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EXECUTIVE ORDER 11726

Energy Policy Office

By virtue of the authority vested in me as President of the United States of America, it is hereby ordered as follows:

ENERGY POLICY OFFICE

SECTION 1. There is hereby established in the Executive Office of the President an Energy Policy Office. The office shall be under the immediate supervision and direction of a Director of the Energy Policy Office who shall be designated or appointed by the President.

FUNCTIONS OF THE DIRECTOR

SEC. 2(a). The Director shall be the Administration's chief policy officer with respect to energy matters, and shall be the President's principal adviser concerning those matters.

(b) The Director shall also be responsible for—

(1) Identifying major problems, present and prospective, in the energy areas;

(2) Making policy recommendations to the President with respect to energy matters;

(3) Working with executive branch agencies and outside groups in reviewing policy alternatives with respect to energy matters;

(4) Reviewing, commenting on, and making separate recommendations on all other energy-related matters which require Presidential attention;

(5) Insuring that executive branch agencies develop short- and long-range plans for dealing with energy matters;

(6) Monitoring the implementation of approved energy policies with the assistance of the Office of Management and Budget;

(7) Providing guidance and direction to the Oil Policy Committee and its Chairman in the performance of its functions;

(8) Providing advice to the Cost of Living Council concerning energy matters;

(9) Assuring the development of comprehensive plans and programs to assure the availability of adequate and dependable supplies of energy; and

(10) Initiating studies to be carried out by the appropriate Government agencies.

SUPPORT

SEC. 3(a). Necessary expenses of the Energy Policy Office may be paid from the Emergency Fund of the President or from such other funds as may be available.

(b) The Administrator of General Services shall provide, on a reimbursable basis, such administrative support as may be needed by the Energy Policy Office.

(c) All departments and agencies of the executive branch shall, to the extent permitted by law, provide assistance and information to the Director of the Energy Policy Office.

SEC. 4. The Director of the Energy Policy Office shall make a report to the President, for transmission to the Congress, no later than March 15, 1974, concerning actions that have been taken and actions that should be taken to carry out the purposes of this order.

SUPERSEDURE

SEC. 5. Executive Order No. 11712 of April 18, 1973, is hereby superseded and the Special Committee on Energy and the National Energy Office are hereby abolished.

THE WHITE HOUSE,
June 29, 1973.

[FR Doc.73-13662 Filed 7-2-73;10:12 am]

Rules and Regulations

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

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

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Ports of Entry; Designation of San Ygnacio, Texas, Revoked

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on April 2, 1973 (38 FR 8449) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment pertaining to the revocation of the designation of San Ygnacio, Texas, as a Class B port of entry for aliens.

The representation which was received concerning the proposed rule of April 2, 1973, has been considered. No change has been made in the proposed rule. The proposed rule as set out below is hereby adopted:

In subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Sub-offices* of § 100.4 *Field Service*, District No. 14—San Antonio, Tex., is revised by deleting therefrom the listing of "San Ygnacio, Tex." as a Class B port of entry.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rule is to revoke the designation of San Ygnacio, Texas, as a Class B port of entry for the immigration inspection of aliens because of the minimal activity at that location.

Effective date: This order shall be effective June 27, 1973.

Dated: June 22, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-13478 Filed 7-2-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-520]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Hog Cholera Eradication and Free States

These amendments add Indiana, New Jersey, North Carolina, and Virginia to the list of hog cholera Eradication States in § 76.2(f) of the regulations in 9 CFR Part 76, as amended. The amendments also delete Kentucky, Ohio, South Carolina, and Tennessee from the list of hog cholera Eradication States in § 76.2(f) and add Kentucky, Ohio, South Carolina, and Tennessee to the list of hog cholera Free States in § 76.2(g) of the regulations. The special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States are applicable to Indiana, New Jersey, North Carolina, Virginia, Kentucky, South Carolina, Ohio, and Tennessee.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * *

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Eradication States. Once designated as a hog cholera Eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as Eradication States:

Indiana	Virginia
New Jersey	Commonwealth of Puerto Rico
North Carolina	

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing of this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Mexico
Colorado	New York
Connecticut	North Dakota
Delaware	Ohio
Florida	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Utah
Maine	Vermont
Maryland	Washington
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	Wyoming
Mississippi	District of Columbia
Missouri	

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 122–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective June 26, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of June, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13441 Filed 7-2-73;8:45 am]

Title 14—Federal Aviation Administration

[Docket 12956; Amdt. 139-2]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Airports and Heliports Conducting Only Unscheduled Operations or Operations With Small Aircraft: Extension of Reporting Dates

The purpose of this amendment to § 139.12 of Part 139 of the Federal Aviation Regulations (FARs) is to extend from July 5, 1973 to October 5, 1973, the time within which persons, who on May 20, 1973, were operating an airport or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft, may apply for an extension of their airport operating certificate, and to extend the time for filing the reports required of holders of these certificates.

Part 139 of the Federal Aviation Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 F.R. 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board. As noted in the preamble to Amendment 139-1, the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139-1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973 effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days (until July 5, 1973) airports and heliports which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provides for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

It now appears to the FAA that the 45-day provisional certification period provided in § 139.12 of Amendment 139-1 does not provide sufficient time for the operators of those airports to determine the extent to which they may not be in full compliance with Part 139 and the consequent need to apply for an extension of their provisional certificate. In addition, the FAA believes that the operators of many small airports that only infrequently serve a CAB-certificated air carrier may not be aware that they are required to comply with Part 139. In this connection it should be noted that § 610(a)(8) of the Federal Aviation Act of 1958, as amended, makes it unlawful for any person to operate after May 20, 1973, an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate or in violation of the terms of any such certificate.

In view of the foregoing and in order to assure that all airport operators who serve CAB-certificated air carriers have a reasonable time in which to comply with the requirements of Part 139, the FAA has determined that there is a need to extend from July 5, 1973, to October 5, 1973, the time within which the operators of airports provisionally certificated under § 139.12(a) may meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974. Consistent with this amendment and to assure compliance with the requirements of Part 139 by May 21, 1974, the dates on which an airport operator must comply with the reporting requirements of § 139(e)(2) and (3) need to be extended from September 1, 1973, and January 15, 1974, to November 1, 1973, and February 15, 1974, respectively.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

(Secs. 313(a), 609, 610(a), and 612, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1429, 1430(a), and 1432; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing § 139.12 of Part 139 of the Federal Aviation Regulation is amended, as follows, effective July 4, 1973:

1. Paragraph (a) and (d) are amended by striking the date "July 5, 1973" and inserting in lieu thereof the date "October 5, 1973".

2. Paragraph (e)(2) is amended by striking the date "September 1, 1973" and inserting in lieu thereof the date "November 1, 1973".

3. Paragraph (e)(3) is amended by striking the date "January 15, 1974" and inserting in lieu thereof the date "February 15, 1974".

As amended § 139.12 of Part 139 reads as follows:

§ 139.12 Issue of certificates for airports serving only unscheduled operations, or operations with small aircraft.

(a) Notwithstanding any other provision of this Part, a person who on May 20, 1973, operated an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft may continue to serve such air carriers and is certificated under this Part until October 5, 1973.

(b) An airport operator may obtain an extension of the certificate to May 21, 1974, if together with a request for such extension and delivery of the certificate, it submits to the appropriate Regional Director:

(1) The name and address of the airport, the airport owner, and the airport operator; and

(2) Its assurances that at least the level of safety current at the airport on May 21, 1973, will be maintained.

(c) An airport operating certificate issued under this section shall—

(1) Contain a provision that at least the current level of safety will be maintained at the airport, and such other terms, conditions or limitations that the Administrator may find necessary; and

(2) Be effective until May 21, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(d) If a request for extension and delivery of an airport operating certificate issued under this section is not made before October 5, 1973, the certificate terminates on that date.

(e) The holder of a certificate issued under this section shall—

(1) Maintain at least the level of safety current at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before November 1, 1973, a schedule for compliance showing how compliance with each requirement of this Part will be achieved, and any requests for exemptions from any of those requirements in accordance with Part 11 or § 139.19 of this Part; and

(3) Submit a status report to the appropriate Regional Director before February 15, 1974, showing to what extent compliance has been achieved.

Issued in Washington, D.C., on June 28, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-13515 Filed 6-29-73;10:08 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5403]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Use of Form 144

Since Rule 144, 17 CFR 230.144, became effective on April 15, 1972, the Commission has received thousands of Forms 144 (17 CFR 239.144) reporting transactions to be consummated pursuant to the rule. Generally, we have found the Form 144 to be very helpful.

The filing of a notice of proposed sale—Form 144—is an integral part of the rule, and the Commission has tried to provide as simple a form as possible, consistent with the provisions of the rule, for the sellers to use. Moreover, the Commission hereby emphasizes and draws attention to the fact that the sale must be made in accordance with all the provisions of the rule, including the completion and filing of Form 144, in order for the rule to be available.

Our experience to date with the Form 144 filing indicates that in innumerable instances the form is not adequately completed and timely filed. Among other things we are finding that:

1. In a number of instances, the Form has been filed where the proposed transaction does not constitute a sale through a broker, i.e., gifts or private placements. In such cases, the filing of Form 144 is not required, since Rule 144 is not available for such transactions.

2. The proposed seller does not date the Form.

3. The date of notice on Form 144 and the date of filing with the Commission are after the date of the proposed sale.

4. Under the column 3(e) of the Form, the proposed seller sometimes lists the number of shares he owns rather than the number of shares the issuer has outstanding.

As a result of our experience with the Forms filed to date, and in order to aid persons in complying with Rule 144, the Commission wishes to remind persons proposing to sell securities pursuant to Rule 144 that:

1. The proposed seller must answer every item on the Form, and the date of notice as well as the signature of the proposed seller must be furnished.

2. Rule 144(h) provides that concurrently with the placing of an order with a broker to sell any securities in reliance upon the Rule, copies of Form 144 must be transmitted to the Commission for filing. In too many cases, the date on the Form and the date the Form is received by the Commission are after the date of the proposed sale.

For example, the approximate date of sale is given as October 26, 1972, the date of notice is January 13, 1973 but the Form 144 is received by the Commission January 26, 1973.

3. Rule 144(i) provides that a person filing notice on Form 144 should have a bona fide intention to sell the securities within a reasonable time after filing such notice.

If the securities are not sold within 90 days after the date of the filing, no sale can be made thereafter without first filing an amendment to the Form.

4. Item 3(e) of the Form asks for the number of shares or other units outstanding. This item refers to the issuer's shares.

The Commission will continue to monitor these Forms and where it appears the rule has not been complied with, it will take appropriate enforcement action. Accordingly, the Commission hereby emphasizes that care should be exercised in completing these Forms. If experience with the Rule and the Form indicate that it is not operating effectively to serve the purposes of the rule, amendments to the Form, the rule, or both, may be adopted.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 14, 1973.

[FR Doc.73-13453 Filed 7-2-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

SUBPART E—DEDUCTIONS; REDUCTIONS; NONPAYMENTS; INCREASES

Excess Earnings for Retirement Test

On March 2, 1973, there was published in the FEDERAL REGISTER (38 FR 5656) a notice of proposed rulemaking with proposed amendments to Subpart E of regulations No. 4. The proposed amendments to the regulations implement certain provisions of sections 105 and 106 of Public Law 92-603 by expanding and updating Subpart E of regulations No. 4. The proposed amendments to the regulations provide the rules for determining excess earnings in a taxable year ending after 1972 for purposes of applying the retirement test. In a 12-month taxable year, the allowable amount of earnings is increased from $1,680 to $2,100. The proposed amendments to the regulations also provide the rules for prorating net earnings or net loss from self-employment where a self-employed beneficiary reaches age 72 in a taxable year ending after 1972. For the taxable year in which a beneficiary reaches age 72 only his earnings up to the month in which he reaches that age are counted in figuring the amount to be withheld from the beneficiary's monthly benefits. If the beneficiary is self-employed, the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure the amount to be withheld.

Interested persons were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed changes. The 30-day period has passed and only one comment has been received. As a result of this comment the mathematical expression in example 3 of § 404.430 has been clarified. In addition, a misleading sentence, "The net loss is used in figuring his excess earnings," has been deleted from the example. Portions of sections not included with the Notice have been revised to include cross-references to added sections.

With the above noted changes the proposed amendments are hereby adopted.

(Sections 203, 205, and 1102, 53 Stat. 1367, as amended, 53 Stat. 1363, as amended, 49 Stat. 647, as amended; 42 U.S.C. 403, 405, and 1302)

Effective date. The amendments shall be effective July 2, 1973.

Dated: May 25, 1973.

Approved: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404) are further amended as follows:

1. Paragraph (a) of § 404.416 is revised to read as follows:

§ 404.416 Amount of deduction because of excess earnings.

(a) *Taxable years beginning after December 1960, or ending after June 1961*—(1) *Deductions because of excess earnings of insured individual.* For taxable years beginning after 1960, or ending after June 1961, if excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an insured individual are charegable under the annual earnings test to a month, a deduction is made from the total of the benefits payable to him and to all other persons entitled (or deemed entitled—see § 404.420) on his earnings record for that month. This deduction is an amount equal to that amount of the excess earnings so charged. (See § 404.434 concerning the manner of charging such excess earnings.)

(2) *Deductions because of excess earnings of other beneficiary.* For taxable years beginning after 1960, or ending after June 1961, if benefits are payable to a person entitled (or deemed entitled—see § 404.420) on the earnings record of the insured individual, and such person has excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) charged to a month, a deduction is made from his benefits only for that month. This deduction is an amount equal to the amount of the excess earnings so charged. (See § 404.434 for charging of excess ernings where both thei nsured individual and such person have excess earnings.)

* * * * *

2. Paragraph (a) of § 404.428 is revised to read as follows:

§ 404.428 Earnings in a taxable year.

(a) *General.* In applying the annual earnings test (see § 404.415(a)) under the provisions of this subpart, all of a beneficiary's earnings (as defined in § 404.429) for all months of his taxable year are included even though the individual is not entitled to benefits during all months of his taxable year. (See, however, § 404.430 for rule for figuring excess earnings where beneficiary attains age 72 in a taxable year ending after December 1972.) The taxable year of an employee is presumed to be a calendar year until it is shown to the satisfaction of the Administration that he has a different taxable year. A self-employed individual's taxable year is a calendar year unless he has a different taxable year for the purposes of subtitle A of the Internal Revenue Code of 1954. In either case, the number of months in a taxable year is not affected by (1) filing a claim for social security benefits, (2) attainment of age 18, 22, 65, 72, or any other age, (3) marriage, (4) termination of marriage, or (5) adoption. A taxable year ends with the death of the beneficiary. In such a case, the month of death is included as a month of the deceased beneficiary's taxable year in determining whether the beneficiary had excess earnings as defined in § 404.430, § 404.431, § 404.432, or § 404.433.

* * * * *

3. After § 404.429, new § 404.430 is added to read as follows:

§ 404.430 Excess earnings; defined for taxable years ending after December 1972.

For taxable years ending after December 1972, an individual's excess earnings for a taxable year are 50 percent of his earnings (as described in § 404.429) for such year in excess of the product of $175 multiplied by the number of months in such year. However, earnings in and after the month an individual attains age 72 will not be used to figure excess earnings for retirement test purposes. For the employed individual his wages for months prior to the month of attainment of age 72 are used to figure his excess earnings for retirement test purposes. For the self-employed individual the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure his excess earnings. If the beneficiary was not engaged in self-employment prior to the month of attainment of age 72 any subsequent earnings or losses from self-employment in the taxable year will not be used to figure his excess earnings. Where the excess amount figured in accordance with the provisions of this section is not a multiple of $1, it is reduced to the next lower dollar.

Example 1. The self-employed beneficiary attained age 72 in July 1973. His net earnings for 1973, his taxable year, were $6,000. The pro rata share of such net earnings for the period prior to July is $3,000. His excess earnings for 1973 for retirement test purposes are $450. This is arrived at by subtracting $2,100 ($175×12) from $3,000 and dividing the result by 2.

Example 2. The beneficiary attained age 72 in July 1973. His wages for the period prior to July were $3,000. From August through December 1973 he engaged in self-employment and derived net earnings in the amount of $2,000. His net earnings from self-employment are not used to figure his excess earnings. Only his wages for the period prior to July 1973, $3,000, are used to figure his excess earnings. As in Example 1 his excess earnings are $450.

Example 3. The facts are the same as in Example 2 except that the beneficiary had a net loss in the amount of $500 from self-employment activity in which he engaged throughout 1973. The pro rata share of such net loss for the period prior to July is $250. His earnings for the taxable year for figuring excess earnings are $2,750. This is arrived at by subtracting the $250 loss from the $3,000 in wages. The excess earnings are $325 [$2,750−$2,100)÷2]

4. After § 404.430, new § 404.431 is added to read as follows:

§ 404.431 Excess earnings; defined for taxable years ending after December 1967 and prior to January 1973.

For taxable years ending after December 1967 and prior to January 1973, an individual's excess earnings are the amount of his earnings (as described in § 404.429) that exceed $140 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if such excess amount is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,680, up to and including $2,880; and

(b) $1 for each $1 of earnings over $2,880.

5. Section 404.432 is revised to read as follows:

§ 404.432 Excess earnings; defined for taxable years ending after December 1965 and prior to January 1968.

For taxable years ending after December 1965 and prior to January 1968, an individual's excess earnings are the amount of his earnings (as described in § 404.429) that exceed $125 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if the excess is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,500, up to and including $2,700; and

(b) $1 for each $1 over $2,700.

6. Section 404.434 is amended by revising paragraphs (a) and (b) (3) to read as follows:

§ 404.434 Excess earnings; method of charging.

(a) *Months charged.* For purposes of imposing deductions for taxable years after 1960, the excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an individual are charged to each month beginning with the first month the individual is entitled in the taxable year in question and continuing, if necessary, to each succeeding month in such taxable year until all of the individual's excess earnings have been charged. Excess earnings, however, are not charged to any month described in §§ 404.435 and 404.436.

(b) *Amount of excess earnings charged.* * * *

(3) *Insured individual and person entitled (or deemed entitled) on his earnings record both have excess earnings.* If both the insured individual and a person entitled (or deemed entitled) on his earnings record have excess earnings (as dsecribed in §§ 404.430, 404.431, 404.432, and 404.433), the insured individual's excess earnings are charged first against the total family benefits payable (or deemed payable) on his earnings record, as described in subparagraph (1) of this paragraph. Next, the excess earnings of a person entitled on the insured individual's earnings record are charged (as described in paragraph (c) (2) of this section) against his own benefits, but only to the extent that his benefits have not already been charged with the excess earnings of the insured individual. See § 404.441 for an example of this process and the manner in which partial monthly benefits are apportioned.

7. The introductory text of §404.436 is revised to read as follows:

§ 404.436 Excess earnings; months to which excess earnings cannot be charged because individual is deemed not entitled to benefits.

Under the annual earnings test, excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) are not charged to any month in which an individual is deemed not entitled to a benefit. A beneficiary (i.e., the insured individual or any person entitled or deemed entitled on the individual's earnings record) is deemed not entitled to a benefit for a month if he is subject to a deduction for that month because of:

* * * * *

8. The introductory text of § 404.437 is revised to read as follows:

§ 404.437 Excess earnings; benefit rate subject to deductions because of excess earnings.

For purposes of deductions because of excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433), the benefit rate against which excess earnings are charged is the amount of the benefit (other than a disability insurance benefit) to which the person is entitled for the month:

* * * * *

9. That part of §404.439 that precedes the example is revised to read as follows:

§ 404.439 Partial monthly benefits; excess earnings of the individual charged against his benefits and the benefits of persons entitled (or deemed entitled) to benefits on his earnings record.

Deductions are made against the total family benefits where the excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an individual entitled to old-age insurance benefits are charged to a month and require deductions in an amount less than the total family benefits payable on his earnings record for that month (including the amount of a mother's or child's insurance benefit payable to a spouse who is deemed entitled on the individual's earnings record—see § 404.420). The difference between the total benefits payable and the deductions made under the annual earnings test for such month is paid (if otherwise payable under title II of the Act) to each person in the proportion that the benefit to which each is entitled (before the application of the reductions described in § 404.403 for the family maximum, § 404.407 for entitlement to more than one type of benefit, and section 202(q) of the Act for entitlement to benefits before retirement age) bears to the total of the benefits to which all of them are entitled, except that the total amount payable to any such person may not exceed the benefits which would have been payable to that person if none of the insured individual's excess earnings had been charged to that month.

* * * * *

10. That part of § 404.441 that precedes the example is revised to read as follows:

§ 404.441 Partial monthly benefits; insured individual and a person entitled (or deemed entitled) on his earnings record both have excess earnings.

Where both the insured individual and a person entitled (or deemed entitled) on his earnings record have excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433), their excess earnings are charged, and partial monthly benefit is apportioned, as follows:

* * * * *

[FR Doc.73-13334 Filed 7-2-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

LIGNIN SULFONATE FROM ABACA

The Commissioner of Food and Drugs has evaluated the data in a petition (MF-3515) filed by the Dexter Corp., 1 Elm St., Windsor Locks, CT 06096 and other relevant material and concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of lignin sulfonate derived from abaca (*Musa textilis*) as a permitted ingredient in animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.234 is amended in paragraph (a) by adding the words "or of abaca (*Musa textilis*)" following the words "digestion of wood".

Any person who will be adversely affected by the foregoing order may at any time on or before August 2, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 3, 1973.

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

Dated: June 26, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13401 Filed 7-2-73;8:45 am]

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Control of Drotebanol

By letter dated April 19, 1973, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the drug Drotebanol (3,4-dimethoxy-17-methylmorphinan-6β, 14-diol) should be added to Schedule I of the Single Convention on Narcotic Drugs, 1961. Under the provisions of section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)), the Attorney General is required to control Drotebanol in the schedule which he deems most appropriate to carry out United States obligations under that Convention.

The Bureau of Narcotics and Dangerous Drugs has determined that inasmuch as there is currently no accepted medical use for Drotebanol in treatment in the United States, it should be controlled in Schedule I.

Therefore, under the authority vested in the Attorney General by section 201 (d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)) and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, and in accordance with § 308.49 of Title 21 of the Code of Federal Regulations, the Director hereby orders that § 308.11(c) of Title 21 of the Code of Federal Regulations be amended by adding a new item (23) to read:

(23) Drotebanol 9335

This order shall take effect on August 6, 1973.

Dated: June 27, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13449 Filed 7-2-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-73-221]

Subchapter B—Mortgage and Loan Insurance Programs Under National Housing Act

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing of Mobile Homes

In the December 14, 1972 issue of the FEDERAL REGISTER (37 FR 26620) a notice of proposed rulemaking with respect to downpayments required of mobile home purchasers and financial statements of mobile home dealers was published for comment.

Five comments were received, all of which were favorable. Several commentators expressed the view that where the value of the mobile home being offered as a trade-in is less than the required downpayment that the regulation should be amended to allow such a trade-in as a partial downpayment, with the purchaser paying the balance in cash. After due consideration it was determined not to make such a change. The average downpayment on mobile homes purchased with loans insured pursuant to this part has been approximately $800.00. The difficulty in establishing blue book values for homes considered to have a value below $800.00 would be considerable, and for this reason the suggestion was not adopted.

Accordingly, Part 201 is amended as follows:

1. Section 201.535 is amended to read:

§ 201.535 Borrower's minimum investment.

The borrower shall make a minimum cash downpayment of at least 5 percent of the first $6,000 of the total cost of the mobile home as shown in the purchase contract (excluding permissible charges and fees provided for in § 201.530(b)) plus 10 percent of any amount in excess of $6,000. A used mobile home with a blue book value equal to or greater than the required minimum downpayment may be acceptable in lieu of a cash downpayment.

2. Section 201.595(b) is amended to read:

§ 201.595 Dealer investigation, approval, and control.

* * * * *

(b) *Financial statement required.* The insured shall obtain a financial statement of the dealer, prepared by a licensed public accountant, not less than once every 12 months. If no loans have been purchased, prior to the date of such financial statement, the insured shall approve the dealer as provided in paragraph (a) of this section.

(Sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

Effective date. This amendment is effective August 1, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-13442 Filed 7-2-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-161]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Rollings Hills Estate, City of.	I 06 037 3092 04 through I 06 037 3092 05.	Dept. of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Dept. 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City Office, 26940 Rolling Hills Road, Rolling Hills Estate, Calif. 90274.	December 4, 1970. Emer. July 13, 1973. Reg.
Wisconsin	Marathon	Schofield, City of.	I 55 073 4290 01	Dept. of Natural Resources, P.O. Box 450, Madison, Wisconsin 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City Clerk's Office, 1136 Grand Avenue, Schofield, Wis. 54476.	April 16, 1971. Emer. July 13, 1973. Reg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13336 Filed 7-2-73;8:45 am]

[Docket No. FI-163]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on July, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Rolling Hills Estate, City of.	H 06 037 3092 04 through H 06 037 3092 05.	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Dept. 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City office, 26340 Rolling Hills Road, Rolling Hills Estate, Calif. 90274.	July 13, 1973.
Michigan	Kent	Grandville, City of.	H 26 081 2020 01 through H 26 081 2020 02.	Water Resources Commission Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Michigan 48926. Michigan Insurance Bureau, 111 N. Hosmer St., Lansing, Michigan 48913.	Office of Inspections, 3003 Wilson Avenue, Grandville, Michigan 49418.	
New Jersey	Monmouth	Asbury Park, City of	H 34 025 0080 01.	Bureau of Water Control Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	City Hall, City of Asbury Park, Asbury, N.J. 07712.	Do.
Do	do	Neptune, Township of.	H 34 025 2019 01 through H 34 025 2019 04.	do	Project Coordinator, Township of Neptune, Neptune, N.J.	Do.
Do	Somerset	Bound Brook, Borough Borough of.	H 34 035 0350 01 through H 34 035 0350 02.	do	Borough Clerk's Office, 110 Hamilton Street, Bound Brook, N.J. 08805.	Do.
Do	Morris	Kenneloon, Borough of.	H 34 027 1570 01	do	Borough Hall, Borough of Kenneloon, Kenneloon, N.J. 07405.	Do.
Do	Bergen	Wyckoff, Township of.	H 34 027 1570 01	do	Township Clerk, Memorial Town Hall, Wyckoff, N.J. 07481.	Do.
New York	West Chester	Bronxville, Village of.	H 36 119 0700 01	New York State Dept. of Environmental Conservation Division of Resources Management Services, Bureau of Water Manager, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Village Hall, 200 Pondfield Road, Bronxville, N.Y. 10708.	Do.
Do	Stuben	South Corning, Village of.	H 36 101 5820 01 through H 36 101 5820 02.	do	Village Clerk's Office, 413 Park Avenue, Corning, N.Y. 14830.	Do.
Pennsylvania	Luzerne	Pringle, Borough of.	H 42 079 6810 01	Dept. of Community Affairs Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 163 Finance Bldg., Harrisburg, Pa. 17120.	Pringle Borough Building, Evans Street, Pringle, Pa. 18704.	Do.
Do	Lancaster	Lancaster, Township of.	H 42 071 4181 01 through H 42 071 4181 04.	do	Office of Inspections, 300 Wilson Avenue, Grandville, Michigan 49418.	Do.
Wisconsin	Marathon	Schofield, City of.	H 55 073 4290 01	Dept. of Natural Resources P.O. Box 450, Madison Wisconsin 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City Clerk's Office, 1123 Grand Avenue, Schofield, Wis. 54476.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 23, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13337 Filed 7-2-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers No. 10

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 10

1. Q. Is commercial paper exempt from the freeze?

A. Yes. Any note, draft, bill of exchange, banker acceptance, or other commercial paper is considered to be a security and accordingly is exempt from the price freeze.

2. Q. How are auctions treated under the freeze?

A. Sales by auction are governed by the same rules applicable to other sales transactions.

On auction sales of ordinary commercial goods by a regular dealer at auction or otherwise, the freeze price is the highest price at which the owner delivered or furnished such goods to purchasers in 10% or more of his transactions during the freeze base period.

The freeze price at auction sales of commodities for which no established market prices exist, and which are sold by or for the account of persons not ordinarily engaged in the business of selling such goods, is the highest price for comparable commodities in the freeze base period.

Auction sales under court order are governed by the above paragraph.

Auctioneer's fees and commissions are frozen at freeze base period levels.

3. Q. On June 1, 1973, a car-leasing company signs a contract to lease 50 cars at various prices. Twenty-five of the cars are to be picked up on June 3 and 25 of the cars are to be picked up July 3. What is the time of the transaction for purposes of establishing a freeze price?

A. When a service contract involves either performance in several stages (some of which may be preparatory to performing the final service), performance of a continuous nature, or performance periodically, a transaction is considered to have taken place when the buyer actually receives the first unit of final service called for under the contract. Work in progress preparatory to provision of the final service does not qualify as a transaction. Therefore, the freeze price is established by looking at the prices charged for the lease of the cars picked up on June 3.

4. Q. Prior to the freeze base period, a contractor operating under a cost plus contract negotiated a wage increase, subject to approval by the Construction Industry Stabilization Committee (CISC), to become effective retroactively on the date of negotiation. During the freeze, CISC approved the wage increase. May the contractor now increase the price of the contract to reflect the wage increases?

A. No.

5. Q. In calculating the freeze price—"the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned during the freeze base period"—does the seller use the volume of sales or the number of transactions?

A. The freeze price is calculated according to the volume of sales of the item concerned. Volume means in this sense total quantity, whether customarily measured by weight, as in the example given below, or by capacity, unit or time (e.g., items priced per quart, per scoop, per head, per item, or per hour as in the case of some services).

The word "transactions" is used in the definition quoted above because it is a defined term which explains what constitutes a sale and when a sale is deemed to have occurred. A transaction is an arms-length sale between unrelated persons and is considered to occur at the time of shipment in the case of commodities and the time of performance in the case of services. Where no shipment is involved, as in the case of most retail sales, the transaction occurs at the time of purchase.

To illustrate the volume basis for the freeze price calculation, assume a retail grocery market sold 100 pounds of coffee during the freeze base period of June 1 through 8, consisting of 35 pounds of "Espresso" brand coffee (customarily priced higher) and 65 pounds of "Perko" brand coffee (customarily priced lower). The customary price difference establishes a separate class of purchaser for each of the two brands of coffee for the purpose of determining the freeze price. During the freeze base period coffee was sold as follows:

"Espresso"

5 lbs. at $1.39/lb. (14.3 percent of total)
30 lbs. at $1.29/lb.

35 lbs total

"Perko"

5 lbs. at $1.10/lb. (7.7 percent of total)
60 lbs. at $1.09/lb.

65 lbs. total

The retailer separately establishes the freeze price for each of the two brands by reference to the highest price at or above which he sold at least 10 percent of the product. The result is a freeze price for "Espresso" of $1.39/lb. and a freeze price for "Perko" of $1.09/lb. It makes no difference whether the coffee was sold in one, two, four, or 100 transactions.

6. Q. Where a manufacturer increases the quantity size of packaging of his product for sale, how is his freeze price determined?

A. The freeze price for the new packaging size is determined by the highest price per unit of measure typically used, i.e., fluid oz., pint, etc., at or above which at least 10 percent of the commodities were priced by the manufacturer in transactions with the class of purchaser concerned during the freeze base period, *Provided, that,* The price for the new packaging size does not exceed the freeze price prevailing for comparable commodities of comparable packaging size in the same locality.

7. Q. A firm has a price structure which includes certain discounts for higher volume purchases. A person formerly purchased a volume which entitled him to a discount. When this person purchases a lesser volume, can the firm charge the applicable higher price? In other words, may prices be changed so long as the rate structure on which they are based is not changed?

A. Yes. During the freeze, customers may be charged in accordance with rate schedules in effect during the freeze base period. However, firms may not increase the rates set out in those schedules.

8. Q. Are goods and services sold overseas by U.S. firms to U.S. government installations exempt from the freeze?

A. No. Prices of goods and services sold by U.S. suppliers or manufacturers to United States Government installations overseas are not considered as exports and are subject to the freeze.

9. Q. Can retail stores discontinue trading stamps during the freeze?

A. Retail outlets may discontinue trading stamps if they pass on the value of the stamps to their customers in the form of lower prices on their merchandise. Merchants can lower their prices in either of two ways. They can lower the prices of everything they sell by the value of the stamps, or, at cash registers they can deduct the value of the stamps from the prices of those items for which trading stamps would have been given. The value of the stamps is the market value at which they may be redeemed, and not the cost to the retailer.

Retailers choosing to deduct the value of stamps at cash registers on items for which they would have issued stamps, must post in a prominent place in each retail outlet at least one sign (minimum of 30" x 40"), plus a readily visible sign at each cash register, advising customers of the discontinuance of trading stamps and the reduction in total value of the merchandise they are buying.

10. Q. Prior to the freeze base period a manufacturing firm increased its prices. Some the firm's wholesale and retail customers increased their prices immediately to reflect the manufacturer's price increase while others who had large inventories did not. Consequently, on the wholesale/retail level there are two freeze base prices for the same product. May the wholesalers/retailers who did not increase their prices during the freeze base period do so now?

A. No. No seller may increase his price for a commodity above his freeze price for that commodity. Accordingly, if different sellers were charging different prices for the same commodity during the freeze base period, each seller will have his own freeze price for that commodity.

11. Q. Is rubber a raw agricultural product and, therefore, exempt from the freeze?

A. For purposes of the freeze, natural rubber in dry or latex form, not processed or modified, is exempted from the freeze until first sale. Other forms of rubber including synthetic or reclaimed rubber and rubber products are subject to freeze price rules.

12. Q. May a firm choose any seven-day period including the day of its last transaction prior to the freeze if it had no shipments during the freeze base period, June 1 through 8?

A. No. A firm should go back in time by seven-day periods until it reaches a period during which there was a transaction. The first such period would be Friday, May 25 through Thursday, May 31. Each successive

period would also be during a period beginning on a Friday and ending on a Thursday.

13. Q. May an insurance company implement a manual rate revision during the freeze period if the overall effect of that revision is to produce a reduction in premium even though increases may result for individual persons?

A. Yes. An insurer may put into effect an overall manual rate reduction for a specific class of purchasers even though the rates for some members within that class may increase.

14. Q. May an insurance company increase premiums during the freeze period to reflect the cost of new benefits which have been mandated by the State legislature?

A. No. An insurance company may not increase premiums to reflect the additional cost of statutory benefits which the Workmen's Compensation policy must provide to injured workmen.

15. Q. Under certain retrospective rating formulas the insurance charge, basic premium ratio, and loss conversion factor are determined at the inception of the retrospective plan. If the retrospective plan expires during the freeze period, may the retrospective premium be adjusted according to the preestablished factors?

A. A retrospective premium determination for an expired policy period ending during the freeze period may not reflect any cost increases incurred during the freeze period. A retrospective premium determination for an expired policy period ending prior to June 12, 1973, may be made provided all of the cost increases were incurred prior to the freeze.

