

Public Works and Economic Development Act of 1965 (42 U.S.C. 3246b(b)(3)) to waive any matching requirements for programs or projects of State and local governments funded under Title X of that act where it is determined that State or local governments concerned cannot reasonably obtain any non-Federal contributions.

Effective date. This amendment shall be effective January 16, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 9, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-1376 Filed 1-15-76; 8:45 am]

[Docket No. 75N-0147]

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

Facsimile Transmission Service for Antibiotic Certificates

The Commissioner of Food and Drugs proposed, in a notice published in the FEDERAL REGISTER of August 11, 1975 (40 FR 33680), a service whereby automated equipment would be used for transmitting antibiotic certificates to manufacturers. This service will be available on a voluntary basis and will permit participating manufacturers to receive copies of antibiotic certification and testing results promptly by telephone for a fee of \$1.25 per certificate. The Commissioner is issuing a final regulation on this matter, effective January 16, 1976.

Two comments were received, both from drug firms that participated in the pilot study to determine the feasibility of providing such a service. Both firms are in complete support of the proposed amendment to the antibiotic regulations. They are of the opinion that this service will expedite the delivery of antibiotic products to the market.

In addition, one firm proposed that this procedure be extended to releases of lots of licensed biological products. The Commissioner is presently taking this suggestion under consideration. If he concludes that this application of the system is feasible and to the benefit of all interested persons, it will be the subject of a future FEDERAL REGISTER notice.

Reference to § 514.55 (21 CFR 514.55) has been added to the regulation to clarify the fact that the Form 7's required for the certification or exemption of antibiotic drugs for animal use are included in the facsimile transmission service.

The Commissioner has carefully considered the environmental effects of the regulation and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the regulation and no major inflation impact has been found, as defined in

Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512(n), 52 Stat. 1050-1051 as amended, 59 Stat. 463, as amended, 82 Stat. 350-351 (21 U.S.C. 352, 357, 360b(n))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 431 is amended in § 431.53 by redesignating paragraph (b)(3) as paragraph (b)(4) and adding a new paragraph (b)(3), to read as follows:

§ 431.53 Fees.

(b) * * *

(3) For persons using facsimile transmission by telephone for receipt of antibiotic certificates (Antibiotic Form 7, Request for check tests and assays or certification of a batch of antibiotic drug, prescribed by §§ 431.50 or 514.55, of this chapter), the fee is \$1.25 per certificate.

(4) In the case of persons using the certification services and whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

Effective date. This amendment shall be effective January 16, 1976.

(Secs. 502, 507, 512(n), 52 Stat. 1050-1051 as amended, 59 Stat. 463, as amended, 82 Stat. 350-351 (21 U.S.C. 352, 357, 360b(n)))

Dated: January 9, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-1374 Filed 1-15-76; 8:45 am]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (6-691V) filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560, proposing safe and effective use of various size capsules containing dichlorophene and toluene as an anthelmintic for cats and dogs. The supplemental application is approved, effective January 16, 1976.

The Commissioner is amending § 520.580 to reflect this approval. In addition, the Commissioner is editorially revising the existing section.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released pub-

licly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 is amended by revising § 520.580 to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

(a) **Specifications.** (1) Dichlorophene. (i) Chemical name: 2,2'-Methylenebis(4-chlorophenol).

(ii) Melting range: 169° to 178° C.

(iii) Minimum assay: 94 percent as determined by titration with 0.1N sodium methoxide using thymol blue.

(2) Toluene. (i) Chemical name: Methylbenzene.

(ii) Meets the U.S.P. requirements for toluene reagent and passes the thiophene test for benzene, as found in the 17th revision of the U.S.P.

(b) **Required statement.** Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism, and before administering to weak or debilitated animals.

(c) (1) **Sponsor.** Nos. 000010, 011519, and 011536 in § 510.600(c) of this chapter.

(2) **Conditions of use.** (i) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) and as an aid in the removal of tapeworms (*Taenia pisiformis*, *Dipylidium caninum* and *Echinococcus granulosus*) from dogs and cats.

(ii) It is administered in suitable capsules that provide 100 milligrams of dichlorophene and 120 milligrams of toluene per pound of body weight.

(iii) Solid foods and milk should be withheld for at least 12 hours prior to administration of the drug and for 4 hours afterward.

(d) (1) **Sponsor.** No. 011716 in § 510.600(c) of this chapter.

