

thority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby amends the order, issued by the Administrator of the Drug Enforcement Administration on May 29, 1975, and published in the FEDERAL REGISTER on June 4, 1975, to provide that the application of such order is reserved in the following respects:

1. The requirements of labeling and packaging, inventory, recordkeeping, prescriptions, importation, exportation, and the security requirements of 21 CFR 1301.74(d), which are imposed upon chlorthalidone by the order of the Administrator issued May 29, 1975 and published in the FEDERAL REGISTER on June 4, 1975 and which are set out therein, are hereby reserved as to Librax and Menrium pending final disposition of the June 5, 1975 notice proposing that Librax and Menrium be listed as Excepted Compounds, and thus be excepted from the application of sections 305, 307, 308, 309, 1002, 1003 and 1004 of the Act.

(21 U.S.C. 825, 827-9, 952-4, and of 21 CFR 1301.74(d)).

This order amending the order of June 4, 1975 is effective June 25, 1975.

Dated: June 20, 1975.

HENRY S. DOGIN,  
Acting Administrator,  
Drug Enforcement Administration.

[FR Doc. 75-16635 Filed 6-24-75; 8:45 am]

#### Title 25—Indians

### CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

#### PART 221—OPERATION AND MAINTENANCE CHARGES

##### San Carlos Irrigation Project, Arizona

On Page 17029 of the FEDERAL REGISTER of April 16, 1975, there was published a notice of proposal to revise § 221.63 of Title 25, Code of Federal Regulations. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, nor objections have been received; therefore, pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian irrigation projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, the proposed amendment is hereby adopted without change as set forth below.

#### § 221.63 Assessment, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1942 (43 Stat. 476), and

supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.63a-221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1977 is estimated to be \$600,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at \$6.00 for each acre of land.

JOHN ARTICHOKER, JR.,  
Area Director.

[FR Doc. 75-16540 Filed 6-24-75; 8:45 am]

### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER C—AIR PROGRAMS

[FRL 384-4]

### PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

#### Pennsylvania: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5), 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 stationary and mobile sources, must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency ("EPA") approved portions of Pennsylvania's State Implementation Plan.

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania has submitted for the Environmental Protection Agency's approval, a revision to the compliance schedule portion of its plan. The approval of this revision was proposed by the Administrator on April 4, 1975 (40 FR 15095). This publication approves this revision.

Revisions previously submitted by the Commonwealth of Pennsylvania have been published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30349), October 10, 1974 (39 FR 36481), and November 27, 1974 (39 FR 41363).

The Administrator has not received public comments concerning the proposed approval of the compliance schedule listed in the April 4, 1975 FEDERAL REGISTER notice. Even though the date by which final compliance is to be achieved has passed since the proposed approval of this schedule, EPA feels that final promulgation is appropriate.

The revision established a date, by which the individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." An evaluation report has been prepared for the listed compliance schedule and is available for public inspection at the Region III Office in Philadelphia, Pennsylvania. The compliance schedule listed here is available for public inspection at the following locations:

Environmental Protection Agency  
Region III  
Curtis Building  
Sixth and Walnut Streets  
Philadelphia, Pennsylvania 19106  
Bureau of Air Quality and Noise Control  
Fulton National Building  
208 North Third Street  
Harrisburg, Pennsylvania 17120  
Freedom of Information Center  
Environmental Protection Agency  
401 M Street, SW  
Washington, D.C. 20460

The compliance schedule listed below has been adopted by the Pennsylvania Bureau of Air Quality and Noise Control and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. The compliance schedule for the source identified below meets the requirements of 40 CFR 51.15.

This regulation will become effective July 25, 1975.

(42 U.S.C. § 1857c-5).

Dated: June 19, 1975.

JOHN QUARLES,  
Acting Administrator.