[FR Doc.73-13516 Filed 6-29-73;10:12 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers—Commodity Futures

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743, Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director, Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

COMMODITY FUTURES

1. Q. What commodity futures contracts are covered by the freeze regulations?

A. First, if the sale of the commodity itself is exempt (e.g. unprocessed raw agricultural products such as wheat) the sale of the commodity future is exempt. If the sale of the commodity itself is subject to the freeze, such as soybean meal and oil, silver, copper, frozen pork bellies, two rules apply:

(1) The sale of the commodity future is exempt but any delivery pursuant to the futures contract may not be at a price higher than the freeze price. This rule continues to apply to deliveries which take place before July 4.

(2) Effective July 4, futures contracts maturing thereafter in July and in August are subject to a commodity futures ceiling price as computed by the exchange on which the commodity is traded.

2. Q. How is the commodity futures ceiling price computed?

A. The ceiling price for futures contracts which mature in July and August and which are not exempt is the highest price at or above which at least 10% of the volume of that commodity was priced in trading in the nearest future during the freeze base period, June 1 through 8. The nearest future is the July future open during that period, or if no July future was open, the August future then open is the nearest future.

3. Q. What is the ceiling price for a commodity traded on more than one exchange?

A. Each exchange computes a ceiling price for its traded commodities. There is to be one ceiling price for each commodity on each exchange; e.g., sugar at Los Angeles may have a ceiling price different from that of sugar at New York City.

4. Q. Does the ceiling price regulation for commodity futures affect meat futures?

A. Yes. The same rules outlined in the Q & A's above apply to meat futures. The ceiling price is calculated on the basis of trading during the June 1 through 8 freeze base period.

[FR Doc.73-13554 Filed 6-29-73;12:05 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 29, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
No. 11

1. Q. Prior to the freeze, a domestic firm placed orders for goods from a foreign manufacturer. The goods were shipped by the manufacturer before the freeze began but not received by the firm until after June 12. The contract price for this transaction was higher than that for the immediately preceding transaction. May the higher price of the goods be passed on to purchasers?

A. Yes. Importers and resellers of imports may pass on increases in the landed costs for imported commodities incurred after June 12, 1973 on a dollar-for-dollar basis so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. For the purpose of this rule, the cost increases are considered to be incurred by the importers when they receive the commodities. The provisions of the import rule apply to all imports received after June 12, but do not apply to goods in inventory on that date.

2. Q. What increases in the prices of imported commodities may be passed on to purchasers under the freeze rules for imports?

A. The freeze price of an imported commodity may be increased by an amount equivalent to increases in the landed cost of that commodity if the commodity is received after June 12, 1973. Costs which may be passed on include increases caused by appreciation of foreign currencies in relation to the dollar, increases in U.S. custom duties and tariffs on the foreign commodities, increases in the charges for transporting the commodities to the United States as well as any increase in the price charged for the commodities by a foreign seller. These increases may be passed on to purchasers but shall not be considered in calculating markups for the transaction price of the import.

[FR Doc.73-13661 Filed 7-2-73;10:13 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970), as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 29, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by added the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
No. 12

1. Q. Are goods and services offered by the U.S. government and military installations subject to freeze price rules?

A. Yes. In addition, prices of goods and services sold by U.S. suppliers or manufacturers to U.S. government and military

installations overseas are not considered exports and are subject to the freeze price rules. Military commissary stores, post-exchange operations and other commercial activities are subject to the freeze price rules.

Following are excerpts of a memorandum sent by Leo E. Benade, Lieutenant General, USA, Deputy Assistant Secretary of Defense to the assistant secretaries of the military departments, and the directors of the defense agencies:

"The present Cost of Living Council Freeze Regulations require, in effect, that prices charged by the subject activities be frozen. Accordingly, the regulations contained in reference (d) (Title 6, Economic Stabilization Regulations, Part 140, Cost of Living Council Freeze Regulations, (Issued June 13, 1973)) will be complied with by all military morale, welfare and recreational activities, including commissary stores within the United States and the District of Columbia.

"The requirement to comply with subpart M of the Economic Stabilization Regulations pertaining to meat price ceilings, as promulgated by reference (c) (OASD(M&RA) Memorandum, "Application of Temporary Meat Ceiling Prices to Military Resale Activities," April 6, 1973), remains in effect.

"The post freeze program (Phase IV) is expected to require tighter standards and a wider spread of mandatory controls. Upon publication of detailed instructions by the Cost of Living Council, this office will publish implementing instructions where appropriate."

[FR Doc.73-13660 Filed 7-2-73;10:13 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 11]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the National School Lunch Program is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the National School Lunch Program regulations are amended as follows:

In § 210.20, paragraphs (a) through (e) are revised to read as follows:

§ 210.20 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1101 Commerce Street, Room 5-D-22, Dallas, Texas, 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.555 National Archives Reference Services).

Effective date. This amendment shall become effective July 1, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13491 Filed 7-2-73;8:45 am]

[Amdt. 8]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Special Milk Program for Children is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Milk Program for Children regulations are amended as follows:

In § 215.16, paragraphs (a) through (e) are revised to read as follows:

§ 215.16 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, N.J. 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

Effective Date. This amendment shall become effective July 1, 1973, except that the effective date for all FNSRO-administered programs which operate only in the summer, shall be September 30, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13494 Filed 7-2-73;8:45 am]

[Amdt. 8]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definitions of "School"

The purpose of this amendment to the regulations governing the Special Milk Program for Children (7 CFR Part 215) is to revise the definition of "school" and to prescribe a uniform rate of reimbursement for all participating schools and institutions which have pricing programs. This action is taken based on the reduced funding level available for the Special Milk Program for Children under the act making continuing appropriations for the Department of Agriculture for fiscal year 1974. The funding level for the Special Milk Program for Children has been reduced to exclude from participation in the Program schools which provide a food service to attending children, inasmuch as such schools serve

milk as a basic component of their lunch or breakfast programs.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because of the need to make this amendment effective as soon as possible to avoid financial uncertainty about the Special Milk Program for Children in the fiscal year beginning July 1, 1973.

Accordingly, the Special Milk Program for Children regulations are amended as follows:

1. In § 215.2 paragraph (v) is amended by adding the phrase, "which provides no food service to attending children." at the end of the first sentence of such paragraph.

2. In § 215.8 paragraphs (a) and (b) are revised to read as follows:

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for serivce to children by participating schools and child-care institutions.

(b) In pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State agency, or FNSRO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no event shall distribution costs be allowed above 1½ cents per half pint. When milk is purchased at more than one price, the price to the child shall be based on the lowest cost milk.

* * * * *

Effective date. This amendment shall become effective July 1, 1973.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services).

Dated: June 29, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13652 Filed 7-2-73;9:08 am]

[Amdt. 14]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses regulations are amended as follows:

In § 220.29, paragraphs (a) through (e) are revised to read as follows:

§ 220.29 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

Effective Date. This amendment shall become effective July 1, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13492 Filed 7-2-73;8:45 am]

[Amdt. 6]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Special Food Service Program for Children is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Food Service Program for Children regulations are amended as follows:

In § 225.23, paragraphs (a) through (e) are revised to read as follows:

§ 225.23 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

Effective Date. This amendment shall become effective July 1, 1973, except that the effective date for all FNSRO-administered special summer programs shall be September 30, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13493 Filed 7-2-73;8:45 am]

[Amdt. 16]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Realignment of Regional Boundaries

So that FNS regional boundaries will conform to the standard Federal Regional System, a realignment of States, Territories, or Possessions is necessary. Excepted from the realignment are Puerto Rico and the Virgin Islands which will not be transferred to the Northeast Region at this time. Therefore, § 250.11 of this part is amended to show the current names and addresses of offices and the realignment of States, Territories or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligation of any member of the public. Accordingly, under the adminstrative procedure provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

§ 250.11 Where to obtain information.

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, New Jersey 08550, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street N.W., Atlanta, Georgia 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, Illinois 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202, for the following States: Arizona (Navajo Nation only), Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA 550 Kearny Street, Room 400, San Francisco, California 94108, for the following States, Territories, or Possessions: Alaska, American Samoa, Arizona (except the Navajo Nation), California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, Washington. (Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services)

The foregoing shall become effective on July 1, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13497 Filed 7-2-73; 8:45 am]

[Amdt. 4]

PART 265—PILOT FOOD CERTIFICATE PROGRAM REGULATIONS

Realignment of Regional Boundaries

So that FNS Regional boundaries will conform to the standard Federal Regional System, a realignment of States, Terirtories, or Possessions is necessary. Excepted from the realignment are Puerto Rico and the Virgin Islands which will not be transferred to the Northeast Region at this time. Therefore, paragraph (g) of § 265.12 of this part is amended to show the current names and addresses of offices and the realignment of States, Territories, or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

§ 265.12 Miscellaneous provisions.

* * * * *

(g) All plans, applications, notices, and other documents required by this part to be forwarded to FNS, shall be sent to the local FNS Field Office or to the appropriate FNS Regional Office for the pilot area, as indicated below:

(1) For the Pilot areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Food and Nutrition Service, U.S. Department of Agriculture, Northeast Region, 707 Alexander Road, Princeton, New Jersey 08550.

(2) For pilot areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands. Food and Nutrition Service, U.S. Department of Agriculture, Southeast Region, 1100 Spring Street, N.W., Atlanta, Georgia 30309.

(3) For pilot areas in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Food and Nutrition Service, U.S. Department of Agriculture, Midwest Region, 536 South Clark Street, Chicago, Illinois 60605.

(4) For pilot areas in Arizona (Navajo Nation only), Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Food and Nutrition Service, U.S. Department of Agriculture, West-Central Region, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) For pilot areas in Alaska, American Samoa, Arizona, (except the Navajo Nation); California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, and Washington. Food and Nutrition Service, U.S. Department of Agriculture, Western Region, 550 Kearney Street, Room 400, San Francisco, California 94108.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Service)

The foregoing amendment shall become effective on July 1, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13498 Filed 7-2-73;8:45 am]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Food Stamp Program; Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Food Stamp Program is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Food Stamp regulations are amended as follows:

In § 270.5(b), subparagraphs (1) through (5) are revised to read as follows:

§ 270.5 Miscellaneous provisions

* * * * *

(b) * * *

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia,

and West Virginia. Northeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 707 Alexander Road, Princeton, New Jersey 08540.

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1100 Spring Street, N.W., Room 200, Atlanta, Georgia 30309.

(3) For project areas in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 536 South Clark Street, Chicago, Illinois 60605.

(4) For project areas in Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) For project areas in Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Effective Date. This Amendment shall become effective July 1, 1973.

JUNE 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13496 Filed 7-2-73;8:45 am]

[Amdt. 2]

PART 295—AVAILABILITY OF INFORMATION TO THE PUBLIC

Realignment of Regional Offices

The purpose of this amendment to the regulations governing the Availability of Information to the Public is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Pursuant to Title 5, United States Code, section 552, paragraph (b), of § 295.10 is revised to read as follows:

§ 295.10 Addresses of offices.

* * * * *

(b) Requests made to Regional Offices should be addressed to the Regional Administrator of the appropriate Office, as follows:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, NJ 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street, NW, Room 200, Atlanta, GA 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, IL 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, TX 75202, for the following States: Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA, 550 Kearny Street, Room 400, San Francisco, CA 94108, for the following States: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and the Trust Territories of the Pacific.

Effective date. This amendment shall become effective July 1, 1973.

Dated: June 26, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-13495 Filed 7-2-73;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Order Suspending Certain Provisions

(a) *Findings.* (1) Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the Order (7 CFR Part 1201) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, and upon the basis of the recommendation of the Control Committee established under the aforesaid order, and other available information, it is hereby found and determined that the provisions of § 1201.53 of the order imposing a restriction on the handling of tobacco leaves obstructs or does not tend to effectuate the declared policy of the act for the 1973-74 crop year, and that the suspension of the section will tend to effectuate the declared policy of the act for the 1973-74 crop year.

(2) The 1973 crop of Type 62 tobacco has been damaged by excessive rainfall since transplanting. Heavy leaching of plant nutrients has occurred and fertilizer shortages have hampered replacement of the lost nutrients. The crop varies from field to field and it is probable that no grower will harvest over an average of 18 leaves per plant. In view of the damage to the crop, there is no need to continue the restriction on the number of leaves which may be handled this year.

(3) It is hereby further determined that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time when the recommendation and information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; the harvest of the 1973 crop is in progress and will be completed in the immediate future; this action will assure equitable treatment for all growers since they are in varying stages of completion of harvest; compliance with this section will not require any special preparation on the part of persons affected thereby which cannot be completed by the effective time thereof; and this modification relieves restrictions on the handling of Type 62 shade-grown cigar-leaf tobacco and should become effective as herein provided.

(b) *Order.* The provisions of § 1201.53 are hereby suspended for the 1973-74 crop year.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 28, 1973, to become effective June 3, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13486 Filed 7-2-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 447.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart L—Watershed Loan

LOAN CLOSING

Section 1823.356 (d), Subpart L of Part 1823, Title 7, Code of Federal Regulations, 35 FR 15091, is amended to permit loan closing when suits, appeals or judgments are pending against the applicant,

provided the State Director determines that such will not be detrimental to the Government's interest. In accordance with 5 U.S.C. 553, notice of proposed rule making is not being published. Such notice is unnecessary inasmuch as the amendment is being made for the purpose of clarifying the existing regulation.

As amended, § 1823.356 (d) will read as follows:

§ 1823.356 Loan closing.

* * * * *

(d) *Loan closing procedures.* Loans will be closed in accordance with the closing instructions issued by the OGC. Checks will be ordered in the same manner as direct loan checks for loans to associations. Bonds should be registered wherever possible. When State laws require bonds to be made payable to the bearer, they should be handled in accordance with procedure issued by the National Office. At the time of loan closing, the applicant's attorney must submit a certificate that no suits, appeals, or judgments are pending against it. However, the loan may be closed if the State Director, upon advice of the Regional Attorney, determine that the existence of any pending claims, appeals, or judgments will not be detrimental to the Government's interest. The note or bond will be dated the date of loan closing.

* * * * *

Effective date: July 3, 1973.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Sec. of Agr., 29 FR 16210; Order of Sec. of Agr., 36 FR 22008; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 FR 21529)

Dated: June 14, 1973.

J. R. HANSON,
Acting Deputy Administrator, Farmers Home Administration.

[FR Doc.73-13490 Filed 7-2-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

Clarification of Definition of Immediate Family

The enforcement of the Farm Labor Contractor Registration Act has been transferred to the Wage and Hour Division. Under that Act, certain farm labor contractors (crew leaders) who operate interstate must observe specified rules in dealing with workers and employers. One of the conditions for coverage under the Act relates to the number of migrant workers involved, excluding members of the contractor's immediate family. Part 40.2(f) of 29 CFR defines the term "immediate family."

A test that excludes the "parent, spouse, child or other member of the employer's immediate family" is also used in determining coverage of farm workers under the Fair Labor Standards Act, which is enforced by the Wage and Hour Division. Since most migrant farm workers are covered by both Acts, it is desirable that the term "immediate family" be applied uniformly. Accordingly, I hereby amend the definition of this term as set forth below. The amended definition will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination, that it is incorrect.

Administrative procedure provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective on July 3, 1973.

As amended, § 780.308 will read as follows:

§ 780.308 Definition of immediate family.

The Act does not define the scope of "immediate family." Wehther an individual other than a parent, spouse or child will be considered as a member of the employer's immediate family, for purposes of sections 3(e)(1) and 13(a)(6)(b), does not depend on the fact that he is related by blood or marriage. Other than a parent, spouse or child, only the following persons will be considered to qualify as part of the employer's immediate family: step-children, foster children, step-parents and foster parents. Other relatives, even when living permanently in the same household as the employer, will not be considered to be part of the "immediate family."

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213)

Signed at Washington, D.C., this 27th day of June 1973.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.73-13480 Filed 7-2-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTION PLANS

Limitation of Illinois Implementation Plan to Metropolitan Chicago Interstate Region

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. This amendment to the Illinois approval/disapproval notice results from further evaluation of the Illinois plan by the Administrator subsequent to the issuance of the approval/disapproval notices.

The Administrator originally disapproved the Illinois regulation establishing emission standards and limitations for fuel combustion emission sources using solid fuel exclusively as not meeting the requirements of § 51.22 of this chapter for the entire State of Illinois. Disapproval of the regulation for the entire State was inappropriate since the unenforceability of the regulation by the State agency against residential and commercial solid fuel users only exists in the Metropolitan Chicago Interstate Region. This revision, therefore, is necessary to correct the previous disapproval to limit its scope only to that subsection of the regulation applicable in the Metropolitan Chicago Interstate Region.

This regulation is effective on July 3, 1973. The Agency finds that good cause exists for not publishing this regulation as a notice of proposed rule making and for making it effective immediately upon publication, because the regulation is only a correction of the notices of approval/disapproval of State implementation plans promulgated in the May 31, 1972, issue of the FEDERAL REGISTER.

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart O—Illinois

1. Section 52.276(a) is revised to read as follows:

§ 52.726 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the particulate matter fuel combustion emission limitation in Chapter 2, Part II, rule 203(g)(1)(A) of the Illinois Pollution Control Board Rules and Regulations, which is necessary for attainment and maintenance of the national standards for particulate matter and sulfur oxides in the Illinois portion of the Metropolitan Chicago Interstate Region, is not enforceable by the State agency on residential and commercial solid fuel users.

[FR Doc.73-13545 Filed 7-2-73;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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Self Employment

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 2, 1973. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 2, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of sections 115(b)(2), 118(a), 122 (b) and (c), and 502(b) of the Social Security Amendments of 1967 (81 Stat. 839, 841, 843, 844, 934), section 203(b)(1) of the Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10), sections 203(b)(1) and 204 (a)(1) and (b)(1) of the Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418, 420, 421), and section 135 (a)(1) and (b)(1) of the Social Security Amendments of 1972 (86 Stat. 1362, 1363).

Several of the above statutory amendments revised the rates and earnings base of the tax on self-employment income. For taxable years beginning after 1974, the taxable earnings base may be increased by the Secretary of the Department of Health, Education, and Welfare under section 230 of the Social Security Act if he provides a cost-of-living increase in benefits under section 215(i) of that Act.

Under prior law, the term "trade or business", for self-employment tax purposes, did not include the performance of services by a minister, a member of a religious order, or a Christian Science practitioner in his capacity as such unless such individual (other than a member of a religious order under a vow of poverty) elected to have the social security program extended to him in respect of such services. Under present law such service constitutes a trade or business (except in the case of a member of a religious order under a vow of poverty) unless the individual is granted an exemption from the tax on self-employment income in respect of such service. To qualify for the exemption an individual must be conscientiously opposed to, or because of religious principles be opposed to, the acceptance (with respect to service performed by him in his capacity as a minister, member, or Christian Science practitioner) of any public insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance established by the Social Security Act). Based on the legislative history of section 115(b)(2) of the Social Security Amendments of 1967, the proposed regulations require that this conscientious opposition be based on religious grounds.

Applications for exemption must be made by the later of (1) the due date of the return (including any extension thereof) for the second taxable year for which the clergyman has at least $400 of net earnings from self-employment, or (2) the due date of the return (including any extension thereof) for his second taxable year ending after 1967. For this purpose, if a clergyman's last original return filed before the expiration of the application period shows no liability for tax on self-employment income, that return will be treated as an application for exemption, provided that, before the 60th day after final regulations are published, he files a Form 4361, the form specified for use as an application for exemption.

Under prior law, the term "trade or business", for self-employment tax purposes, did not include the performance of the functions of a public office or service performed by an individual as an employee of a State or a political subdivision. The amendment placed a minor limitation on the scope of these exclusions thereby providing coverage to certain individuals performing service for a State or a political subdivision thereof in a position compensated solely on a fee basis.

Retirement payments made by a partnership to a retired partner are excluded from net earnings from self-employment provided certain conditions (designed to assure that the payments are bona fide retirement income) are met. Generally speaking, the treatment accorded such payments is similar to that accorded retirement income under the Federal Insurance Contributions Act.

A credit or refund is provided, under certain circumstances, in respect of the hospital insurance tax in the case of a railroad employee or employee representative subject to tax under the Railroad Retirement Tax Act who is also subject to tax under the Federal Insurance Contributions Act. If such an employee or employee representative has net earnings from self-employment, his taxable railroad compensation is taken into account in computing self-employment income. The purpose of these changes was to prevent the imposition of a double tax burden on an individual with respect to hospital insurance.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 1401 and 1402 of the Internal Revenue Code of 1954 to sections 115(b)(2), 118(a), 122 (b) and (c), and 502(b) of the Social Security Amendments of 1967 (81 Stat. 839, 841, 843, 844, 934), section 203(b)(1) of the Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10), sections 203(b)(1) and 204 (a)(1) and (b)(1) of the Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418, 420, 421), and section 135 (a)(1) and (b)(1) of the Social Security Amendments of 1972 (86 Stat. 1362, 1363), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1401 is amended by revising paragraph (3) of section 1401(a), by revising paragraphs (2), (3), (4), and (5) of section 1401(b), and by revising the historical note to read as follows:

§ 1.1401 Statutory provisions; rate of tax on self-employment income.

Sec. 1401. *Rate of tax*—(a) *Old-age, survivors, and disability insurance.* * * *

(3) In the case of any taxable year beginning after December 31, 1970, and before January 1, 1973, the tax shall be equal to 6.9 percent of the amount of the self-employment income for such taxable year;

* * * * *

(b) *Hospital insurance.* * * *

(2) In the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

(3) In the case of any taxable year beginning after December 31, 1977, and before January 1, 1981, the tax shall be equal to 1.25 percent of the amount of the self-employment income for such taxable year;

(4) In the case of any taxable year beginning after December 31, 1980, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year;

(5) In the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.45 percent of the amount of the self-employment income for such taxable year.

[Sec. 1401 as amended by sec. 208(a), Social Security Amendments 1954 (68 Stat. 1093); sec. 202(a), Social Security Amendments 1956 (70 Stat. 845); sec. 401(a), Social Security Amendments 1958 (72 Stat. 1041); sec. 201(a), Social Security Amendments 1961 (75 Stat. 140); secs. 111(c)(4) and 321(a), Social Security Amendments 1965 (79 Stat. 342, 394); sec. 109 (a)(1) and (b)(1), Social Security Amendments 1967 (81 Stat. 835); sec. 204 (a)(1) and (b)(1), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 420, 421); sec. 135 (a)(1) and (b)(1), Social Security Amendments 1972 (86 Stat. 1362, 1363)]

PAR. 2. Section 1.1401-1 is amended by revising subparagraph (2) of paragraph (b), to read as follows:

§ 1.1401-1 Tax on self-employment income.

(b) The rates of tax on self-employment income are as follows:

* * * * *

(2) For hospital insurance:

Taxable year	*Percent*
Beginning after December 31, 1965 and before January 1, 1967	0.35
Beginning after December 31, 1966 and before January 1, 1968	.50
Beginning after December 31, 1967 and before January 1, 1973	.60
Beginning after December 31, 1972 and before January 1, 1978	1.0
Beginning after December 31, 1977, and before January 1, 1981	1.25
Beginning after December 31, 1980, and before January 1, 1986	1.35
Beginning after December 31, 1985	1.45

* * * * *

PAR. 3. Section 1.1402(a) is amended by revising paragraphs (8) and (9) of section 1402(a), by adding a new paragraph (10) immediately after such paragraph (9), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1402(a) Statutory provisions; definitions; net earnings from self-employment.

Sec. 1402. *Definitions*—(a) *Net earnings from self-employment.* * * *

(8) An individual who is a duly ordained, commissioned, or licensed minister of a church or a member of a religious order shall compute his net earnings from self-employment derived from the performance of service described in subsection (c)(4) without regard to section 107 (relating to rental value of parsonages) and section 119 (relating to meals and lodging furnished for the convenience of the employer) and, in addition, if he is a citizen of the United States performing such service as an employee of an American employer (as defined in section 3121(h)) or as a minister in a foreign country who has a congregation which is composed predominantly of citizens of the United States, without regard to section 911 (relating to earned income from sources without the United States) and section 931 (relating to income from sources within possessions of the United States);

(9) The term "possession of the United States" as used in sections 931 (relating to income from sources within possessions of the United States) and 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa; and

(10) There shall be excluded amounts received by a partner pursuant to a written plan of the partnership, which meets such requirements as are prescribed by the Secretary or his delegate, and which provides for payments on account of retirement, on a periodic basis, to partners generally or to a class or classes of partners, such payments to continue at least until such partner's death, if—

(A) Such partner rendered no services with respect to any trade or business carried on by such partnership (or its successors) during the taxable year of such partnership (or its successors), ending within or with his taxable year, in which such amounts were received, and

(B) No obligation exists (as of the close of the partnership's taxable year referred to in subparagraph (A)) from the other partners to such partner except with respect to retirement payments under such plan, and

(C) Such partner's share, if any, of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in subparagraph (A).

[Sec. 1402 (a) as amended by sec. 201 (a) and (c) (4), Social Security Amendments 1954 (68 Stat. 1087, 1089); sec. 201 (e) (2), (g), and (i), Social Security Amendments 1956 (70 Stat. 840-842); sec. 5 (b), Act of Aug. 30, 1957 (Pub. Law 85-239, 71 Stat. 523); sec. 103 (k), Social Security Amendments 1960 (74 Stat. 938); sec. 227, Rev. Act 1964 (78 Stat. 97); sec. 312 (b), Social Security Amendments 1965 (79 Stat. 381); sec. 118 (a), Social Security Amendments 1967]

PAR. 4. The portion of paragraph (a) of § 1.1402 (a)-1 which precedes subparagraph (1) of such paragraph is amended to read as follows:

§ 1.1402 (a)-1 Definition of net earnings from self-employment.

(a) Subject to the special rules set forth in §§ 1.1402 (a)-3 to 1.1402 (a)-17, inclusive, and to the exclusions set forth in §§ 1.1402 (c)-2 to 1.1402 (c)-7, inclusive, the term "net earnings from self-employment" means—

* * * * *

PAR. 5. Paragraphs (c) and (d) of § 1.1402(a)-2 are amended to read as follows:

§ 1.1402(a)-2 Computation of net earnings from self-employment.

* * * * *

(c) *Aggregate net earnings*—Where an individual is engaged in more than one trade or business within the meaning of section 1402(c) and § 1.1402(c)-1, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in §§ 1.1402(a)-1 to 1.1402(a)-17 inclusive) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

(d) *Partnerships*—The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the income or loss, described in section 702(a)(9), from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of such income or loss of a partnership shall be determined as provided in section 704, subject to the special rules set forth in section 1402(a) and in §§ 1.1402(a)-1 to 1.1402(a)-17, inclusive, and to the exclusions provided in section 1402(c) and §§ 1.1402(c)-2 to 1:1402(c)-7, inclusive. For provisions relating to the computation of the taxable income of a partnership, see section 703.

* * * * *

PAR. 6. Section 1.1402 (a)-3 is amended to read as follows:

§ 1.1402 (a)-3 Special rules for computing net earnings from self-employment.

For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the income or loss, described in section 702 (a) (9), from any trade or business carrier on by a partnership of which he is a member shall be computed in accordance with the special rules set forth in §§ 1.1402 (a)-4 to 1.1402 (a)-17, inclusive.

PAR. 7. The following section is added immediately after § 1.1402 (a)-16.

§ 1.1402 (a)-17 Retirement payments to retired partners.

(a) *In general*—There shall be excluded, in computing net earnings from self-employment for taxable years ending on or after December 31, 1967, certain payments made on a periodic basis by a partnership, pursuant to a written plan of the partnership, to a retired partner on account of his retirement. The exclusion applies only if the payments are made pursuant to a plan which meets the requirements prescribed in paragraph (b) of this section, and, in addition, the conditions set forth in paragraph (c) of this section are met.

(b) *Retirement plan of partnership*—(1) To meet the requirements of section

1402(a)(10), the written plan of the partnership must set forth the terms and conditions of the program or system established by the partnership for the purpose of making payments to retired partners on account of their retirement. To qualify as payments on account of retirement, the payments must constitute bona fide retirement income. Thus, payments of benefits not customarily included in a pension or retirement plan such as layoff benefits are not payments on account of retirement. Eligibility for retirement generally is established on the basis of age, physical condition, or a combination of age or physical condition and years of service. Generally, retirement benefits are measured by, and based on, such factors as years of service and compensation received. In determining whether the plan of the partnership provides for payments on account of retirement, factors, formulas, etc., reflected in public, and in broad based private, pension or retirement plans in prescribing eligibility requirements and in computing benefits may be taken into account.

(2) The plan of the partnership must provide for payments on account of retirement—

(i) To partners generally or to a class or classes of partners,

(ii) On a periodic basis, and

(iii) Which continue at least until the partner's death.

For purposes of subdivision (i) of this subparagraph, a class of partners may, in an appropriate case, contain only one member. Payments are made on a periodic basis if made at regularly recurring intervals (usually monthly) not exceeding one year.

(c) *Conditions relating to exclusion*—(1) *In general*—A payment made pursuant to a written plan of a partnership which meets the requirements of paragraph (b) of this section shall be excluded, in computing net earnings from self-employment, only if—

(i) The retired partner to whom the payment is made rendered no service with respect to any trade or business carried on by the partnership (or its successors) during the taxable year of the partnership (or its successors), which ends within or with the taxable year of the retired partner and in which the payment was received by him;

(ii) No obligation (whether certain in amount or contingent on a subsequent event) exists (as of the close of the partnership's taxable year referred to in subdivision (i) of this subparagraph) from the other partners to the retired partner except with respect to retirement payments under the plan or rights such as benefits payable on account of sickness, accident, hospitalization, medical expenses, or death; and

(iii) The retired partner's share (if any) of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in subdivision (i) of this subparagraph.

By application of the conditions set forth in this subparagraph, either all payments on account of retirement received by a retired partner during the taxable year of the partnership ending within or with his taxable year are excluded or none of the payments are excluded. Subdivision (ii) of this subparagraph has application only to obligations from other partners in their capacity as partners as distinguished from an obligation which arose and exists from a transaction unrelated to the partnership or to a trade or business carried on by the partnership. The effect of the conditions set forth in subdivisions (ii) and (iii) of this subparagraph is that the exclusion may apply with respect to payments received by a retired partner during the taxable year of the partnership ending within or with his taxable year only if at the close of the partnership's taxable year the retired partner had no financial interest in the partnership except for the right to retirement payments.

(2) *Examples*—The application of subparagraph (1) of this paragraph may be illustrated by the following examples. Each example assumes that the partnership plan pursuant to which the payments are made meets the requirements of paragraph (b) of this section.

Example (1). A, who files his income tax returns on a calendar year basis, is a partner in the ABC partnership. The taxable year of the partnership is the period July 1 to June 30, inclusive. A retired from the partnership on January 1, 1973, and receives monthly payments on account of his retirement. As of June 30, 1973, no obligation existed from the other partners to A (except with respect to retirement payments under the plan) and A's share of the capital of the partnership had been paid to him in full. The monthly retirement payments received by A from the partnership in his taxable year ending on December 31, 1973, are not excluded from net earnings from self-employment since A rendered service to the partnership during a portion of the partnership's taxable year (July 1, 1972, through June 30, 1973) which ends within A's taxable year ending on December 31, 1973.

Example (2). D, a partner in the DEF partnership, retired from the partnership as of the close of December 31, 1972. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1973, D rendered no service with respect to any trade or business carried on by the partnership. On or before December 31, 1973, all obligations (other than with respect to retirement payments under the plan) from the other partners to D have been liquidated, and D's share of the capital of the partnership has been paid to him. Retirement payments received by D pursuant to the partnership's plan in his taxable year ending December 31, 1973, are excluded in determining his net earnings from self-employment (if any) for that taxable year.

Example (3). Assume the same facts as in example (2) except that as of the close of December 31, 1973, D has a right to a fixed percentage of any amounts collected by the partnership after that date which are attributable to services rendered by him prior to his retirement for clients of the partnership. The monthly payments received by D in his taxable year ending December 31, 1973, are not excluded from net earnings from self-employment since as of the close of the partnership's taxable year which ends with D's taxable year, an obligation (other than an obligation with respect to retirement payments) exists from the other partners to D.

PAR. 8. Section 1.1402(b) is amended by revising subparagraph (E) and adding subparagraphs (F), (G), (H) and (I) of paragraph (1), and by revising the flush material following paragraph (2) of section 1402(b) and the historical note to read as follows:

§ 1.1402 (b) Statutory provisions; definitions; self-employment income.

Sec. 1402. *Definitions.* * * *

(b) *Self-employment income.* * * *

(1) * * *

(E) For any taxable year ending after 1967 and beginning before 1972, (i) $7,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(F) For any taxable year beginning after 1971 and before 1973, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(G) For any taxable year beginning after 1972 and before 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(H) For any taxable year beginning after 1973 and before 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(I) For any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For purposes of clause (1), the term "wages" (A) includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees), or under an agreement entered into pursuant to the provisions of section 3121(l) (relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations), as would be wages under section 3121(a) if such services constituted employment under section 3121(b), and (B) includes, but solely with respect to the tax imposed by section 1401 (b), compensation which is subject to the tax imposed by section 3201 or 3211. An individual who is not a citizen of the United States but who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa shall not, for purposes of this chapter, be considered to be a nonresident alien individual.

[Sec. 1402(b) as amended by sec. 201(b), Social Security Amendments 1954 (68 Stat. 1033); sec. 402(a), Social Security Amendments 1958 (72 Stat. 1042); sec. 103(1), Social Security Amendments 1960 (74 Stat. 938); sec. 320(b)(1), Social Security Amendments 1965 (79 Stat. 393); secs. 103(b)(1) and 502(b), Social Security Amendments 1967 (81 Stat. 835, 934); sec. 203(b)(1), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10); sec. 203(b)(1), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418)]

PAR. 9. Paragraphs (b) and (c) of § 1.1402(b)-1 are amended to read as follows:

§ 1.1402(b)-1 Self-employment income.

* * * * *

(b) *Maximum self-employment income*—(1) *General rule*—Subject to the special rules described in subparagraph

(2) of this paragraph, the maximum self-employment income of an individual for a taxable year (whether a period of 12 months or less) is—

(i) For any taxable year beginning in a calendar year after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year; and

(ii) For any taxable year—

Ending before 1955	$3,600
Ending after 1954 and before 1959	4,200
Ending after 1958 and before 1966	4,800
Ending after 1965 and before 1968	6,600
Ending after 1967 and beginning before 1972	7,800
Beginning after 1971 and before 1973	9,000
Beginning after 1972 and before 1974	10,800
Beginning after 1973 and before 1975	12,000

(2) *Special rules*—(i) If an individual is paid wages as defined in subparagraph (3) of this paragraph in a taxable year, the maximum self-employment income for such taxable year is computed as provided in subdivision (ii) or (iii) of this subparagraph.