(2) **Conditions of use.** (i) The drug is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*), and as an aid in the removal of tapeworms (*Taenia pisiformis*, *Dipylidium caninum*, and *Echinococcus granulosus*) from dogs and cats.

(ii) It is administered in capsules, dosage equivalent to 1.0 gram of dichlorophene and 1.2 grams of toluene per 10 pounds of body weight. It is administered as a single dose or as divided doses by dividing the total body weight by 5 and administering the appropriate dose daily for 6 days. Repeat treatment in 2 to 4 weeks in dogs subject to reinfection.

(iii) Withhold solid foods and milk for at least 12 hours prior to medication and for 4 hours afterward.

Effective date. This regulation shall be effective January 16, 1976.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: January 6, 1976.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.76-1375 Filed 1-15-76;8:45 am]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

[CGD 75-181]

**PART 117—DRAWBRIDGE OPERATION
REGULATIONS**

Harlem River, East River, and Gowanus
Canal, N.Y.

This amendment changes the regulations for the three drawbridges across the Harlem River, one drawbridge across the East River, and three drawbridges across the Gowanus Canal, to require at least 6 hours notice during certain periods. This amendment was circulated as a public notice dated October 1, 1975, by the Commander, Third Coast Guard District, and was published in the *FEDERAL REGISTER* as a notice of proposed rule making (CGD 75-181) on October 1, 1975 (40 FR 45191). Three responses were received which had no objection to the proposal. The six hour notice shall be given to the New York City Highway Department's Radio (Hotline) Room and this is included in these regulations, as appropriate.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Adding a new paragraph (h) to § 117.160 to read as follows:

§ 117.160 Harlem River, N.Y.; bridges.

(h) The draws of the 103rd Street bridge, mile 0.0, the Macombs Dam bridge, mile 3.2, and the 207th Street bridge, mile 6.0, shall open on signal from 10 a.m. to 5 p.m. if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room. At all other times the draws need not open.

2. Adding a new § 117.161 immediately after § 117.160 to read as follows:

§ 117.161 East River, N.Y.; bridge.

The draw of the Roosevelt Island bridge, mile 6.4 shall open on signal at all times if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

3. Adding a new § 117.166 immediately after § 117.165 to read as follows:

§ 117.166 Gowanus Canal, N.Y.; bridges.

(a) The draws of the Hamilton Avenue bridge at mile 1.2 and the Ninth Street bridge at mile 1.4 shall open on signal at all times.

(b) The draws of the Third Street bridge at mile 1.8, the Carroll Street

bridge at mile 2.0, and the Union Street bridge at mile 2.1 shall open on signal at all times from 1 October through 30 April. From 1 May through 30 September the draw shall open on signal if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date. This revision shall become effective on February 29, 1976.

Dated: January 12, 1976.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.*

[FR Doc.76-1414 Filed 1-15-76;8:45 am]

[CGD 75-131]

**PART 117—DRAWBRIDGE OPERATION
REGULATIONS**

GIWW, Louisiana

This amendment sets forth regulations for the Ellender's Ferry bridge, GIWW, mile 243.8, west of Harvey Lock to require that at least four hours notice be given when more than a 50-foot vertical clearance is required. This amendment was circulated as a public notice dated June 24, 1975, by the Commander, Eighth Coast Guard District, and was published in the *FEDERAL REGISTER* as a notice of proposed rulemaking (CGD 75-131) on June 18, 1975, (40 FR 25686). After the Louisiana Highway Department agreed to provide telephone facilities at mile 237.5 west of Harvey Lock, just east of the Calcasieu Locks, in addition to the marine and highway radios at this location to assure prompt response to all requests for draw openings, the objections to this proposal were withdrawn. Subsequently, five responses were received and either supported the proposal or had no comment thereon.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended:

1. By recodifying the present paragraph § 117.540 (c) as paragraph (d).

2. By adding a new paragraph § 117.540 (c) to read as follows:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

(c) GIWW, mile 243.8, west of Harvey Canal Locks. When more than 50 feet vertical clearance is required, the draw shall open on signal if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, Lake Charles, Louisiana.

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date. This revision shall become effective on February 20, 1976.