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

#### Subpart NN—Pennsylvania

In § 52.2036(a) the table is amended by adding the following schedules:

#### § 52.2036 Compliance schedules.

(a) . . .

| Source                                   | Location          | State regulation(s) involved | Date of adoption | Effective date | Final compliance date |
|------------------------------------------|-------------------|------------------------------|------------------|----------------|-----------------------|
| West Penn Power Co., order No. 73-679-V. | Armstrong County. | 123.11, 123.22, 123.41       | July 20, 1973    | Immediately    | Apr. 30, 1975         |

[FR Doc. 75-16555 Filed 6-24-75; 8:45 am]

[FRL 389-4]

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

**Delegation of Authority to State of Idaho**

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of Idaho on June 9, 1975, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A notice announcing this delegation is published today at 40 FR 26728. The amended § 60.4, which adds the address of the State of Idaho, Department of Health and Welfare to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on June 9, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended.

(42 U.S.C. 1857c-6.)

Dated: June 18, 1975.

ROBERT H. BAUM,  
Acting Assistant Administrator  
for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (N) to read as follows:

**§ 60.4 Address.**

(b) \* \* \*

(A)-(M) \* \* \*

(N) State of Idaho, Department of Health and Welfare, Statehouse, Boise, Idaho, 83701.

[FR Doc.75-16553 Filed 6-24-75;8:45 am]

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[No. 35577]

**PART 1—PRACTICE AND PROCEDURE**

**PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)**

**Various Procedural Requirements for the Domestic Public Radio Services and Other Services; Correction**

In the Order in the captioned proceeding, released May 29, 1975 (FCC 75-607) published at 40 FR 24005, make the following correction:

Change the third sentence of paragraph (a) of § 21.14 (in the appendix) to read:

\* \* \* Applications in the Domestic Public Land Mobile and Rural Radio Services shall be filed on FCC Form 401, and applications in the Point-to-Point Microwave Radio, Local Television Transmission, and Multipoint Distribution Services on FCC Form 435 (including FCC Form 430 as required). \* \* \*

Released: June 9, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-16523 Filed 6-24-75;8:45 am]

[Docket Nos. 19880; 35720]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**PART 89—PUBLIC SAFETY RADIO SERVICES**

**One-Way Medical Paging; Correction**

The Appendix to the Commission's Order FCC 75-484 (40 F.R. 20822) released May 7, 1975, is corrected as follows:

1. In instruction number one, § 2.106 is corrected to read as follows:

**§ 2.106 Table of frequency allocations.**

**U.S. Footnotes**

U.S. 216—The frequencies 150.775 and 150.790 MHz and the bands 152-152.0150, 163.2375-163.2625, 460.5125-460.5625, 462.9875-463.1875, 465.5125-465.5625, and 467.9875-468.1875 MHz are authorized for Government/non-Government operations in medical radio communications systems.

Released: June 13, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-16522 Filed 6-24-75;8:45 am]

[Docket No. 19869]

**PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE**

**Private Operational-Fixed Microwave Radio Service; Correction**

Rule changes adopted in the Commission's Report and Order in Docket 19869, FCC 75-469, released May 6, 1974, and published at 40 FR 20917 are corrected as follows:

**§ 94.25 [Amended]**

1. In § 94.25(g), the third sentence is corrected by inserting the word "ambient" before the words "radio signal level." In paragraph (h), the first sentence is corrected by substituting "cable" for the term "community antenna."

**§ 94.31 [Amended]**

2. In § 94.31(e), the parenthetical reference "(See § 94.25(d).)" is added at the end of the paragraph.

**§ 94.61 [Amended]**

3. In § 94.61(b), the table is corrected by adding footnote "a" to the frequency band 13,200 to 13,250 MHz. The footnotes applicable to that band are: "a", and "b". In addition, footnote "a" is corrected to substitute Part 74 for Part 00 following the words "and with stations in the Instructional Television Fixed Service (ITFS)".

**§ 94.65 [Amended]**

4. In § 94.65(h), the introductory heading is revised to read "(h) 12,200-12,700 MHz."

**§ 94.71 [Amended]**

5. In § 94.71(b), footnote "a" is corrected by inserting "MHz" following "8.0" to read: "8.0 MHz on a case-by-case basis."

**§ 94.75 [Amended]**

6. In § 94.75(b), the first column of the table is corrected by substituting "6,525 to 6,875" for "6,575 to 6,875".

**§ 94.161 [Amended]**

7. In § 94.161(b), the phrase "conditions in each case, as deemed necessary" is substituted for "conditions in each use and deemed necessary".