(ii) If an individual is paid wages as defined in subparagraph (3) (i) or (ii) of this paragraph in a taxable year, the maxmum self-employment income of such individual for such taxable year is the excess of the amounts indicated in subparagraph (1) of this paragraph over the amount of the wages, as defined in subparagraph (3) (i) and (ii) of this paragraph, paid to him during the taxable year. For example, if for his taxable year beginning in 1973, an individual has $12,000 of net earnings from self-employment and during such taxable year is paid $1,000 of wages as defined in section 3121 (a) (see subparagraph (3) (i) of this paragraph), he has $9,800 ($10,800—$1,000) of self-employment income for the taxable year.

(iii) For taxable years ending on or after December 31, 1968, wages, as defined in subparagraph (3) (iii) of this paragraph, are taken into account in determining the maximum self-employment income of an individual for purposes of the tax imposed under section 1401 (b) (hospital insurance), but not for purposes of the tax imposed under section 1401 (a) (old-age, survivors, and disability insurance). If an individual is paid wages as defined in subparagraph (3) (iii) of this paragraph in a taxable year, his maximum self-employment income for such taxable year for purposes of the tax imposed under section 1401 (a) is computed under subparagraph (1) of this paragraph or subdivision (ii) of this subparagraph (whichever is applicable), and his maximum self-employment income for such taxable year for purposes of the tax imposed under section 1401 (b) is the excess of his section 1401 (a) maximum self-employment income over the amount of wages, as defined in subparagraph (3) (iii) of this paragraph, paid to him during the taxable year. For purposes of this subdivision, wages as defined in subparagraph (3) (iii) of this paragraph are deemed paid to an individual in the period with respect to which the payment is made, that is, the period in which the compensation was earned or deemed earned within the meaning of section 3231 (e). For an explanation of the term "compensation" and for provisions relating to when compensation is earned, see the regulations under section 3231 (e) in Part 31 of this chapter (Employment Tax Regulations). The application of the rules set forth in this subdivision may be illustrated by the following example:

Example. M, a calendar-year taxpayer, has $12,000 of net earnings from self-employment for 1973 and during the taxable year is paid $1,000 of wages as defined in section 3121 (a) (see subparagraph (3) (i) of this paragraph) and $1,600 of compensation subject to tax under section 3201 (see subparagraph (3) (iii) of this paragraph). Of the $1,600 of taxable compensation, $1,200 represents compensation for services rendered in 1973 and the balance ($400) represents compensation which pursuant to the provisions of section 3231 (e) is earned or deemed earned in 1972. M's maximum self-employment income for 1973 for purposes of the tax imposed under section 1401 (a), computed as provided in subdivision (ii) of this subparagraph, is $9,800 ($10,800—$1,000), and for purposes of the tax imposed under section 1401 (b) is $8,600 ($9,800—$1,200). However, M may recompute his maximum self-employment income for 1972 for purposes of the tax imposed under section 1401 (b) by taking into account the $400 of compensation which is deemed paid in 1972.

(3) *Meaning of term "wages"*—For the purpose of the computation described in subparagraph (2) of this paragraph, the term "wages" includes:

(i) Wages as defined in section 3121 (a);

(ii) Such remuneration paid to an employee for services covered by—

(*a*) An agreement entered into pursuant to section 218 of the Social Security Act (42 U.S.C. 418), which section provides for extension of the Federal old-age, survivors and disability insurance system to State and local government employees under voluntary agreements between the States and the Secretary of Health, Education, and Welfare (Federal Security Administrator before April 11, 1953), or

(*b*) An agreement entered into pursuant to the provisions of section 3121 (l), relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations.

as would be wages under section 3121 (a) if such services constituted employment under section 3121 (b). For an explanation of the term "wages", see the regulations under section 3121 (a) in Part 31 of this chapter (Employment Tax Regulations); and

(iii) Compensation, as defined in section 3231 (e), which is subject to the employee tax imposed by section 3201 or the employee representative tax imposed by section 3211.

(c) *Minimum net earnings from self-employment*—Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may, by application of paragraph (b) (2) of this section, have less than $400 of self-employment income for purposes of the tax imposed under section 1401 (a) and the tax imposed under section 1401 (b) or may have self-employment income of $400 or more for purposes of the tax imposed under section 1401 (a) and of less than $400 for purposes of the tax imposed under section 1401 (b). This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of wages, as defined in paragraph (b) (3) of this section, paid to him during the taxable year exceed the maximum self-employment income, as set forth in paragraph (b) (1) of this section, for the taxable year. However, the result occurs only if such maximum self-employment income exceeds the amount of such wages. The application of this paragraph may be illustrated by the following example:

Example. For 1973 M, a calendar-year taxpayer, has net earnings from self-employment of $2,000 and wages (as defined in paragraph (b) (3) (i) and (ii) of this section) of $10,500. Since M's net earnings from self-employment plus his wages exceed the maximum self-employment income for 1973 ($10,800), his self-employment income for 1973 is $300 ($10,800—$10,500). If M also had wages, as defined in paragraph (b) (3) (iii) of this section, of $200, his self-employment income would be $300 for purposes of the tax imposed under section 1401(a) and $100 ($10,800—$10,700 ($10,600+$200)) for purposes of the tax imposed under section 1401(b).

For provisions relating to when wages as defined in paragraph (b) (3) (iii) of this section are treated as paid, see paragraph (b) (2) (iii) of this section.

* * * * *

PAR. 10. Section 1.1402(c) is amended by revising paragraphs (1) and (2) of section 1402(c), by revising the historical note, and by adding material following the historical note. These amended and added provisions read as follows:

§ 1.1402 (c) Statutory provisions; definitions; trade or business.

Sec. 1402. *Definitions.* * * *

(c) *Trade or business.* * * *

(1) The performance of the functions of a public office, other than the functions of a public office of a State or a political subdivision thereof with respect to fees received in any period in which the functions are performed in a position compensated solely on a fee basis and in which such functions are not covered under an agreement entered into by such State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act;

(2) The performance of service by an individual as an employee, other than—

(A) Service described in section 3121(b)(14)(B) performed by an individual who has attained the age of 18,

(B) Service described in section 3121(b)(16),

(C) Service described in section 3121(b)(11), (12), or (15) performed in the United States (as defined in section 3121(e)(2)) by a citizen of the United States,

(D) Service described in paragraph (4) of this subsection, and

(E) Service performed by an individual as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis with respect to fees received in any period in which such service is not covered under an agreement entered into by such State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act;

[Sec. 1402(c) as amended by secs. 201(c)(1), (2), and (5), and 205(e), Social Security Amendments 1954 (68 Stat. 1088, 1089, 1092); sec. 201 (e)(3) and (f), Social Security Amendments 1956 (70 Stat. 841); sec. 106(b), Social Security Amendments 1960 (74 Stat. 945); secs. 311(b) (1) and (2) and 319(a), Social Security Amendments 1965 (79 Stat. 381, 390); secs. 115(b)(1) and 122(b), Social Security Amendments 1967 (81 Stat. 839, 843)]

Sec. 122. [Social Security Amendments of 1967]. * * *

(c) [Effective dates] * * *.

(2) Notwithstanding the provisions of subsections (a) and (b) of this section, any individual who in 1968 is in a position to which the amendments made by such subsections apply may make an irrevocable election not to have such amendments apply to the fees he receives in 1968 and every year thereafter, if on or before the due date of his income tax return for 1968 (including any extensions thereof) he files with the Secretary of the Treasury or his delegate, in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe, a certificate of election of exemption from such amendments.

[Sec. 122(c)(2), Social Security Amendments 1967 (81 Stat. 844)]

PAR. 11. Section 1.1402(c)-2 is amended to read as follows:

§ 1.1402(c)-2 Public office.

(a) *General rule*—(1) Except as otherwise provided in subparagraph (2) of this paragraph, the performance of the functions of a public office does not constitute a trade or business.

(2) The performance of the functions of a public office of a State or a polictical subdivision thereof by an individual who, in the performance of the functions of such public office, is an employee, as defined in the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code), of such State or political subdivision is not, under certain circumstances, excluded from the term "trade or business" with respect to fees received by such individual after 1967. See paragraph (f) of § 1.1402 (c)-3. Since section 1402 (c) (2) (E) applies to service performed in carrying out the functions of a public office of a State or political subdivision thereof by an individual who, in the performance of such functions, is an employee of such State or political subdivision, the determination of whether service performed by such an individual in such capacity constitutes a trade or business will be made in accordance with the provisions of paragraphs (a) and (f) of § 1.1402 (c)-3. If under § 1.1402 (c)-3 service performed by such an individual in such capacity constitiutes a trade or business, the performance of the service is not excluded from the term "trade or business" under this section. Inasmuch as this subparagraph applies only in respect of service performed by individuals as employees, the performance of the functions of a public office of a State or political subdivision thereof by an individual who, in the performance of the functions of such public office, is not an employee, as defined in the Federal Insurance Contributions Act, does not constitute a trade or business.

(b) *Meaning of public office*—The term "public office" includes any elective or appointive office of the United States or any possession thereof, of the District of Columbia, of a State or its political subdivisions, or of a wholly-owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a justice of the peace, a county or city attorney, a marshal, a sheriff, a constable, a registrar of deeds, or a notary public performs the functions of a public office.

PAR. 12. Section 1.1402(c)-3 is amended by revising paragraph (a) and by adding a new paragraph (f) immediately after paragraph (e). These amended and added provisions read as follows:

§ 1.1402 (c)-3 Employees.

(a) *General rule*—Generally, the performance of service by an individual as an employee, as defined in the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code) does not constitute a trade or business within the meaning of section 1402 (c) and § 1.1402 (c)-1. However, in five cases set forth in paragraphs (b) to (f), inclusive, of this section, the performance of service by an individual is considered to constitute a trade or business within the meaning of section 1402(c) and § 1.1402(c)-1. (As to when an individual is an employee, see section 3121 (d) and (o) and the regulations thereunder in Part 31 of this chapter (Employment Tax Regulations).)

* * * * *

(f) *State and local government employees compensated on fee basis*—(1) *In general.* (i) Section 1402(c)(2)(E) and this paragraph are applicable only with respect to fees received by an individual after 1967 for service performed by him as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis. For purposes of this paragraph, the term "position" includes a public office (see paragraph (b) of § 1.1402(c)-2). If an individual performs service for a State or a political subdivision thereof in more than one position, each position is treated separately for purposes of determining whether the service performed in such position is performed by an employee and whether compensation for service performed in the position is solely on a fee basis.

(ii) If an individual receives fees after 1967 for service performed by him as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis, the service for which such fees are received constitutes a trade or business within the meaning of section 1402(c) and § 1.1402(c)-1 except that if service performed in such position is covered under an agreement entered into by the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act at the time a fee is received, the service to which such fee relates does not constitute a trade or business. See also paragraph (a) of § 1.1402(c)-2, relating, in part, to the performance of the functions of a public office of a State or a political subdivision thereof by an individual as an employee.

(2) *Election with respect to fees received in 1968*—(i) Any individual who in 1968 receives fees for service as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis may elect, if the performance of the service for which such fees are received constitutes a trade or business pursuant to the provisions of subparagraph (1) of this paragraph, to have such performance of service treated as excluded from the term "trade or business" for the purpose of the tax on self-employment income, pursuant to the provisions of section 122(c)(2) of the Social Security Amendments of 1967 (as quoted in § 1.1402(c)). Such election shall not be limited to service to which the fees received in 1968 are attributable but must also be applicable to service (if any) in subsequent years which, except for the election, would constitute a trade or business pursuant to the provisions of subparagraph (1) of this paragraph. An election made pursuant to the provisions of this subparagraph is irrevocable.

(ii) The election referred to in subdivision (i) of this subparagraph shall be made by filing a certificate of election of exemption (Form 4415) on or before the due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for the taxable year of the individual making the election which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

PAR. 13. The following sections are inserted immediately after § 1.1402(e)-1A.

§ 1.1402 (e)-2A Ministers, members of religious orders and Christian Science practitioners; application for exemption from self-employment tax.

(a) *In general*—(1) Subject to the limitations set forth in subparagraphs

(2) and (3) of this paragraph, any individual who is (i) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or (ii) a Christian Science practitioner may request an exemption from the tax on self-employment income (see §§ 1.1401 and 1.1401-1) with respect to services performed by him in his capacity as a minister or member, or as a Christian Science practitioner, as the case may be. Such a request shall be made by filing an application for exemption on Form 4361 in the manner provided in paragraph (b) of this section and within the time specified in § 1.1402(e)-3A. For provisions relating to the taxable year or years for which an exemption from the tax on self-employment income with respect to service performed by a minister or member or a Christian Science practitioner in his capacity as such is effective, see § 1.1402 (e)-4A. For additional provisions applicable to services performed by individuals referred to in this subparagraph, see paragraph (e) of § 1.1402(c)-3 and § 1.1402(c)-5 relating to ministers and members of religious orders, and paragraphs (a)(3)(ii) and (b) of § 1.1402 (c)-6 relating to Christian Science practitioners.

(2) The application for exemption shall contain, or there shall be filed with such application, a statement to the effect that the individual making application for exemption is conscientiously opposed to, or because of religious principles is opposed to, the acceptance (with respect to services performed by him in his capacity as a minister, member, or Christian Science practitioner) of any public insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Social Security Act). Thus, ministers, members of religious orders, and Christian Science Practitioners requesting exemption from social security coverage must meet either of two alternative tests: (1) A religious principles test which refers to the institutional principles and discipline of the particular religious denomination to which he belongs, or (2) a conscientious opposition test which refers to the opposition because of religious considerations of individual ministers, members of religious orders, and Christian Science Practitioners (rather than opposition based upon the general conscience of any such individual or individuals). The term "public insurance", as used in section 1402(e) and this paragraph, refers to governmental, as distinguished from private, insurance and does not include insurance carried with a commercial insurance carrier. To be eligible to file an application for exemption on Form 4361, a minister, member, or Christian Science practitioners need not be opposed to the acceptance of all public insurance making payments of this specified type; he must, however, be opposed on religious grounds to the acceptance of any such payment which, in whole or in part, is based on, or measured by earnings from, services performed by him in his capacity as a minister or member (see § 1.1402(c)-5) or in his capacity as a Christian Science practitioner (see paragraph (b)(2) of § 1.1402(c)-6). For example, a minister performing service in the exercise of his ministry may be eligible to file an application for exemption on Form 4361 even though he is not opposed to the acceptance of benefits under the Social Security Act with respect to service performed by him which is not in the exercise of his ministry.

(3) An exemption from the tax imposed on self-employment income with respect to service performed by a minister, member, or Christian Science practitioner in his capacity as such may not be granted to a minister, member, or practitioner who (in accordance with the provisions of section 1402(e) as in effect prior to amendment by section 115(b)(2) of the Social Security Amendments of 1967 (81 Stat. 839)) filed a valid waiver certificate on Form 2031 electing to have the Federal old-age, survivors, and disability insurance system establish by title II of the Social Security Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by the order of which he is a member, or in the exercise of his profession as a Christian Science practitioner. For provisions relating to waiver certificates on Form 2031, see §§ 1.1402 (e)(1)-1 through 1.1402(e)(6)-1.

(b) *Application for exemption.* An application for exemption on Form 4361 shall be filed in triplicate with the internal revenue officer or the internal revenue office, as the case may be, designated in the instructions relating to the application for exemption. The application for exemption must be filed within the time prescribed in § 1.1402(e)-3A. If the last original Federal income tax return of an individual to whom paragraph (a) of this section applies which was filed before the expiration of such time limitation for filing an application for exemption shows no liability for tax on self-employment income, such return will be treated as an application for exemption, provided that before [the 60th day after the publication of this section in final regulations] such individual also files a properly executed Form 4361.

(c) *Approval of application for exemption.* The filing of an application for exemption on Form 4361 by a minister, a member of a religious order, or a Christian Science practitioner does not constitute an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member, or practitioner. The exemption is granted only if the application is approved by an appropriate internal revenue officer. See § 1.1402(e)-4A relating to the period for which an exemption is effective.

§ 1.1402 (e)-3A Time limitation for filing application for exemption.

(a) *General rule* (1) Any individual referred to in paragraph (a) of § 1.1402 (e)-2A who desires an exemption from the tax on self-employment income with respect to service performed by him in his capacity as a minister or member of a religious order or as a Christian Science practitioner must file the application for exemption (Form 4361) prescribed by § 1.1402(e)-2A on or before whichever of the following dates is later:

(i) The due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for his second taxable year ending after 1967, or

(ii) The due date of the income tax return, including any extension thereof, for his second taxable year beginning after 1953 for which he has net earnings from self-employment of $400 or more, any part of which—

(*a*) In the case of a duly ordained, commissioned, or licensed minister of a church, consists of remuneration for service performed in the exercise of his ministry,

(*b*) In the case of a member of a religious order who has not taken a vow of poverty as a member of such order, consists of remuneration for service performed in the exercise of duties required by such order, or

(*c*) In the case of a Christian Science practitioner, consists of remuneration for service performed in the exercise of his profession as a Christian Science practitioner.

See paragraph (c) of this section for provisions relating to the computation of net earnings from self-employment.

(2) If a minister, a member of a religious order, or a Christian Science practitioner derives gross income in a taxable year both from service performed in such capacity and from the conduct of another trade or business, and the deductions allowed by chapter 1 of the Internal Revenue Code which are attributable to the gross income derived from service performed in such capacity equal or exceed the gross income derived from service performed in such capacity, no part of the net earnings from self-employment (computed as prescribed in paragraph (c) of this section) for the taxable year shall be considered as derived from service performed in such capacity.

(3) The application of the rules set forth in subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1960. During each of two or more taxable years ending before 1968 M has net earnings from self-employment in excess of $400 some part of which is from service performed in the exercise of his ministry. M has not filed an effective waiver certificate on Form 2031 (see paragraph (a)(3) of § 1.1402(e)-2A). If M desires an exemption from the tax

on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example (2). M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1966. M has net earnings of $350 for the taxable year 1966 and has net earnings in excess of $400 for each of his taxable years 1967 and 1968 (some part or all of which is derived from service performed in the exercise of his ministry). M has not filed an effective waiver certificate on Form 2031 (see paragraph (a)(3) of § 1.1402(e)-2A). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example (3). Assume the same facts as in example (2) except that M has net earnings in excess of $400 for each of his taxable years 1967 and 1969 (but less than $400 in 1968). The application for exemption must be filed on or before the due date of his income tax return for 1969, or any extension thereof.

Example (4). M was ordained as a minister in May 1973. During each of the taxable years 1973 and 1975, M, who makes his income tax returns on a calendar year basis, derives net earnings in excess of $400 from his activities as a minister. M has net earnings of $350 for the taxable year 1974, $200 of which is derived from service performed by him in the exercise of his ministry. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

Example (5). M, who was ordained a minister in January 1973, is employed as a toolmaker by the XYZ Corporation for the taxable years 1973 and 1974 and also engages in activities as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1973 and 1974 M receives wages of $14,000 from the XYZ Corporation and derives net earnings of $400 from his activities as a minister. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1974, or any extension thereof. It should be noted that although by reason of section 1402 (b)(1) (G) and (H) no part of the $400 represents "self-employment income", nevertheless the entire $400 constitutes "net earnings from self-employment" for purposes of fulfilling the requirements of section 1402 (e) (2).

Example (6). M, who files his income tax returns on a calendar year basis, was ordained as a minister in March 1973. During 1973 he receives $410 for service performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1973 in a mercantile venture from which he derives net earnings from self-employment in the amount of $4,000. The expenses incurred by him in connection with his ministerial services during 1973 and which are allowable deductions under chapter 1 of the Internal Revenue Code amount to $410. During 1974 and 1975, M has net earnings from self-employment in amounts of $4,600 and $4,800, respectively, and some part of each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1974 and 1975 by chapter 1 which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or an extension thereof.

(b) *Effect of death*—The right of an individual to file an application for exemption shall cease upon his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file an application for exemption for such decedent.

(c) *Computation of net earnings*—(1) *Taxable years ending before 1968*—For purposes of this section net earnings from self-employment for taxable years ending before 1968 shall be determined without regard to the fact that, without an election under section 1402(e) (as in effect prior to amendment by section 115 (b)(2) of the Social Security Amendments of 1967, see § 1.1402(e)-1A), the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(2) *Taxable years ending after 1967.* For purposes of this section and § 1.1402 (e)-4A net earnings from self-employment for taxable years ending after 1967 shall be determined without regard to section 1402(c) (4) and (5). See § 1.1402 (c)-3(e)(2) and § 1.1402(c)-5 relating to ministers and members of religious orders, and paragraphs (a)(3)(ii) and (b) of § 1.1402(c)-6 relating to Christian Science practitioners.

§ 1.1402(e)-4A Period for which exemption is effective.

(a) *In general.* If an application for exemption on Form 4361—

(1) Is filed by a minister, a member of a religious order, or a Christian Science practitioner eligible to file such an application (see particularly paragraph (a)(2) and (3) of § 1.1402(e)-2A), and

(2) Is approved (see paragraph (c) of § 1.1402(e)-2A),

the exemption from the tax on self-employment income shall be effective for the first taxable year ending after 1967 for which such minister, member, or practitioner has net earnings from self-employment of $400 or more any part of which was derived from the performance of service in his capacity as a minister, member, or practitioner, and for all succeeding taxable years. See, however, paragraphs (b)(1)(ii) and (d)(2) of § 1.1402(c)-5 relating to ministers and members of religious orders and paragraph (b)(2) of § 1.1402(c)-6 relating to Christian Science practitioners.

(b) *Exemption irrevocable.* An exemption granted to a minister, a member of a religious order, or a Christian Science practitioner pursuant to the provisions of section 1402(e) is irrevocable.

[FR Doc.73-13260 Filed 7-2-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

PROPOSED TRANSFER OF NINE DERIVATIVES OF BARBITURIC ACID AND THEIR SALTS FROM SCHEDULE III TO SCHEDULE II

Extension of Comment Period and Correction

A notice was published in the FEDERAL REGISTER on May 31, 1973 (28 FR 14289) proposing the transfer of amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and their salts, from Schedule III to Schedule II of the Controlled Substances Act.

Due to a delay in publication of the notice, less than 30 days was provided during which interested persons could comment. In order to correct this situation, the Director hereby extends the time for filing comments to July 3, 1973. All comments, objections, or requests for hearings must be received no later than July 3, 1973. In the event a hearing is held, the date of the hearing will be July 24, 1973, at 10 a.m., in Room 1210, 1405 Eye Street, NW., Washington, D.C. 20537.

In addition, a typographical error appeared in the notice of May 31, 1973. As published, at line 4 of § 308.13(c)(1) (38 FR 14289), "phentobarbital" is listed as one of the substances included in the proposal. The word should be "pentobarbital", and § 308.13(c)(1) is hereby corrected accordingly.

Dated: June 22, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13450 Filed 7-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1046]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MILK ORDER

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rulemaking was issued by the Deputy Administrator, Regulatory Programs, on June 8, 1973, with respect to a proposed suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Interested persons were invited to submit

views, data or arguments to the Hearing Clerk not later than June 18, 1973, in connection with the proposed suspension.

The provision proposed to be suspended is paragraph (h) in § 1046.71. The proposed suspension would make inoperative for the months of June and July those provisions of the order that provide for the accumulation of money due producers under the "takeout-payback" plan. Under this plan, money withheld from the pool during April through July (40 cents per hundredweight in each month) is paid out to producers for deliveries of milk during September through December (one-fourth of the total in each month).

The suspension was requested by Dairymen, Inc., a cooperative association supplying the market. Proponent stated that the primary basis for the request was to improve the relationship of the uniform price under the order to uniform prices under surrounding order markets and to the pay prices of nearby manufacturing plants during the remaining "take-out" months of June and July 1973.

Opposition to the suspension was filed by two other cooperatives marketing producer milk under the Louisville-Lexington-Evansville order and by a handler regulated by the order.

In the data, views and arguments filed in opposition to the proposed suspension, it is argued that changes in the "takeout-payback" plan should not be made during the months the plan is in operation. It is pointed out that the plan has been in operation for many years and producers have established their production pattern to conform to the plan. Since three of the four "takeout" months will have passed before producers are advised of the change, it is stated that any immediate effect of the suspension would be limited to the month of July.

It is further argued that, although the amount of the "takeout" in the Ohio Valley market for several years has been less than that in the Lousiville-Lexington-Evansville market, there has been little shifting of producers between markets during past periods and that the need for new hauling arrangements, new health inspections, etc., make it difficult for a producer to shift.

It is further alleged that few, if any producers, have shifted to manufacturing plants, but that, if the suspension is effectuated and the uniform price in the fall is reduced 20 cents as a result, there might be an incentive for some producers to shift at that time in view of the anticipated short milk supply.

On the basis of all facts available to the Department, including the written views, data and arguments submitted by interested parties, it is concluded that suspension of the provision would not be appropriate.

It is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on June 8, 1973, should be and is hereby terminated.

Signed at Washington, D.C., on June 27, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-13485 Filed 7-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NW-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation regulations that would alter the description of the Medford, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before August 2, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

The alteration to the Transition Area will provide additional controlled airspace contiguous to the Klamath Falls and Eugene transition areas in order to permit vectoring of enroute aircraft in that area.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Medford, Oregon Transition Area, as amended, (38 FR 13730) is further amended as follows:

MEDFORD, OREGON

That airspace extending upward from 700 feet above the surface within 7-miles northeast and 5-miles southwest of the Medford ILS localizer northwest course extending from 3-miles northwest of the Pumic LOM (Latitude 42°27'03.8" N., Longitude 122°-54'44.1" W), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1200' above the surface, bounded on the east by V-452, on the southeast by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-27E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V23-E to the east edge of V-27.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transporation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on June 22, 1973.

C. B. WALK, Jr.
Director, Northwest Region.

[FR Doc.73-13402 Filed 7-2-73;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21]

STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Withdrawal of Proposed Rule Making

In notice No. 73-4, published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10013), the Department of Transportation instituted a proceeding to determine whether § 71.5 of title 49 of the Code of Federal Regulations should be amended to redefine the boundary line between the eastern and central time zones so as to include Berrien, Cass and Van Buren Counties, Michigan, in the central zone. The institution of the proceeding was based upon petitions of the governing body of each of the three counties. The notice stated that consideration would be given to all comments received on or before June 1, 1973.

The Uniform Time Act of 1966 authorizes the Secretary of Transportation to modify the boundaries of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

Public hearings were conducted in Berrien Springs, Cassopolis, and Paw Paw, Michigan, on May 14, 15 and 16, 1973, respectively, to inform residents of the three counties of the issues involved, and obtain their views concerning redefinition of the time zone boundary.

From 1969 to 1972, the State of Michigan exercised its option under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. § 206a) and exempted itself from the observance of daylight time. Thus, eastern standard ("slow") time was observed throughout the year in Michigan. A statewide referendum held

in 1972 resulted in repeal of the exemption in Michigan, and the State now observes daylight time for a six-month period each year.

GEOGRAPHIC FACTORS

Berrien, Cass and Van Buren are contiguous counties comprising the extreme southwest corner of Michigan.

Berrien County is bounded on the west by Lake Michigan, on the north by Van Buren County, on the east by Van Buren and Cass Counties, and on the south by La Porte and St. Joseph Counties, Indiana. Cass County is bounded on the north by Van Buren County, on the east by St. Joseph County, Michigan, and on the south by St. Joseph and Elkhart Counties, Indiana. Van Buren County is bounded on the north by Allegan County, on the east by Kalamazoo County, and on the west by Berrien County and Lake Michigan.

La Porte County is located in the central time zone portion of Indiana, and St. Joseph and Elkhart Counties are located in the eastern time zone portion of that State. Under a 1972 amendment to the Uniform Time Act, Indiana has exempted from observance of daylight time only that portion of the State in the eastern time zone.

ORAL HEARINGS

Approximately 300 people attended the Berrien Springs hearing, of whom 90 percent favored relocation to the central time zone. Of about 150 people attending the Cass hearing, 70 percent expressed such desire, while opinion was evenly divided among the 200 people in attendance at Paw Paw.

Those favoring relocation voiced strenuous opposition to observance of eastern daylight time, based primarily on its asserted disruption of agricultural pursuits and late sunset during summer months. Economic ties to northern Indiana and the Chicago, Illinois, area also were argued.

During the Paw Paw hearing, two Van Buren County Commissioners and the County Clerk stated that they originally voted to petition this Department for the time zone change in the belief that all western Michigan counties would be included in any relocation. In view of the fact that only three counties have petitioned, they voiced opposition to the creation of a "three-county island". Three motor common carriers stated their scheduling would be severely disrupted were the three counties separated from adjacent areas of Michigan. Several educators noted that certain Van Buren school districts are operated commonly with those of neighboring Allegan and Kalamazoo Counties, and severe disruptions would occur if Van Buren were in a time zone different from that of the others. Two Postal Service employees stated that all mail to and from the three involved counties is handled through Kalamazoo, and being relocated to a time zone one hour earlier than Kalamazoo would delay outbound afternoon mail by a full day. This has been confirmed by the Kalamazoo Superintendent of Mails and the Grand Rapids District Postal Supervisor, each of whom states that relocation of the time zone boundary would cause serious problems to the Postal Service.

WRITTEN COMMENTS

Numerous written comments have been received. Generally, those favoring relocation of the time zone boundary reiterate the statements presented at the oral hearings by the proponents of change. The following chart summarizes these comments.

County	Population (1970)	Oppose Relocation	Favor Relocation	Percent Responding
Berrien	163,875	553	1,973	1.6
Cass	43,312	61	121	0.4
Van Buren	56,173	209	26	0.4

Additionally, about 1,000 comments were received stating preference for eastern standard ("slow") time year around, but not favoring or opposing the boundary relocation. These comments have not been considered because observance of daylight time in Michigan is a decision of the State itself, not of this Department.

The Michigan State Department of Commerce opposes placement of the three counties in the central time zone, stating that such action would cause confusion and inefficiency. The Department of Commerce notes that 5.3 percent of the three-county total earnings is attributable to farming, and 50.4 percent results from manufacturing. It also asserts that the economy and industry of the three-county area are more closely related to and dependent upon those of Michigan than any other area.

Clark Equipment Company, a major manufacturer with plants at three Berrien County locations, with 4,500 employees, and other plants at six Michigan cities which would in any event remain in the eastern time zone, states that its interplant production, transportation and communications would suffer markedly were its Berrien County plants in a different time zone. Similar problems would exist with respect to this manufacturer's relationships with its suppliers. A study was submitted in which Clark Equipment Company determined relocation of the boundary would cost it $120,000 annually for communications alone.

Whirlpool Corporation, with administrative offices and a manufacturing plant in Berrien County, employing 3,500 people, and related manufacturing plants in three Ohio (eastern time zone) locations, states that a severe adverse effect upon its operations would result from relocation of Berrien County to the central time zone. Its communications with five sales branches, 24 distributors and 18,000 independent dealers in the eastern time zone would be impaired; interplant shipments would be disrupted; mail service (80,000 pieces of mail dispatched annually) would suffer; and employees living outside the three-county area would be inconvenienced.

Many residents of the area who are Seventh Day Adventists express concern that early sunset during winter months under central standard time would create serious problems in sabbath (sunset Friday to sunset Saturday) observance. They point out that they would have to leave their places of employment by 3:30 p.m. to be home by 4:15 p.m. for the commencement of the sabbath.

CONCLUSIONS

Consideration of the "convenience of commerce" leads only to the conclusion that the proposed time zone boundary relocation must be denied. The opposition of the Michigan State Department of Commerce and the two major manufacturers in the area concerned, and the potential disruption of postal service, is persuasive. It is recognized that a substantial majority of those residents of Berrien and Cass Counties appearing at the hearings and filing written comments favor the change, but these collectively represent less than two percent of the population of Berrien County and less than one percent of the population of Cass County. Van Buren County residents expressing views, while less than one percent of that county's population, oppose, by a clear majority, the proposed relocation.

Clearly, there does not exist justification to place Van Buren County in the central time zone, especially in light of its common borders and school districts with Allegan and Kalamazoo Counties.

With respect to Berrien and Cass Counties, it is apparent that the expressed desires of one percent of their combined populations favoring relocation cannot overcome the showing of serious adverse commercial effect which would result from the proposed time zone boundary change.

In view of the foregoing, it does not appear to the Department that the convenience of commerce would be served by making any change in the present time zone boundary. Accordingly, the notice of proposed rulemaking published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10013), is hereby withdrawn.

This action is taken under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966.

(15 U.S.C. 260-67), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and section 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a))

Issued in Washington, D.C., on June 25, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-13405 Filed 7-2-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket No. 25594; EDR-249A, PSDR-35A]

MILITARY TRANSPORTATION

Proposed Establishment of Minimum Rates; Extension of Time for Comments

The Board, by circulation of notice of proposed rulemaking EDR-249/PSDR-35, dated June 5, 1973, (published at 38 FR 15368, June 11, 1973), gave notice that it had under consideration the adoption of amendments to Part 288 of the Economic Regulations and Part 399, Policy Statements, (14 CFR Parts 288 and 399) so as to establish retroactive and prospective changes in certain MAC minimum rates. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before June 27, 1973.

The Department of Defense has requested an extension of the time for filing comments until July 9, 1973. The request states that the additional time will be necessary because of the very limited time available for analysis of EDR-249 and obtaining of the necessary coordinations and approvals within the Department of Defense.

The undersigned finds that good cause has been shown for an extension of time for filing comments. However, an extension to the requested date is not warranted. It is believed that an extension of time to July 5, 1973, should be sufficient to enable interested parties to submit comments, while at the same time allowing the Board to proceed expeditiously in this matter.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 5, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated: June 28, 1973.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[FR Doc.73-13483 Filed 7-2-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

COST-EFFECTIVENESS

Proposed Analysis Guidelines

Notice is hereby given that the Environmental Protection Agency proposes to amend Part 35 of Title 40 to include guidelines for cost-effectiveness analysis, pursuant to section 212(2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

Section 212(2)(C) of the Act requires the publication of guidelines for the evaluation of treatment works including a procedure for cost-effectiveness analysis. The guidelines are required to be revised no less often than annually. The Act requires that works to implement section 201 of the Act have the most economical cost over the estimated life of such works. Any application for a treatment works construction grant must contain a cost-effectiveness analysis that demonstrates that the proposed treatment works is the most cost efficient alternative.

These proposed guidelines represent an initial effort to develop broad standard procedures for cost-effectiveness analysis pursuant to the Act. These proposed guidelines apply to both the development of waste treatment management system plans and the selection of the treatment works which will receive Federal grant assistance pursuant to the construction grant regulations (40 CFR Part 35). The cost-effectiveness analysis guidelines will be expanded at a later date to include more detailed procedures and additional guidance on wastewater flow projections, waste treatment management system planning, treatment process selection, and scheduling of construction.

Interested parties are encouraged to submit written comments, views, or data concerning these proposed Guidelines to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before August 2, 1973 will be considered prior to promulgation of final guidelines on cost-effectiveness analysis.

ROBERT W. FRI,
Acting Administrator.

JUNE 28, 1973.