Dated: January 12, 1976.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.*

[FR Doc.76-1415 Filed 1-15-76;8:45 am]

[CGD 75-099]

**PART 117—DRAWBRIDGE OPERATION
REGULATIONS**

Snake River, Washington

This amendment revokes the regulations for the Interstate highway bridge across the Snake River between Lewiston, Idaho, and Clarkston, Washington, set forth in 33 CFR 117.810(f) (8) because these regulations have been superseded by 33 CFR 117.162 published in the *FEDERAL REGISTER* on December 3, 1975 (40 FR 56429).

§ 117.810 [Amended]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.810(f) (8).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655 (g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date. This revision shall become effective January 17, 1976.

Dated: January 13, 1976.

R. I. PRICE,
*Rear Admiral, U.S. Coast
Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.76-1413 Filed 1-15-76;8:45 am]

**Title 36—Parks, Forests, and Public
Property**

CHAPTER X—COMMISSION OF FINE ARTS

**PART 1002—RULES FOR COMPLIANCE
WITH 5 U.S.C. 552a, THE PRIVACY ACT
OF 1974**

Disclosure to a Congressional Office

The Commission of Fine Arts hereby implements an amendment to its regulations for implementation for the Privacy Act of 1974.

Section 1002.2, *Requests for access*, paragraph (c) (1) (v) is hereby amended to include:

§ 1002.2 Requests for access.

(c) * * *
(1) * * *
(v) * * *

(C) Access in response to congressional inquiries. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Dated: January 12, 1976.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-1390 Filed 1-15-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDS

[FRL 475-7]

PART 418—FERTILIZER MANUFACTURING
POINT SOURCE CATEGORY

Nitric Acid Subcategory

Notice is hereby given that the Environmental Protection Agency is amending 40 CFR Part 418 Fertilizer Manufacturing Point Source Category, Subpart E, Nitric Acid Subcategory, §§ 418.50, 418.51, 418.52, 418.53, 418.55 and 418.56 as set forth below.

40 CFR Part 418 was promulgated on April 8, 1974 (39 FR 12832) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 stat. 816 et seq; Pub. L. 92-500.

The promulgated regulation for the nitric acid subcategory of the fertilizer manufacturing point source category required no discharge of process wastewater pollutants to navigable waters. Twelve companies representing the major producers of nitrogen fertilizers have joined in a petition for judicial review of the regulations for nitrogen fertilizers (including nitric acid) in the United States Court of Appeals for the Sixth Circuit. A stipulation has been entered into by the parties to the suit and approved by the Court. Paragraphs 8 and 9 of the stipulation required the industry petitioners to submit data concerning the need for a special discharge amendment to the nitric acid regulations and the need for a leaks and spills amendment to all the nitrogen fertilizer regulations. These paragraphs also require EPA to consider the data submitted and advise petitioners whether such amendments will be promulgated. Submissions have been received from nine companies and the industry has been informed of the Agency's intentions.

Evaluation of the new data received led to the decision to amend the nitric acid regulations to allow limited discharge from the sources that were identified. The amended regulation sets limitations in terms of pH, ammonia and nitrate on process wastewater based upon data from all identified sources of discharge, and requires pH control on non-contact cooling water. Good housekeeping practices, efficient operation and prompt maintenance will minimize wastes from leaks and spills and allow them to be included within the limitations. By using this approach, any need for a separate regulation for special discharges or for leaks and spills has been eliminated. The discharges allowed are based on control and prevention of losses from nitric acid operations. Techniques for achieving control and prevention of such losses are described in "Guidelines for Chemical Plants in the Prevention, Control and Reporting of Spills" by the

Manufacturing Chemists Association, 1972.

Shipping losses were excluded from the data base and the regulations. These losses are equally amenable to control and prevention as leaks and spills by the same techniques. Good housekeeping, prompt and regular maintenance, and careful operations will tend to minimize the losses from shipping operations even though the shipping schedule cannot be correlated generally with production rates. Shipping losses are defined in the regulation.

Information submitted by industry indicates a difference in ammonia losses depending on whether gaseous ammonia or shipped liquid ammonia is used as a raw material. Plants using shipped liquid ammonia as a raw material may need to blow down more often because the Department of Transportation requires a minimum of 0.2 percent water in shipped liquid ammonia. Because of this, different limitations have been provided for these two conditions.

For plants using gaseous ammonia as a raw material, the basis for the ammonia nitrogen (as N) limitation representing the best practicable control technology currently available for the average of daily values for thirty consecutive days and the maximum for any one day is the average of the ammonia vaporizer blow-down data from the best two of three plants for which data was submitted by industry. The basis for the ammonia nitrogen (as N) limitation representing the best available technology economically achievable and for new source performance standards for the average of thirty consecutive days is data from the best one of the three plants submitting data. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for best practicable control technology currently available.