Released: June 10, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-16521 Filed 6-24-75;8:45 am]

**Title 50—Wildlife and Fisheries**

**CHAPTER IV—ANADROMOUS FISHERIES (DEPARTMENT OF THE INTERIOR—DEPARTMENT OF COMMERCE)**

**PART 401—ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT**

**Revision of Regulations**

On February 14, 1975 a notice of proposed rulemaking was published in the Federal Register (40 FR 6786) to revise current administrative procedures and to incorporate provisions of recent amendments to the Anadromous Fish Conservation Act (79 Stat. 1125; 16 U.S.C. 757a-757f).

Forty-five days were given within which any person wishing to do so could file written comments, suggestions or objections pertaining to the proposed regulations with the Director, National Marine Fisheries Service or Director, U.S. Fish and Wildlife Service. All comments with respect to the proposed revision were given due consideration.

Twenty-one comments on the published rulemaking were received. Eleven States and one non-Federal entity had no objections to the proposed rulemaking as written. Among the remaining comments

received relevant to the proposed regulations, specific references were made to Federal Management Circular 74-7 and to coordination of an application submitted for Federal assistance. After consideration of all relevant material presented by interested persons, the proposed rulemaking is hereby adopted as final regulations, subject to the following changes set forth below:

1. The phrase "and solicited recommendations from" is added to § 401.5 following the word "with" in the third line and the word "or" is changed to "and" in the fourth line, to make the provision comport more closely with the long standing policy of obtaining the views and recommendations of those States and other non-Federal entity(s) that have management authority over a resource, prior to committing Federal funds.

2. The phrase "as set forth in Attachment C of Federal Management Circular 74-7" and the sentence "Record retention for a period longer than 3 years is required if audit findings have not been resolved" have been added in § 401.15. This will provide an applicant with information that is essential to comply with Federal requirements relative to the retention of records and supporting documents.

3. The phrase "as set forth in Attachment O of Federal Management Circular 74-7" is added to § 401.18 following the word "requirement" in the sixth line. This will clearly identify the Federal Circular and Attachment that is the source of relevant Federal laws, regulations, policies, guidelines and requirements.

Accordingly, 50 CFR Part 401 is revised as set forth below.

**Effective date.** This regulation shall be effective June 25, 1975.

Signed at Washington, D.C. on June 17, 1975.

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

ROBERT U. SCHONING,  
Director,  
National Marine Fisheries Service.

|        |                                        |
|--------|----------------------------------------|
| Sec.   |                                        |
| 401.1  | Administration.                        |
| 401.2  | Definitions.                           |
| 401.3  | Submission of documents.               |
| 401.4  | Activities prohibited.                 |
| 401.5  | Coordination with States.              |
| 401.6  | Prosecution of work.                   |
| 401.7  | General information for the Secretary. |
| 401.8  | Availability of funds.                 |
| 401.9  | Payments to cooperators.               |
| 401.10 | Request for payment.                   |
| 401.11 | Property as matching funds.            |
| 401.12 | Ownership of property.                 |
| 401.13 | Personnel.                             |
| 401.14 | Inspection.                            |
| 401.15 | Record retention.                      |
| 401.16 | Records and reporting.                 |
| 401.17 | Safety and accident prevention.        |
| 401.18 | Contracts.                             |
| 401.19 | Statements and payrolls.               |
| 401.20 | Officials not to benefit.              |
| 401.21 | Patents and inventions.                |
| 401.22 | Civil rights.                          |

**AUTHORITY:** The provisions of this Part 401 are issued under Anadromous Fish Con-

servation Act (79 Stat. 1125, as amended, 64 Stat. 214, 88 Stat. 398), 16 U.S.C. 757a-757f.

#### § 401.1 Administration.

The Director of the U.S. Fish and Wildlife Service and the Director of the National Marine Fisheries Service shall jointly administer the Anadromous Fish Conservation Act for the Secretaries.

