., No. 4 lime kiln, permit No. 2631-063-1880-T.	do	391-3-1-.02(2) (E).	do	do	Jan. 1, 1975
Cedartown Block and Concrete Co., ready mix concrete facility, permit No. 3273-115-1971-T.	Cedartown, Glynn County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Concrete Industries Inc., ready mix concrete, permit No. 3273-137-1953-T.	Tifton, Tift County.	391-3-1-.02(2) (N).	do	do	Do.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Concrete Industries, Inc., ready mix concrete facility, permit No. 3273-136-1519-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(N)	do	do	Do.
Cope Rendering Co., Inc., 1 rendering plant with the exception of fuel burning equipment covered under separate permits, permit No. 2077-035-1874-T.	Moultrie, Colquitt County.	391-3-1-.02 (2)(A))	do	do	Nov. 30, 1974
Costal Timberlands Inc., conical burner, permit No. 2421-084-1598-T.	Gray, Jones County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Creasy Brothers, Paving Contractors, hot mix asphalt plant, permit No. 2951-016-1798-T.	Statesboro, Bulloch County.	391-3-1-.02 (2)(K)	do	do	Oct. 1, 1974
Cyprus Industrial Minerals Co., Nos. 96 and 97 kaolin clay processing facilities, permit No. 3295-143-2029-T.	Jeffersonville, Twiggs County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Jan. 1, 1975
Cyprus Industrial Minerals Co., kaolin clay No. 53 processing facilities, permit No. 3295-150-2031-T.	Sandersville, Washington County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Dec. 15, 1974
Dekalb General Hospital, Morse Boulger heavy duty destructor, permit No. 8062-044-2036-T.	Decatur, Dekalb County.	391-3-1-.02 (2)(C)	do	do	May 1, 1975
Design Concrete, Inc., ready mix concrete facility, permit No. 3273-057-1694-T.	Rome, Floyd County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Engelhard Minerals & Chemicals Inc., catalyst processing facilities, permit No. 2819-043-1961-T.	Attapulgus, Decatur County.	391-3-1-.02 (2)(P)	do	do	July 31, 1975
Engelhard Minerals and Chemicals Corp., kaolin clay processing facilities, permit No. 3295-150-1981-T.	Oconee, Washington County.	391-3-1-.02 (2)(P)(N)	do	do	July 31, 1975
Evans Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-064-1528-T.	Claxton, Evans County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Georgia Dimension Co., conical burner only, permit No. 2426-053-1695-T.	Adrian, Johnson County	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Georgia Kraft Co., recovery No. 1 and 2 with electrostatic precipitator, permit No. 2631-011-1819-T.	Macon, Bibb County.	391-3-1-.02 (2)(E)	do	do	Feb. 28, 1975
Georgia Kraft Co., No. 4 smelt tank with demister pads, permit No. 2631-057-1809-T.	Rome, Floyd County.	391-3-1-.02 (2)(E)	do	do	May. 1, 1975
Georgia Kraft Co., No. 2 smelt tank with demister pads, permit No. 2631-057-1807-T.	Rome, Floyd County.	391-3-1-.02(2)(E)	do	do	Do.
Georgia Kraft Co., No. 1 smelt tank with demister pads, permit No. 2631-057-1806-T.	do	391-3-1-.02(2)(E)	do	do	Do.
Gold Kist Fertilizer, Clyo, superphosphate and granular fertilizer manufacturing plant, permit No. 2871-051-1845-T.	Clyo, Effingham County.	391-3-1-.02(2)(F)	do	do	Dec. 31, 1974
Golden's Foundry & Machine Co., foundry, permit No. 3321-106-1799-T.	Columbus, Muscogee County.	391-3-1-.02(2)(O)	do	do	Jan. 1, 1975
Haralson Gin Co., cotton gin, permit No. 0724-071-2041-T.	Haralson, Coweta County.	391-3-1-.02(2)(Q)	do	do	July 1, 1975
ITT Rayonier Inc., No. 1, 2, 3 recovery, permit No. 2631-151-1865-T.	Jesup, Wayne County.	391-3-1-.02(2)(E)	do	do	Jan. 1, 1975
Jack Davis Concrete Inc., concrete products facility, permit No. 3271-141-1872-T.	LaGrange, Troupe County.	391-3-1-.02(2)(N)	do	do	Sept. 30, 1974
Ledbetter Bros., Inc., hot mix asphalt plant, permit No. 2951-008-1976-T.	White, Bartow County.	391-3-1-.02(2)(K)	do	do	July 1, 1975
Ledbetter Bros. Inc., hot mix asphalt plant, permit No. 2951-057-1966-T.	Rome, Floyd County.	391-3-1-.02 (2)(K)	do	do	Oct. 1, 1974
Lewis Gin and Warehouse, cotton gin, permit No. 0724-035-1895-T.	Moultrie, Colquitt County.	391-3-1-.02 (2)(Q)	do	do	Sept. 30, 1974
Liberty Concrete Products, ready mix concrete facility, permit No. 3273-089-1523-T.	Midway, Liberty County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Lyons Concrete Products, Inc., ready mix concrete facility, permit No. 3273-138-1906-T.	Lyons, Toombs County.	391-3-1-.02 (2)(N)	do	do	Do.
M. & M. Super Markets, Inc., fire engineers model 1 660D-1 incinerator, permit No. 5411-025-2012-T.	Savannah, Chatham County.	391-3-1-.02 (2)(C)	do	do	Feb. 15, 1975
M. & M. Super Markets, Inc., fire engineers incinerator, permit No. 5411-025-2013-T.	do	391-3-1-.02 (2)(C)	do	do	Do.
Masonry Products, Inc., concrete block facility, permit No. 3271-023-1696-T.	Carrollton, Carroll County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
McCleskey Mills, Inc., cotton gin, permit No. 0724-129-1965-T.	Americus, Sumter County.	391-3-1-.02(2) (Q).	do	do	Jan. 5, 1975
Mullite Co. of America, kaolin clay processing facility No. 1, permit No. 3295-129-2027-T.	Andersonville, Sumter County.	391-3-1-.02(2) (N).	do	do	Jan. 1, 1975
Mullite Co. of America, kaolin clay processing facility No. 2, permit No. 3295-129-2028-T.	do	391-3-1-.02(2) (N).	do	do	Feb. 1, 1975
Muscogee Lumber Co., conical burner, permit No. 2421-106-1806-T.	Columbus, Muscogee County.	391-3-1-.02(2) (L).	do	do	Sept. 16, 1974
Norman W. Paschall Co., picking and blending operation, permit No. 2294-056-1678-T.	Peachtree City, Fayette County.	391-3-1-.02(2) (N).	do	do	Jan. 31, 1975
Phillips Concrete Block Co., Inc., concrete block facility, permit No. 3271-056-1945-T.	Fayetteville, Fayette County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Phillips Concrete Block Co., Inc., ready mix concrete facility, permit No. 3273-056-1944-T.	do	391-3-1-.02(3) (N).	do	do	Do.
Rosebud Manufacturing Co., waste disposal incinerator, permit No. 2341-138-1904-T.	Vidalia, Toombs County.	391-3-1-.02(2) (C).	do	do	Do.
Smith-Sheppard Concrete Co., Inc., ready mix concrete facility, permit No. 3273-150-1999-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Southern Pipe and Supply Co./ Vidalia Concrete Block Co., concrete pipe facility, permit No. 3272-138-1997.	Vidalia, Toombs County.	391-3-1-.02 (2)(N)	do	do	Do.
Southern Pipe and Supply Co./ Vidalia Concrete Block Co., ready mix concrete facility, permit No. 3273-138-1996-T.	do	391-3-1-.02 (2)(N)	do	do	Do.
Steed Concrete, Inc., ready mix concrete facility, permit No. 3273-009-2019-T.	Fitzgerald, Ben Hill County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
Stephens Gin and Bonded Warehouse, cotton gin, permit No. 0724-140-2051-T.	Soperton, Treutlen County.	391-3-1-.02 (2)(Q)	do	do	Jan. 28, 1975
Swainsboro Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-053-1525-T.	Swainsboro, Emanuel County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
W. G. Dunn, cotton gin, permit No. 0724-135-1475-T.	Parrott, Terrell County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Whitley Concrete Co., ready mix concrete facility, permit No. 3273-044-1968-T.	Decatur, De Kalb County.	391-3-1-.02 (2)(N).	do	do	Dec. 15, 1974
Cyprus Industrial Minerals Co., kaolin clay processing facilities No. 51 and No. 52, permit No. 3295-150-2030-T.	Sandersville, Washington County.	391-3-1-.02 (2) (P), 391-3-1-.02 (2)(N).	do	do	Oct. 1, 1974
Georgia Marble Co., marble, dolomite and calcium carbonate processing operation, permit No. 3281-061-1614-T.	Whitestone, Pickens County.	391-3-1-.02 (2)(N).	do	do	July 1, 1975
Georgia Tennessee Mining Chemical Co., fullers earth clay processing facilities, permit No. 3295-081-1265-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2) (N).	do	do	Sept. 1, 1974
M. C. Jones Lumber Co., conical burner only, permit No. 2421-134-1701-T.	Milan, Telfair County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Toccoa Foundry and Machine Co., Inc., electric arc furnace shotblast system with fabric filter, permit No. 3325-127-1552-T.	Toccoa, Stephens County.	391-3-1-.02 (2)(O).	do	do	June 30, 1975