For plants using shipped liquid ammonia as a raw material, the basis for the ammonia nitrogen (as N) limitation representing the best practicable control technology currently available and the best available technology economically achievable for the average of daily values for thirty consecutive days is the ammonia loss data from the better of two plants for which data was submitted. This plant uses 50 percent shipped liquid ammonia and the limitation, therefore, is twice the discharge level reported. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for users of gaseous ammonia.

The basis for the nitrate nitrogen (as N) limitation representing the best practicable control technology currently available for the average of daily values for thirty consecutive days is the average of the data for process condensate, storage tank vents and miscellaneous losses from the best five of the six plants for which data was submitted by industry. The maximum for any one day is the average of the best four of the five plants for which daily maximum data was submitted. The basis for the nitrate

nitrogen (as N) limitation representing the best available technology economically achievable and for new source performance standards is data from the best of the plants submitting data. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for best practicable control technology currently available.

Although requests for a "leaks and spills amendment" were made for all nitrogen fertilizer subcategories, the Agency has found that a leaks and spills amendment is not needed for the Ammonium Nitrate subcategory because it has been suspended for reconsideration. At the time of reconsideration of those regulations, these requests will be given due consideration.

A leaks and spills amendment is also not needed for the urea subcategory because the data from the plant on which organic nitrogen limitations were based included leaks and spills in the data base. At the present time, additional data is being made available by the urea industry which will be used for reconsideration of limitations for those parts of the urea subcategory which have been suspended. At the time of reconsideration of those regulations, the limitations will be reconsidered for all of the urea regulations including new sources and plants starting production after January 1, 1970.

A leaks and spills amendment has not been provided for the Ammonia subcategory because a discharge is allowed that adequately provides for the small amount of leaks and spills that may be involved. Any ammonia lost due to leaks and spills is volatile, decreasing its likelihood of becoming a water contaminant. Moreover, the maximum for any one day limitation for ammonia was increased by amendment to the regulation in 40 FR 26275 on June 23, 1975. This also provides allowance for occasional increased discharge levels due to leaks and spills. In addition, no substantial information was received in the industry submission to indicate that any additional allowance is needed for this subcategory.

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street S.W., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 418 Fertilizer Manufacturing Point Source Category, Subcategory E, Nitric Acid Subcategory is amended to read as set forth below. Proposal of this amendment was not published because of the need to meet deadlines contained in the court approved stipulation and in order to promptly resolve the litigation and end uncertainty concerning these regulations. The Agency, therefore, believes that good cause exists for the elimination of proposal and public comment

prior to promulgation. The final regulation is promulgated as set forth below and shall be effective February 17, 1976.

Dated: December 29, 1975.

JOHN QUARLES,
Acting Administrator.

1. Section 418.50 is amended to read as follows:

§ 418.50 Applicability; description of the nitric acid subcategory.

The provisions of this subpart are applicable to discharges resulting from production of nitric acid in concentrations up to 68 percent. Discharges from shipping losses are excluded.

§ 418.51 [Amended]

2. Section 418.51 is amended to add paragraphs (b), (c), (d) and (e) to read as follows:

(b) The term "product" shall mean nitric acid on the basis of 100 percent HNO₃.

(c) The term "shipping losses" shall mean: discharges resulting from loading tank cars or tank trucks; discharges resulting from cleaning tank cars or tank trucks; and discharges from air pollution control scrubbers designed to control emissions from loading or cleaning tank cars or tank trucks.

(d) The term "shipped liquid ammonia" shall mean liquid ammonia commercially shipped for which the Department of Transportation requires 0.2 percent minimum water content.

(e) The term "non-contact cooling water" shall mean water which is used in a cooling system designed so as to maintain constant separation of the cooling medium from all contact with process chemicals but which may on the occasion of corrosion, cooling system leakage or similar cooling system failures contain small amounts of process chemicals: *Provided*, That all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contamination: *And provided further*, That all reasonable measures have been taken that will mitigate the effects of such contamination once it has occurred.