#### § 401.2 Definitions.

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

(a) *Secretary.* The Secretary of Commerce, the Secretary of the Interior, or their authorized representatives.

(b) *Act.* The Anadromous Fish Conservation Act, 16 U.S.C. 757a-757f.

(c) *Eligible states.* Any coastal State of the United States, the State of Vermont, and the States bordering the Great Lakes. The area within the Columbia River basin is excluded.

(d) *State fishery agency.* Any department(s), division(s), commission(s), or official(s) of a State empowered under its laws to regulate a commercial or sport fishery.

(e) *Non-Federal interest.* Any organization, association, institution, business, school, individual, or group of individuals, municipality and others outside the Federal Government, in addition to State fishery agencies, which desire to cooperate within the terms of the Act.

(f) *Cooperator.* One or more States acting jointly or severally or other non-Federal interests, participating in a project agreement or grant-in-aid award with the Secretary.

(g) *Anadromous fish.* Aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in an oceanic environment; also fish in the Great Lakes that ascend streams to spawn.

(h) *Application for Federal assistance.* A description of work to be accomplished, including objectives and needs, expected results and benefits, approach, cost, location and time required for completion.

(i) *Project agreement.* The formal document executed between the Secretary of the Interior and the Cooperator, committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

(j) *Grant-in-Aid award.* The formal document executed between the Secretary of Commerce and the Cooperator, committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

#### § 401.3 Submission of documents.

Applications for Federal assistance and other documents for projects relating generally to recreational fisheries shall be submitted to the concerned Regional Office of the U.S. Fish and Wildlife Service, or for projects relating generally to commercial fisheries of the concerned Regional Office of the National Marine Fisheries Service.

#### § 401.4 Activities prohibited.

Law enforcement, public relations, harvesting, marketing and processing activities, construction of fisherman use facilities, and activities concerned with landlocked anadromous fish populations (except fish in the Great Lakes that ascend streams to spawn) may not be financed under the Act.

#### § 401.5 Coordination with States.

The Secretary will approve an Application for Federal Assistance only after he has coordinated the application with and solicited recommendations from those State and other non-Federal entities which have management authority over the resource to be affected.

#### § 401.6 Prosecution of work.

(a) Project work shall be carried through to a state of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory performance reports or failure to complete the project to the satisfaction of the Secretary shall be cause for suspension of Federal assistance for the project until the project provisions are satisfactorily met. Federal assistance may be terminated upon determination by the Secretary that satisfactory progress has not been maintained. The Secretary shall have the right to inspect and review work at any time.

(b) Research and development work shall be continuously coordinated by the Cooperator with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable local laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

#### § 401.7 General information for the Secretary.

Before any Federal funds may be obligated for any project an applicant shall furnish to the Secretary, upon his request, information regarding the laws affecting anadromous fish and the authority of the applicant to participate in the benefits of the Act.

(a) *Document signature.* Individuals authorized to sign project documents under the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197, as amended), 16 U.S.C. 779-779f, or the Federal Aid in Sport Fish Restoration Act (64 Stat. 430, as amended), 16 U.S.C. 777-777f, may likewise sign project documents contemplated in this Part.

(b) *Program information.* The Secretary may, from time to time, request, and the Cooperators shall furnish, information relating to the administration and maintenance of any project established under the Act.

#### § 401.8 Availability of funds.

The period of availability of funds to the States or other non-Federal interests for obligation shall be established by the administering Federal agency.

§ 401.9 Payments to cooperators.

Payments shall be made to Cooperators in accordance with provisions of grant-in-aid awards or project agreements.

§ 401.10 Request for payment.

Request for payment shall be on forms provided by the Secretary, certified as therein prescribed, and submitted to the Regional Director by the Cooperator.

§ 401.11 Property as matching funds.

The non-Federal share of the cost of projects may be in the form of real or personal property. Specific procedures to be used by grantees in placing the value on real or personal property for matching funds are set forth in Attachment F of Federal Management Circular 74-7.

§ 401.12 Ownership of property.