[FR Doc.75-10796 Filed 4-25-75; 8:45 am]

[FRL 367-2]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Correction

On April 16, 1975, EPA published final regulations implementing section 306 of the Clean Air Act, section 508 of the Federal Water Pollution Control Act, and Executive Order 11738 (see 40 FR 17124). The regulations set forth provisions under § 15.4 to be included in contracts, grants, and loans. Specifically, under § 15.4(c)(2), there is a requirement that all contractors, and likewise grantees and borrowers, agree to comply with the inspection, monitoring, entry, reports, and information provisions of section 114 of the Clean Air Act and section 508 of the Federal Water Pollution Control Act. However, this provision was qualified by being made applicable only after the award of the contract, grant, or loan. Considering this provision is an acknowledgement of requirements already mandated by law, the qualification is not appropriate for inclusion in the regulations. Therefore, the following amendment is made to the regulations:

§ 15.4 [Amended]

Section 15.4(c)(2) is amended by deleting the phrase "after the award of the contract" from the end of the section.

Effective date: This amendment shall become effective on May 16, 1975.

Dated: April 25, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

[FR Doc.75-11218 Filed 4-25-75;9:42 am]

[FRL 366-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al., v. EPA*, 499 F.2d 289, 316-17, 321. Petitions for rehearing were filed, but they were denied by the Court on February 19, 1975. Second petitions for rehearing were filed, but they too were denied, along with various motions for stay, by the Court on April 3, 1975. The mandate of the Court is expected to issue on April 23, 1975. At that time, it is likely that all of the sources subject to the regulation will be in violation, since three of the interim compliance dates have already passed.

The Agency is currently engaged in an investigation of whether those subject to the regulation have been proceeding with maximum good faith efforts to develop the equipment to comply since the promulgation of the regulation in November 1973. It is the Administrator's intention to establish new compliance dates, both interim and final, when he has sufficient information to determine whether each source subject to the regulation has met the obligation of "good faith" efforts. This information on past efforts is also essential to deciding both the extent of any extensions and whether any further requirements must be added to the regulation to insure that maximum efforts will be made to comply.

In the meantime, the Agency has decided to suspend those interim compliance dates which have already passed, namely § 52.2287(c) (1), (2), and (3). This action formalizes the position that enforcement discretion will be exercised, and means that no source will have enforcement action taken against it at the present time for violation of those interim dates. On the other hand, this notice does not suspend the final compliance date of May 31, 1975, in § 52.2287 (c)(4) at this time, because to do so might lead some to conclude that they have no obligation to continue to make maximum good faith efforts to comply with the regulation. This notice also does not relieve such persons of the obligation to provide information on their efforts since November 1973, pursuant to section 114 of the Clean Air Act. The suspension will be in effect until May 30, 1975, by which time the Administrator plans to announce further actions regarding the regulation, as noted above.

(Sec. 301, Clean Air Act, 42 U.S.C. 1857g)

Dated: April 23, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-11039 Filed 4-25-75;8:45 am]

[FRL 353-3]

PART 55—ENERGY RELATED AUTHORITY

Temporary Suspensions, Compliance Date Extensions, and One Year Postponements for Power Plant Shut Downs; Requirements

On September 10, 1974 (39 FR 32624), pursuant to section 119 of the Clean Air Act, (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246) the Administrator proposed regulations setting forth requirements for fuel-burning sources eligible for compliance date extensions under the Energy Supply and Environmental Coordination Act of 1974 (ESECA). Requirements for temporary suspensions and one year postponements for power plant shut downs under ESECA were also proposed on that date.

Interested parties participated in the rulemaking by commenting both orally and in writing on the proposed regulations to EPA. Eleven letters, some with multiple comments, were received by the Agency. Copies of the comments received are available for public inspection at the EPA Office of Public Affairs, 401 M Street SW, Washington, D.C. 20460. The comments have been considered and, where determined by the Administrator to be appropriate, the final regulations set forth below reflect changes to the proposed regulations. The principal revisions to the proposed regulations and the Agency's responses to the major comments are summarized below.

APPLICABILITY

In § 55.01(a), persons subject to the regulations are described as: (1) any fuel-burning stationary source eligible to apply for a compliance date extension; (2) any person eligible for a temporary suspension, (3) any electric generating power plant which is eligible to apply under section 119(i) of the Clean Air Act for a one-year postponement of any State Implementation Plan (SIP) requirement and (4) any fuel-burning stationary source which is issued an order by the Federal Energy Administrator (FEA) under section 2(a) of ESECA.

In § 55.01(b) of the regulations set forth below, a new category of fuel-burning stationary sources has been included among those sources which may qualify for a compliance date extension. That category includes any source which voluntarily converted to coal after March 15, 1974, and which is issued an order by FEA under section 2 of ESECA. Under section 119(c)(1) of the Clean Air Act, any source which is issued a section 2 FEA order is eligible for a compliance date extension if such source converts to the use of coal as its primary energy source on or after September 15, 1973. Another category was considered for eligibility. That category includes any source which is issued a section 2 order by FEA and which is presently burning coal but which is subect to compliance schedule(s) to convert to natural gas or oil to comply with air pollution requirements. This was rejected because Congress specifically limited eligibility for compliance date extensions to those sources which convert to coal. Page 33 of the Conference Report (No. 93-1085) submitted with ESECA states: "The compliance date extension provision is only applicable to plants or installations which began conversion from petroleum products or natural gas to coal voluntarily between September 15, 1973, and March 15, 1974, or converted from petroleum products or natural gas to coal as a result of an order under section 2." (Emphasis added.)

One commentator requested that the phrase "* * * and which has converted to coal * * *" be deleted from § 55.01(c)(2) of the proposed regulations since it would apparently require that a source have completed conversion to coal before it could be eligible to apply for a temporary suspension. Since in most cases the Administrator would have to grant a temporary suspension of the applicable fuel or emission limitations before conversion to coal could be completed, the phrase "and which has converted to coal" has been omitted from the final regulations. Once an application for a temporary suspension is approved, the suspension will be granted to take effect at the time of completion of conversion to coal.

One commentator requested that the Administrator clarify one point concerning temporary suspensions issued because of the unavailability of types or amounts of fuels (§ 55.01(c)(1)). The Administrator is not required, under section 119(b) of the Clean Air Act, to impose a primary standard condition on a suspension granted because of the unavailability of fuels. Therefore, the possibility exists that primary ambient air quality standards will be exceeded because a suspension is granted under § 55.01(c)(1). However, the Administrator is authorized to impose on any temporary suspension such interim requirements as are reasonable and practicable. An interim requirement that the cleanest fuel available be burned or supplied would be reasonable and practicable in most cases. Use of the cleanest fuel available could in some cases assure that national ambient air quality standards are met even though applicable fuel and emission limitations are suspended.