§ 418.52 [Amended]

3. Section 418.52 is amended by changing the last paragraph of this section to read as follows:

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.007	0.0007
Nitrate (as N).....	0.33	0.044
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.08	0.008
Nitrate (as N).....	0.33	0.044
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

4. Section 418.53 is amended to read as follows:

§ 418.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.0045	0.00045
Nitrate (as N).....	0.17	0.023
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.08	0.008
Nitrate (as N).....	0.17	0.023
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

5. Section 418.55 is amended to read as follows:

§ 418.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.0045	0.00045
Nitrate (as N).....	0.17	0.023
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N).....	0.08	0.008
Nitrate (as N).....	0.17	0.023
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

6. Section 418.56 is amended to read as follows:

§ 418.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the nitric acid subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: In addition to the prohibitions set forth in § 128.131 of this chapter, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to publicly owned treatment works by a new source subject to the provisions of this subpart:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)---	0.0045	0.0045
Nitrate (as N)-----	0.17	0.023

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)---	0.08	0.008
Nitrate (as N)-----	0.17	0.023

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

[FR Doc.76-184 Filed 1-16-76; 8:45 am]

Title 41—Public Contracts, and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. 14]

PART 9-3—PROCUREMENT BY NEGOTIATION

Cost Accounting Standards; Filing of Disclosure Statements

1. *Purpose.* To provide a new Cost Accounting Standards Solicitation Notice. The Cost Accounting Standards Board has revised its regulations to provide for the filing of a Disclosure Statement by any company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than \$10 million in either fiscal year 1974 or 1975. Effective January 1, 1976, contracts subject to Cost Accounting Standards requirements may not be awarded to companies meeting this revised requirement unless they have filed a Disclosure Statement or a post-award submission has been authorized in accordance with FPR 1-3.1203(d).

These revised filing requirements supersede those previously established. However, the Cost Accounting Standards Board has provided that any company which either has submitted or, by reason of having received a covered award, is obligated to submit a Disclosure Statement under previously effective filing requirements shall remain subject to the disclosure requirements so long as the company has any contracts subject to Cost Accounting Standards. This shall be interpreted as meaning so long as the company has not received final acceptance of all deliverable items under all prime contracts and subcontracts containing the Cost Accounting Standards clause.

In view of this revision of disclosure filing requirements, the Cost Accounting Standards Board also has amended paragraph 403.70(a) of Standard 403 to state the applicable exemption explicitly rather than by cross reference to disclosure filing requirements. This is an editorial change only, with no substantive effect on the exemption.

2. *Effective date.* This regulation becomes effective January 16, 1976.

3. *Expiration date.* This regulation will remain in effect until the Federal Procurement Regulations are updated to incorporate the changes to the Cost Accounting Standards Board regulations.

4. *Explanation of changes.* Add a new § 9-3.1203(a) (3), Notice for solicitations, as follows:

§ 9-3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) * * *

(3) *Notice for solicitations.* Insert the following notice in all solicitations which

are likely to result in a negotiated contract exceeding \$100,000 unless the procurement is exempted under FPR 1-3.1203(a) (1) or (a) (2):

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of \$100,000 resulting from this solicitation except (i) when the price negotiated is based on: (A) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) prices set by law or regulation, or (ii) contracts which are otherwise exempt (see 4 CFR 331.30(b)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control did not exceed the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (III) below); or (iii) post-award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of copy of Disclosure Statement to the Cost Accounting Standards Board.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant Contracting Officer; and, (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s):-----
Name(s) and Address(es) of Cognizant ACO(s) where filed:-----

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ II. CERTIFICATE OF MONETARY EXEMPTION

The offeror hereby certifies that, together with all divisions, subsidiaries, and affiliates under common control, he did not receive net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than \$10,000,000 in either Federal Fiscal Year 1974 or 1975.

CAUTION: Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board are not eligible to claim this exemption unless they have received notification of final acceptance of all deliverable items on all of their prime contracts and subcontracts containing the Cost Accounting Standards clause.

(□) III. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s):

Name(s) and Address(es) of Cognizant ACO(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438)).

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.76-1295 Filed 1-15-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20606; FCC 76-2]

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

PART 87—AVIATION SERVICES

Utilization of Flight Test Frequencies

REPORT AND ORDER—(Proceeding Terminated). In the matter of revision of Parts 2 and 87 of the rules relative to utilization of frequencies assigned for flight test in the band 123.125-123.575 MHz, Docket No. 20606; RM No. 2491.