APPENDIX A

COST EFFECTIVENESS ANALYSIS GUIDELINES

a. *Purpose.* These guidlines provide a basic methodology for determining the most cost-effective waste treatment management system or the most cost-effective component part of any waste treatment management system.

b. *Authority.* The guidelines contained herein are provided pursuant to Section 212 (2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

c. *Applicability.* These guidelines apply to the development of plans for and the selection of component parts of a waste treatment management system for which a Federal grant is awarded under 40 CFR Part 35.

d. *Definitions.* Definitions of terms used in these guidelines are as follows:

(1) *Waste Treatment Management System.* A system used to restore the integrity of the Nation's waters. Waste treatment management system is used synonymously with "treatment works" as defined in 40 CFR 35.905-15.

(2) *Cost-Effectiveness Analysis.* An analysis performed to determine which waste treatment management system or component part thereof will result in the minimum total resources costs over time to meet the Federal, State or local requirements.

(3) *Planning Period.* The period over which a waste treatment management system is evaluated for cost-effectiveness. The planning period commences with the initial operation of the system.

(4) *Service Life.* The period of time during which a component of a waste treatment management system will be capable of performing a function.

(5) *Useful Life.* The period of time during which a component of a waste treatment management system will be required to perform a function which is necessary to the system's operation.

e. *Identification, Selection and Screening of Alternatives.* (1) *Identification of Alternatives.* All feasible alternative waste management system shall be initially identified. These alternatives should include systems discharging to receiving waters, systems using land or subsurface disposal techniques, and systems employing the reuse of wastewater. In identifying alternatives, the possibility of staged development of the system shall be considered.

(2) *Screening of Alternatives.* The identified alternatives shall be systematically screened to define those capable of meeting the applicable Federal, State and local criteria.

(3) *Selection of Alternatives.* The screened alternatives shall be initially analyzed to determine which systems have cost-effective potential and which should be fully evaluated according to the cost-effectiveness analysis procedures established in these guidelines.

(4) *Extent of Effort.* The extent of effort and the level of sophistication used in the cost-effectiveness analysis should reflect the size and importance of the project.

f. *Cost-Effective Analysis Procedures.* (1) *Method of Analysis.* The resources costs shall be evaluated through the use of opportunity costs. For those resources that can be expressed in monetary terms, the interest (discount) rate established in section (f)(5) will be used. Monetary costs shall be calculated in terms of present worth values or equivalent annual values over the planning period as defined in section (f)(2). Non-monetary factors (e.g., social and environmental) shall be accounted for descriptively in the analysis in order to determine their significance and impact.

The most cost-effective alternative shall be the waste treatment management system determined from the analysis to have the lowest present worth and/or equivalent annual value without overriding adverse non-monetary costs and to realize at least identical minimum benefits in terms of applicable Federal, State and local standards for effluent quality, water quality, water reuse and/or land and subsurface disposal.

(2) *Planning Period.* The planning period for the cost-effectiveness analysis shall be 20 years.

(3) *Elements of Cost.* The costs to be considered shall include the total values of the resources attributable to the waste treatment management system or to one of its component parts. To determine these values, all monies necessary for capital construction costs and operation and maintenance costs shall be identified.

Capital construction costs used in a cost-effectiveness analysis shall include all contractors' costs of construction including overhead and profit; costs of land, relocation, and right-of-way and easement acquisition; design engineering, field exploration, and engineering services during construction; administrative and legal services including costs of bond sales; startup costs such as operator training; and interest during construction. Contingency allowances consistent with the level of complexity and detail of the cost estimates shall be included.

Annual costs for operation and maintenance (including routine replacement of equipment and equipment parts) shall be included in the cost-effectiveness analysis.

These costs shall be adequate to ensure effective and dependable operation during the planning period for the system. Annual costs shall be divided between fixed annual costs and costs which would be dependent on the annual quantity of wastewater collected and treated.

(4) *Prices.* The various components of cost shall be calculated on the basis of market prices prevailing at the time of the cost-effectiveness analysis. Inflation of wages and prices shall not be considered in the analysis. The implied assumption is that all prices involved will tend to change over time by approximately the same percentage. Thus, the results of the cost effectiveness analysis will not be affected by changes in the general level of prices.

Exceptions to the foregoing can be made if there is justification for expecting significant changes in the relative prices of certain items during the planning period. If such cases are identified, the expected change in these prices should be made to reflect their future relative deviation from the general price level.

(5) *Interest (Discount) Rate.* A rate of 7 percent per year will be used for the cost-effectiveness analysis until the promulgation of the Water Resources Council's "Proposed Principles and Standards for Planning Water and Related Land Resources." After promulgation of the above regulation, the rate established for water resource projects shall be used for the cost-effectiveness analysis.

(6) *Interest During Construction.* In cases where capital expenditures can be expected to be fairly uniform during the construction period, interest during construction may be calculated as $I \times \frac{1}{2} P \times C$ where:

I=the interest (discount) rate in section f(5)
P=the construction period in years
C=the total capital expenditures

In cases when expenditures will not be uniform, or when the construction period will be greater than three years, interest during construction shall be calculated on a year-by-year basis.

(7) *Service Life.* The service life of treatment works for a cost-effectiveness analysis shall be as follows:

Land	Permanent
Structures (includes plant buildings, concrete process tankage, basins, etc.; sewage collection and conveyance pipelines; lift station structures; tunnels; outfalls)	30–50 years
Process equipment (includes major process equipment such as clarifier mechanism, vacuum filters, etc.; steel process tankage and chemical storage facilities; electrical generating facilities on standby service only)	15–30 years
Auxiliary equipment (includes instruments and control facilities; sewage pumps and electric motors; mechanical equipment such as compressors, aeration systems, centifuges, chlorinators, etc.; electrical generating facilities on regular service)	10–15 years

Other service life periods will be acceptable when sufficient justification can be provided.

Where a system or a component is for interim service and the anticipated useful life is less than the service life, the useful life shall be substituted for the service life of the facility in the analysis.

(8) *Salvage Value.* Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way and easements shall be considered to have a salvage value not greater than the prevailing market value at the time of the analysis.

Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straightline depreciation during the service life of the treatment works.

For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structures.

When the anticipated useful life of a facility is less than 20 years (for analysis of interim facilities), salvage value can be claimed for equipment where it can be clearly demonstrated that a specific market or reuse opportunity will exist.

[FR Doc.73-13503 Filed 7-2-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules

Environmental Protection Agency regulations in 40 CFR Part 51 required States to submit certain compliance schedules by February 15, 1973, as part of the requirements for completion of State implementation plans for the attainment and maintenance of national air quality standards under section 110 of the Clean Air Act. Compliance schedules establish a date or dates for the completion of specified actions toward compliance with applicable emission control regulations. Compliance schedules establishing adequate increments of progress were required to be submitted by February 15 where the final date for compliance, as previously approved or promulgated in the plan, is later than January 31, 1974, and the schedule extends for more than one year from the date of its adoption.

The Administrator is required by section 110 of the Act to approve or disapprove any portion of an implementation plan submitted by a State within four months of its submittal. Where the Administrator determines that a State plan or portion thereof does not meet the requirements of the Act and 40 CFR Part 51, he is directed by section 110(c) of the Act to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof.

Set forth below is a substitute regulation proposed to correct deficiencies where compliance schedule portions of the Illinois implementation plan were disapproved. The following proposal was to have been included with similar proposals published in the FEDERAL REGISTER on June 20, 1973, but was omitted through an oversight.

The proposed schedule is categorical in nature and is consistent with the previously approved or promulgated final compliance dates and ambient air quality attainment dates in the plan. The schedule is based upon technical data available to the Administrator. The increments of progress generally are those specified in § 51.15(c) and § 51.1(q) as being required.

This schedule relating to particulate emissions from fuel-burning sources would require each source to notify the Administrator whether it intends to meet the applicable emission limitation through stack gas cleaning or fuel switching. If the source elects to use stack gas cleaning, a schedule is specified for the installation of necessary control equipment. If the source elects to meet the emission limitation by fuel switching, a schedule is specified for contracting for delivery of low ash fuel and for making any necessary boiler modifications. In this regard, it should be noted that a contract to provide fuel on an "as available" basis will not satisfy the requirements for contracting.

This proposal amends the June 20, 1973, proposal by revising § 52.730 (b) (1) to add the Illinois particulate regulations. No other part of that proposal is affected by this notice of proposed rule making. However, the provisions in § 52.730(b) (3) of the earlier proposal, concerning submission of alternative schedules and related matters, would be applicable to the schedule proposed herein as well as those proposed on June 20, 1973.

A public hearing will be held on the proposed compliance schedule in order to provide the general public the fullest opportunity to comment. A public hearing will be held in accordance with the notice of public hearing published in this issue of the FEDERAL REGISTER and at the date, time, and place specified therein.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Region V Office at the following address: 1 North Wacker Drive, Chicago, Illinois 60606, Attn: Mr. David Kee. All comments received not later than August 2, 1973 will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. All comments received, as well as copies of the applicable implementation plan, will be available for inspection during normal business hours at the Regional Office.

This notice of proposed rule making is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart O—Illinois

1. Section 52.730 is proposed to be amended by revising paragraph (b) (1) and by adding subparagraph (2) (iv) as follows:

§ 52.730 Compliance schedules.

* * * * *

(b) Federal compliance schedules. (1) Except as provided in subparagraph (3)

of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in paragraph (b)(2) of this section: Illinois Air Pollution Control Regulations Rule 203(d)(2), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d) and 204(e).

(2) * * *

(iv) (*a*) The owner or operator of any fuel-burning facility subject to the requirements of Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3) and 203(g)(4) shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low ash fuel or a stack gas cleaning system to meet these requirements.

(*b*) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(*a*) of this section who elects to utilize low ash fuel shall be subject to the following compliance schedule:

(*1*) October 15, 1973—submit to the Administrator a projection of the types and amount of fuel to be burned on and after May 30, 1975, as well as a statement as to whether boiler modifications will be required. If boiler modifications are required, final plans for such modification must be submitted.

(*2*) December 31, 1974—sign contracts with fuel suppliers for projected fuel requirements.

(*3*) February 15, 1974—let contracts for necessary boiler modifications, if applicable.

(*4*) June 15, 1974—initiate on-site modification, if applicable.

(*5*) March 31, 1975—complete on-site modifications, if applicable.

(*6*) May 30, 1975—final compliance with the emission limitation of Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*c*) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(*a*) of this section who elects to utilize a stack gas cleaning system shall be subject to the following compliance schedule:

(*1*) January 15, 1974—let necessary contracts for construction.

(*2*) April 1, 1974—initiate on-site construction.

(*3*) April 1, 1975—complete on-site construction.

(*4*) May 30, 1975—complete shakedown operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*5*) Ten days prior to conduct of the required performance test, give notice of such test to the Administrator to afford him the opportunity to have an observer present.

[FR Doc.73-13547 Filed 7-2-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[73-863]

FEDERAL SAVINGS AND LOAN SYSTEM

Give-Aways

JUNE 27, 1973.

The Federal Home Loan Bank Board considers it advisable to amend paragraph (a) of § 545.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.5(a)) by adding a new alternative provision under which that section could become applicable to Federal savings and loan associations. The give-away prohibitions of said section would not be changed by the proposed amendment.

Presently, said paragraph (a) provides that § 545.5 becomes applicable to a Federal association in a particular State only when all of the following conditions have been met: (1) Such Federal association must be doing business in said State; (2) said State must have in effect a statute authorizing the imposition of regulatory restrictions on domestic associations which are equivalent to the prohibition set forth in paragraph (b) of § 545.5, if, during the period of any such restriction, Federal associations doing business in such State are not permitted to use the subject matter of such restriction to a greater extent than domestic associations of such State are permitted to do pursuant to regulations implementing such statute; and (3) such State statute must have been implemented by a regulation imposing the above-mentioned type of restrictions on domestic associations.

Under the proposed amendments to paragraph (a) of § 545.5, the prohibitions of that section also would become applicable if "the home-office of such association is located in a State in which there is in effect a statutory or regulatory restriction or prohibition on domestic associations, commercial banks, mutual savings banks and similar financial institutions of such State equivalent to that imposed on Federal associations by paragraph (b) of this section". Paragraph (b), when "triggered", prohibits Federal associations from conditioning the distribution of a give-away on the recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein.

The proposed amendment is desirable because, under the existing regulation, the adoption by a State of regulatory restrictions on give-aways by domestic associations equivalent to the prohibition set forth in paragraph (b) of § 545.5 is insufficient to "trigger" the operation of the prohibitions on give-aways by Federal associations. Such State regulations must, in addition, be adopted pursuant to a statute of such State which specifically provides that such regulations may be imposed only if, during the effective period of any such State regulations, Federal associations doing business in such State will not be permitted to use the subject matter of such State regulations to a greater extent than domestic associations of such State. State regulatory restrictions equivalent to the prohibition set forth in paragraph (b) of § 545.5 adopted pursuant to a general State statute which authorizes, among other things, the regulation of give-aways by domestic associations presently are not sufficient to "trigger" the prohibitions on give-aways by Federal associations under § 545.5. Under the proposal, such equivalent State regulatory restrictions adopted pursuant to such a general statute and imposed upon domestic associations, commercial banks, mutual savings banks and similar financial institutions would "trigger" the prohibitions of § 545.5. Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said § 545.5 by redesignating subparagraphs (1), (2), and (3) of paragraph (a) thereof as subdivisions (i), (ii), and (iii) of new subparagraph (1) of said paragraph (a) and by adding a new subparagraph (2) to said paragraph (a), to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, N.W., Washington, D.C., 20552, by July 27, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.5 Give-aways.

(a) *Scope of section.* The provisions of this section shall be applicable to a Federal association when, and only when, either—

(1) (i) Such association is doing business in a State hereinafter referred to in paragraph (a)(1) of this section, (ii) there is in effect a statutory provision of such State authorizing a specified official of such State to impose on domestic associations of such State, by regulation, a restriction or prohibition equivalent to that imposed on Federal associations by paragraph (b) of this section, if, during the period of any such restriction or prohibition, Federal associations doing business in such State are not permitted to use the subject matter of such restriction or prohibition to a greater extent that domestic associations of such State are permitted to do pursuant to such official's regulations, and (iii) there is in effect a regulation of such official, pursuant to such statute, imposing such a restriction or prohibition as is hereinbefore referred to in this paragraph (a)(1) of this section; or

(2) The home office of such association is located in a State in which there is in effect a statutory or regulatory restriction or prohibition on domestic associations, commercial banks, mutual savings banks and similar financial institutions of such State equivalent to that imposed on Federal associations by paragraph (b) of this section.

Nothing in this section shall impose on any Federal association any restriction or prohibition to which such association would not be subject under statute or regulation of such State, if such association were a domestic association of such State.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.73–13505 Filed 7–2–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–10246; File No. S7–484]

RECIPROCAL PORTFOLIO BROKERAGE PRACTICES

Proposal To Prohibit Certain Practices

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b10–10 (17 CFR 240.15b10–10) under the Securities Exchange Act of 1934 (the "Act"). Section 15(b)(10) of the Act authorizes the Commission to adopt rules for those registered broker-dealers who are not members of a registered national securities association[1] ("nonmember broker-dealers"), which are designed " * * * to promote just and equitable principles of trade, to promote safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market." Proposed Rule 15b10–10 is intended to prohibit certain reciprocal brokerage practices by nonmember broker-dealers.

For a number of years, the Commission has been concerned about the widespread practice of investment company managers using portfolio brokerage of mutual funds to reward broker-dealers for sales of fund shares. In its February 2, 1972 Statement on the Future Structure of the Securities Markets (FEDERAL REGISTER of March 14, 1972, at 37 FR 5286) the Commission announced its conclusions concerning its extensive studies of the practice and urged the NASD to initiate measures designed to prevent such practices by its members. Subsequently, the NASD filed with the Commission proposed amendments to its Rules of Fair Practice prohibiting these reciprocal practices and, on May 14, 1973, the Commission announced that it had reviewed and did not disapprove the amendments.[2]

Accordingly, proposed Rule 15b10–10 (which is comparable to the NASD's new subsection (k) under section 26 of Article III of its Rules of Fair Practice) is intended to prohibit nonmember broker-dealers from favoring or disfavoring the distribution of shares of open-end investment companies on the basis of "brokerage commissions"[3] received, soliciting or making promises of an amount or percentage of brokerage commissions in connection with the distribution of such investment company shares and seeking orders for the execution of portfolio transactions on the basis of their sales of fund shares.[4] As proposed the rule would not, by its terms, apply to possible reciprocal brokerage practices in connection with the distribution of shares of certain types of investment companies, such as closed-end funds, variable annuities, and variable life separate accounts.[5] The Commission has, however, indicated that the NASD should take appropriate steps to deal with any similar problems as to closed-end companies and to give early consideration to the questiton of whether or not parallel regulatory measures should be adopted with respect to variable annuities and variable life separate accounts as well. The Commission will consider changing Rule 15b10–10 to conform to any changes which may be made by the NASD in its rule.

The Commission also proposes to amend Rule 15b10–1 (17 CFR 240. 15b10–1) under the Act to provide that the definitions in that rule apply to all rules included under the 15b10 rule series unless a separate definition of the same term is provided in a particular rule. Thus, if Rule 15b10–10 is adopted, the pertinent definitions for that rule would be found in the Act, in Rule 15b10–1, as amended, or in Rule 15b10–10.

TEXT OF PROPOSED RULE AND AMENDED RULE

I. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(10) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adopting § 240.15b10–10 and amending § 240. 15b10–1 as follows:

§ 240.15b10–10 Execution of investment company portfolio transactions

(a) No nonmember broker-dealer shall, directly or indirectly, favor or disfavor the distribution of shares of any open-end investment company on the basis of brokerage commissions received or expected by such nonmember from any source, including such investment company, or any covered account.

(b) No nonmember broker-dealer shall, directly or indirectly, demand, require, or solicit an offer or promise of an amount or percentage of brokerage commissions from any source in connection with, or as a condition to, the sale of shares of an open-end investment company.

(c) No nonmember broker-dealer shall, directly or indirectly, offer or promise to another broker-dealer, or request or arrange for the direction to any broker-dealer of, an amount or percentage of brokerage commissions from any source as an inducement or reward for the sale of shares of an open-end investment company.

(d) No nonmember broker-dealer shall circulate any information regarding the amount or level of brokerage commissions received by the nonmember from any investment company or covered account to other than management personnel who are required, in the overall management of the nonmember's business, to have access to such information.

(e) Nothing herein shall be deemed to prohibit the execution of portfolio transactions of any open-end investment company or covered account by nonmember broker-dealers who also sell shares of such investment company: *Provided, however,* That such nonmembers shall seek orders for execution on the basis of

[1] The National Association of Securities Dealers, Inc. ("NASD") is the only such association registered with the Commission under Section 15A of the Act.

[2] See Securities Exchange Act Release No. 10147. The NASD's new provisions are presently scheduled to become effective on July 15, 1973.

[3] Under the definition in proposed Rule 15b10–10, this term would not be limited to commissions on agency transactions. It would also include all forms of compensation paid in connection with securities transactions (other than the sale of the fund shares) including underwriting concessions and tender fees.

[4] It is noted that, if Rule 15b10–10 is adopted, the guidelines included in the NASD Board of Governors Interpretation which accompanies the new NASD rule provisions in this area would, under published Commission staff positions, be considered as relevant to and accepted standards of behavior for nonmember broker-dealers and their associated persons. See Securities Exchange Act Release No. 9420 (December 20, 1971) and the FEDERAL REGISTER for February 11, 1972, at 34 FR 3050. Nonmember broker-dealers may obtain directly from the National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006, copies of the NASD Manual which contains current NASD rules, interpretations and policy statements.

[5] The proposed rule, like the NASD rule, would apply to distribution of mutual fund contractual plans and variable annuity plans organized under unit investment trusts since sales of such plans are indirect sales of the mutual fund shares included in the trust portfolios. The Commission has asked the NASD to amend its interpretation of its new rule provisions to make this clear. See Securities Exchange Act Release No. 10147. Copies of this release may be obtained on request to the Publications Office, Securities and Exchange Commission, Washington, D.C. 20549.

the value and quality of their brokerage services and not on the basis of their sales of investment company shares.

(f) For purposes of this section:

(1) Covered Account shall mean (i) any other investment company or other account managed by the investment adviser of such investment company, or (ii) any other account from which brokerage commissions are received or expected as a result of the request or direction of any principal underwriter of such investment company or of such principal underwriter, or of any affiliated person of an affiliated person of such investment company.

(2) Brokerage Commissions, as used herein, shall include all compensation paid for or in connection with the effecting of securities transactions (other than the sale of the shares of an open-end investment company) and shall include commissions on agency transactions, underwriting discounts or concessions, mark-ups or mark-downs on principal transactions, and fees paid in connection with tender offers.

(3) Other terms used in this section that are not defined in the Act or § 240.15b10–1 shall have the same meanings as in the Investment Company Act of 1940, as amended, except that the term "open-end investment company" shall not include insurance company separate accounts.

II. The introductory clause of § 240.15b10–1 would be amended to read as follows:

§ 240.15b10–1 Definitions.

For the purposes of all sections in §§ 240.15b10–2 thru 240.15b10–10 inclusive, the following definitions shall apply except where a particular rule in such sections contains a separate definition of the same term for the purposes of that section:

* * * * *

All interested persons are invited to submit their views and comments on the proposed rule and rule amendments. Written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before July 31, 1973 and should refer to File No. S7–484. All such comments will be available for public inspection.

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 27, 1973.

[FR Doc.73–13452 Filed 7–2–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

CONTROLLED SUBSTANCES

Proposed Aggregate Production Quotas for 1974

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in schedules I and II by July 1 of each year. This responsibility has been delegated to the Director of the Bureau of Narcotics and Dangerous Drugs in § 0.100 of Title 28 of the Code of Federal Regulations. The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

NARCOTICS AND COCAINE

In determining the aggregate production quotas for narcotics and cocaine for 1974, the Bureau considered the following factors:

1. Total actual or estimated net disposal of each substance by all manufacturers during 1971, 1972 and 1973.
2. Trends in the national rate of net disposal of each substance.
3. Total actual and estimated inventories of each substance and of any substance manufactured from it, and trends in accumulation of such inventories.
4. Projected demand as indicated by procurement quota applications filed pursuant to § 303.12 of title 21 of the Code of Federal Regulations.

STIMULANTS

In determining the aggregate production quotas for amphetamines, methamphetamine, methylphenidate, and phenmetrazine for 1974, the Bureau reviewed the factors considered in establishing the 1973 stimulant quotas and discussed in detail in the FEDERAL REGISTER on April 4, 1973 (38 FR 8605). The 1973 quotas on stimulants became effective on May 8, 1973 (38 FR 11473). Since that time, no significant conditions have developed which affect the Bureau's analysis of the factors. The Bureau has not yet received data from manufacturers regarding estimates of 1974 sales or December 31, 1973, inventories. In order to meet the statutory requirement that 1974 production quotas be established on or before July 1, 1973, the Bureau decided to utilize the same data used for setting 1973 quotas. The Bureau intends to revise the 1974 stimulant quotas not later than February, 1974, in light of data submitted on quota applications and on other reports and in light of additional information regarding the factors discussed below. In addition to the factors outlined in the FEDERAL REGISTER proposal on 1973 stimulant quotas (38 FR 8605, April 4, 1973), the Bureau considered the following factors and made the following assumptions in establishing the 1974 stimulant quotas:

1. Legitimate usage of anorectic drugs (amphetamine, methamphetamine and phenmetrazine) in 1974 is projected to be approximately equal to that estimated by the Bureau for 1973. The situation in anti-obesity therapy is extremely volatile at this time. First, because the status of new drug applications on several amphetamine combinations products has not been resolved by the Food and Drug Administration (see 38 FR 8290, March 30, 1973), and because the recall of other amphetamine and methamphetamine combination products has not been completed, practitioners have not yet begun to convert from usage of these products to single-entity amphetamine or methamphetamine preparations, to other anorectic drugs, or to non-drug therapy in sufficient volume to warrant a revision of the estimate of that conversion made in the April 4, 1973, announcement. Second, three new anorectic drugs are about to be distributed in the United States for the first time; their impact on the anti-obesity drug market is yet to be determined. Third, the effects on prescribing practices of labeling changes on all anorectic drugs ordered by the Food and Drug Administration, together with the impact of other new information regarding these drugs distributed to physicians, are not yet discerned. Fourth, because the situation is so unclear, commercial handlers have apparently not made any significant long-range adjustments in their inventory positions, so that extra production to provide for inventory changeovers from combination to single-entity preparations remains unnecessary. Therefore, the Bureau has no basis for projecting any further changes in legitimate usage from 1973 to 1974.

2. Legitimate usage of methylphenidate in 1974 is projected to be approximately equal to that estimated by the Bureau for 1973. This substance is not seriously affected by the situation in the anorectic market, because only a small part of anorectic drugs are used in the therapy for which most methylphenidate is provided. The Bureau has discovered no significant change, however, in usage of methylphenidate in 1972 and 1973 sufficient to justify any projection of an increase or decrease in legitimate usage at this time.

3. The Bureau has determined that no quantity of amphetamine or methamphetamine should be manufactured for use in the preparation of combination anorectic drugs in 1974. The Food and Drug Administration has had requests for hearings regarding the new drug applications on several of these products (see 38 FR 8290, March 30, 1973). It is anticipated that these proceedings will be resolved before 1974 and in favor of the Food and Drug Administration. In the event these proceedings are not resolved before 1974, or are resolved against the Food and Drug Administration, the Bureau will review this determination.

4. Total inventories of stimulants at the end of 1973 are projected to be equal to the inventory allowances provided in the 1973 quotas. Unless the Bureau's estimates of sales and usage in 1973 are significantly in error, or unless manufacturers do not utilize significant portions of their 1973 individual manufacturing and procurement quotas, the actual inventories at the end of 1973 should approximate the estimates made.

5. The special contingency reserves allowed for methylphenidate and phenmetrazine in 1973 will be applied against the 1974 quotas for these substances. To the extent that such reserves are not created in 1973 and therefore are not available in 1974, the 1974 quotas will be adjusted accordingly. Thus, the total production of these substances in 1973 and 1974 will not exceed the total aggregate production quotas established in 1973 and under this proposal.

6. The 1973 stimulant quotas were designed to eliminate all excessive inventories in bulk and finished forms throughout the production pipeline. In order to do this, aggregate production was held below corresponding levels of demand. Because these materials are no longer available to meet the legitimate needs in 1974 (even with no increase in those needs from 1973 levels), aggregate production must increase to maintain a constant supply.

HALLUCINOGENS

In determining the aggregate production quotas for hallucinogens for 1974, the Bureau considered the following factors:

1. Total estimated net disposal of each substance by all manufacturers during 1973.
2. Total estimated inventories of each substance and of any substance manufactured from it.

3. Projected demand as indicated by quota applications and research protocols submitted to the Bureau.

CONCLUSION

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, proposes that the aggregate production quotas for 1974 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous bases, be established as follows:

Basic class:	*Proposed—1974*
1. Alphaprodine	68,000
2. Anileridine	265,000
3. Apomorphine	3,600
4. Cocaine	1,125,000
5. Codeine (for conversion)	1,071,142
6. Codeine (for sale)	41,000,000
7. Diphenoxylate	900,000
8. Dihydrocodeine	740,000
9. Ecgonine	305,300
10. Ethylmorphine	31,000
11. Fentanyl	3,816
12. Hydrocodone	748,000
13. Hydromorphone	58,000
14. Levorphanol	14,000
15. Methadone	3,500,000
16. Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenyl butane)	1,700,000
17. Mixed Alkaloids of Opium	110,000
18. Morphine (for conversion)	37,370,000
19. Morphine (for sale)	685,000
20. Norpethidine	730,000
21. Opium (tinctures, extracts, etc., expressed in terms of opium)	1,765,000
22. Oxycodone (for conversion)	8,500
23. Oxycodone (for sale)	1,840,000
24. Oxymorphone	5,030
25. Pethidine	17,900,000
26. Phenazocine	300
27. Thebaine (for conversion)	996,000
28. Thebaine (for sale)	3,050,000

The Director also proposes that the aggregate production quotas for stimulants for 1974, expressed in grams of the anhydrous free base, be established as follows:

Basic class:	*Proposed—1974*
29. Amphetamine	1,896,210
30. Methamphetamine	517,961
31. Methylphenidate	1,516,511
32. Phenmetrazine	3,046,344

The Director also proposes that the aggregate production quotas for hallucinogens for 1974, expressed in grams, be established as follows:

Basic class:	*Proposed—1974*
33. Beta - (3,4 - methylene dioxyphenyl) isopropylamine	1,075
34. Mescaline hydrochloride	285
35. N, N-diethyltryptamine	22
36. N, N-dimethyltryptamine	115

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularly the issues concerning which the person desires to be heard. A person may object to or comment on the proposals relating to any one or more of the 36 foregoing substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street, NW., Washington, D.C. 20537, and must be received by July 30, 1973. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Director finds, in the sole discretion, warrant, a full adversary-type hearing, the Director shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: June 22, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13451 Filed 7-2-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial I-6900]

IDAHO

Proposed Withdrawal and Reservation of Lands

JUNE 25, 1973.

The Department of Agriculture has filed an application Serial Number I-6900, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a public recreation area in the Coeur d'Alene National Forest.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724, by August 2, 1973.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

COEUR D'ALENE NATIONAL FOREST

HIDDEN DIGGIN'S CAMPGROUND

Boise Meridian

T. 50 N., R. 3 E.,
Sec. 27, Lots 5, 6, 7, N½NE¼SW¼;
Sec. 28, Lot 8.

The area described aggregates 167.5 acres in Shoshone County, Idaho.

VINCENT S. STROBBEL,
Chief, Branch of L&M Operations.

[FR Doc.73-13392 Filed 7-2-73;8:45 am]

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on July 16 and 17 at the Holiday Inn West, Interstate 90 West, Billings, Montana. The agenda for the meeting will include: July 16—A field trip to the Pryor Mountain Wild Horse Range. The tour will leave Billings at 7 a.m. and is scheduled to return to Billings at 6 p.m. Individuals desiring to participate in the field trip should arrange for their own transportation and sustenance. July 17—(1) Report on previous Advisory Board recommendations; (2) review of accomplishments on cooperative agreements with State agencies; (3) review of Advisory Board role, charter, and management procedures; (4) public comments; (5) burro committee report; and (6) Advisory Board recommendations and resolutions.

The meeting will be open to the public. Limited time will be available for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook. Written statements may be submitted at the meeting or mailed to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Acting Director.

JUNE 22, 1973.

[FR Doc.73-13393 Filed 7-2-73;8:45 am]

OUTER CONTINENTAL SHELF OFF EAST TEXAS

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1972), nominations are hereby requested for areas in the Outer Continental Shelf off East Texas for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of the following mapped areas off east Texas:

1. All that area shown on Outer Continental Shelf—Texas Leasing Maps No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C.

2. All that area on Outer Continental Shelf Leasing Map NG 15-2 (Garden Banks) landward of the 600 meter depth contour and west of the east boundary of the E96 range of blocks (approximate longitude 93°22.2'W).

3. All that area on Outer Continental Shelf Leasing Map NG 15-1 (Bay City) landward of the 600 meter depth contour and east of the east boundary of the E60 range of blocks (approximate longitude 95°08.1'W). This is a new map, the publication of which is announced by this notice.

Copies of each map may be purchased for $1.00 from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, or the Director, Eastern States Office, 7981 Eastern Avenue, Silver Spring, Maryland, 20910.

All nominations must be described in accordance with the Outer Continental Shelf leasing maps prepared by the Bureau of Land Management, Department of the Interior, and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one-quarter of a block, may be nominated.

Nominations must be submitted not later than August 27, 1973, in envelopes marked "Nominations of Tracts for Leasing in the Outer Continental Shelf—Texas." The nominations must be submitted to the Director, Attention (390), Bureau of Land Management, Washington, D.C. 20240. Copies of nominations must be sent to the Manager, New Orleans Outer Continental Shelf Office at his address cited above and to the Area Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70002.

Tracts will be selected for competitive bidding pursuant to established Departmental procedures and only after compliance with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)). Notice of any tracts selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nothing contained in this call for nominations or in the issuance of new leasing maps should be interpreted as being inconsistent with the President's Oceans Policy Statement of May 23, 1970, relating to offshore development beyond the 200 meter depth contour. Leases ultimately issued beyond 200 meters will be subject to the international regime to be agreed upon.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: June 28, 1973.

W. R. WILSON,
Acting Deputy Assistant,
Secretary of the Interior.

[FR Doc.73-13563 Filed 7-2-73;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE TECHNICIAN

Delegation of Authority

1. Administrative Technician. The Administrative Technician, Richmond National Battlefield Park, may issue Purchase Orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Administrative Technician in behalf of any area under the administration of Richmond National Battlefield Park.

2. Revocation. This order supersedes Order No. 1 dated September 9, 1964 and published 29 FR 14081 dated October 13, 1964.

(National Park Service Order No. 77, (38 FR 7478); Northeast Region Order No. 7 (37 FR 6325), as amended)

Dated: June 1, 1973.

STUART H. MAULE,
Superintendent
Richmond National Battlefield Park.

[FR Doc.73-13394 Filed 7-2-73;8:45 am]

ALMOURS SECURITIES, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that after August 2, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Almours Securities, Inc., authorizing it to provide concession facilities and services for the public on the George Washington Memorial Parkway at Mount Vernon, Virginia, for a period of twenty (20) years from January 1, 1974 thorugh December 31, 1993.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted by August 2, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: June 22, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-13398 Filed 7-2-73;8:45 am]

[Order 79]

ASSISTANT DIRECTOR, SERVICE CENTER OPERATIONS

Delegation of Authority

Section 1. Delegation. The Assistant Director, Service Center Operations may exercise all the authority now or hereafter vested in the Director, National Park Service in administering and operating the Denver Service Center and Harpers Ferry Center and in serving the regional offices and parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority for final approval of Servicewide or Regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operations, and use of transferred historic monuments.

(7) Authority to execute and approve concessions contracts and permits, or to perform any of the concessions management functions of the Washington Office, as described in 145 DM.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(13) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), as amended, the specific fees to be charged at the designated areas, in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(18) Authority to sell timber.

(19) Authority to accept an offer in settlement of a timber trespass.

(20) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(21) Authority to approve payment of dues for library memberships in societies or associations.

(22) Authority to approve rates for quarters and related services.

(23) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(24) Authority to approve master plans.

(25) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(26) Authority to approve land acquisition priorities.

(27) Authority to execute the land acquisition program.

(28) Authority to conduct archeological investigations and salvage activities outside the units of the National Park System.

Section 2. Redelegation. The Assistant Director, Service Center Operations may, in writing, redelegate to his officers and employees the authority delegated in this order and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may only be redelegated to the Director, Denver Service Center; Chief, Contracting Office, Denver Service Center; and Director, Harpers Ferry Center. Each redelegation shall be published in the FEDERAL REGISTER.

Section 3. Revocation. This order revokes National Park Service Order 73 (37 FR 6409) and Amendment No. 1 (37 FR 16509). However, redelegations based thereon are continued in effect to the extent they are not inconsistent with this order No. 79.