RELATION TO FEA PROCEEDINGS

One commentator objected to the fact that the proposed regulations provide for many categories of information to be submitted to EPA after a coal conversion order has been issued by FEA, even though that information may already have been submitted to EPA to aid FEA in deciding whether a coal conversion order should be issued in the first place. The regulations set forth below now provide that if this information was previously submitted to EPA in connection with advice given to FEA on whether to issue a conversion order, it need not be resubmitted. An update of the initial submittal will be required where changes have taken place since the information was provided by the source.

COMPLIANCE DATE EXTENSIONS

Some commentators suggested that a source which voluntarily "began conversion" to the use of coal as its primary energy source should not be required to apply for a compliance date extension as is a source which is subject to an FEA section 2 order. Since the source has voluntarily converted to coal, there is no reason to require the submittal of an application. Therefore, the final regulations, at § 55.04(b), provide that sources in this category must apply within 90 days if they choose to apply for a compliance date extension but they are not required to apply. If such sources do not receive compliance date extensions, they will continue to be subject to all applicable air pollution requirements. Eligible sources which are issued FEA orders are required, at § 55.04(a), to submit within 90 days either (1) an application for a compliance date extension or (2) a certification of the date by which the source can burn coal and comply with all applicable air pollution requirements without a compliance date extension. This requirement is necessary to eliminate unnecessary delays in achieving compliance with air pollution requirements and to enable EPA to make certifications and notifications to FEA which are required under section 119(d) of the Clean Air Act. In the case of voluntary conversions where no orders are issued, no such certifications or notifications to FEA are required.

One commentator expressed the opinion that the requirement for submittal of information under paragraphs (a) and (b) of § 55.04 within 90 days with a maximum 30 day extension of such time under § 55.04(j) was too restrictive. The final regulations have been changed to allow for subsequent 30 day extensions where good cause exists for such extensions.

Some commentators requested additional time for the submittal of information under paragraphs (a) and (b) of § 55.04 where plan revisions are contemplated or expected in accordance with section 4 of ESECA (§ 110(a)(3)(B) of the Clean Air Act). Sources are hesitant to commit themselves to long-term contracts (required by § 55.04(a)) to assure meeting State implementation plan requirements where States are in the process of revising those requirements. The final regulations provide for additional time if the Governor of the State in which the affected sources are located certifies to the Administrator, within 90 days after the effective date of these regulations (or within 90 days after FEA issues an order under section 2 of ESECA, if such order is issued after the effective date of these regulations), that he is considering making a recommendation for a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, and that additional time is necessary to formulate such recommendation and to implement it. Also, a projected timetable for the completion of such a process will be required to assure that delays associated with such revisions will be kept to the minimum necessary. The projected timetable may hinge upon the date of receipt of a recommendation from the Administrator under section 110(a)(3)(B) of the Act.

One commentator asked whether EPA could issue a compliance date extension to a source which does not apply for one. This question arose because the proposed regulation would have required EPA simply to approve, disapprove or modify a submitted plan for compliance. The approach adopted in the proposed regulations is preserved in § 55.04(d) below. It should be noted, however, that although EPA does not intend to issue compliance date extensions on its own motion, the Agency will use its enforcement authority under § 113 of the Clean Air Act to insure that application and compliance plan requirements imposed by ESECA and these regulations will be met. Should a source fail to make a required application or submittal, EPA will take appropriate action against such source to obtain all necessary information and, where appropriate, to impose the conditions, limitations and requirements which would otherwise accompany a compliance date extension.

One commentator suggested that the criteria in § 55.04(b) for determining whether a source began conversion to coal should include the following: "Conducting engineering, coal supply availability and compliance studies, which can be sufficiently documented, which were in good faith aimed at enabling such source to use coal as its primary energy source but which by virtue of the unavailability of adequate quantity and compatibility of coal or other extenuating circumstances were unable to submit a formal application as specified in (3)(i)(D) (reference to the proposed regulations) of this section." The final regulations, like the proposed regulations, do not limit the criteria to be used in determining whether a source began conversion during the specified period. The actions listed at § 55.04(b)(1) (i) through (iv) are merely illustrative of those steps towards conversion which will be considered in determining whether action taken by the source evidences a decision (made prior to March 15, 1974) to convert to coal. Initiation of the feasibility studies described by the commentator almost by definition is preliminary to any such decision and would not by itself qualify as such action.

Section 55.04(c), in accordance with section 119(c)(2)(B) of the Clean Air Act, specifies that the contracts or other obligations which are to be submitted as part of the plan for compliance date extensions must be approved before entered into (except that a contract or obligation entered into before June 22, 1974 may be approved after entered into). If the Administrator should disapprove a contract because it does not satisfy the requirements of § 55.04(c), the source would be required to submit new or additional contracts or obligations which will satisfy those requirements. The date for entering into contracts or obligations which is specified by the source in its plan for compliance will be the date which, assuming the Administrator has approved such contracts or obligations within 90 days of submittal, the contract or obligation will become legally binding on the parties to it. The source may specify in its plan for compliance that the date for entering contracts and obligations will hinge upon the date of the Administrator's approval (e.g., within five days after the Administrator notifies the source of his approval of the contract or obligation).

Section 55.04(a)(5) requires a source which is applying for a compliance date extension to make a showing that such source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements. Under section 119(c)(2)(A)(i) of the Clean Air Act and § 55.01(b)(3) of these regulations, the Administrator may issue a compliance date extension only if he finds that the source cannot comply without an extension. Therefore, the showing required by § 55.04(a)(5) is critical to a preliminary finding of eligibility. The regulations do not specify the evidence which will be required to enable the Administrator to make the necessary finding because the demonstration of inability to comply will vary considerably depending on the air pollution requirement and the source in question. The appropriate EPA regional office will provide guidance upon request to sources which are in doubt as to the information which should be submitted as part of the showing of inability to comply. In most cases, however, an enumeration of the air pollution requirements which cannot be met without an extension, a description of the pollution characteristics of the coal which is available to such source, the time which will be required to enable the source to utilize such coal and the time required to install any necessary continuous emission reduction systems will be sufficient. Since other provisions of the regulations require that this information be submitted as part of the source's application, the showing required by § 55.04(a)(5) should in most cases impose no additional burden on a source which is applying for an extension.

Several commentators suggested that the proposed regulations did not provide sufficient explanation and guidance for the affected source. Specific questions on the compliance date extension provisions and EPA's answers are as follows:

Q. On what basis will the Administrator determine that a source can burn coal and comply with all applicable air pollution requirements without a compliance date extension? How long will it take to make this determination?

A. Section 55.04(a)(1) of the final regulations requires a source which is eligible for an extension (but which is not applying for the extension because it can burn coal and comply with all applicable air pollution requirements) to submit to EPA within 90 days after FEA issues a section 2 order: (1) a list of all applicable air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal in compliance with all applicable requirements without an extension and (2) a plan for compliance which specifies the steps the source will take to comply. If the Administrator, after reviewing the information submitted and other appropriate information which is available to him, determines that the source can be in compliance while burning coal, EPA will notify FEA that the source will be able, on and after July 1, 1975, to burn coal without an extension. Procedures to be followed to coordinate the efforts of both FEA and EPA under ESECA are being developed and will undoubtedly provide that the required notifications be made as soon as possible, within a reasonable time. Under § 55.04(a)(5), eligible sources which are applying for compliance date extensions must submit, within 90 days after the effective date of these regulations or within 90 days after an FEA section 2 order is issued to the source, evidence to show that coal cannot be burned in compliance with all applicable air pollution requirements. If the Administrator determines, after review of this evidence and other information available to him, that coal can be burned without an extension, no extension can be issued. EPA's decision on the application must be made within 60 days of its submission.

Q. What factors will the Administrator consider in establishing a primary standard condition on a compliance date extension?