When real property is acquired pursuant to the provisions of the Act, title to such property, or interests therein, shall be vested in the United States, and the conveying instrument shall recite the United States of America as the grantee. However, if the Secretary determines that under the terms of the application for Federal assistance and grant-in-aid award or project agreement, the intent and purpose of the Act may be better served by other ownership of such property, an appropriate transfer may be made. When real or personal property is utilized as matching funds, title to such property shall be in the Cooperator unless otherwise specified in the grant-in-aid award or project agreement.

§ 401.13 Personnel.

The Cooperator shall maintain an adequate and competent force of employees to initiate and carry approved work to satisfactory completion.

§ 401.14 Inspection.

Cooperator supervision of each project shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 401.15 Record retention.

All records of accounts and reports with supporting documentation thereto, as set forth in Attachment C of Federal Management Circular 74-7, will be retained by the Cooperator for a period of 3 years after submission of the final expenditure report on the project. Record retention for a period longer than 3 years is required if audit findings have not been resolved.

§ 401.16 Records and reporting.

Performance reports and other reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. The accounts and records maintained by the Cooperator, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 401.17 Safety and accident prevention.

In the performance of each project, the Cooperator shall comply with all applicable Federal, State, and local laws governing safety, health and sanitation.

§ 401.18 Contracts.

A Cooperator may use its own regulations or guidelines in obtaining services by contract or otherwise, provided that they adhere to applicable Federal laws, regulations, policies, guidelines, and requirements, as set forth in Attachment 0 of Federal Management Circular 74-7. However, the Cooperator is the responsible authority, without recourse to the Federal agency, regarding the settlement of such contractual issues.

§ 401.19 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as amended, are made a part of the regulations in this part by reference. The Cooperator will comply with the regulations in this part and any amendments or modifications thereof, and the Cooperator's prime contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 401.20 Officials not to benefit.

No Member of, or Delegate to, Congress, or resident Commissioner, shall be admitted to any share or any part of any project agreement made under the Act, or to any benefit that may arise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 401.21 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under project agreements entered into pursuant to the Act shall be consistent with the "Government Patent Policy" (President's memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

§ 401.22 Civil rights.

Each application for Federal assistance, grant-in-aid award, or project agreement shall be supported by a statement of assurances executed by the Cooperator providing that the project will be carried out in accordance with Title VI, Nondiscrimination in Federally Assisted Programs of the Civil Rights Act of 1964 and with the Secretary's regulations promulgated thereunder.

[FR Doc.75-16542 Filed 6-24-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Storage and Control of Licensed Materials

Section 20.207 of 10 CFR Part 20 requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. The intention of the section is to assure that proper controls are maintained over licensed radioactive materials at all times.

Since the references to "storage" might not clearly convey the intention that constant control be maintained over all licensed radioactive materials in unrestricted areas, § 20.207 is being amended by the addition of clarifying wording to assure unequivocal understanding of the requirement.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 20, is published as a document subject to codification.

Section 20.207 of 10 CFR Part 20 is amended to read as follows:

§ 20.207 Storage and control of licensed materials in unrestricted areas.

(a) Licensed materials stored in an unrestricted area shall be secured from unauthorized removal from the place of storage.

(b) Licensed materials in an unrestricted area and not in storage shall be tended under the constant surveillance and immediate control of the licensee.

*Effective date.* This amendment becomes effective on June 25, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 5th day of June, 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

[FR Doc.75-16549 Filed 6-24-75;8:45 am]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rulemaking that was published in the *FEDERAL REGISTER* on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed. The use of iodine 125 as seeds for interstitial treatment of cancer has become a well-established clinical procedure and is hereby added to Group VI. An editorial correction is also made in § 35.100(d) (1) to correct the spelling of "hyperthyroidism."

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendments relieve licensees from restrictions under regulations currently in effect, they may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. In § 35.100, paragraph (d) (1) is amended by correcting the word "hyperthyroidism" to read "hyperthyroidism".

2. In § 35.100, Paragraph (f) (7) is amended by changing the period at the end of the paragraph to a semicolon and a new paragraph (f) (8) is added to read as follows:

**§ 35.100 Schedule A Groups of medical uses of byproduct material.**

(f) Group VI. Use of sources and devices containing byproduct material for certain medical uses:

(8) Iodine-125 as seeds for interstitial treatment of cancer.