(205 DM as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 22, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-13397 Filed 7-2-73;8:45 am]

GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gulf Islands National Seashore Advisory Commission will be held on August 2 and 3, 1973. The meeting on August 2 will begin at 1:00 p.m. (c.d.t.) at the Downtown Ramada Inn, 223 E. Garden Street, Pensacola, Florida. On August 3, the Commission will reassemble for a tour of the Florida Unit of the Seashore.

The purpose of the Commission is to consult with the Secretary of the Interior or his designee with respect to matters relating to development of the Seashore.

The members of the Commission are as follows:

Dr. J. Kinabrew Williams, Jr., Pascagoula, Mississippi (Chairman); Gordon D. Allen, Gulfport, Mississippi; Sherwood R. Bailey, Gulfport, Mississippi; E. W. Blossman, Ocean Springs, Mississippi; J. Earle Bowden, Pensacola, Florida; Lt. Col. Lloyd J. Caillevet, Biloxi, Mississippi; John P. Cox, Destin, Florida; Robert D. Cramer, Pensacola, Florida; Donald E. Danly, Pensacola, Florida; Hon. H. Bryant Liggett, Pensacola, Florida; Nicholas A. Mavar, Jr., Biloxi, Mississippi; Charles E. Moes, Gulf Breeze, Florida; Duncan Moran, Ocean Springs, Mississippi; Dee Parkton, Crestview, Florida; Davage Runnells, Jr., Destin, Florida; Lt. Col. Mercer Richard Smith, Gulf Breeze, Florida; M. James Stevens, Gulfport, Mississippi; G. Earl Wallis, Milton, Florida; E. P. Wilkes, Biloxi, Mississippi; Rev. Robert W. Wingard, Pensacola, Florida; and Mrs. Erica Wooley, Pensacola, Florida.

The Commission will consult with the architectural and engineering contractors on the development concept plans for four projects proposed for the Seashore. Two projects are planned for the Florida Unit and two projects for the Mississippi Unit. The Commission will also receive a review of the progress and activities of the Archeological Studies being conducted by the National Park Service Southeast Archeological Center and Florida State University, and will be provided up-to-date information on events which have occurred since the previous meeting. The tour on August 3 will permit Commission members to become familiar and conversant regarding the area, the problems, and the programs.

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Transportation facilities will not be available for the tour, but members of the public may participate in the tour by providing their own transportation. Any person may file with the Commission a written statement concerning matters to be discussed.

Anyone wishing to obtain further information regarding this meeting, or who wishes to file a written statement, may contact any of the following:

Mr. Joe Brown, Director, Florida-Caribbean District Office, U.S. National Park Service, P.O. Box 2764, Tallahassee, Florida 32304.

Mr. Arthur Graham, Unit Manager, Gulf Islands National Seashore, P.O. Box 100, Gulf Breeze, Florida 32561

Mr. Richard Stokes, Unit Manager, Gulf Islands National Seashore, P.O. Drawer T, Ocean Springs, Mississippi 39564

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Florida-Caribbean District Office, 201 South Bronough Street, P.O. Box 2764, Tallahassee, Florida 32304.

Dated: June 22, 1973.

STANLEY W. HULETT,
Associate Director
National Park Service.

[FR Doc.73-13396 Filed 7-2-73;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084-6086), April 10 (pp. 9095-9097), May 1 (pp. 10745-10748), and June 5 (pp. 14770-14777). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted and set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register

as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been demolished and removed from the National Register:

Maine

Cumberland County
South Windham vicinity
Babb's Bridge
Across the Penobscot River, 2 miles N of South Windham

New York

Queens County
Richmond Hill,
Riis, Jacob, House
84–41 120th Street

Rhode Island

Newport County
Newport
House at 295 Thames Street
Newport
House at 319 Thams Street
Newport
Industrial National Bank
303 Thames Street
Newport
Sayer Building
281–283 Thames Street
Newport
Stevens, Robert, House
261–265 Thames Street
Newport
Tillinghast, Charles, House
243–245 Thames Street

Virginia

Norfolk (independent city)
Christ Church
421 E. Freemason Street

The Following are corrections to previous listings in the *Federal Register:*

Alabama

Tuscaloosa County
Tuscaloosa
Gorgas-Manly (University of Alabama) Historic District
On the University of Alabama Campus (2–82–73)

Louisiana

Orleans Parish
New Orleans
Old U.S. Mint, New Orleans
420 Esplanade Avenue (6–5–73)

Nebraska

Douglas County
Omaha
City National Bank Building and Creighton Orpheum Theater
16th and Harney streets (5–1–73)

Pennsylvania

Erie County
Erie
U.S.S. Niagara
State Street at Lake Erie (6–5–73)
Lancaster County
Lancaster
Soldiers and Sailors Monument
Penn Square, intersection of King and Queen streets (6–5–73)

Tennessee

Knox County
Knoxville
Knox County Courthouse
Main Avenue and Gay Street (6–5–73)

The following properties have been added to the National Register since June 5:

Alabama

Barbour County
Eufaula
Kiels-McNab-Doughtie House
Barbour Street
Calhoun County
Anniston
Anniston Inn Kitchen
130 W. 15th Street
Coffee County
Elba
Coffee County Courthouse
Courthouse Square
Enterprise
Boll Weevil Monument
Intersection of Main and College streets
Dallas County
Selma vicinity
Cahaba
11 miles SW of Selma, at junction of Cahaba and Alabama rivers
Elmore County
Wetumpka vicinity
Alabama State Penitentiary
NE of Wetumpka on U.S. 231
Jefferson County
Birmingham
Morris Avenue Historic District
2000 through 2400 blocks of Morris Avenue
Lee County
Auburn Players Theater
College Avenue at Thach Street
Loachapoka
Loachapoka Historic District
Limestone County
Elkmont vicinity
Sulphur Trestle Fort Site
1 mile S of Elkmont
Montgomery County
Montgomery
Edgewood (Thomas House)
3175 Thomas Avenue
Monroe County
Monroeville
Old Monroe County Courthouse
Courthouse Square

Alaska

Southcentral District
Chitina vicinity
Copper River and Northwestern Railway
SW of Chitina along Copper River

American Samoa

Eastern District, Tutuila Island
Pago Pago Harbor
Blunts Point Naval Gun
Matautu Ridge at Tulutulu Point

Arkansas

Phillips County
Helena
Pillow, Jerome Bonaparte, House (Pillow-Thompson House)
718 Perry Street
Pulaski County
Little Rock
Old Post Office Building and Customhouse
2nd and Spring Streets
Sebastian County
Fort Smith
Commercial Hotel
123 N. 1st Street

California

Calaveras County
Douglas Flat
Douglas Flat School
On Calif. 4
Los Angeles County
South Pasadena
Garfield House
10001 Buena Vista Street
South Pasadena
Wynyate
851 Lyndon Street
Merced County
Los Banos vicinity
San Luis Gonzaga Archeological District
15 miles W of Los Banos
Riverside County
Temecula vicinity
Murrieta Creek Archeological Area
S of Temecula
Torres-Martinez Indian Reservation
Martinez Historical District
2 miles SE of Hwy. 86
San Bernardino County
Cucamonga
Rains, John, House
7869 Vineyard Avenue
San Diego County
San Diego
Ford Building
Balboa Park, Palisades Area
San Francisco County
San Francisco
Eureka (ferryboat)
2905 Hyde Street in San Francisco Maritime State Historic Park
San Francisco
Wapama (schooner)
2905 Hyde Street in San Francisco Maritime State Historic Park
San Mateo County
Half Moon Bay vicinity
Johnston, James, House
Higgins-Purisima Road

Colorado

Chaffee County
Poncha Springs vicinity
Hutchinson Ranch
2 miles E of Poncha Springs
Denver County
Denver
Larimer Square
1400 block of Larimer Street
El Paso County
Manitou Springs
Briarhurst (William A. Bell House)
404 Manitou Avenue
Huerfano County
Walsenburg
Huerfano County Courthouse (and Jail)
400 Main Street
Larimer County
Estes Park vicinity
Mills, Enos, Homestead Cabin
S of Estes Park off Colo. 7, in Rocky Mountain National Park

Connecticut

Fairfield County
Danbury
Octagon House
21 Spring Street

Delaware

Kent County
Dover
Eden Hill
West end of Water Street
Magnolia
Lindale House
24 Walnut Street
Milford
Christ Church, Milford
3rd and Church streets
New Castle County
Kirkwood vicinity
Lum's Mill House
On Del. 71 in Lums Pond State Park
Newark
Fisher, Andrew, House
725 Art Lane
Porter vicinity
New Castle and Frenchtown Railroad Right-of-way
Off U.S. 40 between Porter Delaware and Frenchtown, Md. (also in Cecil County, Maryland)
Stanton vicinity
St. James Church
W of Stanton on St. James Church Road

District of Columbia

Washington
Beale, Joseph, House
2301 Massachusetts Avenue, NW.
Belmont, Perry, House (International Eastern Star Temple)
1618 New Hampshire, NW.
Meridan House
1630 Crescent Place, NW.
Rosedale
3501 Newark Street, NW.
St. Mark's Church, Capitol Hill
3rd and A streets, SE.

Florida

Baker County
Sanderson vicinity
Burnsed Blockhouse
N of Sanderson off Jacksonville Road
Duval County
Jacksonville
Epping Forest
Christopher Point, off San Jose Boulevard
Jefferson County
Lloyd vicinity
San Joseph de Ocuya Site
About 17 miles E of Tallahassee
Tallahassee vicinity
San Juan de Aspalaga Site
About 16 miles E of Tallahassee
Leon County
Tallahassee
Florida State Capitol
S. Monroe Street
Putnam County
Palatka
St. Marks Episcopal Church
Main and 2nd streets
Welaka vicinity
Mount Royal
About 3 miles S of Welaka
Suwanee County
Live Oak vicinity
Hull-Hawkins House
About 10 miles S of Live Oak on Fla. 49
Volusia County
Ormond Beach vicinity
Nocoroco
2 miles N of Ormond Beach on Old Dixie Hwy.

Georgia

Butts County
Indian Springs
McIntosh Inn
On Ga. 42
Camden County
St. Marys
Orange Hall
311 Osborne Street
Chatham County
Savannah vicinity
Wormsloe Plantation
Isle of Hope and Long Island
Dekalb County
Atlanta vicinity
Soapstone Ridge
SE of Atlanta off River Road
Jones County
East Juliette vicinity
Jarrell Plantation
About 6 miles E of East Juliette off Dames Ferry Road
Meriwether County
Greenville
Meriwether County Courthouse
Court Square
Greenville
Meriwether County Jail
Gresham Street and Ga. 27-A
Greenville vicinity
Harman-Watson-Matthews House
7 miles SW of Greenville on Odessadale-Durand Community Road
Greenville vicinity
Mark Hall
SW of Greenville on Ogletree Road off Ga. 18
Pauling County
Dallas vicinity
Pickett's Mill Battlefield Site
NE of Dallas off Ga. 92
Stewart County
Lumpkin
Bedingfield Inn
Cotton Street
Talbot County
Talbotton
Towns, George Washington Bonaparte, House
On Ga. 208

Hawaii

Hawaii County
Hawi vicinity
Heiau in Kukuipahu
SW of Hawi

Idaho

Bear Lake County
Montpelier
MacIntosh-Driver House
Washington Street, between 8th and 9th streets
Bonneville County
Iona
Iona Meetinghouse
Canyon County
Middleton
Middleton Sub-station
On Idaho 44
Franklin County
Franklin
Hatch, L. H., House
Nez Perce County
Lewiston
Lewiston Depot
13th and Main Streets

Illinois

St. Clair County
Collinsville vicinity
**Cahokia Mounds*
7850 Collinsville Road, Cahokia Mounds State Park
Sangamon County
Pleasant Plains vicinity
Clayville Tavern
0.5 mile SE of Pleasant Plains on Ill. 125

Indiana

Jefferson County
Madison
Madison Historic District
Lake County
Crown Point
Lake County Courthouse
Public Square

Iowa

Johnson County
Iowa City
Plum Grove (Robert Lucas House)
1030 Carroll Avenue
Lee County
Fort Madison
Old Fort Madison
315-335 Avenue H

Kansas

Dickinson County
Abilene
Lebold, C. H., House
106 N. Vine Street
Geary County
Junction City vicinity
Bogan Archeological Site
Milford Reservoir

Kentucky

Boyd County
Catlettsburg
Catlett House (Beechmoor)
25th and Walnut streets
Catlettsburg
Catlettsburg National Bank
110 26th Street
Fayette County
Lexington
Ridgely House
190 Market Street
Lexington vicinity
Walnut Hill Presbyterian Church
E of Lexington off U.S. 25/421
Hickman County
Columbus
Columbus-Belmont Battlefield State Park
On U.S. 80
Jefferson County
Louisville
Trade Mart Building
131 W. Main Street
Livingston County
Smithland
Grower House
Water Street
Monroe County
Tompkinsville vicinity
Old Mulkey Meetinghouse
S of Tompkinsville on Ky. 1446
Nelson County
Bardstown
Spalding Hall
N. 5th Street, on St. Joseph's College campus
Ohio County
Hartford
Pendleton House
403 E. Union Street
Todd County
Fairview
Davis, Jefferson, Monument
On Ky. 115 near junction with U.S. 68

Louisiana

East Feliciana Parish
Clinton
Brame-Bennett House
227 S. Baton Rouge Street
Orleans Parish
New Orleans
St. Alphonsus Church (Roman Catholic)
2029 Constance Street
New Orleans
St. Charles Line (Streetcar)
St. Charles and Carrollton avenues route
New Orleans
Turpin-Kofler-Buja House
2319 Magazine Street

Maine

Cumberland County
Falmouth
Skeleton, Thomas, House
124 U.S. 1
Portland
Portland City Hall
389 Congress Street
Portland
Rackleff Building
127, 129, 131, 133 Middle Street
Portland
Reed, Thomas Brackett, House
30-32 Deering Street
Portland
U.S. Custom House
312 Fore Street
Knox County
Camden vicinity
Curtis Island Light
0.8 mile SE of Camden Harbor on Curtis Island
Rockland
Farnsworth Homestead
21 Elm Street
Penobscot County
Bangor
Broadway Historic District
Sagadahoc County
Bath
Bath Historic District
Washington County
Robbinston vicinity
Mansion House (General John Brewer House)
N of Robbinston on U.S. 1

York County
Biddeford
U.S. Post Office
35 Washington Street

Maryland

Baltimore (independent city)
American Brewery (Wiessner Brewery)
1701 N. Gay Street
Baltimore City Hall
100 N. Holliday Street
Carroll Mansion
800 E. Lombard Street
Druid Hill Park Historic District
Lovely Lane Methodist Church
2200 St. Paul Street
St. Alphonsus' Church, Rectory, Convent and Halle
112–116 and 125–127 Saratoga Street
St. Mary's Seminary Building
600 N. Paca Street
Calvert County
Barstow vicinity
Cedar Hill
About 2 miles W of Barstow on Buena Vista Road
Cecil County
Frenchtown
New Castle and Frenchtown Railroad Right-of-way
(See New Castle County, Del.)
Harford County
Bel Air vicinity
D. H. Springhouse
About 6 miles NE of Bel Air on Sandy Hook Road
Prince Georges County
Bowie
Belair Stables
Belair Drive
St. Marys County
Leonardtown
Tudor Hall
Tudor Hall Road

Massachusetts

Berkshire County
North Adams
Beaver Mill
Beaver Street
North Adams
Windsor Print Works
121 Union Street
Essex County
Gloucester
Gloucester City Hall
Dale Avenue
Gloucester
Hammond Castle
80 Hesperus Avenue
Salem
House of Seven Gables Historic District
Turner, Derby, and Hardy streets
Middlesex County
Bedford
Lane, Job, House
295 North Road
Cambridge
Brattle, William, House
42 Brattle Street
Cambridge
Pratt, Dexter, House
54 Brattle Street
Chelmsford
Old Chelmsford Garrison House Complex
105 Garrison Road
Suffolk County
Boston
Alice S. Wentworth (schooner)
Pier 4, Northern Avenue
Boston
Armory of the First Corps of Cadets
97–105 Arlington Street and 130 Columbus Avenue
Boston
Boston Public Library
Copley Square
Boston
Custom House District
Boston (Roxbury)
Hale, Edward Everett, House
12 Morley Street
Boston (Roxbury)
Kittredge, Alvah, House
12 Linwood Street
Boston
South End District
Boston (Charlestown)
Town Hill District

Michigan

Berrien County
Niles
Fort St. Joseph Site
Off S. Bond Street
Niles
Paine Bank
1008 Oak Street

Minnesota

Carlton County
Duluth vicinity
Grand Portage of the St. Louis River
W of Duluth in Jay Cooke State Park, off Minn. 210
Cass County
Pillager vicinity
Chippewa Agency Historic District
E of Pillager, near confluence of Gull and Crow Wing rivers
Pillager vicinity
Gull Lake Mounds Site
NE of Pillager
Clearwater County
Park Rapids vicinity
Itasca State Park
21 Miles N of Park Rapids off U.S. 71
Pine County
Hinckley
Hinckley Depot
Old Hwy. #61 and 1st Street, S.E.
St. Louis County
Duluth
Aerial Lift Bridge
Lake Avenue

Mississippi

Coahoma County
Coahoma vicinity
Parchman Place Site
SW of Coahoma
Harrison County
Biloxi
Gillis House
806 W. Beach Boulevard
Hinds County
Jackson
The Oaks (Boyd House)
823 N. Jefferson Street
Neshoba County
Philadelphia vicinity
Nanih Waiya Cave Mound
NE of Philadelphia off Miss. 393

New Hampshire

Grafton County
Canaan
Canaan Street Historic District
Canaan Street
Littleton
Littleton Town Building (Littleton Opera House)
1 Union Street
Rockingham County
Portsmouth
Benedict House (Thomas W. Penhallow House)
30 Middle Street
Portsmouth
Portsmouth Athenaeum
9 Market Square
Sullivan County
Langdon vicinity
Cold River Bridge (McDermott Bridge)
E of Langdon on McDermott Road, off N.H. 123-A
Langdon vicinity
Prentiss Bridge (Drewsville Bridge)
S of Langdon off Old Cheshire Turnpike

New Jersey

Bergen County
Park Ridge
Wortendyke Barn
Pascack Road
Hunterdon County
Lambertville vicinity
Delaware and Raritan Canal
Follows the Delaware River to Trenton and then eastward to New Brunswick (also in Mercer, Middlesex, and Somerset counties)
Mercer County
Delaware and Raritan Canal
(See Hunterdon County)
Middlesex County
Delaware and Raritan Canal
(See Hunterdon County)
Somerset County
Delaware and Raritan Canal
(See Hunterdon County)

New Mexico

Mora County
Mora vicinity
La Cueva Historic District
6 miles SE of Mora at junction of N. Mex. 3 and 21
Santa Fe County
Santa Fe
Speigelberg House (Spitz House)
237 E. Palace Avenue
Santa Fe
U.S. Courthouse
Federal Place

New York

Broome County
Binghamton
Broome County Courthouse
Court Street
Delaware County
East Meredith
Hanford Mill
On C.R. 12
Dutchess County
Beacon
Howland Library
477 Main Street
Rinebeck
Delamater, Henry, House
44 Montgomery Street
Monroe County
Honeoye Falls
Lower Mill
N. Main Street
New York County
New York
Governor's House
Governors Islands
Ontario County
Stanley vicinity
Seneca Presbyterian (Number Nine) Church
E of Stanley off N.Y. 245 on Number Nine Road
Rensselaer County
Troy
Glenwood (Titus Eddy Mansion)
Eddy's Lane
Troy
Washington Park Historic District
Schoharie County
Blenheim vicinity
Lansing Manor House
2 miles S of N. Blenheim on N.Y. 30

Westchester County
Hastings-on-Hudson
Cropsey, Jasper F., House and Studio
49 Washington Avenue

North Carolina

Burke County
Morganton
Tate House
100 S. King Street
Caldwell County
Patterson vicinity
Clover Hill
E of Patterson off N.C. 268, on E side of S.R. 1514
Carteret County
Beaufort
Henry, Jacob, House
229 Front Street
Durham County
Durham vicinity
Stagville
N of Durham off S.R. 1004
Franklin County
Louisburg vicinity
Cascine
S of Louisburg on S.R. 1702
Wake County
Raleigh
Estey Hall
Shaw University campus, 118 E. South Street

Ohio

Auglaize County
Wapakoneta
Auglaize County Courthouse
Courthouse Square
Butler County
Fairfield vicinity
Pleasant Run Mounds
SW of Fairfield off East River Road
Hamilton
Benninghofen House
327 N. 2nd Street
Clark County
Springfield
Municipal City Building (City Hall)
S. Fountain Avenue between High and Washington streets
Coshocton County
Coshocton
Coshocton County Courthouse
Courthouse Square
Cuyahoga County
Cleveland
Schweinfurth, Charles, House
1951 E. 75th Street
Delaware County
Delaware
Delaware County Courthouse
N. Sandusky and Central
Fulton County
Wauseon
Fulton County Courthouse
S. Fulton and Chestnut streets
Greene County
Cedarville vicinity
Reid, Whitelaw, House
SW of Cedarville at 2587 Conley Road

Xenia
Bank of Xenia
NE corner of Detroit and E. 2nd streets

Hamilton County
Greenhills
Whallon, James, House
11000 Winton Road

Hancock County
Findlay
Hancock County Courthouse
Courthouse Square

Licking County
Heath vicinity
Ohio Canal Ground Breaking Site
Ohio 79

Lucas County
Toledo
Lucas County Courthouse and County Jail
Courthouse Square and 810–814 Jackson Street

Madison County
Somerford vicinity
Wilson, Valentine, House
About 1 mile N of Somerford off I–70

Montgomery County
Dayton
St. Mary's Hall
300 College Park, University of Dayton

Muskingum County
Nashport vicinity
Nashport Mound
E of Nashport off Ohio 146

Ross County
Chillicothe
Renick House, Paine Hill
17 Mead Drive

Frankfort
Frankfort Works Mound
U.S. 35

Summit County
Barberton
Barber, O.C., Creamery
365 Portsmouth Avenue
Barberton
Barber, O.C., Piggery or "Pork Palace"
248 Robinson Avenue
Vinton County
Zaleski vicinity
Hope Furnace
5 miles NE of Zaleski on Ohio 278
Williams County
Bryan
Williams County Courthouse
Main and High streets

Oklahoma

Blaine County
Watonga
Ferguson, Thompson Benton, House
521 N. Weigel
Caddo County
Anadarko
Black Beaver's Grave
On the N edge of Anadarko

Oregon

Marion County
Salem
Kay, Thomas, Woolen Mill
260 12th Street, S.E.

Pennsylvania

Chester County
Warwick Township
Rogers, Philip, House
Ridge Road
Montgomery County
Kulpsville vicinity
Morgan, Edward, Log House
Off Pa. 363 on Weikel Road
Worcester Township
Wentz, Peter, Homestead
Off Pa. 73 on Shultz Road
Philadelphia County
Philadelphia
Moore, Clarence B., House
1321 Locust Street

Rhode Island

Kent County
East Greenwich
Windmill Cottage
144 Division Street
West Warwick
Clapp, Silas, House
E. Greenwich Avenue

Newport County
Newport
Kay Street-Catherine Street-Old Beach Road Historic District
Newport
Kingscote
NW corner of Bellevue Avenue and Bowery Street
Providence County
North Providence
Allendale Mill
494 Woonasquatucket Avenue
Providence
Hopkins, Esek, House
97 Admiral Street
Providence
Providence and Worcester Railroad Depot
Canal Street
Woonsocket
Woonsocket Company Mill Complex
100–115 Front Street
Washington County
Charlestown
Historic Village of the Narragansetts in Charlestown
Westerly
Wilcox Park Historic District

South Carolina

Aiken County
Beech Island vicinity
Redcliffe
1.5 miles NE of Beech Island on S.C. 125
Berkeley County
Moncks Corner vicinity
Lewisfield Plantation
About 2.5 miles S of Moncks Corner off U.S. 52
Charleston County
Charleston
Market Hall and Sheds
188 Meeting Street
Charleston
South Carolina National Bank of Charleston
16 Broad Street
Laurens County
Laurens vicinity
Sullivan House (38LU2)
About 10 miles W of Laurens on U.S. 76
Lexington County
Lexington
Hazelius, Ernest L., House
225 Columbia Avenue
West Columbia
Saluda Factory Historic District
(Also in Richland County)
Richland County
Saluda Factory Historic District
(See Lexington County)
Sumter County
Sumter
Sumter Town Hall/Opera House
N. Main Street

South Dakota

Charles Mix County
Geddes
Geddes Historic District
Marshall County
Britton vicinity
Fort Sisseton
SE of Britton
Meade County
Fort Meade
Fort Meade District
On S. Dak. 34/79
Minnehaha County
Sioux Falls
Old Minnehaha County Courthouse
Main Avenue and 6th Street

Tennessee

Davidson County
Nashville
Nashville Arcade
Between 4th and 5th avenues
Nashville vicinity
Brick Church Mound and Village Site
N of Nashville on Brick Church Pike
Henry County
Whitlock
Work Farm Site (Obion Mounds)
4 miles NW of Whitlock
Shelby County
Memphis
Chucalissa Indian Village
Mitchell Road
Stewart County
Dover vicinity
Dover Flint Quarries
SE of Dover off Tenn. 49 on Long Creek Road
Sullivan County
Blountville
Old Deery Inn
Main Street

Texas

Colorado County
Columbus
Stafford Bank and Opera House
SE Corner of Milam and Spring streets
Jefferson County
Port Arthur
Pompeiian Villa
1953 Lakeshore Drive
Kerr County
Camp Verde vicinity
Old Camp Verde (41 KRIII)
About 2 miles W of Camp Verde on county road

Utah

Weber County
Ogden
Browning, John Moses, House
505 27th Street

Vermont

Bennington County
Shaftsbury Center vicinity
Munro-Hawkins House
0.5 mile S of Shaftsbury Center on U.S. 7
Caledonia County
East Burke vicinity
Burklyn Hall
W of East Burke on Bemis Hill Road
Chittenden County
Williston
Williston Congregational Church
On U.S. 2
Winooski
Old Stone House
73 E. Allen Street
Orleans County
Brownington
Brownington Village Historic District
Junction of Hinman Road and Brownington Center Road
Washington County
Calais
Kent's Corner, Historic District
Calais
Old West Church
0.8 mile S of Kent's Corner
Windham County
Dummerston
West Dummerston Covered Bridge
Vt. 30, Over the West River

Virginia

Augusta County
Fort Defiance
Augusta Stone Church
On U.S. 11
Caroline County
Bowling Green
Caroline County Courthouse
SE corner of Main Street and Court House Lane
Charlottesville (independent city)
Oak Lawn
Cherry Avenue and 9th Street
King George County
Owens vicinity
St. Paul's Church
W of Owens off Va. 206
Nansemond County
Chesapeake City vicinity
Glebe Church
About 4 miles W of Chesapeake City on Va. 337
Nelson County
Lovingston
Nelson County Courthouse
Off U.S. 29
New Kent County
New Kent vicinity
Criss Cross
SW of New Kent off Va. 608
Patrick County
Woolwine vicinity
Jack's Creek Covered Bridge
About 2 miles S of Woolwine off Va. 8
Woolwine vicinity
Bob White Covered Bridge
About 2.5 miles S of Woolwine off Va. 618
Petersburg (independent city)
Petersburg Courthouse
Court House Square
Portsmouth (independent city)
Trinity Episcopal Church
SW corner of High and Court streets
Roanoke (independent city)
St. Andrew's Roman Catholic Church
631 N. Jefferson Street
Fire Station No. One
13 E. Church Avenue

West Virginia

Cabell County
Huntington
Carroll, Thomas, House
234 Guyan Street

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-12911 Filed 7-2-73;8:45 am]

[Order No. 5, Amdt. No. 2]

SUPERINTENDENTS, ET AL., SOUTHEAST REGION

Delegation of Authority

Order No. 5, published at 37 FR 7721 on April 19, 1972, and Amendment No. 1, published at 37 FR 17771 on August 31, 1972, is hereby amended to add the following subsection as an exception to be retained by the Director, Southeast Region and cannot be redelegated:

Section 1. Superintendents.

* * * (n) Authority to conduct archeological investigations and salvage activities.

(National Park Service Order No. 77 (38 FR 7478), dated March 22, 1973)

Dated: May 25, 1973.

DAVID D. THOMPSON, Jr.,
Director, Southeast Region.

[FR Doc.73-13395 Filed 7-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ENVIRONMENTAL PROGRAM FOR THE FUTURE

Preparation of Draft Environmental Statement

The purpose of this announcement is to provide timely public information that the Forest Service will prepare and file with the Council on Environmental Quality a draft environmental statement in connection with development of an "Environmental Program for the Future." This program will propose, for the 10 year period 1975-84, an optimum, balanced mix of goods and services to be produced by the agency. It includes National Forest System, cooperative State and private programs, and research activities. The Forest Service will welcome comments on the program such as alternative mixes of outputs and means of obtaining them, as well as impacts of the proposal or alternatives.

It is expected that the draft statement will be filed with CEQ about August 1973. Comments received during the formal review period will be used in preparation of the final environmental statement. Comments and information relevant to the development of the Environmental Program for the Future and the draft environmental statement can be addressed to John R. McGuire, Chief, Forest Service, USDA, Washington, D.C. 20250.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 27, 1973.

[FR Doc.73-13439 Filed 7-2-73;8:45 am]

ST. LOUIS PEAK ROADLESS AREA MANAGEMENT REVIEW

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the St. Louis Peak Roadless Area Management Review on the Arapaho National Forest, Forest Service Report Number USDA-FS-FES (Adm.) 73-52.

The Environmental Statement concerns purposed management of the St. Louis Peak Roadless Area and a project affecting the area.

The Final Environmental Statement was filed with CEQ June 27, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
Regional Forester
Bldg. 85, Denver Federal Center
Denver, Colorado 80225
Acting Forest Supervisor
c/o Routt National Forest
P.O. Box 1198
Steamboat Springs, Colorado 80477

A limited number of single copies are available upon request to Walter B. Metcalf, Acting Forest Supervisor, % Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

JUNE 27, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-13487 Filed 7-2-73;8:45 am]

Office of the Secretary

ROCK CREEK ADVISORY COMMITTEE

Notice of Determination

Notice is hereby given that the Secretary of Agriculture will appoint a Rock Creek Advisory Committee for the Deerlodge and Lolo National Forests in Montana for a 2-year period. The Secretary has determined that establishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of the committee will be to provide advice to the Forest Supervisors on the over-all aspects of Forest Service management in the Rock Creek drainage. Membership will include persons well informed on one or more phases of the environmental, social, or economic aspects of management concerns in the drainage.

This notice is given in compliance with Public Law 92-463. Views and comments of interested persons may be submitted to the Forest Supervisor, Deerlodge National Forest, Federal Building, Box 400, Butte, MO 59701, until July 31, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Forest Supervisor's Office during regular business hours (7 CFR 1.27(b)).

FRANK B. ELLIOT,
Acting Assistant Secretary for Administration.

JUNE 27, 1973.

[FR Doc.73-13440 Filed 7-2-73;8:45 am]

Soil Conservation Service

PALATLAKAHA RIVER WATERSHED PROJECT, FLORIDA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Palatlakaha River Watershed Project, Lake County, Florida, USDA-SCS-ES-WS-(ADM)-72-13(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural water management. The planned works of improvement include conservation land treatment measures, 6.8 miles of channel work, eight structures for water control, and five grade stabilization structures with water control features, of which 1.7 miles of channel work and one structure for grade stabilization and water control have been installed.

The final environmental statement was transmitted to CEQ on June 4, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW, Washington, D.C. 20250

Soil Conservation Service, USDA, P.O. Box 1208, 401 SE 1st Street, Room 234, Gainesville, Florida 32602

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $8.25.

Copies of the environmental statement have been sent to various federal, state and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated June 26, 1973.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-13489 Filed 7-2-73;8:45 am]

TROUBLESOME CREEK WATERSHED PROJECT, IOWA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Troublesome Creek Watershed Project, Audubon, Cass and Guthrie Counties, Iowa, USDA-SCS-ES-WS-(ADM)-73-24(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment measures, 135 grade stabilization structures for prevention of gully erosion, two floodwater retarding structures, two multi-purpose structures for floodwater retarding and recreation, and two recreation developments.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Comments must be received on or before August 24, 1973, to be considered in the preparation of the final statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JUNE 26, 1973.

[FR Doc.73-13488 Filed 7-2-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS, AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components, and Related Test Equipment Techical Advisory Committee of the U.S. Department of Commerce will meet July 9, 1973 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.
(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.
(3) Election of chairman.
(4) Presentation of papers or comments by the public.
(5) Review by OEC official of current controls on computer peripherals, components, and related test equipment, including report on any decontrol action effected since August, 1972.
(6) Technical problems relating to export control coverage of computer peripherals, components, and related test equipment.
(7) Licensing procedures relating to computer peripherals, components, and related test equipment.

(8) Foreign availability of types of computer peripherals, components, and related test equipment currently under control, including extent of U.S. participation and use of U.S. technology.
(9) Executive session:
  (a) Background of U.S. and COCOM control program and strategic criteria.
  (b) Technical problems:
    (1) End use pattern for computer peripherals, components, and related test equipment, including military and military support uses.
    (2) Performance characteristics that, as a minimum, identify computer peripherals, components, and related test equipment in such a way as to be both meaningful for national security and reasonable from the standpoint of administrative controls.
  (c) Foreign availability, including "state of the art" in USSR, Eastern Europe, and the People's Republic of China.
  (d) Licensing control over technology related to computer peripherals, components, and related test equipment.
(10) Problems remaining to be discussed at next meeting.
(11) Adjournment.

This will be the first meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–8, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Assistant Secretary of Commerce for Administration on June 8, 1973, determined, pursuant to section 10(d) of P.L. 92–463 that this agenda item should be exempt from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D. C. 20230.

Dated: June 28, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73–13561 Filed 6–29–73;1:46 pm]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Numerically Controlled Machine Tool Technical Advisory Committee of the U.S. Department of Commerce will meet July 10, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Review of security classification matters by the Director, Office of Export Control, Rauer H. Meyer.
3. Presentation of papers or comments by the public.
4. Review of work program:
   a. Objectives
   b. Work content
   c. Completion date
5. Executive session:
   a. Progress report on work program:
      (1) End use pattern, including military and military support uses, of numerically controlled machine tools presently under security control.
      (2) Foreign availability, including production in USSR, Eastern Europe and the People's Republic of China.
      (3) Clarification of existing security control definition for numerically controlled machine tools.
   b. Discussion of other necessary work assignments.
6. Adjournment.