A. The final regulations, at § 55.04(e), reflect a change from the proposed regulations to allow the source the option of submitting proposed primary standard conditions with its plan for compliance. As defined in section 119 of the Clean Air Act, a primary standard condition must be emission limitations, requirements respecting pollution characteristics of coal or other enforceable measures for the purpose of assuring throughout the period of a suspension or extension that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Specific conditions could include (1) a requirement for permanent emission reduction which would be less than the reduction called for under the applicable State implementation plan (e.g., 50 percent reduction where the plan calls for 90-percent reduction), (2) a sulfur in fuel requirement which would be higher than that required under the plan (e.g., 2 percent sulfur fuel where the plan calls for 1 percent) or (3) an intermittent control system (e.g., switching to cleaner fuels during adverse meteorological conditions). All primary standard conditions must be legally enforceable.

Q. What factors will the Administrator consider in determining whether to approve a plan for compliance?

A. A plan for compliance must show final compliance as soon as practicable but in no case later than December 31, 1978, except that, in the case of a source for which continuous emission reduction systems are required for sulfur related emissions, compliance must be as soon as practicable but no later than January 1, 1979. EPA will review each plan based on these criteria. The plan will be approved, disapproved or modified based on the information available to the Administrator as to what is "as soon as practicable" in each case. In any event, the application for an extension, the conditions to be imposed thereon and the findings associated therewith are subject to public hearing and comment before the Administrator's decision is rendered (section 119(c)(4) of the Clean Air Act).

Q. The Clean Air Act and these regulations require that contracts for a long-term supply of coal be submitted for the Administrator's approval as part of the plan for compliance. What is considered a long-term supply of coal?

A. In western and midwestern States, long term contracts of from 5-15 years are relatively common and would be considered approvable. In eastern seaboard areas where oil and coal are both commonly used, shorter coal contracts (6 months—1 year) are more common. Because sources receiving compliance date extensions will usually be committed to burning coal for more than one year, a contract term longer than that now customary in the east will be required. "Long-term" is not defined strictly, however, since flexibility is necessary to deal with varying market conditions in different geographical areas.

One commentator suggested that an agreement to re-convert to oil upon the expiration of an FEA order should be an acceptable plan for compliance for sources subject to FEA orders. Section 119(c)(2)(B) of the Clean Air Act does not allow for this option. One of the purposes of the Energy Supply and Environmental Coordination Act was to encourage long-term (permanent) commitments to coal.

TEMPORARY SUSPENSIONS

One commentator suggested that the final regulations should allow the Administrator to consider the cost of fuels in considering an application for a temporary suspension based on the unavailability of fuels. The Conference Report (No. 93-1085) of the House of Representatives on ESECA at pages 31-32 states: "Persons who would be eligible for this type of suspension include, but are not limited to, those to whom conforming fuels are unavailable because of strikes, embargoes, accidents, allocation rules, or orders under the Emergency Petroleum Allocation Act or under section 2(d) of this Act, or exchange orders under section 119(j) of the Clean Air Act." Cost of fuels is not mentioned.

Another commentator suggested that EPA should continue to process and grant temporary suspensions without awaiting promulgation of these regulations. EPA has been processing applications for suspensions as they are received.

Another commentator requested further explanation of the conditions on temporary suspensions, such as steps to prevent imminent and substantial endangerment to public health and reporting requirements under § 55.05(d). Specific regulations have been developed by State and local agencies under State implementation plans to handle emergency situations. Also, EPA has authority to act in emergency situations under section 303 of the Clean Air Act. EPA will require reports on a periodic basis. Such reports should include information on the availability of conforming fuel and any relevant measured air quality data. Specific conditions and interim requirements will be tailored to the person granted a suspension and will be set forth in writing for each persons granted a suspension.

PROPOSED CLEAN AIR ACT AMENDMENTS

In accordance with section 119 of the Clean Air Act, these regulations require a source which is located in a region where primary standards are being exceeded for a particular pollutant to meet the State implementation plan requirements for that pollutant at the time of conversion. This requirement is known as the "regional limitation."

Analysis by FEA and EPA indicates that the regional limitation may hamper the coal conversion program by precluding the utilization of coal by a number of sources located in regions where regional limitations apply until control equipment can be installed or low sulfur coal obtained. Since protection of the health-related primary standards is required as a condition of extensions, the Administrator believes the regional limitation requirement can be deleted from the Act without risk to public health. Accordingly, the Administrator supports the proposed amendment submitted to the Congress by the President on January 30, 1975, which would delete the regional limitation.

Furthermore, the Administrator supports the other proposed amendments to section 119 of the Clean Air Act, which if enacted into law by the Congress will make the coal conversion program easier to administer.

OTHER COMMENTS

It was mentioned in the preamble to the proposed regulations (39 FR 32625) that the Administrator may require the submission of data from sources which may receive an FEA order. The Administrator will ask for these data only when FEA is seriously considering a section 2 order for a specific plant.

In the preamble to the proposed regulations (39 FR 32625), it was indicated that EPA could certify, after making a finding under section 119(d)(3)(B) of the Clean Air Act, to FEA a period during which the FEA section 2 order would be inapplicable for sources which voluntarily began conversion to coal. This was an error to the extent that such sources do not receive FEA orders.

These regulations are issued under authority of sections 113, 114, 119 and 301 (a) of the Clean Air Act, 42 U.S.C. 1857 et seq. The Administrator finds that good cause exists for making these regulations effective immediately since they are procedural in nature and since some of their provisions are intended for use in the event of an emergency resulting from unavailability of types and amounts of fuel.

Dated: April 22, 1975.

RUSSELL E. TRAIN,
Administrator.

A new Part 55 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart A—Compliance Date Extensions, Temporary Suspensions, and One Year Postponements for Power Plant Shut Down

AUTHORITY: Secs. 113, 114, 119, and 301, Clean Air Act (42 U.S.C. 1857 et seq.), as amended, Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246.

Subpart A—Compliance Date Extensions, Temporary Suspensions and One Year Postponements for Power Plant Shut Down

§ 55.01 Applicability.

(a) The provisions of this part apply to:

(1) Any fuel-burning stationary source which is eligible to apply for a compliance date extension.

(2) Any person to whom a stationary source fuel or emission limitation applies and who is eligible for a temporary suspension of such limitation,

(3) Any electric generating power plant which is eligible to apply, under section 119(l) of the Act, for a one-year postponement of any requirement of an applicable implementation plan, and

(4) Any fuel burning stationary source which is issued an order by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319, 88 Stat. 246).

(b) The Administrator shall issue a compliance date extension to any fuel-burning stationary source:

(1) Which is eligible to apply for a compliance date extension because:

(i) Such source is prohibited from using petroleum products or natural gas by reason of an order which is issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974; or

(ii) Such source began conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and has not been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974;

(2) Which, on or after September 15, 1973, converts to the use of coal as its primary energy source;

(3) Which the Administrator finds will not be able to burn coal (which is available to such source) in compliance with all applicable air pollution requirements without a compliance date extension;

(4) Which the Administrator finds will be able during the period of the compliance date extension to comply with all primary standard conditions applicable to such source, and with any regional limitation if applicable to such source; and

(5) Which has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

(c) The Administrator may, for any period beginning on or after June 22, 1974, and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person:

(1) If the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

(2) If such person is a source which is described in subparagraphs (b) (1) and (2) of this section and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

§ 55.02 Definitions.

As used in this part, all terms not defied herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Stationary source" or "source" means any building, structure, facility, or installation which emits or may emit any air pollutant, including any person who owns, leases, operates, controls, or supervises any such building, structure, facility, or installation.

(d) "Primary standard condition" means an emission limitation, requirement respecting pollution characteristics of coal or any other enforceable measure for control of emissions prescribed by the Administrator (after consultation with appropriate States) for each source to which a suspension under § 55.01(c) (2) will apply, and for each source to which a compliance date extension under § 55.01(b) will apply, for the purpose of assuring (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

(e) "Regional limitation" means the requirement that a source which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is being exceeded in that region, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant.

(f) "Coal" means coal or coal derivatives.

(g) "Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Act (except for any requirement prescribed under section 119 (c) or (d), section 110(a) (2) (F) (v), or section 303 of the Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

(h) "Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Act (other than section 119, section 111(b), section 112 or section 303 of the Act) or contained in any applicable implementation plan (other than a requirement imposed pursuant to section 110(a) (2) (F) (v) of the Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade or pollution characteristic.

(i) "Person" includes (in addition to the meaning given that term in section 302(e) of the Act) a fuel supplier.