1. On October 7, 1975, the Commission, in response to a request by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC), released a notice of proposed rulemaking (40 FR 48380, October 5, 1975) to amend Parts 2 and 87 of the rules to improve utilization of flight test frequencies during the transition to a 25 kHz environment and to minimize the potential for interference between flight test fixed land stations and flight test ground mobile operations. The time for filing comments and reply comments has expired.

2. The single comment, filed by AFT RCC, recommended an additional change in the rules governing the use of frequencies assigned for flight test in the band 123.125-123.575 MHz. Specifically, AFT RCC requests that licensees of fixed flight test stations operating on frequencies which are to be designated exclusively for itinerant use, be permitted to continue in operation until March 1, 1977. This is consistent with the Commission's present proposal to permit continued use of the non-itinerant frequencies for wide-area mobile operations until this same date.

3. The Commission agrees with AFT RCC's comment that it would be inappropriate to require licensees of fixed flight test stations to shift their operations immediately to other frequencies. A "grandfathering" provision reflecting this recommendation has been incorporated in § 87.331, Footnote 2, as indicated below.

4. In view of the foregoing, the Commission finds that the adoption of the proposed rule changes, with the addition of a "grandfathering" provision for fixed flight test stations currently assigned frequencies designated for itinerant operations, is in the public interest. As indicated in the notice of proposed rulemaking, three administrative changes have been included in this proceeding. The proposed revisions are set forth below.

5. Accordingly, it is ordered, That pursuant to the authority contained in sections 4(i), 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended, Parts 2 and 87 of the Commission's rules are amended, as set forth below, effective February 20, 1976.

6. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: January 6, 1976.

Released: January 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 2.106 is amended in Column 5, as follows:

§ 2.106 Table of frequency allocations.

Band (MHz)
117.975-121.9625 (273) (US 26) (US 28) (US 33) (US 85)
128.8125-132.0125 (US 85)

2. Section 2.106 Footnotes are changed by deleting US 2 and modifying US 28 and US 33 as follows:

US 28	The band 121.5875-121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.
US 33	The band 123.1125-123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 121.950 MHz is available for aviation instructional stations.

3. Section 87.331 is modified in paragraphs (a) & (b) by changing the authorized frequencies and footnote references; paragraph (c) is modified by changing the footnote reference, and all footnotes are relocated to the end of the section following paragraph (g), as follows:

§ 87.331 Frequencies available.

(a) * * *

kHz	MHz	MHz	MHz
13281	123.175 123.200	123.225 123.375	123.400 123.450

(b) * * *

MHz	MHz	MHz	MHz
123.125 123.150 123.250	123.275 123.325 123.350	123.425 123.475 123.525	123.550 123.575

(c) * * *

Kilohertz	Kilohertz
2869.5(2868) 2995.5(2994) 3475.5(3474) 4676.5(4675) 4683.5(4682) 5470.5(5469) 5597.5(5596) 6680.5(6659)	8918.5(8917) 10010.5(10009) 11288.5(11287) 11376.5(11375) 13357.5(13356) 17902.5(17901) 17966.5(17965)

(g) * * *

* When A3A, A3H or A3J emission is used, the assigned frequency will be 3282.5 kHz (3281 kHz carrier frequency).

* This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations, however, flight test stations which are currently assigned these frequencies for other than itinerant operation may continue their use until March 1, 1977.

* Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, signed these frequencies for wide area mobile flight test stations which are currently as-operations may continue their use until March 1, 1977.

* Restricted to use in the Continental United States and Atlantic Ocean areas.

[FR Doc.76-1383 Filed 1-15-76;8:45 am]

[Docket No. 20473; RM-2436 and 2438]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in High Springs and Macclenny, Fla.

Report and order—(Proceeding Terminated). In the Matter of amendment of Section 73.202(b), table of assignments, FM broadcast stations in High Springs and Macclenny, Florida.

1. The Commission has under consideration its notice of proposed rule making,¹ in which it proposed to assign Channel 221A to Macclenny, Florida, and Channel 285A to High Springs, Florida.² The notice was issued following receipt by the Commission of two petitions seeking the assignment of Channel 221A. In the first, Ray W. Forrester ("Forrester") sought the assignment of Channel 221A to High Springs as a first FM assignment to that community. Thereafter, Woodrow

¹ 40 FR 21742, May 19, 1975.

² The relevant economic and demographic data for each of the communities were set forth in the Notice and will not be reiterated here.