This will be the second meeting of the Numerically controlled Machine Tool Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the numerically controlled machine tool industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on June 27, 1973, determined, pursuant to Section 10(d) of P.L. 92–463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 28, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce

[FR Doc.73–13560 Filed 6–29–73;1:46 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BIOLOGICAL MODELS SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biological Models Segment Advisory Group, National Cancer Institute, July 16, 1973, at 8:30 a.m., National Institutes of Health, Landow Building, Conference Room B–303. This meeting will be closed to the public from 8:30 a.m. to 3:00 p.m., for the discussion and review of approximately 5 contracts in the fields of chemical and physical carcinogens, in accordance with the provisions set forth in section 10(d) of P.L. 92–463, and section 552(b) 4, of Title 5, U.S. Code, and open to the public from 3:00 p.m. to 5:00 p.m., to discuss alternative methods for monitoring projects. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed/open meeting and roster of committee members.

Dr. Richard A. Pledger, Executive Secretary, Landow Building, Room A–306, National Institutes of Health,

Bethesda, Maryland 20014 (301/496-5471) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13389 Filed 7-2-73;8:45 am]

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, July 11, 1973, National Cancer Institute, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 10:30 a.m., July 11, 1973, to discuss Developments in Microcalcification as Related to Breast Cancer Detection; Guidelines to Surgeons for Biopsy of Breast Lesions; and possible studies in Evaluation Xeroradiography vs. Mammography, and closed to the public from 10:30 a.m. until 5:30 p.m., for the discussion and review of approximately nine contracts in the field of Diagnosis, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code, and section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Ihor J. Masnyk, Ph.D., Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13388 Filed 7-2-73;8:45 am]

BREAST CANCER TASK FORCE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Task Force, National Cancer Institute, July 17, 1973, 1:00 p.m. to 6:15 p.m. and July 18, 1973 from 8:30 a.m. to 12:00 noon at Airlie House, Warrenton, Virginia. This meeting will be open to the public from 1:00 p.m. to 3:45 p.m. on July 17 to discuss the Chairman's report; comments and budget development; contract procedures, and the handling of public information in this program, and closed to the public from 3:45 p.m. to 6:15 p.m. on July 17 and from 8:30 a.m. to 12:00 noon on July 18, for the review and discussion of approximately 60 contracts, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Erwin P. Vollmer, Executive Secretary, Landow Building, A-422A, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6718) will provide substantive program information.

Dated: June 2, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13386 Filed 7-2-73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, National Cancer Institute, July 27, 1973, at 9:00 a.m., National Institutes of Health, Building 31, A Wing, Conference Room 3. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m., July 27, 1973, for the Cancer Control Advisory Committee to discuss and advise the National Cancer Institute on: (1) Possible US-USSR exchange program on cancer control; (2) Head and neck cancer screening programs; (3) Review of cancer diagnostic activities in breast cancer detection program; (4) Comprehensive cancer control program; (5) Legislative initiatives and constraints in cancer cause and prevention. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014, (301/496-1911) will furnish summaries of the open meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Maryland 20014, (301/496-1946) will provide substantive program information.

Dated June 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13391 Filed 7-2-73;8:45 am]

HYPERTENSION INFORMATION AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, National Heart and Lung Institute, July 26 and 27, 1973, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on July 26 and 27, 1973, to discuss the High Blood Pressure Education Program plan to be submitted to the Secretary of HEW and the recommendations for program development. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Dr. John B. Stokes III, NHLI, NIH Building 31, Room 5A27, phone 496-6331.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13390 Filed 7-2-73;8:45 am]

SOLID TUMOR VIRUS WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Solid Tumor Virus Working Group, National Cancer Institute, July 23, 1973, at 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., July 23, for introductory remarks and discussion of the segment objectives, and closed to the public from 9:30 a.m. until adjournment, for the discussion and review of approximately 8 contracts in the fields of viral oncology and viral immunotherapy in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code, and section 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Mrs. Harriet Streicher, Executive Secretary, Building 37, Room 2D24, National Institutes of Health, Bethesda, Maryland 20014 (301/496-3301) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-13387 Filed 7-2-73;8:45 am]

Office of Child Development

[N-30-320-1]

HEAD START FEE SCHEDULE REGULATIONS

Guidelines for Implementation

Pursuant to the requirement of the Economic Opportunity Amendments of 1972, PL 92-424, Sec. 22, the Office of Child Development publishes this notice of guidelines and procedures for implementing the Head Start Fee Schedule Regulations, 45 CFR Part 1301 (38 FR 9434, April 16, 1973), by adding OCD

Notice N-30-320-1-00 to the OCD Manual of Policy and Procedural issuances as follows:

Sec.
1-00 Purpose.
1-10 Scope.
1-20 Policy.

SECTION 1-00 *Purpose.* This chapter sets forth the policy amplifying and explaining the fee schedule regulations in 45 CFR Part 1301, published in the FEDERAL REGISTER on April 16, 1973, 38 FR 9434.

SEC. 1-10 *Scope.* These guidelines apply to all Head Start grantees and delegate agencies and to all children enrolling or re-enrolling in the Head Start program. These guidelines shall be effective August 10, 1973. Re-enrollment shall take place in September of each year for full day and part day programs in which children are enrolled for twelve months. For full day and part day programs in which children are enrolled less than twelve months, and for summer programs, re-enrollment shall take place at the beginning of the operating year.

SEC. 1-20 *Policy*—A. *General provisions.* 1. Fees shall be charged nonpoor families whose children enroll or re-enroll in the Head Start program. Nonpoor families are those whose gross annual incomes exceed $4,320, as adjusted for families with more than two children. No charges shall be imposed where the family income is equal to or less than $4,320, as adjusted, except to the extent that payment will be made by a third party. A fee shall be paid with respect to a child living in a foster family home or foster care facility if his or her income, including foster care payments made on his or her behalf by a welfare agency, but not including the income of the foster care family, exceeds $4,320.

2. The following table sets forth family income levels at or above which a family with the designated number of children in the family shall be required to pay a fee.

Income	*Number of children in Family*
$4,321	1
4,321	2
4,901	3
5,551	4
6,201	5
6,851	6
7,501	7
8,151	8
8,801	9
9,451	10

B. *Special provisions*—1. *Income and income verification.* For the purpose of computing a fee, income shall be defined as regular gross cash income from any source before taxes, including windfall profits (such as insurance lump-sum benefits) and without regard to capital losses, but after deductions for business expenses of the self-employed. Non cash income such as home grown food or food stamp benefits shall be excluded. In computing the income of military personnel, all pay and allowances must be added to arrive at gross income. Tax-free cash income, such as veterans benefits, social security benefits, unemployment compensation, relocation payments, and public assistance benefits, shall be added to compute gross income. Fees charged shall be correlated with family income which, for the purposes of this policy, shall include the gross cash income of parents contributing to the support of the enrolling child. Income of a family shall be computed on the basis of the twelve months income before the child's enrollment or of the calendar year prior to enrollment, whichever more accurately reflects the family's need and resources.

If the income of a family changes after a child has been enrolled in a Head Start program, the family shall report and verify the change immediately and the fee must be redetermined to reflect said change within 30 days. If the family's income decreases by 15 percent or more, the readjustment of fees must occur within 15 days of the verification of said change. Income recomputation for the purposes of adjusting fees shall be based upon the sum of the income of the month in which the recomputation is made and the income from the eleven months preceding the recomputation. For example, if the family income changes in November of 1973, the base period for recomputation would be December of 1972 through November of 1973. The income and possible fee charge must be recomputed monthly thereafter since the income figure for the twelve month period will be changing monthly thereafter.

A family enrolling or re-enrolling a child in the Head Start program must provide documentation verifying its income. A declaration of income signed by the parents or guardians of the enrolling child shall continue to be an acceptable form of documentation. All income and income verification statements shall be available for review by appropriate DHEW officials and auditors, or their designees.

2. *Adjustments of fees.* Head Start grantees shall authorize fee adjustments for a family whose ability to pay is currently impaired because of unusual medical and dental expenses or theft loss(es). Expenses in excess of 10 percent of gross family income in both of the following categories constitute "unusual" expenses, and shall be deducted from family income. The fee charge shall be determined on the basis of the adjusted family income.

a. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on Line 2 of Schedule A, 1972 Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on Line 6 of Schedule A, Form 1040 (see appendix A). The gross amount of all such medical, dental, and drug expenses is to be used in determining exceptional cases.

b. Those casualty or theft loss(es) permitted by the Internal Revenue Service (see appendix A).

The family shall present dated receipts of its expenditures to verify the kind and amount of unusual expenses currently impairing the ability of the family to pay.

Records of adjustments shall be available for review by the appropriate DHEW officials and auditors, or their designees.

3. *Use of funds.* Funds derived from the operation of the Fee Schedule shall be retained by the grantee and be used to further eligible Head Start program objectives. These funds cannot be applied toward the Federal or non-Federal share requirement. These funds must be expended during the program year in which the funds are collected, unless the funds are collected during the last quarter, in which case they may be carried over to the following program year. However, the grantees shall make every effort to expend last quarter fee collections during that quarter. Decisions relating to the expenditure of these funds shall be made by the grantee in accordance with the applicability of Instruction I-31, Section B2 (TN 70.2), The Parents, and of other OCD policies relating to the expenditure of funds.

4. *Reporting of funds.* The funds received from the collection of fees shall be reported by the grantee on the quarterly financial reporting form. These funds shall be subject to the same audit requirements as funds received under the Economic Opportunity Act of 1964, as amended.

5. *Collection of fees.* Fees shall be collected on a monthly basis for all Head Start programs. For those programs that begin or end in mid-month, fees shall be prorated accordingly, e.g., a charge of ¾ the monthly fee shall be made for programs operating for 3 weeks during the first and/or last month of the program operating year.

Fees shall not be reduced for holidays or child absences unless the holidays or absences extend for at least one week's continuous duration. In such cases, fees shall be prorated accordingly. Fees shall be payable in advance on the first attendance day of each month and shall be considered overdue if not paid within 10 days. A family whose fee payment is overdue shall be notified immediately in writing. Payment shall be made within two weeks of the mailing of the notice. Failure to make payment as required will subject the child(ren) to dismissal from the program.

The grantee with the advice and consent of the local Head Start Policy Council shall develop criteria under which the grantee may authorize fee payment deferments in cases of unusual family hardship. The grantee may authorize a deferment, not a waiver, of overdue payments, in whole or in part, for a period not to exceed two months duration. When the period of deferment lapses, the family must be current in all payments or withdraw the child from the program. A family shall not be allowed to enroll or re-enroll a child once a child is withdrawn until that family's is current in all payments. Before requiring a child to be

withdrawn, the grantee should give consideration to the applicability of the policy on fee adjustments. Documentation and records regarding overdue payments (i.e., written notifications, deferment criteria and concurrence of Policy Council) shall be available for review by the appropriate DHEW officials or their designees.

6. *Fee charge.* The attached Fee Schedule shall apply to ALL Head Start funded program variations and models. Thus, a child enrolled in the home-based model shall be charged the same monthly rate as the child attending a standard 5-day per week center-based program.

7. *Safeguarding information.* The use or disclosure of financial information concerning enrollees and their families will be limited to purposes directly connected with the administration of the Head Start program.

By the Office of Child Development.

(Catalogue of Federal Domestic Assistance Program No.-13,600, Child Development-Head Start)

SAUL R. ROSOFF,
Acting Director.

APPENDIX A

MEDICAL AND DENTAL EXPENSES

Types of expenses you can deduct.—Payments for medicines, drugs, vaccines, and vitamins your doctor told you to take, but not vitamins you take on your own just to keep healthy.

Payments to hospitals, physicians (medical doctors and osteopaths), dentists, nurses, chiropractors, podiatrists, physiotherapists, psychiatrists, psychoanalysts, and eye doctors or others who examine or test eyes. (If you pay someone to do both nursing and housework, you can deduct only the nursing cost.)

Payments for false teeth, eyeglasses, medical and surgical aids, arches, braces, crutches, sacroiliac belts, wheelchairs, batteries for hearing aids, orthopedic shoes, and cost and care of seeing eye dogs, etc.

Payments for ambulance service and other travel costs necessary to get medical care. Instead of figuring amounts you spent for gas, oil, etc., for your car, you can take 6 cents a mile.

Payments for examinations, X-ray services, insulin treatment, whirlpool baths the doctor ordered, meals and lodging if part of cost for care in a hospital or similar place, hospital or medical insurance, including monthly payments for extra medical insurance under Medicare.

Types of Expenses You cannot Deduct.—Payments for funerals and cemetery lots, cosmetics, illegal operations or drugs that are against the law, travel your doctor tells you to take for rest or change, life insurance policies, the part of social security tax you pay for basic Medicare.

If you need more information, get Publication 502, Deduction for Medical and Dental Expenses.

CASUALTY OR THEFT LOSS(ES)

If you had property that was stolen or damaged by fire, storm, car accident, shipwreck, etc., you may be able to deduct your loss or part of it. In general, Schedule A can be used to report a casualty or theft loss. On property used only for personal purposes you can deduct only the amount over any insurance or other reimbursements plus $100 (if a husband and wife owned the property jointly but file separate returns, both have to subtract $100 from their part of the loss).

Casualty or theft losses of trade, business, rental, royalty, or other income producing properties are not subject to the $100 limitation.

If you had more than one casualty or theft loss occurrence omit lines 26 through 29 of Schedule A (Form 1040). On a separate sheet of paper prepare a schedule using the information on lines 26 through 30 for each loss occurrence. Total the net losses for each occurrence and enter it on line 30, Schedule A. Write in the margin to the right of line 30, "multiple casualty/theft losses, see attachment."

You may find Form 4684, Casualties and Thefts, helpful in determining the amount of your loss, particularly if the property is over six months old. If you fill out Form 4684 omit lines 26 through 29 of Schedule A (Form 1040) and enter the loss from Form 4684 on line 30.

For more information, get Publication 547, Tax Information on Disasters, Casualty Losses, and Thefts.

[FR Doc.73-13511 Filed 7-2-73;8:45 am]

Office for Civil Rights
Office of Education
SEX DISCRIMINATION
Transition Plans

The following memorandum has been sent by the Director, Office for Civil Rights, and the U.S. Commissioner of Education to selected institutions of higher education participating in Federal assistance programs.

MAY 4, 1973

MEMORANDUM FOR PRESIDENTS OF SELECTED INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN FEDERAL ASSISTANCE PROGRAMS

Subject: Title IX of the Education Amendments of 1972, Prohibition of Sex Discrimination—Plans to End Discrimination in Admission by Certain Educational Institutions

In August of 1972, the Office for Civil Rights wrote to you summarizing the requirements of. Title IX, "Prohibition of Sex Discrimination," of the Education Amendments of 1972. A Copy of Title IX is enclosed as Attachment A.[1]

Title IX generally prohibits discrimination on the basis of sex, with certain exceptions, in all educational institutions receiving Federal financial assistance. This prohibition does not apply to military or merchant marine schools or colleges, or to religiously controlled institutions to the extent it is inconsistent with the religious tenets of the organization controlling the institution.

With regard to student admissions, federally assisted institutions of vocational, professional, graduate higher education, and public undergraduate higher education are required by Title IX not to discriminate on the basis of sex beginning July 1, 1972, the date Title IX became effective. These types of institutions are defined as follows:

An Institution of Graduate Higher Education means an educational institution which offers:

1. Academic study beyond the customary bachelor of arts or bachelor of science degrees, whether or not leading to a certificate or any higher degree in the liberal arts and sciences; or

2. Any degree in a professional field beyond the first professional degree; or

3. No degree or further academic study, but which operates solely for the purpose of research by persons who have received the highest graduate degree in any field of study.

An Institution of Undergraduate Higher Education means:

1. An institution offering at least two but less than four years of college level studies beyond the high school level, leading to a diploma, or an associate degree or wholly or principally creditable toward customary baccalaureate degrees; or

2. An institution offering programs of studies leading to customary baccalaureate degrees, requiring at least four but less than six years; or

3. An agency or body which certifies credentials or offers degrees, but which may or may not offer programs of study.

A Public Undergraduate Institution of Higher Education is an undergraduate institution of higher education which is under the control of publicly elected or appointed officials and primarily supported by public funds.

An Institution of Vocational Education means a secondary school or a post secondary institution (except an institution of undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade, or to pursue study in a technical field.

An Institution of Professional Education means an educational institution (except an institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the U.S. Commissioner of Education. (Please see Attachment B.)

Pursuant to section 901(c) of Title IX, each administratively separate unit of a federally assisted educational institution is treated as a separate institution in determining which of its admissions processes must be free of sex discrimination. For these purposes, an "administratively separate unit" of a federally assisted institution is defined as a school, department or college of the educational institution which applies policies or criteria for admission of individuals which are separate (but not necessarily different) from the policies or criteria applied in any other component of the institution. For example, if a private university which receives Federal financial assistance contains a graduate school, a law school, and an undergraduate college which are "separate administrative units" as described above, each is treated as a separate educational institution as regards admissions. The college's admissions would be exempt from the requirement of section 901(a), but those of the graduate and law schools would not; the graduate and law schools would be treated separately from one another in determining which, if either, were eligible to operate under a plan.

as regards admissions. The college's admissions would be exempt from the requirement of section 901(a), but those of the graduate and law schools would not; the graduate and law schools would be treated separately from one another in determining which, if either, were eligible to operate under a plan.

[1] Filed as part of original document.

The admissions prohibition does not apply to private undergraduate institutions of higher education or to public undergraduate institutions of higher education which were founded as, and continue to be, single-sex institutions or to military or merchant marine schools or colleges. As described above, the prohibition also may not apply to religiously controlled institutions.

Institutions which were single sex as of June 24, 1972, or which began to admit students of both sexes after June 23, 1965, are not prohibited from discrimination on the basis of sex in admissions until June 24, 1973. In addition, these institutions may have up to six years after June 24, 1973, to completely eliminate such discrimination if they are operating under a transition plan which is approved by the Commissioner of Education. If, after studying this memorandum, you determine that your institution is eligible to submit a plan to eliminate admissions discrimination, please consult Attachment C, "Plans to Eliminate Discrimination in Admissions," for guidance in developing an appropriate plan. Submissions should be made within 45 days of the date of this memorandum to:

Student Affairs Coordinator
Higher Education Division
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Plans will be reviewed for adequacy and specifically approved or disapproved by the Commissioner of Education, as required by Title IX. Educational institutions which submit plans found to be unacceptable will be so notified as soon as possible and offered further guidance. Educational institutions which are eligible to submit a plan, but do not, will be required not to discriminate on the basis of sex in admissions as of June 24, 1973.

Some educational institutions not subject to the Title IX requirements in admissions or which are eligible to operate under a plan for eliminating discrimination, are nonetheless subject to the requirements of sections 799A or 845 of the Public Health Service Act and/or Part 83 of Title 45 of the Code of Federal Regulations. These provisions together prohibit discrimination on the basis of sex in the health training programs of any allied health training center, school of nursing or medicine, or other college or entity which receives Federal support under Titles VII or VIII of the Public Health Service Act. An explanation of sections 799A and 845 and Part 83 is enclosed at Attachment D (Forms HEW-590A and 590C.[2] The various exemptions from Title IX do not change the obligations of institutions under sections 799A and 845 or Part 83. Thus an institution will not be eligible to receive support under Titles VII or VIII of the Public Health Service Act if it discriminates on the basis of sex in admissions to its health training programs, or in any selection process which precedes eligibility for such programs, even if it does so under a plan approved by the Commissioner of Education under Title IX.

[2] Filed as part of original document.

The regulation implementing Title IX referred to in the August 1972 memorandum is not yet available. This regulation will set forth all of the requirements pertaining to that Title.

Should you have any questions concerning this matter, please feel free to contact Burton M. Taylor, Student Affairs Coordinator, Office for Civil Rights. His telephone number is Area Code 202 963-4418.

Dated May 15, 1973.

PETER E. HOLMES,
Director,
Office for Civil Rights.

Dated: May 21, 1973.

JOHN OTTINA,
U.S. Commissioner
of Education-designate.

ATTACHMENT B

SELECTED ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS*

BUSINESS—American Association of Collegiate Schools of Business
DENTISTRY—American Dental Association
HOSPITAL ADMINISTRATION—Accrediting Commission on Graduate Education for Hospital Administration
LAW—American Bar Association
LIBRARIANSHIP—American Library Association
MEDICINE—Liaison Committee on Medical Education representing the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges
OPTOMETRY—American Optometric Association
OSTEOPATHIC MEDICINE—American Osteopathic Association
PODIATRY—American Podiatry Association
PSYCHOLOGY—American Psychological Association
PUBLIC HEALTH—American Public Health Association, Inc.
SOCIAL WORK—Council on Social Work Education
SPEECH PATHOLOGY AND AUDIOLOGY—American Speech and Hearing Association
THEOLOGY—American Association of Theological Schools
VETERINARY MEDICINE—American Veterinary Medical Association

ATTACHMENT C

INSTRUCTIONS FOR "PLANS TO ELIMINATE DISCRIMINATION IN ADMISSIONS"

Institutions are eligible to operate under plans during the period beginning June 23, 1973, and ending no later than June 23, 1979. A plan must identify each specific obstacle to nondiscrimination in admissions which you believe will exist after June 23, 1973, and provide for its elimination at the earliest practicable date. It should be noted, however, that sex discrimination in treatment of students after admission and sex discrimination in employment have been prohibited since June 24, 1972.

Your plan shall include the following information:

*Excerpted from *Nationally Recognized Accrediting Agencies and Associations*, March 1972, U.S. Department of Health, Education, and Welfare, Office of Education, Bureau of Higher Education.

1. State on the first page the name, address, and FICE Code of your institution, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

2. State whether your institution has already begun to admit students of both sexes, and if so, when it began to do so. An institution which began to admit students of both sexes prior to June 24, 1965, is not eligible to operate under a plan and must have eliminated all discrimination in admissions as of June 24, 1972.

3. Identify and describe any obstacles to admitting students without discrimination on the basis of sex on and after June 23, 1973. This should be done separately for each administratively separate unit to which the plan applies. Nondiscrimination does not imply that your institution must or will accept students of either sex in any particular number or proportion, but it does mean removal of all obstacles, based on sex, to admission of students.

Many institutions may wish to increase their annual class size at some time in the future, so that the number of students of the sex previously favored need not be reduced, while more opportunities for students of the other sex are provided. Such a policy may not be adopted as a substitute for nondiscrimination in whatever admissions your institution does undertake. Consequently, financial or other considerations which may delay an increase in enrollment cannot excuse eliminating admissions discrimination after June 23, 1973.

[FR Doc.73-13461 Filed 7-2-73;8:45 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to Section 3-20, *Organization and Functions*, as follows:

In the chapter alphabetically coded "3G00"—CENTER FOR DISEASE CONTROL (3G00)—delete the paragraph entitled *Ecological Investigations Program (3G41)*, which is abolished, effective September 30, 1973.

Also, revise the mission statement of the Laboratory Division (3G69) to include functions transferred from the Ecological Investigations Program (3G41) by substituting the following sidehead and accompanying text:

Laboratory Division (3G69). (1) Administers a comprehensive national laboratory improvement program; (2) directs and conducts the administration of the licensure and evaluation of clinical laboratories engaged in interstate commerce under the authority and provisions of the Clinical Laboratories Improvement Act of 1967; (3) conducts research

for improving and standardizing laboratory methodology; (4) evaluates techniques, materials, and reagents used in public laboratories; (5) provides reference and typing center services related to clinical laboratory procedures for national and international organizations; (6) produces and distributes microbiological reference and working reagents not commercially available or of unreliable supply; (7) provides consultation, training, and informational services in laboratory techniques and laboratory management to States and other recipients; (8) distributes experimental vaccines and special immune globulins to prevent and control laboratory infections; and (9) provides consultation, laboratory services, and epidemic aid in the area of vector-borne infections to State, Federal, and international agencies.

Dated: June 27, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-13462 Filed 7-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ALABAMA

Proposed Action Plan

The Alabama Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by policy and procedure memorandum 90-4 issued on September 21, 1972. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed action plan is available for public review at the following locations:

1. State of Alabama Highway Department
   State Highway Building
   11 South Union Street
   Montgomery, Alabama 36104
2. Alabama Division, FHWA
   441 High Street
   Montgomery, Alabama 36104
3. FHWA Regional Office
   Office of Environment & Design
   1720 Peachtree Rd., N.W., Room 208
   Atlanta, Georgia 30309
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 25, 1973.

Issued on June 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13403 Filed 7-2-73;8:45 am]

MACARTHUR AND KEOKUK BRIDGE TOLLS

Public Hearings; Correction

In FR Doc. 73-11448 appearing at page 15092 of the issue for Friday, June 8, 1973, the date by which interested persons must notify the Administrative Law Judge of their intended participation in the hearings was set forth erroneously as May 25, 1973, which should read "July 6, 1973". As so corrected, the sentence relating to notification to the Administrative Law Judge of the nature of intended participation in the hearings reads as follows:

Any person who desires to participate in the hearing in either, or both, cases should notify the Administrative Law Judge, at the address set forth below, not later than July 6, 1973, stating the nature of the evidence he intends to adduce and the approximate time requested for making his presentation.

Issued on June 21, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13404 Filed 7-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Browns Ferry Nuclear Plant, Unit 1; Issuance of a Facility Operating License

Notice is hereby given that pursuant to the presiding Atomic Safety and Licensing Board's "Order on Applicant's Motion for an Order Authorizing Fuel Loading, Testing and Operation of Unit 1," dated June 15, 1973, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-33 to the Tennessee Valley Authority (the licensee) authorizing fuel loading, low-power testing and operation of the Browns Ferry Nuclear Plant, Unit 1, (the facility), at reactor core power levels not in excess of 2470 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications. However, activities under the license are temporarily being limited to fuel loading, low-power testing, and operation at one (1) percent of the rated power level until certain matters identified by the Directorate of Regulatory Operations have been satisfactorily resolved. The facility is a boiling water nuclear reactor located at the licensee's site in Limestone County, Alabama.

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I.

The license is effective as of the date of issuance and shall expire on December 26, 1974, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) the Atomic Safety and Licensing Board's Order, dated June 15, 1973, (2) Facility Operating License No. DPR-33, complete with Technical Specifications (Appendices "A" and "B", (3) the licensee's Draft Environmental Statement dated July 1971, and supplement thereto dated November 8, 1971, (4) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972, (5) the Directorate of Licensing's Safety Evaluation dated June 26, 1972, and supplements thereto dated December 21, 1972, and June 22, 1973, (6) the Final Safety Analysis Report and amendments thereto, and (7) the licensee's Final Environmental Statement dated September 1, 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20545, and the Athens Public Library, South and Forrest, Athens, Alabama 35611. Single copies of items (2) and (5) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 26th day of June, 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch No. 2 Directorate of Licensing.

[FR Doc.73-13349 Filed 6-29-73;8:45 am]

[Docket Nos. 50-373 50-374]

COMMONWEALTH EDISON COMPANY

Rescheduling of Evidentiary Hearing on Environmental Issues

In the matter of La Salle County Nuclear Power Station, Units 1 and 2.

On June 14 and 15, 1973, the Intervenors and the Regulatory Staff requested a postponement of the hearing on environmental issues scheduled for June 18, 1973. The Board determined it would proceed with the hearing in order to afford an opportunity for members of the public to make limited appearances and to discuss future scheduling for this proceeding.

The evidentiary hearing on environmental issues will commence at 2 pm (local time), on July 9, 1973, at the large conference room at the Holiday Inn, Junction of I-80 and Route 47, Morris, Illinois.

Issued at Washington, D.C. this 28th day of June 1973.

It is so Ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-13435 Filed 7-2-73;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Resumption of Evidentiary Hearing

In the matter of Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2).

Take notice that the evidentiary hearing in the captioned proceeding will resume on July 24, 1973, at 10 a.m., at the Berwick High School Auditorium, 1100 Fowler Avenue, Berwick, Pennsylvania.

It is so ordered.

Issued at Washington, D.C., this 28th day of June, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.73-13460 Filed 7-2-73;8:45 am]

POWER REACTOR GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two revised guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.3 (Revision 1), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Boiling Water Reactors," and Regulatory Guide 1.4 (Revision 1), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Pressurized Water Reactors," are revisions of former Safety Guides 3 and 4 respectively. These guides have been revised to reduce the assumed methyl iodide values to four percent.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

- Availability of Electric Power Sources
- Requirements for Instrumentation to Assess Nuclear Power Plant
- Conditions During and Following an Accident for Water-Cooled Reactors
- Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
- Physical Independence of Safety Related Electric Systems
- Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
- Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
- Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
- Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
- Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
- Design Basis Floods for Nuclear Power Plants
- Design Phase Quality Assurance Requirements for Nuclear Power Plants
- Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
- Fire Protection Criteria for Nuclear Power Plants
- Protective Coatings for Nuclear Reactor Containment Facilities
- Additional Material Requirements for Bolting
- Inservice Surveillance of Grouted Prestressing Tendons
- Design Response Spectra for Seismic Design of Nuclear Power Plants
- Seismic Input Motion to Uncoupled Structural Model
- Primary Reactor Containment (Concrete) Design and Analysis
- Preservice Testing of In-Situ Components
- Installation of Over-Pressure Devices
- Nondestructive Examination of Tubular Products
- Category I Structural Foundations
- Manual Initiation of Protective Actions
- Electric Penetration Assemblies in Nuclear Power Plant Containment Structures
- Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants
- Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
- Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
- Damping Values for Seismic Design of Nuclear Power Plants
- Fracture Toughness Requirements for Vessels Under Overstress Conditions
- Applicability of Nickel-base Alloys and High Alloy Steels
- Material Limitations for Component Supports
- Protection Against Postulated Events and Accidents Outside of Containment
- Design Basis for Tornadoes for Nuclear Power Plants
- Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants

(5 U.S.C. 552(a)).

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13209 Filed 7-2-73;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Atomic Energy Commission has issued regulatory guide 1.42, "Interim Licensing Policy on As Low As Practicable for Gaseous Radioiodine Releases from Light-Water-Cooled Nuclear Power Reactors," in division 1, "Power Reactor Guides," of the Regulatory Guide series. It provides interim Licensing guidelines to aid applicants in implementng §§ 20.1 (c), 50.34a, and 50.36a of the Commission's regulations with respect to keeping radioioline releases from light-water-cooled nuclear power reactors as low as practicable. This guide may be applied to reactors currently in the construction permit and operating licensing review stages as well as to power reactors to which construction permit applications are received in the immediate future.

Regulatory guide 1.42 is the latest addition to the series of guides developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents, and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 28th day of June 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13535 Filed 6-29-73;10:48 am]

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

VIRGINIA ELECTRIC AND POWER COMPANY (North Anna Power Station Units 1 and 2) Docket Nos. 50-338 and 50-339

This action is in reference to the "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" published by the Commission in the above matter (38 FR 13772).

The members of the Board are:

James R. Yore, Esq., Chairman
Robert M. Lazo, Esq., Member
Dr. Marvin M. Mann, Member

Dated at Washington, D.C. this 28th day of June 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-13436 Filed 7-2-73;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORPORATION

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing related to the operation of the Nine Mile Point Nuclear Station Unit 1 by Niagara Mohawk Power Corporation in Oswego County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. Copies of the Commission's draft environmental statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's environmental report, as supplemented, submitted by Niagara Mohawk Power Corporation is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 18, 1972 (37 FR 16692).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within forty-five (45) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on the Applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 27th day of June 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief Environmental Projects Branch #4, Directorate of Licensing.

[FR Doc.73-13348 Filed 7-2-73;8:45 am]

ACRS SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Notice of Meeting

JUNE 29, 1973.

In accordance with sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Safety Research will hold a meeting on July 10, 1973, in Room 1062, 1717 H Street, NW., Washington, D.C. The subject meeting will be to discuss a preliminary program proposed by the AEC staff for reactor safety research during FY-1974 and FY-1975.

Members of the ACRS and the AEC staff will participate in this meeting. This meeting is being held to formulate a Subcommittee report and recommendations to the ACRS regarding the proposed program.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss a draft document which falls within exemption (5) of 5 U.S.C. 552(b) and will include an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operations.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-13653 Filed 7-2-73;9:47 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON SAFETY GUIDES

Notice of Meeting

JUNE 29, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Safety Guides will hold a meeting on July 11, 1973, in Room 1062, at 1717 H Street, NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-13654 Filed 7-2-73;9:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25397, etc.; Order 73-6-100]

AMERICAN AIRLINES; INC., ET AL.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June 1973. Dockets 24224, 25576; Docket 25515; Docket 25553; Docket 24327; Docket 24233; Docket 25621; and Docket 25582.

On April 9, 1973, American Airlines and Frontier Airlines filed a joint application requesting that the Board approve, on an expedited basis, an agreement entered into by the two carriers to exchange route authority. Under the agreement, American's route authority between San Diego, on the one hand, and Phoenix and Tucson, on the other hand, would be transferred to Frontier. Frontier agrees to accept the transferred authority on a subsidy-ineligible basis. In addition, Frontier's route authority between Albuquerque, on the one hand, and Las Vegas and Dallas-Fort Worth, on the other hand, would be transferred to

American. The carriers state that the exchange consists solely of the cross-purchase of the route authority, that no cash or consideration other than the mutual exchange is involved in the transaction, and that either carrier can terminate the agreement if approval has not been granted by October 1, 1974.

Answers in support of the joint application have been filed by the communities of Albuquerque, Las Vegas, Phoenix, and Tucson. Dallas and Fort Worth do not object to the proposal. Trans World Airlines filed an answer in opposition to the joint application and a petition arguing that the requested approval would result in a major route proceeding, that the application does not satisfy the Board's priority of hearing standards, and requesting the Board to put in issue the suspension or deletion of Frontier in the markets in issue. Braniff Airways and Delta Air Lines have requested that the Board set the joint application for hearing and allow interested persons an opportunity to submit alternate proposals. Braniff, Delta, Hughes Airwest, and Western Air Lines have filed motions for consolidation of applications for new authority between Dallas/Ft. Worth and Las Vegas, on the one hand, and Albuquerque, on the other hand, and Airwest requests that its one-stop restriction in the San Diego-Phoenix market be lifted. Finally, Continental and Texas International have filed applications for new authority between Albuquerque and Las Vegas, and have requested that these applications be consolidated with the joint application of American and Frontier. American and Frontier have filed various responsive documents.[1]

Upon consideration of the foregoing pleadings and the relevant facts, the Board has decided to set the joint application for an early hearing for the purpose of considering whether the proposed route exchange is in the public interest. As the joint applicants correctly note, the Board has always had a policy of affording priority of treatment to applications filed under section 408 of the Act. This policy has not been limited to cases where one or both of the parties were in financial difficulties. Moreover, while the Board is currently following a policy of caution in setting down route cases which could result in introducing new competition in markets where it might have a net deleterious effect on the overall health of the air transportation industry, the present application contemplates only the substitution of one carrier for another in each of the markets in question, and thus does not raise the issue of adding to the number of competing carriers in any of these markets,[2] Moreover, Frontier has submitted a financial forecast which, subject to testing in the hearing process, makes an initially plausible case that implementation of the route exchange agreement would materially reduce its need for federal subsidy. Accordingly, the joint application will be set for hearing and will be accorded the expeditious treatment appropriate to a section 408 proceeding.