§ 55.03 Address.

All requests, reports, applications, submittals, and other comunications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate regional office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), Federal Building, 230 South Dearborn, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

§ 55.04 Compliance date extensions.

(a) Any source which is eligible to apply for a compliance date extension under § 55.01(b) (1) (i) shall submit within 90 days after such source becomes eligible because of an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of these regulations, or within 90 days after the effective date of these regulations if such source is issued an order prior to the effective date of these regulations (subject to the provisions of paragraph (j) and (k) of this section), to the Administrator the following:

(1) If the source is not applying for a compliance date extension because it is able to burn coal in compliance with all applicable air pollution requirements without a compliance date extension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal and comply with each applicable air pollution requirement without a compliance date extension, and

(ii) If not now in compliance, a plan for compliance which includes a description of and incremental dates for taking the steps necessary to comply by the date specified in paragraph (a) (1) (i) of this section;

(2) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, either:

(i) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(i)(B) of this section.

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by paragraph (a)(2)(i)(E) of this section,

(C) The date by which on-site construction or installation or process modifications, if necessary, will be initiated,

(D) The date by which on-site construction or installation of necessary process modifications is to be completed,

(E) The date (which is as soon as practicable but not later than December 31, 1978) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing no later than ten days after each requirement, specified under paragraph (a)(2)(i) (B), (C), (D) and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons; or

(ii) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(ii)(B) of this section,

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for a long-term supply of coal and continuous emission reduction systems necessary to permit the source to burn such coal and achieve the degree of emission reduction required by paragraph (a)(2)(ii)(E) of this section.

(C) The date by which on-site construction or installation of continuous emission reduction systems will be initiated,

(D) The date by which on-site construction or installation of continuous emission reduction systems is to be completed,

(E) The date (which is as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, the date which is as soon as practicable, unless otherwise specified by the Administrator, but not later than January 1, 1979) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing, no later than ten days after each requirement, specified under para. (a)(2)(ii) (B), (C), (D), and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons;

(3) If the source is eligible to apply for a compliance date extension for any State or local law or regulation which is not a part of the applicable implementation plan and is unable to burn coal in compliance with such air pollution requirements without a compliance date extension, a plan for compliance which includes a description of any incremental dates for taking the steps necessary to comply with such State or local law or regulation;

(4) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, process and emissions data for purposes of determining any necessary primary standard conditions including as a minimum:

(i) For those sources which are required to submit to the Federal Power Commission the FPC Form 67 and Form 423:

(A) Verification of all data listed on the FPC Form 67 and Form 423 which are accurate,

(B) Correction of all data on the FPC Form 67 and Form 423 which are inaccurate and inclusion of any missing data,

(C) Notification of pending removal from service of any unit or units prior to January 1, 1980,

(D) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979,

(E) For each new unit, projected operating and design data as required in Part I of the FPC Form 67,

(F) Listing of expected changes in average operating conditions and seasonal cycle of load use resulting from conversion to use of coal as the source's primary energy source, and

(G) Specification of the location of the source giving coordinates in the Universal Transverse Mercator System (UTMS), or longitude and latitude coordinates; or

(ii) For all sources except those identified in para. (a)(4)(i) of this section:

(A) Completion of all applicable sections of OMB Form 158–R75, "Air Pollutant Emissions Report", which can be obtained at the addresses listed in § 55.03, including:

(1) In section I, the source location in UTMS or latitude-longitude coordinates,

(ii) In sections II, V, and VI, required information on the source both prior to conversion to coal, and as projected after conversion to coal, and

(iii) In all sections, all available data for projected new units,

(B) Notification of pending removal from service of any unit or units prior to January 1, 1980, and

(C) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979;

(5) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, a showing that the source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements;

(b) Any source which is eligible and which chooses to apply for a compliance date extension under § 55.01(b)(1)(ii) of this part must apply by submitting, within 90 days after the effective date of these regulations (subject to the provisions of paragraphs (j) and (k) of this section), to the Administrator the same information as is required under paragraphs (a) (2), (3), (4), and (5) of this section along with evidence to support a determination by the Administrator that such source began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974. A source began conversion if:

(1) During the period beginning on September 15, 1973, and ending on March 15, 1974, the source took affirmative action to convert, such as:

(i) Entering a long-term contract binding on such source for obtaining coal; or

(ii) Entering a contract binding on such source for obtaining equipment or facilities to enable such source to use coal as its primary energy supply on a permanent basis; or

(iii) Expending sums in amounts necessary to undertake a complete and permanent conversion to coal; or

(iv) Formal application to the proper legal authorities for a variance from applicable implementation plan requirements to enable such source to burn coal; and

(2) The Administrator finds that the action taken under subparagraph (1) of this paragraph evidences:

(i) A decision made prior to March 15, 1974, to convert to coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan; and

(ii) A good faith effort to expeditiously carry out such decision.

(c) The contracts or obligations referred to in paragraphs (a)(2)(i)(B) and (a)(2)(ii)(B) of this section, which are required to be submitted under paragraphs (a) and (b) of this section, shall be submitted to the Administrator for his approval before they become effective except that a contract or obligation which became effective before June 22, 1974, shall be submitted for approval after it became effective.

(1) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal shall include, as a minimum, the following:

(i) Unless specifically waived by the Administrator upon timely application by the source, provisions which reasonably insure performance by the supplier despite fluctuation in coal prices and other changes in market conditions (for example: reasonable price escalation clauses, requirements for performance bonds, commitments to subject price disputes to arbitration, provision for liquidated damages, provision for alternative performance by delivery of conforming coal produced by other suppliers, or other incentives or disincentives);

(ii) A description (including the average sulfur, ash, and heat content, and the limits of expected variations) of the grade and quality of the coal to be supplied which shall be sufficient to permit the Administrator to determine that the burning of such coal, together with the use of any other emission reduction measures to be specified in the compliance schedule, would enable the source to achieve the emission reduction requird by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iii) A statement of the quantity of the coal to be supplied and/or delivered which is sufficient to enable the source to achieve the emission reduction required by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iv) A provision (or separate contract or obligation) to assure transportation and delivery of such coal to the source; and

(v) A provision specifying the term during which such coal shall be supplied and/or delivered.

(2) A contract (or other obligation enforceable against such source) to provide for obtaining a continuous emission reduction system shall include, as a minimum, the following:

(i) An identification of the type of system to be installed; and

(ii) A statement of the control efficiencies to be achieved by such systems, and the conditions under which such control efficiency will be met, including the quality and grade of coal required.

(3) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal or to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) The signatures of the parties to the contract (or obligation) or other evidence of firm commitment;

(ii) For such contracts (or obligations) entered after June 22, 1974, a provision that the Administrator's written approval is a condition precedent to the contract (or obligation);

(iii) Deadlines for performance which insure that the schedule for compliance as required by subparagraph (a)(2) and paragraph (b) of this section will be met;

(iv) A requirement that the supplier, vendor, or other party contracting with the source shall report to the source, at regular intervals, on progress toward or status of performance of such party's obligations, any existing or anticipated problems which would prevent or delay such performance, and any steps being taken to remedy such problems; and

(v) A requirement that whenever the supplier, vendor, or other party contracting with the source encounters or anticipates problems which could prevent or delay performance of such party's obligations, such party shall immediately report all relevant circumstances and any remedial steps to the source.

(d) The Administrator shall approve, disapprove or modify any plan for compliance submitted as required by paragraph (a)(2) and paragraph (b) of this section and shall approve or disapprove any contract submitted as required by paragraph (c) of this section within 60 days after such plan or contract is submitted.

(e) The Administrator shall set forth any necessary primary standard condition, regional limitation and any interim requirements which the Administrator determines are reasonable and practicable as conditions of any plan for compliance. A source may submit, as a part of its plan for compliance, a proposal for legally enforceable limitations, requirements, or other measures which will assure (throughout the period that the compliance date extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Such proposal is subject to the Administrator's approval, disapproval or modification.

(f) The Administrator may require the monitoring of ambient air concentrations in the vicinity of the source as a condition of any compliance date extension.