**Effective date.** These amendments become effective on June 25, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Bethesda, Md., this 30th day of May, 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,

Executive Director for Operations.

[FR Doc. 75-16457 Filed 6-24-75; 8:45 am]

**CHAPTER II—FEDERAL ENERGY ADMINISTRATION**

**PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS**

**Procedures for Notices of Proposed Disallowance and Orders of Disallowance**

On June 4, 1975 (40 FR 24541, June 3, 1975) the Federal Energy Administra-

tion (FEA) issued proposed regulations for the amendment of procedures concerning notices of proposed disallowance and orders of disallowance under Part 205 (Procedures and Sanctions) of its regulations.

The proposed regulations provide that persons receiving notices of proposed disallowance shall have 10 days to respond before orders of disallowance are issued, and prescribe the method of filing responses and the content of such responses. Notices of proposed disallowance shall automatically ripen into orders of disallowance if no reply is received within the 10-day notice period. Upon review of any reply, FEA will issue a final order of disallowance as appropriate. Orders of disallowance are made appealable.

Four comments were received on the proposed amendments. Several objected to the inclusion of a notice of proposed disallowance and an order of disallowance in the same section as a notice of probable violation and a remedial order. Notices of proposed disallowance and orders of disallowance have been included in this section because they will be handled procedurally within FEA in the same fashion as notices of probable violation and remedial orders. Inclusion of notices of proposed disallowance and orders of disallowance in Subpart O is not meant, however, to imply that actions subject to disallowance have the same substantive character as actions subject to notices of proposed violation and remedial orders. In particular, FEA recognizes that orders of disallowance may issue even though refiners have been acting in good faith. Prices calculated by FEA and used in issuing orders of disallowance are based upon all third-party data available to FEA. Individual refiners, however, do not have access in advance to this data base, and consequently their estimates of arms-length prices may differ somewhat from those derived by FEA.

Several comments were received to the effect that ten days is not a reasonable response period, due to the complexity of the required response. However, § 205.194 (c) of the amended regulation specifically states that the FEA may extend the 10-day period for good cause shown, and it is the intention of the FEA that the complexity of a required response be relevant to such a determination of good cause.

One comment requested that all disallowance notices be published by the FEA, and open to all interested persons for comment. It is the intent of the FEA that upon proper request by a member of the public, disclosure of the Notice of Proposed Disallowance will be released to the public (subject to the statutory exclusions, in particular the exclusion for proprietary information). Such release will be made only after the time designated by the FEA for the filing of written response by the company to which the notice is directed. In addition, all or any portion so designated of any response to the notice by the recipient company will also be released.

Finally, two comments objected that the proposed amendment revises the

procedures of § 212.84(e) with respect to remedies. It is not the intent of these amendments to revise § 212.84(e) for the period during which that section is applicable. Further, for disallowances not covered by § 212.84(e), FEA intends to seek rollbacks or actual refunds only to the extent that a refiner has actually recovered such excess costs in his sales.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159)

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations is hereby amended as set forth below, effective immediately.

Issued in Washington, D.C., June 20, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel.

1. Subpart O of Part 205 is amended in the caption to read as follows:

**Subpart O—Notice of Probable Violation, Remedial Order, Notice of Proposed Disallowance, and Order of Disallowance**

2. Section 205.190 is amended in paragraph (a) as follows:

**§ 205.190 Purpose and scope.**

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations and the procedures for issuance of a notice of probable violation, a remedial order, a remedial order for immediate compliance, a notice of proposed disallowance, and an order of disallowance, and for the conversion of a notice of proposed disallowance into an order of disallowance pursuant to § 205.194(f).

3. Section 205.194 is revised to read as follows:

**§ 205.194 Notice of proposed disallowance and order of disallowance.**

(a) The FEA shall begin a proceeding under this section by issuing a notice of proposed disallowance pursuant to provisions of Part 212 of this chapter.