The Board has decided not to enlarge the scope of the proceeding beyond a consideration of the American-Frontier section 408 proposal. Clearly a grant of the various requests of Airwest, Braniff, Continental, Delta, Texas International, TWA, and Western would substantially expand the instant investigation, inject issues outside the scope of the present agreement, and delay disposition of the joint request. Such action would not be conducive to the proper dispatch of the Board's business and is not otherwise warranted by the public interest. We note, in this connection, that only Western has suggested that an expansion of the proceeding is required under the Ashbacker principle, and that carrier has not cited either Board or Court precedent for its assertion.[3] In any event, it is well-established that the Board may properly dispose of section 408 applications, such as the joint request here, without an expansion of the issues. See Northwest Airlines, Inc. v. C.A.B., 303 F.2d 395 (D.C. Cir. 1962) and Western Air Lines, Inc. v. C.A.B., 184 F.2d 545 (9th Cir. 1950). This approach is in accord with prior Board practice under comparable circumstances. United-Capital Merger Case, 31 C.A.B. 1069 (1960), Application of Eastern Air Lines and Mohawk Airlines, Order E-16666, April 14, 1961, and Eastern Air Lines-Mackey Airlines, Order E-22916, November 22, 1965.

The Board appreciates, in this regard, that voluntary intercarrier arrangements contemplated by sections 401(h) and 408 of the Act may have an effect on the air map analogous to those changes which might be brought about through certification proceedings under section 401. See, e.g., American-Western Merger Case, Orders 72-7-91/92, served July 28, 1972. As a general matter, however, the Board does not reappraise prior determinations regarding operating authority in a subsequent proceeding involving a transfer of such operating authority from one carrier to another;[4] and, in the case before us, we do not believe it necessary or desirable to relitigate specific public convenience and necessity questions previously determined. Similarly, we do not intend to tranform the rather limited request presented to us into a new route proceeding involving questions of service to much of the southwestern United States. In our judgment, the public interest does not so require. We intend, instead, to consider the joint application and allow all interested persons a full opportunity to present evidence and argument to demonstrate any matter potentially bearing on wnether the proposed route exchange is consistent with the public interest. See Texas International Airlines Acquisition of Control by Jet Capital Corporation, Order 72-3-69, March 21, 1972.[5]

Accordingly, it is ordered, That:

1. The application of American Airlines, Inc. and Frontier Airlines, Inc., Docket 25397, be and it hereby is set for expedited hearing, at a time and place hereafter designated;

2. The petitions of Braniff Airways, Delta Air Lines, Hughes Airwest, Texas International Airlines, Western Air Lines, the City of Albuquerque and the Albuquerque Chamber of Commerce, Arizona, and the El Paso Civic Interests, for leave to intervene, be and they hereby are granted;

3. Continental Air Lines, Trans World Airlines, the City of Dallas, Dallas Chamber of Commerce, Fort Worth Chamber of Commerce, the North Texas Commission, the Las Vegas Parties, the City of Phoenix and the Phoenix Chamber of Commerce, and the Tucson Airport Authority, he and they hereby are made parties to Docket 25397;

4. The motions of Braniff Airways, Continental Air Lines, Delta Air Lines, Hughes Air Corp., Texas International, and Western Air Lines, for consolidation of their applications filed in Dockets 24224, 25515, 25553, 24327, 24233, and 25582, respectively, into this proceeding, be and they hereby are denied;

5. The petitions of Braniff Airways and Trans World Airlines filed in Dockets 25576 and 25621, respectively, be and they hereby are denied; and

6. To the extent not specifically granted herein, all petitions, motions and requests, be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-13482 Filed 7-2-73;8:45 am]

TEXAS DELEGATION

Notice of Meeting

Notice is hereby given that a meeting with the Texas Delegation will be held on July 17, 1973, at 3:00 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., concerning the facts and circumstances surrounding the construction and completion of the Dallas/Fort Worth Regional Airport.

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[1] Petitions for leave to intervene have been filed by Braniff, Delta, Hughes Airwest, Texas International Airlines, Western, and the Albuquerque, Arizona, and El Paso parties.

[2] The Board has recently afforded priority of treatment to several cases which, while not formally brought under section 408, nevertheless involved the substitution of one carrier for another. See, e.g., Service to Richmond Case, Order 72-12-112; and compare Piedmont Aviation/Eastern Air Lines Route Transfer, Orders 71-10-33, 72-3-18, 72-6-8, 72-11-22.

[3] The motions of Airwest, Braniff, Continental, Delta and Texas International for consolidation do not suggest that consolidation is required here as a matter of law. Rather these pleadings appear to recognize that such consolidation is within the Board's discretion.

[4] Application of Phoenix Airlines et al., Order 73-2-74, February 16, 1973, p. 3., Delta-Northeast Merger Case, Order 72-7-74, July 21, 1972, pp. 7-10, aff'd. per curiam Eastern Airlines v. C.A.B., D.C. Cir. No. 72-1703, October 3, 1972.

[5] In this connection, we will make the carrier and civic respondents parties to this proceeding so that they may participate with respect to all matters in issue.

Dated at Washington, D.C., June 28, 1973.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-13484 Filed 7-2-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Tuesday, July 3, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

FRANK S. MELLOR, *Advisory Committee Management, Officer for the President's Agent.*

[FR Doc.73-13643 Filed 7-2-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BELIZE (FORMERLY BRITISH HONDURAS

Entry or Withdrawal From Warehouse for Consumption

JUNE 28, 1972.

On June 28, 1973, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Belize (formerly British Honduras) that it was renewing for an additional twelve-month period beginning June 29, 1973, and extending through June 28, 1974, the restraint on imports into the United States of cotton textile products in Category 63, produced or manufactured in Belize. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this twelve-month period is 5 percent greater than the leval of restraint applicable to this category for the preceding twelve-month period.

There is published below a letter of June 28, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 63, produced or manufactured in Belize, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning June 29, 1973, be limited to 631,743 pounds.

ALAN POLANSKY, *Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Teasury,
Washington, D.C. 20229.

JUNE 28, 1972.

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective June 29, 1973, and for the twelve-month period extending thorugh June 28, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Belize (formerly British Honduras), in excess of a level of restraint for the period of 631,743 pounds.

In carrying out this directive, entries of cotton textile products in Category 63, produced or manufactured in Belize, which have been exported to the United States from Belize prior to June 29, 1973, shall, to the extent of any unfilled balances, be charged against the level of restraint establishd for such goods during the period June 29, 1972 through June 28, 1973. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 63 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puero Rico.

The actions taken with respect to the Government of Belize and with respect to imports of cotton textiles and cotton textile products from Belize have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY, *Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.73-13537 Filed 7-2-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO

Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1399) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide ethyl 4-(methylthio)-*m-tolyl* isopropylphosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 0.5 part per million; peanut hulls and potatoes at 0.4 part per million; bananas, brussels sprouts, cabbage, carrots, citrus, cotton forage, sugar beet tops, and sweetpotatoes at 0.1 part per million; cottonseed, soybeans, and sugar beets at 0.05 part per mililon; and peanuts at 0.02 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5034) proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide and its cholinesterase-inhibiting metabolites in citrus molasses at 2 parts per million and dried citrus pulp at 0.5 part per million resulting from application of the insecticide to growing citrus fruit.

The analytical method proposed in the pesticide petition for determining residues of the insecticide is a procedure in which the residue is reacted with potassium permanganate and the resulting sulfone is determined using a gas chromatograph with flame ionization detector.

Dated: June 27, 1973.

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

[FR Doc.73-13510 Filed 7-2-73;8:45 am]

ROHM AND HAAS CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that petition (PP 3F1404) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide 3,5-dichloro-*N*- (1,1-dimethyl-2-propynyl)-benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities blackberries, boysenberries, and raspberries at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the sample is refluxed with sulfuric acid and methanol to form the ester methyl 3,5-dichlorobenzoate. The latter is determined by an electron-capture gas chromatographic procedure.

Dated: June 27, 1973.

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

[FR Doc.73-13509 Filed 7-2-73;8:45 am]

STATE COMPLIANCE SCHEDULES

Notice of Public Hearing

Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857c-5), directs to the Administrator of the Environmental Protection Agency to publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if the State fails to submit a portion within the time prescribed or if the portion is determined by the Administrator not to be in accordance with section 110 of the Clean Air Act. In order to satisfy section 110(a)(2)(B) of the Act, States were directed by 40 CFR § 51.15(a)(2) to submit certain compliance schedules by February 15, 1973, as a portion of their implementation plans. States failed to submit all of the schedules required by that date, and submitted schedules not in accordance with the requirements of section 110 of the Act. The Administrator therefore disapproved the deficient plans and specific schedules involved and porposed schedules as required. The disapprovals and proposed schedules, with the exception of a proposed schedule for Illinois, were published in the FEDERAL REGISTER on June 20, 1973. The Illinois proposed schedule pertaining to particulate emissions from fuel-burning sources was omitted through an oversight and is being published in this issue of the Federal Register to rectify the situation.

The public is encouraged to participate in this rule making by submitting comments in accordance with the conditions set forth in the notice of proposed rule making published in this issue of the FEDERAL REGISTER at page 17737. In addition, a public hearing will be held on the compliance schedule in order to provide the general public a greater opportunity to comment. Accordingly, notice of public hearing concerning the proposed compliance schedule is given as indicated below. At this public hearing, comments on the Illinois substitute regulations proposed in the June 20, 1973, issue of the FEDERAL REGISTER will also be considered.

A presiding officer has been designated for the hearing. He will have the responsibility for maintaining order, excluding irrelevant or, repetitive material, scheduling presentations, and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement no later than 15 days prior to the hearing and, no later than 10 days prior to the hearing, if practicable, to submit five copies of the proposed statement to the presiding officer at the address set forth below.

All other comments and inquiries prior to and after the public hearing also should be addressed to the presiding officer.

Notice of the following hearing on the proposed compliance schedule is hereby given:

Illinois

A hearing on proposed compliance schedules for the State of Illinois will be held on Thursday, July 26, 1973, at nine-thirty o'clock a.m. in the Sheraton-Chicago, San Juan-Kingston Room, 505 North Michigan Avenue, Chicago, Illinois. Mr. James O. McDonald is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, Attention: Presiding Officer, Hearing on Compliance Schedules for the State of Illinois, 1 North Wacker Drive, Chicago, Illinois 60606.

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-13546 Filed 7-2-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1203]

ALBEE TRUCKING CO., INC.

Order of Revocation

By letter dated May 16, 1973, Albee Trucking Co., Inc., P. O. Box 670, Wolfeboro, New Hampshire 03894 was advised by the Federal Maritime Commission that Independence Ocean Freight Forwarder License No. 1203 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 15, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Albee Trucking Co., Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1203 of Albee Trucking Co., Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1203 be and is hereby revoked effective June 15, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Albee Trucking Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-13503 Filed 7-2-73;8:45 am]

EDWARD STEPHEN OF TAMPA, INC., AND UITERWYK COLD STORAGE CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

William Levenstein, Esq.
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. T-2811, between Edward Stephen, Inc. (E.S.) and Uiterwyk Cold Storage Corporation (U.S.C.) provides for the sublease to U.C.S. of the premises and rights covered under the original lease (master lease), between Tampa Port Authority and E.S. (FMC Agreement No. T-2810). Agreement No. T-2811 provides that U.C.S. will assume all of the obligations and benefits of the master lease, which provides for the 25-year lease (with renewal options) of approximately nine acres of bare land and preferential berthing rights to an adjacent 1,200 foot dock and 100 foot apron, at the Holland Terminal Area, East Bay,

Hookers Point, Tampa. E.S. is to construct and maintain a warehouse and cold storage facility on the leased land, which is to be used by U.C.S. primarily for products to be imported and exported over the adjacent berth, and for uses incidental thereto. As compensation, E.S. is to receive $13,198.50 annual land rental, 10½ percent annually of the total construction cost of the facility, and all other fees E.S. is required to pay the Port under the master lease.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: June 28, 1973.

[FR Doc.73-13501 Filed 7-2-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1293]

JOSE BENJAMIN AZIOS d/b/a AZIOS INTERNATIONAL AIR CARGO EXPEDITORS

Order of Revocation

Jose Benjamin Azios d/b/a, Azios International Air Cargo Expeditors, 6038 Woodbrook Lane, Houston, Texas 77008 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1293 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1293 be and is hereby revoked effective June 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Jose Benjamin Azios d/b/a Azios International Air Cargo Expeditors.

AARON W. REESE,
Managing Director.

[FR Doc.73-13502 Filed 7-2-73;8:45 am]

MED GULF CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Application to Extend Approval of Dual Rate Contract System Filed by:

Stanley O. Sher, Esq.
Counsel for the Med-Gulf Conference
919 Eighteenth Street, NW.
Washington, D.C. 20006

The members of the Med-Gulf Conference, Agreement No. 9522, have filed an application pursuant to section 14b of the Shipping Act, 1916, for a permanent extension of its Puerto Rican Dual Rate Contract system which presently is due to expire at the end of August, 1973.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: June 28, 1973.

[FR Doc.73-13500 Filed 7-2-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1450]

RICHARD C. CLAPROOD, JR. d/b/a AIR SEA BROKERS

Order of Revocation

By letter dated May 23, 1973, Richard C. Claprood, Jr. d/b/a Air Sea Brokers, 4920 E. 5th Avenue, Columbus, Ohio 43219 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1450 would be automatically revoked or suspended unless a valid surety bond was filed with the Commisison on or before June 19, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commisison General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Richard C. Claprood, Jr. d/b/a Air Sea Brokers has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1450 of Richard C. Claprood, Jr. d/b/a Air Sea Brokers be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1450 be and is hereby revoked effective June 19, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Richard C. Claprood, Jr. d/b/a Air Sea Brokers.

AARON W. REESE,
Managing Director.

[FR Doc.73-13504 Filed 7-2-73;8:45 am]

TAMPA PORT OF AUTHORITY AND EDWARD STEPHEN OF TAMPA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

William Levenstein, Esq.
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. T-2810, between Tampa Port Authority (Port) and Edward Stephen of Tampa, Inc. (E.S.), provides for the 25-year lease to E. S. (with renewal options) of approximately nine acres of bare land, and preferential berthing rights to an adjacent dock and apron, at the Holland Terminal Area, East Bay, Hookers Point, Tampa, Fla. As compensation, the Port will receive a minimum annual rental of $100,000 which will derive from a base bare land

annual rental of $1,500 per acre plus wharfage and dockage, governed by the Port's terminal tariff. E. S. is to construct and maintain a warehouse and cold storage facility on the leased land, to be used primarily for products to be imported and exported over the adjacent berth, and for uses incidental thereto. The agreement provides that the Port will not lease any of its facilities for the construction of cold storage facilities similar to those of E.S. for a minimum of two years and a maximum of five years. The Agreement also provides that E.S. will sublet this lease to Uiterwyk Cold Storage Corporation, with the Port's approval.

By order of the Federal Maritime Commission.

Dated: June 28, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13499 Filed 7-2-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Notice of Application

JUNE 25, 1973.

Take notice that on June 14, 1973, Chattanooga Gas Company, a division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP73-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of liquefied natural gas (LNG) or vaporized LNG in interstate commerce from facilities in Chattanooga, Tennessee, and a natural gas storage service, with pregranted abandonment authorization for said sales and service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its basic supply of natural gas from East Tennessee Natural Gas Company (East Tennessee) and Southern Natural Gas Company and has a total daily availability of 101,565 Mcf of gas. Applicant owns and operates, in intrastate commerce, a liquefied natural gas plant and appurtenant facilities having a designed capacity to liquefy 10,000 Mcf of gas per day and having a storage capacity of 348,000 barrels of LNG, equivalent to approximately 1,200,000 Mcf of vaporous gas. The plant has re-gasification facilities for a vaporization capacity of 90,000 Mcf of vaporous gas per day. There are facilities for loading up to 11,000 gallons of liquid methane in ⅓ hour into cryogenic tank trucks. Applicant states that the total cost of said facilities was $8,152,270.

Applicant proposes to sell the LNG in excess of its own requirements for retail sales at a rate of $2.00 to $2.50 per million Btu at 14.73 psia, depending on the month of sale. The application includes letters of intent or inquiry from five distributors, for the equivalent of approximately 501,104 Mcf of vaporous gas. Applicant requests permission for and approval of pre-granted abandonment authorization for its sales. Applicant states that the purpose of the proposed sales is to enable the purchasers of LNG to accommodate the peak-day requirements of their highest priority customers and to operate Applicant's LNG plant at the most efficient level possible.

Applicant proposes to provide a storage service for East Tennessee at its LNG plant by liquefying and storing up to 500,000 Mcf of gas between April and October for redelivery to East Tennessee at a rate of 23,000 Mcf of gas per day during the period of November through March of the 1973-74 and 1974-75 winter seasons at $1.73 per Mcf at 14.73 psia. Applicant states that it expects to store and redeliver approximately 285,125 Mcf of gas in the 1973-74 winter season and 469,212 Mcf in the 1974-75 winter season. Applicant requests permission for and approval of the abandonment of the storage service upon termination of the contract. The stated purpose of this proposal is to augment East Tennessee's ability to provide adequate service to its customers during the peak demand winter periods and to operate Applicant's LNG plant more efficiently and economically.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13469 Filed 7-2-73;8:45 am]

[Docket Nos. RP72-150, et al.]

EL PASO NATURAL GAS CO.

Further Postponement of Procedural Dates

JUNE 25, 1973.

On June 20, 1973, El Paso Natural Gas Company filed a motion for a further postponement of the procedural dates set by the notice issued May 23, 1973 in the above designated matter. The motion states that no counsel has any objection to the granting of this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Interveners' evidence August 24, 1973
Service of El Paso's rebuttal evidence September 7, 1973
Hearing and commencement of cross-examination September 18, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13471 Filed 7-2-73;8:45 am]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition

JUNE 25, 1973.

Public notice is hereby given that a petition to amend a certificate authorization pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. sections 717-717w, or alternatively for a declaratory order, pursuant to section 5d of the Administrative Procedure Act, 5 U.S.C. section 554(e) and § 1.7 of the Commission rules of practice and procedure, was filed on May 23, 1973, by Great Lakes Gas Transmission Company (Great Lakes). Great Lakes seeks to delete authorization for two delivery points[1] to serve Michigan Consolidated Gas Company (Michigan Consolidated). In the alternative Great Lakes has requested the Commission to issue a declaratory order clarifying Great Lakes' certificate authority to construct certain delivery points under the certificate issued to it in Docket No. CP66-110.

On June 20, 1973, Great Lakes was authorized by the Commission in Docket No. CP66-110 to sell to Michigan Consolidated 57,000 Mcf of gas per day and to construct the delivery points necessary to accomplish this sale. Michigan Consolidated was to resell the gas to seven Michigan communities.[2]

[1] The two delivery points would enable Michigan Consolidated to serve the Towns of St. Ignace and Newberry, Michigan.

[2] Rapid River, Manistique, Newberry, Rudyard, Sault Ste. Marie, St. Ignace, and Bell River Mills.

Michigan Consolidated did purchase from Great Lakes the maximum contract quantity of 57,000 Mcf per day, but did not initiate service to the Towns of Manistique, Newberry, St. Ignace or Rudyard. Subsequently Michigan Power Company (Michigan Power) filed a section 7(a) application requesting 3,000 Mcf per day from Great Lakes to serve Manistique.

On December 13, 1972, the Commission approved Michigan Power's application[3] and ordered Great Lakes to establish physical connection of its transmission facilities with facilities to be constructed by Michigan Power near Manistique. The Commission further ordered that Great Lakes sell to Michigan Power up to 3,000 Mcf per day, but no more than is necessary to meet the residential and commercial needs of Manistique. Opinion No. 640 allows Great Lakes to diminish by the same amount the quantity of gas it sells to Michigan Consolidated.

Great Lakes stated that it advised Michigan Power of its readiness to begin service pursuant to Opinion No. 640, but that Michigan Power, instead of initiating service, requested a rehearing before the Commission. Michigan Power contended that the Commission condition limiting the use of the gas to residential and commercial service in and around Manistique rendered its plan to apply its G rate schedule "inappropriate." In its application for rehearing, Michigan Power requested service under a straight commodity rate. By a settlement agreement entered into by Great Lakes, Michigan Power, and Michigan Consolidated, approved by Commission order on April 9, 1973 (Docket No. CP72-68), service is to be provided by Michigan Power to Manistique. Pursuant to that order, Great Lakes is required to give a demand charge credit to Michigan Consolidated to the extent that Great Lakes during certain periods is not able to meet Michigan Consolidated's contract demand of 57,000 Mcf per day.

In the Initial Decision in Docket No. CP72-68, issued June 27, 1972, the Administrative Law Judge stated that Great Lakes should be required "either to conform to its outstanding certificates, or in the alternative, seek an amendment thereof."

In Opinion No. 640 the Commission concluded that in its Opinion No. 521 (Docket Nos. CP66-110, et al.) it had "earmarked up to 3,000 Mcf per day for Manistique."

In its petition Great Lakes states that it has not yet been asked to begin service to Michigan Consolidated for the Towns of Newberry, St. Ignace, or Rudyard, Michigan. Great Lakes further states that it has been informed by Michigan Consolidated that while the latter still considers initiation of service to Rudyard to be economically feasible, it no longer believes that it can economically supply the Towns of St. Ignace and Newberry.

[3] Opinion No. 640, Docket No. CP72-68.

of the Initial Decision in Docket No. CP72-68 and Opinion No. 640, to amend its certificate issued in Docket No. CP66-110 to delete from such certificate authority to construct delivery points necessary for Michigan Consolidated to serve St. Ignace and Newberry.

In light of the above, Great Lakes asks that the Commission issue an order, consistent with Great Lakes' interpretation

In the alternative Great Lakes has petitioned the Commission to issue a declaratory order clarifying Great Lakes' certificate authority in Docket No. CP66-110 with respect to its obligations under such certificate to construct the delivery points necessary to serve St. Ignace and Newberry in the absence of a request for such delivery points by Michigan Consolidated. In addition Great Lakes requests that the Commission clarify its obligation to serve Michigan Consolidated up to 57,000 Mcf per day pursuant to Great Lakes rate schedule CQ.

Any person desiring to be heard or to make protest with reference to said petition on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13470 Filed 7-2-73;8:45 am]

[Docket No. CP71-169]

MID LOUISIANA GAS CO.

Notice of Petition To Amend

JUNE 25, 1973.

Take notice that on June 15, 1973, Mid Louisiana Gas Company (Petitioner), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP71-169 a petition to amend the order, as amended, issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize an extension of time within which the third new injection and withdrawal well in the Hester Storage Field, St. James Parish, Louisiana, may be drilled and to authorize Petitioner to complete an observation well in the storage area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of March 31, 1971, as amended August 14, 1972, in said docket to develop and operate the Hester Storage Field as an underground reservoir for natural gas by recompleting one existing well and drilling three new wells for the injection and withdrawal of gas. It is stated that the third new well was drilled but was not completed as an injection and withdrawal well because the sand encountered at the storage depth lacked the required porosity and thickness.

Petitioner proposes to use the third well as an observation well and to drill a third injection and withdrawal well located near its existing compressor station in St. James Parish, Louisiana. Petitioner states that the observation well is necessary to permit it to maintain surveillance on the previously depleted reservoir lying above the storage area to determine if any communication develops between the two zones. Petitioner also states that the third injection and withdrawal well is necessary to assure the delivery of the required volumes of gas from the storage field in the 1973-74 heating season.

It is stated that the total cost of completing the observation well is $10,000 and of drilling the third injection and withdrawal well is $338,000, both of which will be financed from existing funds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13472 Filed 7-2-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Secretary

JUNE 26, 1973.

By orders issued April 6, 1971, and February 23, 1973, respectively, the Commission established and renewed the National Gas Survey Executive Advisory Committee.

1. Secretary. A new Secretary to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Thomas H. Jenkins, Director, National Gas Survey Bureau of Natural Gas Federal Power Commission

Mr. Jenkins will fill the position vacated by the resignation of Mr. William

J. Drescher, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13468 Filed 7-2-73;8:45 am]

[Docket No. E-7856]

NORTHERN STATES POWER CO.

Filing of Revised Fuel Clause

JUNE 25, 1973.

Take notice that Northern States Power Company (Northern) on May 29, 1973, filed a second revised fuel clause pursuant to ordering clause (B) of the Commission order issued April 27, 1973, in the above captioned docket. Northern states that the amended fuel clause is being placed in effect June 1, 1973.

Any person not presently a party to this proceeding desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object, should also file as prescribed above. All such petitions, protests or comments should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13473 Filed 7-2-73;8:45 am]

[Dockets Nos. CP73-331, CP73-332, CP73-333]

NORTHWEST PIPELINE CORP.

Notice of Applications

JUNE 26, 1973.

Take notice that on June 15, 1973, Northwest Pipeline Corporation (Applicant), P.O. Box 25249, Houston, Texas 77027, filed in Docket No. CP73-331 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain properties and gas pipeline and appurtenant facilities presently owned and operated by El Paso Natural Gas Company (El Paso) extending from the San Juan Basin Area of New Mexico through the states of Colorado, Utah, Wyoming, Idaho, Oregon and Washington and terminating at the International Boundry near Sumas, Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take further notice that on the same date Applicant filed in Docket No. CP73-332 an application pursuant to section 3 of the Natural Gas Act for authorization to continue the importation of natural gas now being imported by El Paso near Sumas, Washington, and Kingsgate, British Columbia, Canada; and in Docket No. CP73-333 an application for a permit pursuant to Executive Order No. 10485 to continue the maintenance and operation of import facilities at the Sumas point now maintained and operated by El Paso, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that these applications are filed as a result of the mandate of the United States Supreme Court in United States v. El Paso Natural Gas Co., et al. 376 U.S. 651 (1964), as implemented by the Orders and Opinion of the United States District Court for the District of Colorado entered on June 16, 1972, in United States v. El Paso Natural Gas Co., et al., Civil Action No. C-2626, aff'd sub nom. California-Pacific Utilities Co., et al., v. United States,—U.S. —(1973), requiring divestiture by El Paso to Applicant of the facilities and properties acquired by El Paso in 1959 from Pacific-Northwest Pipeline Corporation (Pacific Northwest), together with additional properties and facilities.

Applicant proposes to acquire generally 3,100 miles of transmission pipeline ranging in size from 2⅜ inch O.D. to 34 inch O.D., 1,160 miles of field gathering pipeline ranging in size from 2⅜ inch O.D. to 30 inch O.D., main and branch line compressor units and stations, 4 gas dehydration plants, 2 liquid hydrocarbon extraction plants, and all other appurtenant facilities required in the operation of the Northwest Division of El Paso. The estimated net book value of the properties and facilities to be divested as of December 31, 1972, was $303,157,000.

Applicant proposes to acquire all the natural gas reserves now held by El Paso in the San Juan Basin Area, New Mexico, and elsewhere resulting from El Paso's acquisition of Pacific-Northwest, all of El Paso's rights under contracts negotiated since January 1, 1957, for Canadian gas, all other connected gas supplies located north of the San Juan Basin, and a portion of the San Juan Basin reserves acquired by El Paso subsequent to the acquisition. The gas properties and rights to be acquired include both gas purchase agreements and gas leasehold interests. Applicant estimates the total available reserves of gas approximate 9.9 billion Mcf.

Applicant, as a successor to El Paso, proposes to continue the importation of Canadian natural gas, purchased from West Coast Transmission Company Limited (Westcoast), near Sumas, Washington, and Kingsgate, British Columbia, Canada, and to receive deliveries of gas under all of the terms and conditions of El Paso's contracts with Westcoast as authorized by the Commission in Docket Nos. G-8932 (14 FPC 157), G-13019 (22 FPC 1091 and 28 FPC 7), G-18033 (24 FPC 134) and CP70-138 (43 FPC 723 and 45 FPC 252). Applicant states that El Paso filed in Docket No. CP70-138 a petition to amend said order for authorization to import additional volumes of gas purchased from Westcoast. Applicant proposes to assume all rights and perform all the obligations of El Paso under the contract and states that it will file a motion upon closing, to be substituted for El Paso as the petitioner in said proceeding. Applicant also proposes to acquire, maintain and operate a 30-inch O.D. pipeline, approximately 247 feet in length, and a meter station with appurtenant facilities currently owned by El Paso and used for the importation of gas from Canada at the Sumas importation point.

Applicant proposes to acquire the facilities, assets, and properties from El Paso by conveyance, assignment and transfer. In exchange Applicant proposes to:

(1) Issue bonds and debentures to El Paso's bondholders for a pro rata share of El Paso's bonds and debentures which will be surrendered and cancelled.

(2) Issue and deliver to El Paso all of the common stock of Applicant. El Paso will then sell 20 percent of the stock to the APCO Group (Alaska Interstate Company, APCO Oil Corporation, Gulf Interstate Company, and The Tipperary Corporation). The remainder of the common stock will be placed in a five-year voting trust administered by the APCO Group with trust certificates distributed pro rata to the holders of El Paso common stock. A holder of a certificate may exchange the certificate for the appropriate number of shares of Applicant company upon a showing that the holder no longer holds shares of El Paso common stock. At the end of the five-year trust period any remaining stock will be sold by the trustee and the proceeds distributed to the certificate holders.

Applicant also proposes to continue to make all the sales and render all of the services now performed by El Paso's Northwest Division and proposes to adopt and incorporate as its FPC Gas Tariff, Volume Nos. 3 and 4 of El Paso's existing FPC Gas Tariff.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP73-331 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13474 Filed 7-2-73;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPE LINE CO.

Filing of Proposed Changes in Rates

JUNE 25, 1973.

Take notice that on June 15, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) tendered for filing proposed changes in its FPC Gas Tariff consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1:
First Revised Sheet No. 35
Second Revised Sheet Nos. 50, 52, 53, and 58
Fourth Revised Sheet Nos. 54 and 59
Sixth Revised Sheet Nos. 14, 20, 26, 30, 33, 41, 46, 51, 56, and 57
Sixth Revised Volume No. 2:
First Revised Sheet Nos. 53, 54, 77, 78, and 141
Fourth Revised Sheet Nos. 11, 12, 27, 28, 44, and 45

Tennessee claims that the proposed changes would increase revenues from jurisdictional sales by $150,194,754 based on adjusted sales and transportation volumes for the test period (the twelve months ended February 28, 1973, adjusted for known changes through November 30, 1973). Such tariff sheets also reflect the cancellation of Tennessee's Rate Schedule TWS.

Tennessee states that the increased rates are required to reflect a proposed book depreciation and amortization rate of 5.75 percent, substantial additional advance payments to obtain additional natural gas supplies, a rate of return of 9.25 percent, increases in the cost of purchased gas, increases in cost of material, supplies and wages, and increases in property, franchise, payroll and state income taxes. In addition, Tennessee states that the commodity rates reflected in the filing equal fully allocated commodity costs based on the "unmodified" Atlantic Seaboard method of cost classification and allocation.

Tennessee proposes an effective date of August 1, 1973, and states that copies of this filing were served on each of its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13475 Filed 7-2-73;8:45 am]

[Docket No. E-7865]

WEST PENN POWER CO.

Filing of Revised Fuel Clause

JUNE 25, 1973.

Take notice that West Penn Power Company (West Penn) on May 21, 1973, filed a revised fuel clause to replace the fuel clause submitted as part of West Penn's Supplement No. 1 to its FPC Rate Schedule Nos. 29 and 30 pursuant to the Commission's letter dated March 23, 1973. West Penn states that the revised fuel clause now conforms to the requirements of New England Power Company, Order No. 633, Docket No. 7541.

Any person not presently a party to this proceeding desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object, should also file as prescribed above. All such petitions, protests or comments should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13476 Filed 7-2-73;8:45 am]

[Docket No. CI72-715]

COMMERCIAL SOLVENTS CORP.

Filing of Settlement Agreement

JUNE 28, 1973.

Take notice that on April 27, 1973, Commercial Solvents Corporation (Commercial), Ashland Oil, Inc. (Ashland), and Southern Natural Gas Company (Southern) filed with the Commission a joint motion for approval of settlement in Docket No. CI72-715. This joint motion essentially provides that Ashland will increase the rate it pays to Commercial from 7 cents per Mcf to 29 cents per Mcf for all gas delivered by Commercial to Ashland. Southern in turn has agreed to increase the rate it pays Ashland from 19.4876 cents per Mcf to 41.4876 cents per Mcf for the gas involved. Such increased sales prices are said to be a reflection of the costs of reworking the wells to be borne by Commercial which was necessitated by casing deterioration and declining volumes due to pressure decline.

Copies of this Settlement Agreement were served on all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 9, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene, protests or notices of intervention in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13430 Filed 7-2-73;8:45 am]

[Docket No. CI73-874]

EXPANDO PRODUCTION CO.

Notice of Application

JUNE 27, 1973.

Take notice that on June 11, 1973, Expando Production Company (Applicant), 607 Hamilton Building, Wichita Falls, Texas 76301, filed in Docket No. CI73-874 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Refugio Field, Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 46,500 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13431 Filed 7-2-73;8:45 am]

[Docket No. CI73-873]

TEXLAN OIL CO., INC.

Notice of Application

JUNE 27, 1973.

Take notice that on June 11, 1973, Texlan Oil Company (Applicant), 3335 Pollard Drive, Tyler, Texas 75701, filed in Docket No. CI73-873 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Armstrong Field Area, Jim Hogg County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 7, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 15 months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 psia. Applicant estimates the initial monthly sales volume of gas will be 90,000 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13432 Filed 7-2-73;8:45 am]

[Docket No. CI73-885]

TRIBAL OIL COMPANY, ET AL.

Notice of Application

JUNE 25, 1973.

Take notice that on June 13, 1973, Tribal Oil Company, et al. (Applicants), c/o L. E. Donohoe, Jr., P.O. Drawer 3507, Lafayette, Louisiana 70501, filed in Docket No. CI73-885 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Bayou Mallet Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they intend to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to sell approximately 30,000 Mcf of gas per month at 47.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13433 Filed 7-2-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF FULTON COUNTY

Order Approving Merger

Bank of Fulton County, East Point, Georgia ("Applicant"), a proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the

Board's prior approval to acquire the assets and assume the liabilities of First Georgia Bank, Atlanta, Georgia, under the charter of Applicant and the name of First Georgia Bank and to operate branches at the locations at which First Georgia Bank presently operates branch offices.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First Georgia Bancshares, Inc., Atlanta, Georgia, to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Fulton County, East Point, Georgia. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-13379 Filed 7-2-73;8:45 am]

FIRST GEORGIA BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

First Georgia Bancshares, Inc., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Fulton County, East Point, Georgia ("East Point Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly-formed corporation with no operating history, was organized by principals of First Georgia Bank, Atlanta, Georgia ("Atlanta Bank") for the purpose of acquiring and holding Bank. The proposed transaction represents a restructuring of East Point Bank into bank holding company form in connection with a merger of First Georgia Bank into East Point Bank. Upon consummation of the proposal herein, Applicant would control one bank with total deposits of $80.4 million, representing .91 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972.)