(g) Six months after the Administrator issues a compliance date extension, and every six months thereafter, the source shall submit a report to the Administrator which details the source's progress toward achieving compliance with all applicable air pollution requirements.

(h) If a compliance date extension is issued to a source, such source shall not, during the period of the extension, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided under section 119(d)(3) of the Act.

(i) A source may, upon the expiration of a compliance date extension, apply for and receive from the Administrator a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions set forth and in the manner provided by section 110(f) of the Act.

(j) Upon timely application by the source, the Administrator may postpone for 30 days the time allowed for the submittal of information required under paragraphs (a) or (b) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause has been shown for such postponement. Subsequent 30 day postponements may be granted if a showing is made that good cause continues to exist.

(k) The Administrator may permit a later submittal of the information required under paragraphs (a) or (b) of this section where the Governor of the State in which the source is located certifies to the Administrator, within the time permitted for such submittal, that he is considering recommending a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, that additional time is necessary to formulate and act upon such recommendation, and that a projected timetable for the completion of the revision process will be provided to the Administrator. Such a timetable may be dependent upon receipt of the Administrator's recommendation under section 110(a)(3)(B) of the Act.

(l) The Administrator may, where reasonable and appropriate, require the submittal of contracts at the same time information is submitted as required by paragraphs (a) or (b) of this section.

(m) Any source which is eligible for a compliance date extension under § 55.01(b)(1)(i) but whose application for such extension is denied because the Administrator has determined that such source can meet all air pollution requirements without a compliance date extension, shall submit to the Administrator, within 30 days after such denial of a compliance date extension, the information required under paragraphs (a)(1)(i) and (ii) of this section.

(n) If the Administrator finds that a source has failed to apply for a compliance date extension in order to avoid an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, he may take appropriate action under section 113 of the Act to assure a prompt submittal of the information required under paragraphs (a)(2) through (6) of this section.

(o) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(p) Any compliance date extension issued by the Administrator shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

§ 55.05 Temporary suspensions.

(a) Any person (including a public officer or public agency) may apply to the Administrator for a temporary suspension under § 119(b) of the Act. The conditions of eligibility for a temporary suspension are set forth in § 55.01(c) of this part.

(b) The Administrator may act on his own motion in issuing a temporary suspension.

(c) The Administrator shall issue a temporary suspension to any person for whom an application has been filed and which is eligible under § 55.01(c)(2) if he determines (after considering the risk to public health and welfare, whether the issuance of a suspension will assist in meeting the essential needs of the United States for fuels and other appropriate factors) that issuance of a suspension to such person would be consistent with the purposes of the Energy Supply and Environmental Coordination Act of 1974.

(d) Any temporary suspension issued by the Administrator shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to:

(1) Submission of such reports as the Administrator determines may be necessary.

(2) Such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

(3) In the case of a person who is eligible for a suspension under § 55.01(c)(1), requirements that the suspension shall be inapplicable for any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available (as determined by the Administrator) to such person.

(e) A source described in § 55.01(c)(2) which applies for a suspension must submit emissions data, information on the fuel and emission reduction measures to be employed during the time the suspension is applicable, and air quality data in order to enable the Administrator to prescribe any necessary primary standard condition on the suspension.

(f) In the case of a source which applies to the Administrator for a suspension under § 55.01(c)(1), the source shall submit with the application the following information as a minimum:

(1) Present fuel inventory, by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) A statement of the source's understanding of the reasons that types or amounts of fuel which would enable compliance are not available or documentation of the reasons given by traditional fuel suppliers for being unable to meet the source's needs;

(4) Names of suppliers contacted, dates of contact, and quantity and quality (including sulfur, ash and heat content) of fuel sought; and

(5) Description of fuel demands.

(g) In the case of a fuel supplier which applies to the Administrator for a suspension under § 55.01(c)(1), the fuel supplier shall submit the following information as a minimum:

(1) Present fuel inventory by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) Description of the fuel demands of the customers of the supplier located in the air quality control region(s) for which the supplier is requesting a suspension;

(4) Documentation of the reasons for the supplier's inability to provide adequate supplies of fuel which would permit compliance with applicable stationary source fuel or emissions limitations;

(5) Documentation which evidences efforts made by the supplier to obtain fuels which would permit compliance with applicable stationary source fuel or emission limitations.

(h) Any source which is issued an order (which will not apply after June 30, 1975) by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall submit within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of the regulations) to the Administrator the following:

(1) If the source is not applying for a temporary suspension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a temporary suspension, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with each applicable air pollution requirement.

(2) If the source is applying for a temporary suspension:

(i) A certification of the date by which the source will be able to burn coal without emitting any pollutant in amounts which cause or contribute to concentrations in excess of any national primary ambient air quality standard for such pollutant, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with applicable stationary source fuel or emission limitations.

(i) If any source which is not subject to an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 applies for a temporary suspension because it began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, then the source shall submit the information required in paragraph (h)(2) of this section and evidence to support a determination by the Administrator in accordance with paragraph (b) of section 55.04 that such source began conversion during such time.

(j) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (h) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 days postponements may be granted.

(k) The Administrator may suspend, postpone or modify the requirements for submittal of information under paragraphs (f) and (g) of this section if he finds that a widespread shortage of types or amounts of fuels exists and that such shortage is of such severity that expedited procedures under this section are necessary and desirable.

(l) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(m) Any temporary suspension issued by the Administrator to a source which is eligible for such suspension under § 55.01(c)(2) of this part shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

§ 55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.

(a) Any source which has been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 and which is not eligible to apply for a compliance date extension under § 55.01(b) of this part or cannot qualify for a temporary suspension under § 55.01(c) shall submit, within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of these regulations) to the Administrator the following:

(1) A certification of the date that the source will be able to burn coal and comply with all applicable air pollution requirements, and

(2) A plan for compliance which includes the necessary steps the source must take to comply with all applicable air pollution requirements.

(b) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (a) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 day postponements may be granted.

(c) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Federal Energy Administrator of the consequences of issuing an order to such source under section 2 of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

§ 55.07 Petitions by air pollution control agencies.

(a) Any air pollution control agency may petition the Administrator to modify any primary standard condition in order to assure (throughout the period of a compliance date extension or a temporary suspension) that the source will not emit any air pollutant to a degree which causes or contributes to concentrations in excess of any national primary ambient air quality standard for such pollutant.

(b) Any air pollution control agency may petition the Administrator to certify to the Federal Energy Administrator that an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be in effect for any period during which the burning of coal by a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public

(c) The Administrator may on his own motion initiate the proceedings referred to in paragraphs (a) and (b) of this section.

§ 55.08 One year postponement for power plant shutdown.

(a) At any time prior to the date on which an electric generating power plant is required to comply with an applicable implementation plan requirement, such power plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of such requirement for not more than one year. Such postponement shall commence on the final date for compliance with the implementation plan in effect at the time of application for postponement (except that no such postponement shall apply for more than one year after the applicable date for attainment of the primary standard for the pollutant involved).

(b) Any electric generating power plant is eligible for a postponement under paragraph (a) of this section if:

(1) Because of the age and condition of the plant, the plant is to be taken out of service permanently not later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant,

(2) A certification to that effect has been filed by the owner or operator of the plant with the Administrator and the Federal Power Commission, and

(3) The Federal Power Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements.

(c) If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement under paragraph (a) of this section, that compliance with any requirement of an applicable implementation plan is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

(d) The Administrator shall, as a condition of any postponement under paragraph (a) of this section, prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (c) of this section.

§ 55.09 General requirements.

The Administrator may require the submittal of any additional information, including emissions data for any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), which is reasonably necessary to implement this part and section 119 of the Act.

[FR Doc.75-11038 Filed 4-25-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

Internal GSA Procurement Regulations

To simplify the internal GSA procurement regulations system Chapters 5C and 5D of this title have been eliminated (39 FR 26288, July 18, 1974; 39 FR 7789, Feb. 28, 1974) and Chapter 5 will be eliminated after the portions having continuing applicability are incorporated in Chapters 5A and 5B. In this regard, Chapter 5A has incorporated the portions of Chapter 5 having applicability to contracts for supplies and services (other than contracts for construction, building services, and space acquisition) and, accordingly, Chapter 5 is hereafter inapplicable to such contracts. The portions of Chapter 5 having applicability to contracts for construction, building services, and space acquisition will remain in effect until incorporated in Chapter 5B. A subsequent Federal Register notice will be published to announce the cancellation of Chapter 5 in its entirety.