(b) Within 10 days of the service of a notice of proposed disallowance, the person upon whom the notice is served may file a reply with the FEA office that issues the notice of proposed disallowance at the address provided in such notice. The FEA may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of proposed disallowance.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request

for a conference must conform to the requirements of Subpart M of this part.

(f) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, or if that person has not filed a reply within an allowed extension, that person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of proposed disallowance, and the notice of proposed disallowance shall become an order of disallowance.

(g) If the FEA finds, after the 10-day period provided in paragraph (b) of this section or after that period as extended by FEA pursuant to that paragraph, and after consideration of any reply filed, that an order of disallowance is appropriate, it may issue such an order.

(h) If the FEA finds, after the 10-day period provided in paragraph (b) of this section or after that period as extended by FEA pursuant to that paragraph, that for any reason the issuance of an order of disallowance would not be appropriate, or that the amount of the disallowance or the means of affecting the disallowance, as stated in a notice of proposed disallowance, should be modified, it shall issue an order, in writing, to the person to whom the notice of proposed disallowance has been issued indicating that the notice is rescinded or modified and, where appropriate, setting out any modification and the reasons therefor.

(i) A disallowance order issued under this section shall be effective upon issuance, or if a reply is not received within the period allowed in paragraph (b) of this section for such replies, upon termination of that period, and shall remain in effect in accordance with its terms, until stayed, suspended, modified, or rescinded. An order of disallowance shall remain in effect notwithstanding the filing of an application to modify or rescind it under Subpart J of this part.

(j) An order of disallowance may be referred at any time to the Department

of Justice for appropriate action in accordance with Subpart P of this part.

4. Section 205.195 is revised to read as follows:

**§ 205.195 Remedies.**

A remedial order, a remedial order for immediate compliance, or an order of disallowance may require the person to whom it is directed to roll back prices, to refund amounts paid to such person that are in excess of the amount permitted under Part 212 of this chapter, or to take such other action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation or any cost disallowance pursuant to § 212.83 or § 212.84 of this chapter.

5. Section 205.196 is added to read as follows:

**§ 205.196 Appeal.**

(a) No notice of probable violation or notice of proposed disallowance issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart H of this part.

(b) Any person to whom a remedial order, a remedial order for immediate compliance, or an order of disallowance is issued pursuant to this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal must be filed within 10 days of service of the order from which the appeal is taken, or within 10 days of the date at which a notice of proposed disallowance has become an order of disallowance pursuant to § 205.194(f).

[FR Doc.75-16579 Filed 6-23-75; 8:45 am]

**PART 213—OIL IMPORT REGULATIONS**  
**Amendments to Conform Oil Import Regulations to Proclamation No. 4377;**  
**Change of Hearing Date**

On June 4, 1975, the Federal Energy Administration issued regulations imple-

menting certain provisions of Proclamation No. 4377, amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program (40 FR 24718, June 10, 1975). The hearing date for these regulations was set for June 26, with a continuation date of June 27 if necessary. The hearing was also to be utilized for presentation of views concerning proposed regulations for implementing certain other provisions of Proclamation No. 4377, which FEA expected to issue shortly after the June 4 regulations. However, because of an unanticipated delay in issuing these proposed regulations, the hearing on both the final regulations and the proposed regulations has been postponed, in order to afford interested persons sufficient time to study the proposed regulations. The new hearing date is July 15, with a continuation date of July 16. The hearing location remains room 2105, 2000 M Street NW., Washington, D.C., and the starting time remains 9:30 a.m., e.d.s.t.

In view of the change in hearing dates, the period provided for request to speak and submission of statements has been extended correspondingly. Requests for an opportunity to make an oral presentation must now be received by July 7, 1975. In this connection, the person making the request shall leave a phone number where he may be contacted through July 11, 1975. Each person selected to be heard will be so notified before July 9, 1975, and must submit 100 copies of his statement to FEA by July 14. In addition, interested persons may submit questions, to be asked of persons making statements at the hearing, through July 11, 1975.

Finally, the comment period has also been extended. Under the revised schedule, all comments received by July 10, 1975, will now be considered.

Issued in Washington, D.C. on June 23, 1975.

ROBERT E. MONTGOMERY, Jr.,  
General Counsel.

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