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

Effective date. This regulation is effective April 28, 1975.

Dated: March 7, 1975.

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

[FR Doc.75-10951 Filed 4-25-75;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Deletion of Standard Concerning Number of Lavatories for Industrial Employment

On June 27, 1974, the occupational safety and health standards contained in 29 CFR Part 1910 were republished in the FEDERAL REGISTER (39 FR 23502). The purpose of the republication was to incorporate in one place all changes made to the standards up to June 3, 1974.

The republication included the requirement for a minimum number of lavatories for industrial employment, contained in Table J-2 of 29 CFR 1910.-141(d)(2)(i), which had been promulgated pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593; 29 U.S.C. 655) on May 3, 1973, (38 FR 10930). However, this standard was challenged under section 6(f) of the Act (84 Stat. 1597; 29 U.S.C. 655) by a petition filed in the United States Court of Appeals for the Second Circuit. On October 4, 1973, that court, in the case of "Associated Industries of New York State, Inc. v. United States Department of Labor et. al." (487 F. 2d 342), vacated that portion of § 1910.141 (d)(2)(i) Table J-2 setting a minimum number of lavatories for industrial usage. Therefore, it is decided to delete from Part 1910 that portion of Table J-2 vacated by the Court.

I find that the reasons stated above constitute good cause for making this change effective immediately. Accordingly, this amendment is effective April 28, 1975.

§ 1910.141 [Amended]

Accordingly, pursuant to authority in sections 6 and 8(g) of the Act (84 Stat. 1593, 1600, 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 12-71 (36 FR 8754), Part 1910 of Title 29 of the Code of Federal Regulations is amended by deleting from § 1910.141(d)(2)(i) that portion of Table J-2 reading as follows:

Industrial—factories, warehouses, loft buildings, and similar establishments:

1 to 100	1 fixture for each 10 employees.
Over 100	1 fixture for each additional 15 employees.

(Secs. 6, 8(g), Pub. L. 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C., this 23rd day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-11174 Filed 4-25-75; 8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 34; Docket No. 75-9]

PART 550—FILING OF TARIFFS BY TERMINAL BARGE OPERATORS IN PACIFIC SLOPE STATES

Provisions Adopted

By notice of proposed rulemaking filed April 7, 1975 (40 FR 15401-15402) the Commission gave notice that it was considering the addition of a new Part 550 of Title 46 which will establish regulations covering the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

The rulemaking was initiated in response to the enactment by Congress of Pub. L. 93-605 which adds a new section 3 to the Shipping Act, 1916. This legislation requires the filing of rates and charges for the barging and affreighting of containers and containerized cargoes by barge between points in the United States solely with the Federal Maritime Commission under certain specific circumstances and in accordance with rules and regulations to be promulgated by the Commission within 120 days of its enactment.

Written comments on the proposed rule were received from two interested parties. Both commentators objected to the provisions in § 550.2 which require the filing of separate tariffs in accordance with the Commission's G.O. 13 (46 CFR 536) with respect to cargo moving in the foreign commerce of the United States and Tariff Circular 3 (46 CFR 531) with respect to cargo moving in the domestic offshore commerce of the United States.

Pointing out that the service and rates offered by a terminal barge operator will be identical in both trades, the commentators are of the view that only one tariff filing would be needed to meet the requirements of section 3 of the Shipping Act, 1916. To this end, they favor the tariff filing requirements found in G.O. 13.

The Commission, after due consideration of these comments, is of the opinion that in this instance strict adherence to the form of the tariff filing requirements of Tariff Circular 3 is not required particularly in view of the very limited application of this rule. Therefore, for purposes of this Part, terminal barge operators, while still subject to all applicable provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, in their capacities as common carriers by water either in the foreign commerce or in domestic commerce, need conform only to the tariff filing requirements of G.O. 13.

Both commentators have indicated that they have not handled any cargoes moving in the domestic offshore trades and therefore initial compliance with this Part will require only a tariff filing with respect to their foreign commerce operations. When, and if, domestic cargo is handled, a duplicate tariff with appropriate covering letter should be filed with the Commission. As water carriers carrying cargo in the domestic offshore trades, terminal barge operations will, however, be expected to comply with all required regulations where applicable.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817 and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), Title 46 CFR is amended by the addition of a new Part 550 reading as follows:

AUTHORITY: Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18 (a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817, and 841(a)), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844).

§ 550.1 Scope.

(a) The rules and regulations set forth in this Part cover the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

(b) Terminal barge operators moving containers or containerized cargo by barge between points in the Continental United States shall file a schedule of their rates, charges and services solely with the Federal Maritime Commission where:

(1) The cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States,

(2) The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading,

(3) Such terminal operator is a Pacific Slope State municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service on January 2, 1975.

(4) Such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service.

(c) The terminal operator providing such service shall be subject to the provisions of the Shipping Act, 1916.

§ 550.2 Tariff Filing Requirements.

(a) Terminal barge operators subject to this Part shall comply with the tariff filing requirements of General Order 13 (46 CFR 536) with respect to the publication of rates, charges and services for cargo moving in the foreign and/or domestic offshore commerce of the United States.

(b) Terminal barge operators while exempt from the tariff filing form requirements of Tariff Circular 3 (46 CFR 531) with respect to their operations as water carriers carrying cargo in the domestic offshore trades, shall comply with all other required regulations, where applicable.

(c) Tariff(s) filed pursuant to § 550.2 (a) shall specifically provide that the rates charged are based upon factors normally considered by a regular commercial operator in the same service.

§ 550.3 Effective date.

This Part shall become effective on May 2, 1975. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this Part.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-11055 Filed 4-25-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 81]

CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS

Cooperation with the States

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), it is proposed to add a new Part 81, Title 50, Code of Federal Regulations, as set forth below.

The purpose of this proposed rulemaking is to formalize procedures governing applications by States for Federal financial assistance under Section 6 of the Act, "Cooperation with the States." This includes criteria for approval of grants-in-aid to the States.

This proposed rulemaking states the policies and procedures of the U.S. Fish and Wildlife Service to be followed in the consideration of application for financial assistance under section 6. At present, the U.S. Fish and Wildlife Service has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the U.S. Fish and Wildlife Service will be notified as soon as such funds become available.

Similar regulations have been published by the National Marine Fisheries Service in 50 CFR Part 225.

Written comments, views, and objections may be made with respect to these proposed regulations to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, on or before June 27, 1975. Also, if any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing on or before June 12, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

APRIL 21, 1975.

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS—COOPERATION WITH THE STATES

AUTHORITY: Endangered Species Act of 1973, section 6(b), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d)(2) of the Act.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation and management of all species of fish and wildlife that exist in the wild in that State during any part of their life which are endangered or threatened, which includes goals, objectives, strategies, action, and funding necessary to be taken to accomplish the objectives on an individual basis.

(g) *Secretary.* The Secretary of the Interior or his authorized representative.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A subsantial undertaking to conserve the various species of fish or wildlife and plants facing extinction.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

§ 81.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share such costs to be borne by the Federal Government and by the State.

§ 81.4 Allocation of funds.

The Secretary shall allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 81.5 Information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to Section 6(c) of the Act.

§ 81.6 Project Agreement.

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

§ 81.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74-7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74-7.

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74-7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

[FR Doc.75-11033 Filed 4-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437-984.480; 40 FR 12481). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984 (7 CFR Part 984; 39 FR 35377; 35999), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on a recommendation of the Walnut Marketing Board.

The order was amended October 1, 1974. The amendment, among other things, changed the Board's procedures for voting by mail and telegram, added provisions requiring handlers to report walnut receipts from growers, deleted provisions on reports of controlled walnuts, inshell volume regulation, and deferment of time in meeting a surplus obligation, and replaced setaside requirements for surplus walnuts with holding requirements. The proposal recognizes these changes in the order.

The proposal also changes some of the provisions in the subpart so they more accurately reflect current industry operating practices, and simplifies and reorganizes other provisions.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 12, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437-984.480; 40 FR 12481) is as follows:

1. Add a new § 984.445 to read as follows:

§ 984.445 Procedures for voting by mail or telegram.

Whenever the Board votes upon any proposition by mail or telegram at least six members or alternates acting as members must vote and one dissenting vote shall prevent its adoption. Each proposition to be voted upon by either of these methods shall specify a time limit for members to vote, after which the alternates shall be given the opportunity to vote.

2. Revise § 984.450 to read as follows:

§ 984.450 Minimum kernel content requirements for surplus.

(a) *For inshell walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of not less than 10 percent of the inshell weight of the lot. No inshell lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(b) *For shelled walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of kernels 6/64's of an inch or larger, of not less than 10 percent of the total weight of the lot. This minimum kernel size requirement shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts. No shelled lot may be exported unless it meets the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

3. Revise § 984.451 and the section heading to read as follows:

§ 984.451 Inspection and certification of inshell and shelled walnuts.

(a) The inspection service for handlers in the State of California shall be the DFA of California. For handlers in the States of Oregon or Washington, the inspection service shall be the Oregon State Department of Agriculture, Federal-State Shipping Point Inspection Service.

(b) Inspection of all shelled walnuts shall be made on the premises of the handler prior to moving them to any other location.

(c) Each handler shall make each container of each lot of walnuts accessible for sampling and sealing or stamping in connection with the inspection and certification of any lot of inshell or shelled walnuts.

(d) Inshell and shelled walnuts for export pursuant to 984.56(b) shall be inspected and certified within 60 days of shipment from the handler's plant.

§ 984.454 [Deleted]

4. Delete § 984.454.

5. Revise § 984.456 to read as follows:

§ 984.456 Designation of agents for export of surplus walnuts.

Any handler may be designated an agent of the Board to export merchantable surplus walnuts upon execution of an "Export Agreement for Surplus Walnuts" furnished by the Board setting forth the terms and conditions for export sales.

6. Add a new § 984.458 to read as follows:

§ 984.458 Transfer of excess surplus credits.

Any handler who desires to transfer excess surplus credits to another handler shall submit a request to the Board for such transfer on WMB Form No. 17 signed by both handlers. The request shall show (a) the name of the handler requesting the transfer, (b) the name of the handler to whom the transfer is to be made, and (c) the quantity of credits to be transferred.

§ 984.460 [Deleted]

7. Delete § 984.460.

§ 984.461 [Deleted]

8. Delete § 984.461.

9. Revise § 984.462 to read as follows:

§ 984.462 Surplus pool.

Each lot of surplus walnuts delivered to the Board for pooling and disposition shall be separately weighed by a public weighmaster either upon removal from the handler's premises or in transit to Board storage facilities or diversion point. A tare weight of 1 pound shall be used for bags and tare weights for other containers shall be actual weights. Such tare weights shall be used in determining net weight. A copy of each weighmaster certificate shall be forwarded to the Board by the handler.

§ 984.464 [Amended]

10. In paragraph (b) of § 984.464 "WCB" is deleted and "WMB" is inserted in lieu thereof.

11. Revise § 984.471 to read as follows:

§ 984.471 Reports of handler carryover.

Reports of handler carryover as of August 1, January 1, and April 1 of each marketing year shall be submitted to the Board on WMB Form No. 4 for inshell walnuts and on WMB Form No. 5 for shelled walnuts, on or before August 15, January 15, and April 15 respectively, of that marketing year.

12. Revise § 984.472 to read as follows:

§ 984.472 Reports of merchantable walnuts handled.

(a) *Inshell.* Reports of merchantable inshell walnuts handled during a month shall be submitted to the Board on WMB Form No. 6 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped, (2) whether they were shipped into domestic or export channels, and (3) for exports, the quantity by country of destination. If a handler makes no shipments during any month he shall submit a report marked "None." If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 6 reports during the remainder of that marketing year.

(b) *Shelled.* Reports of merchantable shelled walnuts handled during a month shall be submitted to the Board on WMB Form No. 9 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped and (2) whether they were shipped into domestic or export channels. If a handler makes no shipments during any month he shall submit a report marked "None". If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 9 reports during the remainder of that marketing year.

(c) *Reports of walnuts purchased from growers for manufacturing or for retail sale.* Reports of walnuts purchased directly from growers by handlers who are manufacturers or retailers shall be submitted to the Board on WMB Form No. 6 for inshell walnuts and on WMB Form No. 9 for shelled walnuts, not later than the 5th day of the month following the month in which the walnuts were purchased. Such reports shall show the quantity of walnuts purchased and the quantity inspected and certified as merchantable walnuts.

13. Revise § 984.473 to read as follows:

§ 984.473 Report of walnut receipts.

Each handler shall file a report of his walnut receipts from growers on or before January 15 of each marketing year on forms supplied by the Board.

14. Revise § 984.474 to read as follows:

§ 984.474 Reports of shipment of walnuts between States of production.

Any shipment of walnuts between the States of California, Oregon, and Washington for sale or delivery to a handler shall be reported to the Board on WMB Form No. 15 upon receipt by the receiving handler.

15. Revise § 984.476 to read as follows:

§ 984.476 Declaration of privilege.

Declarations of intentions to handle shall be on WMB Form No. 10.

16. Revise § 984.480 to read as follows:

§ 984.480 Books and other records.

Each handler shall maintain true and complete records of all inshell and shelled walnuts and walnut material, by categories, received, held, or disposed of by him. The records shall be maintained in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Board or the Secretary of Agriculture. These records shall include the following:

(a) The names and addresses of the persons from whom received, and the quantities received from each such person;

(b) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person;

(c) The quantities used by the handler for such purposes as manufacturing, production of oil, and livestock feeding; and

(d) The quantities held on August 1, January 1, and April 1 of each marketing year.

Dated: April 22, 1975.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.75-10976 Filed 4-25-75;8:45 am]

Agricultural Stabilization and Conservation Service (Agriculture Adjustment)

[7 CFR Part 760]

BEEKEEPER INDEMNITY PAYMENT PROGRAM (1974–1977)

Proposed Amendment Program

Notice is hereby given that the Agricultural Stabilization and Conservation Service, under authority of section 804 of the Agriculture Act of 1970, 84 Stat. 1382, 7 U.S.C. 135b, as amended by the Agriculture and Consumer Protection Act of 1973, 87 Stat. 237, 7 U.S.C. 135b, is considering amending the beekeeper indemnity payment program regulations, 7 CFR, Part 760, section 105(d) to improve administration of the program.

This proposed amendment would change the date after which no change in the degree of loss of bees will be recognized each year from November 1 to October 1. Also, it is proposed that the period during which no payment will be made for any loss of queen nuclei be changed from October 1 and December 31 each year to July 1 and December 31 each year.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. Each person submitting comments, suggestions, or objections regarding the proposed amendment shall include his name and address and shall give reasons for any suggested changes in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Deputy Administrator, Programs, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27 (b)).

All comments received before May 30, 1975, will be considered before final action is taken on this proposal.

It is proposed that Part 760, section 105(d) be revised to read as follows:

§ 760.105 Proving loss of bees.

* * * * *

(d) No change in the degree of loss of bees which occurs after October 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between July 1 and December 31 each year.

Effective date: April 28, 1975.

Signed at Washington, D.C. on April 22, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-11047 Filed 4-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 234]

[EDR-284; Docket No. 27765]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED

Proposed Expansion of Designated Domestic Passenger Flights Reported on CAB Form 438

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 234 of the Economic Regulations (14 CFR Part 234) which would increase the number of designated domestic passenger flights reported on CAB Form 438 from the top 100 to the top 200 city pairs and would eliminate the exclusion of city pairs less than 200 miles apart.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 28, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon receipt thereof.

Dated: April 22, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 234 of the Board's Economic Regulations requires certificated route air carriers to report, on CAB Form 438, on-time performance data with respect to the top 100 city pairs, exclusive of those less than 200 miles apart, as ranked in the revenue-passenger listing found in the Domestic Section of the