East Point Bank ($33.4 million of deposits) operates two offices in East Point, Georgia, and holds 0.9 per cent of total deposits in the Atlanta area, thereby ranking as the tenth largest banking organization in the Atlanta SMSA. Atlanta Bank ($47.0 million of deposits) operates six offices located in the city of Atlanta and holds 1.2 per cent of area deposits thereby ranking as the eighth largest banking organization in the Atlanta SMSA. Although East Point Bank and Atlanta Bank both operate in the Atlanta banking market, there is no overlap of the primary service areas of the two banks, East Point Bank serving southern Fulton County and Atlanta Bank serving northern Atlanta. Neither bank derives a significant amount of deposit or loan business from the service area of the other. It therefore appears that no meaningful competition exists between these banks. East Point Bank is not an aggressive competitor, has exhibited reluctance to expand into Atlanta and is not considered a likely entrant into Atlanta Bank's service area. Atlanta Bank lacks the financial and managerial resources to expand into other geographic areas. The prospect for meaningful competition developing in the future between these banks appears remote. The resulting bank would hold 2.1 percent of the deposits in the Atlanta SMSA and would rank as the seventh largest banking organization in the area. The two largest banking organizations in that market presently hold 47.7 percent of the area's total deposits. It is the Board's judgment that approval of the proposed formation would have no significant adverse effects on competition in any area of the State.

The financial condition and managerial resources of East Point Bank are generally satisfactory and consistent with approval of the application. The financial condition of Atlanta Bank is considered fair at this time and should improve upon consummation of the proposed transaction. The future prospects for profitable operation of Applicant and Bank appear satisfactory and banking factors favor approval of the application.

Immediate benefits to convenience and needs of the communities to be served by Applicant will result from consummation of Applicant's proposal. The improved financial condition which is projected after completion of the proposed transaction should improve the potential of Bank to serve better the banking needs of its customers and to serve as a more convenient alternative source of banking services, including certain services that neither East Point Bank nor Atlanta Bank presently offer. Considerations relating to convenience and needs are regarded as favoring approval of the application. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors[3] effective June 25, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-13380 Filed 7-2-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The State National Bank of Dension, Dension, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the second largest bank holding company in the State, controls two banks[1] with aggregate deposits of approximately $1.7 billion,[2] representing 5.6 percent of the total commercial bank deposits in the State. Acquisition

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[2] All banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through April 30, 1973.

of bank would increase Applicant's share of State deposits by .11 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $34 million in deposits) is the third largest of 13 banks in the Sherman-Denison SMSA banking market and controls 17 per cent of the commercial bank deposits in the market. The two largest banks in the market together control 46 per cent of commercial bank deposits in the market, thus Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources.

Applicant's subsidiary closest to Bank is located 75 miles away in downtown Dallas which is a separate and nonadjacent market, and there is no meaningful present competition between Applicant's subsidiary banks and Bank. In view of the distances involved and Texas' restrictive branching law, there appears to be little likelihood for the development of any significant amount of future competition between these institutions. De novo entry into the market is regarded as relatively unattractive, hence, it does not appear that the proposed acquisition would have an adverse effect on potential competition. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 25, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13381 Filed 7-2-73;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Bank of El Paso, El Paso, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of $1.7 billion, representing 5.6 percent of the total commercial bank deposits in Texas, and is the largest banking organization in the State. (All banking data are as of June 30, 1972.) The acquisition of Bank (deposits of $32.3 million) would increase Applicant's percentage share of the State's total deposits by less than 1 percent. Consummation of the acquisition would not result in a significant increase in the concentration of banking resources in the State.

Bank, which operates in the city of El Paso, holds approximately 5 percent of the total commercial bank deposits in the El Paso Standard Metropolitan Statistical Area (the relevant market area) and is the fourth largest of the thirteen banks in the market. The three largest banks in the market hold, respectively, 37.3 percent, 35.0 percent, and 10.4 percent of the deposits. Applicant's closest subsidiary bank is located in a separate market area, approximately 630 miles northeast of Bank. There is no present competition between either of Applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that any significant competition would develop between any of Applicant's subsidiaries and Bank in the future due to the distances separating the banking offices and the presence of numerous banking alternatives in the intervening areas. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13382 Filed 7-2-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Denying Acquisition

Manufacturers Hanover Corporation, Dover, Delaware, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's regulation Y, to acquire substantially all of the assets of Citizens Mortgage Corporation, Southfield, Michigan, a company that engages in the activities of a mortgage banking company and in acting as an investment advisor to a real estate investment trust. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (5)).

Notice of the application, affecting opportunity for interested persons to submit comments and views on the public-interest factors, has been duly published (38 FR 10048). The time for filing comments and views has expired, and none has been timely received.

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement to be issued subsequently.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13383 Filed 7-2-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher and Holland. Voting against this action: Governors Daane and Sheehan. Absent and not voting: Chairman Burns.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

MONTANA STREET STATE BANK

Order Approving Application

Montana Street State Bank, El Paso, Texas, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Bank of El Paso, El Paso, Texas, under the name of The Bank of El Paso.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First International Bancshares, Inc. to acquire the successor by merger to The Bank of El Paso, provided that said merger shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-13458 Filed 7-2-73;8:45 am]

WYOMING BANCORPORATION

Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Securities Bankshares, Inc., Casper, Wyoming, a one-bank holding company, and indirectly to acquire its 95 percent owned subsidiary, Security Bank and Trust Company, Casper, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 22, 1973.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, June 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Assistant Secretary of the Board.*

[FR Doc.73-13384 Filed 7-2-73;8:45 am]

FEDERAL TRADE COMMISSION

ENFORCEMENT POLICY WITH RESPECT TO MERGERS IN DAIRY INDUSTRY

Criteria for Assessing Future Mergers

The merger activity of the four largest national dairies, which during the 1950's was creating high local concentration and consolidating it into high regional and national concentration through leading firm market extension mergers, was stopped during the last decade by FTC orders. The firms acquired in this movement were often middle-tier dairies whose size permitted them to expand internally most easily into new markets and to offer the greatest potential competition to the largest national dairies.

Following the expiration of these orders, beginning in 1972, the threat of renewed merged activity ruinous to competition in the dairy industry is again a possibility. Indeed, several large dairies not under Commission orders, and ranking just below the top four companies, have been using mergers to expand their market shares. Although the motivating force is a desire to increase sales, the reason large firms prefer making horizontal and market extension mergers rather than expanding internally is that the purchase of additional market shares through acquisition of established firms reduces the risk that competitive bidding for additional sales will cause price reductions and lower profits to all.

The same is true of geographic expansion into concentrated markets. Obtaining a significant position in such a market, other than by acquisition of a major established firm, is likely to intensify price competition due to price reactions of other processors unwilling to have their market shares eroded by a new entrant. A merger would not disturb the price structure and would be preferred by both the buyer and seller of the established market position. A resumption of leading firm market extension mergers would again threaten the preservation of a strong middle-tier of independent dairies. The preservation of this tier of viable independent companies is as essential to the competitive health of the dairy industry today as it was when the Commission cited it in its finding in Beatrice Foods Co., FTC Docket No. 6653.

Concentration has remained high in local and regional markets despite the deconcentrating effects of improvements in transportation equipment and the completion of interstate highways linking together previously separate local markets. These deconcentrating forces have been offset by the disappearance of hundreds of very small high-cost processors, other processors serving the rapidly declining retail home delivery channel of distribution, and by the continuation of high barriers to new plant entry caused by the difficulty in obtaining distribution outlets, moderate scale requirements, and no growth in industry demand.

The only new plant entry has been by food chains vertically integrating into processing. A food chain with sufficiently large local or regional sales can overcome entry barriers because of its assured market for the output of a plant. The continued growth of food chains and their success in achieving consumer acceptance for private label milk has caused vertical integration into processing to increase sharply since the early 1960's. Vertical integration is the source of considerable market foreclosure to non-integrated dairies in many local markets and it may be causing smaller and new entrant food chains in some markets to face a cost disadvantage. Although the threat of food chain integration appears to have had a significant price effect, particularly through the wholesale and retail pricing of private label milk, the actual integration of food chains into processing has not been associated with further intensifications of price competition.

In view of the above facts which indicate a need for continuing to guard against concentration-increasing mergers, the Commission should make abundantly clear, insofar as possible, its future enforcement policy in the dairy industry. In doing so, the Commission wants it to be known that new developments in the dairy industry may cause it to change the enforcement policy as the competitive effects of the new developments become apparent.

Major criteria for assessing future fluid milk product industry mergers. The Commission has adopted the following enforcement criteria for initiating investigations of acquisitions which raise significant questions of law or policy under section 7 of the Clayton Act, as amended by the Cellar-Kefauver Act. These criteria are in no way to be considered applicable to acquisitions by companies under outstanding Commission orders requiring prior approval of the Commission with respect to acquisitions.

1. The Commission will focus particular attention on fluid milk company mergers and acquisitions by large dairy companies processing more than one billion pounds[1] of Class I milk annually (or when combined with an acquired company processes that amount). Investigations will be made when the acquired entity is believed to fall within any of the following categories:

(a) Any fluid milk processing plant, distribution facility, or route (except

[1] Home delivery sales and processing not done in the United States should not be included when computing sales volumes and market shares herein.

those serving retail home delivery exclusively) within a 150-mile radius of existing plants or distribution facilities of the acquiring company, unless prior approval of the Commission has been granted.[2]

(b) Any fluid milk processing company or plant located within a radius of between 150 and 500 miles of existing plants or distribution facilities of the acquiring company, and which in any of the three years prior to acquisition processed more than 26 million pounds[1] of Class I milk annually (approximately 40,000 quarts a day or $2.5 million annual sales), unless prior Commission approval has been granted.[2]

(c) Any dairy plant located beyond a 500-mile radius of existing plants or distribution facilities of the acquiring company and which in any of the three years prior to acquisition processed more than 26 million pounds[1] of Class I milk, upon determination of possible anti-competitive effects due to an evaluation of the following: (i) The size and market position(s) of the acquired company or plant; (ii) the distance the acquired company's marketing area is separate from the marketing area of the acquiring company; (iii) concentration and entry conditions into the acquired company's markets; and (iv) the overall size and the local and regional market positions held by the acquiring company.

(d) Any company that processes 300 million pounds[1] of Class I milk annually.

2. Acquisitions involving companies with combined annual processing of less than 1 billion pounds of Class I milk generally pose less of a threat to competition except, insofar as they involve the acquisitions by major regional companies of dairy companies ranking in the top 4 in adjacent markets. Mergers which involve such leading firms may pose a threat and will be investigated as will other mergers which exceed the guidelines established by the Department of Justice.[3] The Justice Department's guidelines specify that horizontal mergers or acquisitions will likely be challenged where four-firm concentration is 75 percent or more in any market and the acquiring and acquired firms hold the following market shares:[1]

Acquiring Firms:	*Acquired Firms*
4%	4% or more
10%	2% or more
15%	1% or more

If the four-firm concentration is less than 75 percent, the guidelines indicate challenging mergers with these market shares:

Acquiring Firm:	*Acquired Firm*
5%	5% or more
10%	4% or more
15%	3% or more
20%	2% or more
25%	1% or more

3. For acquisitions involving dairy products other than fluid milk, the Federal Trade Commission Enforcement Policy with Respect to Product Extension Mergers in Grocery Products Manufacturing, announced on May 15, 1968, will apply unless a company is bound by an FTC order that implies a strong prohibition.

The above enforcement criteria are not to be construed as an expression of the views of the Commission or any individual Commissioner on the legality of any particular merger or acquisition. Rather, the Commission has chosen quantifiable standards to describe concisely those mergers and acquisitions in the dairy industry which merit special attention.

Pre-merger notification. In order to carry out the above enforcement policy in a fair and expeditious manner, the Commission will require that any company processing more than 300 million pounds[1] of Class I milk annually, or when combined with an acquired company processes that amount, notify and provide special reports to the Commission at least 60 days prior[4] to making any acquisition having the following characteristics:

1. A fluid milk processing plant, distribution facility, or route (except those serving retail home delivery exclusively) located within a 500-mile radius of an existing plant or distribution facility of such company.

2. A dairy company which in any of the three years prior to acquisition made annual fluid milk sales in excess of $2.5 million[1] or a processing plant which processed 26 million pounds[1] or more of Class I milk.

(38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission, dated June 19, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-13657 Filed 7-2-73;9:52 am]

[2] Reference to prior approval in this statement should not be interpreted to mean that companies must request Commission approval prior to the consummation of any merger or acquisition. However, the Commission shall continue to provide advisory opinions, as provided by its Rules of Practice, regarding the legality of particular mergers, and invites those contemplating mergers to avail themselves of this program in any situation where there is uncertainty as to the legality of a prospective merger.

[3] U.S. Department of Justice, Merger Guidelines, May 30, 1968 (mimeograph).

[4] If the time schedule of the acquisition or merger does not permit notification 60 days prior to consummation, the notification and special report should be submitted as promptly as possible.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-184]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric and gas service rates increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission in a proceeding involving the application of the South Carolina Electric and Gas Company for an increase in its electric and gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON, *Administrator of General Services.*

JUNE 26, 1973.

[FR Doc.73-13385 Filed 7-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AADAN CORP.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 27, 1973 through July 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13408 Filed 7-2-73;8:45 am]

[File 500-1]

APOLLO INDUSTRIES, INC.

Order Suspending Trading

JUNE 22, 1973.

The common stock, $5 par value, of Apollo Industries, Inc. being traded on the Pacific Coast Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Apollo

Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13409 Filed 7-2-73;8:45 am]

[811-2086]

BAY APPRECIATION FUND

Proposal To Terminate Registration

JUNE 26, 1973.

NOTICE IS HEREBY GIVEN that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Bay Appreciation Fund ("Fund"), c/o James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California, 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on July 8, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will received notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13410 Filed 7-2-73;8:45 am]

[811-2061]

BAY CAPITAL FUND

Proposal To Terminate Registration

JUNE 26, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Bay Capital Fund ("Fund"), % James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on May 4, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section (8f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13411 Filed 7-2-73;8:45 am]

[File 500-1]

CEC CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.03 par value, and all other securities of CEC Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (EDT) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13412 Filed 7-2-73;8:45 am]

[File 500-1]

COMPREHENSIVE HEALTH SYSTEMS, INC.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, $.10 par value, and all other securities of Comprehensive Health Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m. (EDT) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13413 Filed 7-2-73;8:45 am]

[File 500-1]

CROWN DRUG CO.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Crown Drug Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13414 Filed 7-2-73;8:45 am]

ECOM-SYSTEMS, INC.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.50 par value, and all other securities of ECOM-Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:00 p.m. (e.d.t.) June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13415 Filed 7-2-73;8:45 am]

[File 500-1]

EL CAMINO FINANCIAL CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of El Camino Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13416 Filed 7-2-73;8:45 am]

[File 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

JUNE 25, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13417 Filed 7-2-73;8:45 am]

[811-2085]

FIRST BAY FUND

Proposal To Terminate Registration

JUNE 26, 1973.

Notice is hereby given, that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that First Bay Fund ("Fund"), c/o James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California, 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on June 30, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13418 Filed 7-2-73;8:45 am]

[File 500-1]

FLYING DIAMOND CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Flying Diamond Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:00 a.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13420 Filed 7-2-73;8:45 am]

[File 500-1]

GENERAL GILBERT CORP.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of General Gilbert Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:00 p.m. (e.d.t.) June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13421 Filed 7-2-73;8:45 am]

[File 500-1]

GIANT STORES CORP.

Order Suspending Trading

JUNE 25, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-13422 Filed 7-2-73;8:45 am]

[File 500-1]

GOODWAY, INC.

Order Suspending Trading

JUNE 26, 1973.

The common stock, $.10 par value of Goodway Inc. being traded on the American stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 27, 1973 through July 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13423 Filed 7-2-73;8:45 am]

[File 500-1]

HORIZON INDUSTRIES LTD.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Horizon Industries Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:40 a.m. (e.d.t.) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13424 Filed 7-2-73;8:45 am]

[File 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13425 Filed 7-2-73;8:45 am]

[File 500-1]

INTERNATIONAL DEVELOPMENT CORP.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of International Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m. (e.d.t.) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13426 Filed 7-2-73;8:45 am]

[File 500-1]

LANDMARK-TOWNES, INC.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, and all other securities of Landmark-Townes, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13427 Filed 7-2-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be in effect for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13428 Filed 7-2-73;8:45 am]

[File 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-13429 Filed 7-2-73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on July 10-11, 1973 at the Drake Hotel, 140 E. Walton Place, Chicago, Illinois. The meetings will commence at 9 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 28, 1973.

[FR Doc.73-13459 Filed 7-2-73;8:45 am]

[811-2152]

LAMB FUND, INC.

Filing of Application

Notice is hereby given that Lamb Fund, Inc. 4747 W. Peterson Avenue—Suite 101 Chicago, Illinois 60646. ("Applicant"), a Maryland corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 3(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant registered under the Act on December 28, 1970 by filing its Form N-8A Notification of Registration. On that same date it filed a Form N-8B-1 Registration Statement under the Act, and a Form S-5 Registration Statement under the Securities Act of 1933 which was declared effective on February 16, 1972.

On November 20, 1972, Applicant's Board of Directors approved a proposed plan of liquidation and dissolution of Applicant, and the plan was likewise approved by Applicant's shareholders at a special meeting held on January 23, 1973. Subsequent to the action of the shareholders, Applicant proceeded with the liquidation of its portfolio securities, and on March 27, 1973 it made a distribution of a liquidating dividend to shareholders in the aggregate amount of $126,666.72. On April 10, 1973, a final distribution was made to shareholders in the amount of $14,261.16. Applicant is now in the process of being dissolved in accordance with the laws of the State of Maryland.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13454 Filed 7-2-73;8:45 am]

U.S. TARIFF COMMISSION

[TEA-I-28]

FERROCHROMIUM, FERROMANGANESE, FERROSILICON, FERROSILICON CHROMIUM, FERROSILICON MANGANESE, CHROMIUM, MANGANESE AND SILICON

Discontinuance of Investigation

Notice is hereby given that the U.S. Tariff Commission, on June 28, 1973, discontinued investigation No. TEA-I-28, and cancelled the public hearing scheduled in connection therewith. The investigation was instituted on May 21, 1973, upon petition of the Ferroalloy Association, an industry trade association, under section 301(b)(1) of the Trade Expansion Act of 1962.

The investigation was discontinued, without a determination on its merits and without prejudice, at the request of the petitioner.

By order of the Commission.

Issued: June 28, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-13456 Filed 7-2-73;8:45 am]

[TEA-W-204]

YOUNG ONES, INC.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Young Ones, Inc., a wholly-owned subsidiary of RAI, Inc., Brooklyn, New York, the United States Tariff Commission, on June 26, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women, misses, and children (of the types provided for in items 700.43, 700.45, 700.55, and 700.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 13, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: June 28, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-13457 Filed 7-2-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF FULL-TIME STUDENTS

Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Big K Department Store, U.S. Highway 25 and 70, Newport, TN; 4-30-74.

Carson Pirie Scott & Co., 111-113 North Tremont, Kewanee, IL 4-27-74.

Conley's, 1012 East Royalton Road, North Eaton, OH; 5-1-74.

Donenfeld's, Inc., 5-13-74; 2700 Miamisburg-Centerville Road, Dayton, OH; 35 North Main Street, Dayton, OH; 5200 Salem Avenue, Dayton, OH.

Dover, Inc., Crossville, AL; 5-9-74.

Duckwall Stores Co.: No. 25, Norton, KS, 5-3-74; Nos. 57 and 89, Albuquerque, NM, 3-30-74.

Eagle Stores Co., Inc., No. 24, Clinton, NC; 5-24-74.

Edward's, Inc.: Canton, IL, 4-20-74; Augusta Highway I-78, Clearwater, SC, 5-20-74; West Evans and Cashua Drive, Florence, SC, 4-30-74.

Fleishman Co., 115 South Main Street, Anderson, SC; 4-27-73 to 3-31-74.

Goudchaux's, Inc., 1500 Main Street, Baton Rouge, LA; 4-2-74.

W. T. Grant Co.: No. 226, Rockford, IL, 5-16-74; No. 1042, Rockford, IL, 4-21-74; No. 142, Ballwin, MO, 5-11-74; No. 629, Ashland, OH, 5-9-74; No. 126, Newark, OH, 5-14-74.

Haffner's 5c to $1 Stores, No. 52, Kendallville, IN; 5-18-74.

Harry Erom's, Inc., 103 West Main Street, Union, SC; 4-30-73 to 3-28-74.

Hub Frankel Co., Inc., 232-234 West Main Street, Danville, KY; 5-13-74.

S. S. Kresge Co.: No. 4111, Birmingham, AL, 5-7-74; No. 4357, Orlando, FL; 5-10-74; No. 4210, Atlanta, GA, 5-30-74; No. 4293, Deactur, IL, 4-30-74; No. 4297, Moline, IL, 5-10-74; No. 4058, Springfield, IL, 5-1-74; No. 4294, Marion, IN, 4-23-74; 2535 Hubbell Avenue, Des Moines, IA, 5-1-74; No. 4018, Dubuque, IA, 5-2-74; Nos. 4216 and 4270, St. Louis, MO, 4-30-74; No. 4110, High Point, NC, 5-12-74; No. 47, Cincinnati, OH, 4-25-74; No. 4167, Hamilton, OH, 5-6-74; No. 284, Altoona, PA 4-20-74; No. 4328, Houston, TX. 4-25-74.

McCrory-McLellan-Green Stores: No. 385, Albertville, AL, 4-23-74; No. 383, Jacksonville, IL, 4-23-74; No. 222, Crawfordsville, IN, 4-30-74; No. 34, Lake Charles, LA, 4-14-74; No. 466, St. Paul, MN, 5-1-74; No. 248, Albuquerque NM, 4-23-74; No. 294, Albuquerque, NM, 4-24-74; No. 128, Johnson City, TN, 4-30-74.

Morgan & Lindsey, Inc.: No. 3002, Oakdale, LA, 4-24-74; No. 3122, Forest, MS, 4-22-74; No. 3076, Greenville, MS, 4-20-74.

G. C. Murphy Co., 4-27-74, except as otherwise indicated: No. 261, Huntsville, AL (4-24-74); No. 263, Tuscaloosa, AL (4-24-74); No. 439, Effingham, IL (4-24-74); No. 457, Flora, IL (4-25-74); No. 112, Pontiac, IL (4-24-74); No. 113, Streator, IL (4-26-74); No. 449, Vandalia, IL (4-24-74); No. 461, Aurora, IN; No. 401, Bluffton, IN; No. 101, Brazil, IN; No. 99, Clinton, IN; No. 423, Crawfordsville, IN (4-26-74); No. 407, Decatur, IN; No. 404, Elwood, IN; No. 103, Fort Wayne, IN (4-26-74); No. 412, Franklin, IN (4-26-74); No. 223, Greensburg, IN (4-25-74); No. 408, Hartford City, IN; No. 425, Huntingburg, IN; Nos. 123 and 224, Indianapolis, IN (4-26-74); Nos. 235 and 260, Indianapolis, IN; No. 445, Kendallville, IN (4-26-74); No. 300, Kokomo, IN; No. 203, Linton, IN; No. 420, Princeton, IN; No. 72, Seymour, IN; No. 105, Shelbyville, IN; No. 114, Washington, IN; No. 282, Shreveport, LA (5-11-74); No. 901, Randallstown, MD (5-13-74); No. 603, Westernport, MD (5-8-74); No. 436, Charlotte, MI (4-30-74); No. 444, Coldwater, MI (4-30-74); No. 406, Hillsdale, MI (4-30-74); No. 437, Marshall, MI (4-30-74); No. 424, Owosso, MI (4-30-74); No. 120, St. Joseph, MI (4-30-74); No. 451, South Haven, MI (4-30-74); No. 161, Minneapolis, MN (4-24-74); No. 270, St. Paul, MN (4-24-74); No. 337, Smithfield, NC (5-31-74); No. 181, Alliance, OH (4-30-74); No. 140, Barnesville, OH (4-30-74); No. 65, Bellaire, OH (4-30-73); No. 36, Bellefontaine, OH (4-30-74); No. 415, Bryan, OH (4-30-74); No. 234, Cincinnati, OH (4-30-74); No. 110, Circleville, OH (4-30-74); No. 291, Cleveland, OH (5-8-74); No. 265, Columbus, OH (4-30-74); No. 281, Dayton, OH (5-8-74); No. 418, Defiance, OH (4-30-74); No. 441, Franklin, OH (4-30-74); No. 460, Galion, OH (4-30-74); Nos. 2 and 468, Gallipolis, OH (4-30-74); No. 37, Greenville, OH (4-30-74); No. 456, Hillsboro, OH (4-30-74); No. 459, Jackson, OH (4-30-74); No. 269, Kettering, OH (5-7-74); No. 446, Lebanon, OH (5-8-74); No. 469, London, OH (5-8-74); No. 230, Marion, OH (5-8-74); No. 38, Middletown, OH (5-8-74); No. 257, North Ridgeville, OH (5-8-74); No. 41, Piqua, OH (5-8-74); No. 453, St. Marys, OH

(5-8-74); No. 40, Sidney, OH (5-8-74); No. 434, Toledo, OH (5-8-74); No. 122, Toronto, OH (5-8-74); No. 419, Urbana, OH (5-8-74); No. 20. Washington, C.H., OH (5-7-74); No. 192, Wilmington, OH (5-7-74); Nos. 187 and 222, Youngstown, OH (5-7-74); No. 802, Bethel Park, PA (5-10-74); No. 53, Johnsonburg, PA (5-14-74); No. 174, Monroeville, PA (4-28-74); No. 316, San Antonio, TX (4-14-74); No. 275, Milwaukee, WI (4-27-74).

Neisner Bros., Inc., No. 76, Chicago, IL; 4-24-74.

Rose's Stores, Inc., No. 171, Aiken, SC; 5-14-74.

Scott Stores Co.: No. 9123, Chicago, IL, 4-27-74; No. 9325, Bellevue, NE, 5-14-74.

Spurgeon's, 128 East Main Street, Ottumwa, IA; 4-22-74.

Sterling Jewelry & Distributing Co., Inc., 5801 East Northwest Highway, Dallas, TX; 5-23-74.

Sterling's, Inc.; 2240 Lamar Avenue, Memphis, TN, 4-30-74; 5030 Park Avenue, Memphis, TN, 4-30-74; 1119 South Bellevue at McLemore, Memphis, TN, 5-6-74.

T. G. & Y. Stores Co.: No. 1505, Tucson, AZ, 5-14-73 to 4-30-74; No. 92, El Dorado, KS, 4-12-74; No. 181, Albuquerque, NM, 5-13-74; No. 284, Albuquerque, NM, 5-6-74; No. 286, Santa Fe, NM, 5-18-74; No. 39, Oklahoma City, OK, 5-26-74; No. 418, Oklahoma City, OK, 5-2-74; No. 244, Baytown, TX, 4-12-74; No. 394, Baytown, TX, 4-11-74; No. 817, Deer Park, TX, 4-30-74; No. 772, Galveston, TX, 4-27-74; Nos. 343 and 382, Houston, TX, 4-26-74; Nos. 351, and 371, Houston, TX, 5-14-74; No. 383, Houston, TX, 4-11-74; No. 847, Houston, TX, 5-31-74; No. 232, Orange, TX, 4-28-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 2, 1973.

Signed at Washington, D.C., this 26th day of June 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-13481 Filed 7-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 289]

ASSIGNMENT OF HEARINGS

JUNE 28, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

MC 52022 Sub 6, Santini Brothers, Inc., now being assigned continued hearing July 26, 1973 (2 days), in the Basement Hearing Room, U.S. Post Office Bldg., 100 Park Ave., Tallahassee, Fla.

AB-10 Sub 3, Norfolk and Western Railway Company Abandonment between Abingdon, Virginia, and West Jefferson, North Carolina, in Washington and Grayson Counties, Virginia, and Ashe County, North Carolina, is continued to July 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-128944 Sub 10, Reliable Truck Lines, Inc., is continued to September 10, 1973, at The Read House & Motor Inn, 9th & Chestnut Streets, Chattanooga, Tennessee.

MC 108207 Sub 365, Frozen Food Express, Inc., now assigned July 16, 1973, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13463 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; third Rev. Exemption No. 22; Amdt. No. 2]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13465 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; Exemption No. 15; Amdt. No. 3]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Exemption No. 15 issued July 27, 1972.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 15 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire December 31, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13466 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; Fifth Rev. Exemption No. 19; Amdt. No. 2]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Fifth Revised Exemption No. 19 issued February 26, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Fifth Revised Exemption No. 19 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13467 Filed 7-2-73;8:45 am]

[Notice 308]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no signficant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74393. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Blackhawk Transportation, Inc., Des Moines, Iowa, of the operating rights in Certificate No. MC-113460 (Sub-No. 1) issued March 17, 1969, to Carl P. Blackford, Des Moines, Iowa, authorizing the transportation of packinghouse products, during the season extending from November 1 to March

31, inclusive, of each year, from Des Moines, Iowa, to Chicago, Ill.; malt beverages, from St. Paul and Minneapolis, Minn., Chicago, Ill., Milwaukee, Wis., and Omaha, Nebr., to Des Moines, Iowa and Marshalltown, Iowa, and from Kansas City, Mo., to Des Moines, Iowa; and carbonated beverages and noncarbonated fruit beverages, from Shakopee, Minn., to Des Moines and Marshalltown, Iowa.

Richard A. Miller, 500 Stephens Building, P.O. Box 1735, Des Moines, Iowa 50306. Attorney for applicants.

No. MC-FC-74411. By order of June 26, 1973, the Motor Carrier Board approved the transfer to American Cartage, Inc., Worth, Illinois, of Permit No. MC-52927 issued July 30, 1943, and Certificate No. MC-78670 issued November 5, 1943, to Montegna & Company, A Corporation, Chicago, Ill., authorizing the transportation of general commodities, with exceptions, such merchandise as is dealt in by wholesale, retail and chain grocery stores and equipment, materials and supplies used in the conduct of such business, and packing-house products and supplies Between points as specified in Illinois and Indiana.

Robert H. Levy, 29 South La Salle St., Chicago, Ill. 60603, Attorney for Applicants.

No. MC-FC-74441. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Rico Shipping Corporation, 1997 Third Avenue, New York, N.Y. 10029, of the operating rights in Certificate No. MC-134994 issued June 19, 1972, to Javier Zalduondo, doing business as Rico Shipping Company, 1997 Third Avenue, New York, N.Y. 10029, authorizing the transportation of household goods, as defined by the Commission, between points in that part of New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, within which local operations may be conducted pursuant to the partial exemptions of section 203(b)(8) of the Act (the "exempt zone"), restricted to the transportation of traffic having an immediately prior or subsequent movement by water.

No. MC-FC-74541. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Careful Enterprises, Ltd., D/B/A Julka Moving & Storage Division, Fond du Lac, Wis., of Certificate No. MC-60727 issued June 14, 1965, to Julka Moving & Storage Co., Inc., Fond du Lac, Wis., authorizing the transportation of household goods, between points in Fond du Lac County, Wis., on the one hand, and, on the other, points in Illinois.

Frank S. Fuller, President, Careful Enterprises, Ltd., 221 Lewis St., Fond du Lac, Wisconsin, for Applicants.

No. MC-FC-74498. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Elizabeth K. Lantis, Miles City, Mont., of the operating rights in Certificate No. MC-62006 issued May 23, 1941, to Brantley Lantis, doing business as Tongue River Freight Line, Miles City, Mont., authorizing the transportation of general commodities, with exceptions, between Miles City, Mont., and Ashland, Mont., over specified routes and serving to and from all intermediate points and the off-route points within 25 miles of the specified route; and between Miles City, Mont., on the one hand, and, on the other, Ashland, Mont., and points in Montana within 50 miles of Ashland.

Thomas M. Monaghan, 513 Main Street, Miles City, Mont. 59301 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13464 Filed 7-2-73;8:45 am]

COST OF LIVING COUNCIL

LABOR-MANAGEMENT ADVISORY COMMITTEE

Determination To Close Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that a meeting of the Labor-Management Advisory Committee created by section 8 of Executive Order 11695 will be held on July 10, 1973.

The purpose of the meeting is to discuss policy matters relating to the duration of the Freeze and the timing and substance of Phase IV.

Pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting of the Labor-Management Advisory Committee will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 2, 1973.

HENRY H. PERRITT, Jr., *Executive Secretary, Cost of Living Council.*

[FR Doc.73-13697 Filed 7-2-73;12:13 pm]

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TUESDAY, JULY 3, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 127

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PROPOSED APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

New Jersey; Pennsylvania; Texas

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NEW JERSEY

Approval and Promulgation of Implementation Plans

Under the Clean Air Act Amendments of 1970, Congress required the states to prepare plans for implementing the national ambient air quality standards promulgated by EPA.

EPA promulgated the ambient standards on April 30, 1971. Pursuant to the statutory timetable established by the Act each state had 9 months in which to develop, adopt, and submit detailed plans for implementation of the ambient standards.

The Governor of New Jersey submitted the State's implementation plan to the Administrator on January 26, 1972. At that time, a 2-year extension was requested in the attainment date of the national standards for photochemical oxidants and carbon monoxide in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several states to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting a delay until mid-1977 for attainment of the national primary ambient air standard without following the procedures established in section 110(e) 42 U.S.C. § 1857C-5(e). Accordingly, the court ordered that the Administrator rescind the extension granted the states for implementation plans. The affected states were required to submit a control plan by April 15, 1973, that would ensure attainment of the national ambient air quality standards for photochemical oxidants and/or carbon monoxide as expeditiously as practicable but no later than May 31, 1975.

At the time of the January 31, 1973, court ruling, New Jersey had already submitted an approved transportation plan and, therefore, was not contemplating any additional submission on February 15, 1973. Thus, when the new timetable was set by the Court and the requirements of section 110 further clarified, New Jersey found itself unable to meet the procedural requirements by April 15, 1973. Furthermore, it was not until March 29, 1973, that the State of New York for the first time advised New Jersey of the need for significantly larger than anticipated reductions in hydrocarbon emissions in the New Jersey portion of the New Jersey-New York-Connecticut Region in order to provide for the attainment of the national standard for photochemical oxidants in the New York portion of that Region. Thus, on April 16, 1973, the Commissioner of the New Jersey Department of Environmental Protection, acting on behalf of the Governor, submitted a letter to the EPA Regional Administrator advising him of New Jersey's inability to meet the deadline for plan submittal but assuring him of New Jersey's intent to develop and submit a plan as expeditiously as possible. In this letter the Commissioner listed seven alternative combinations of control strategies that would be considered by the State of New Jersey in order to achieve the national standards for carbon monoxide and photochemical oxidants. The seventh alternative included the following strategies:

1. Compliance with Federal Motor Vehicle Control Program for new vehicles by 1976.
2. Compliance with more restrictive inpsection/maintenance standards that are exepected to reject approximately 45 percent of New Jersey vehicles.
3. Control of stationary sources.
4. Reduction of vehicle miles traveled (VMT) during critical seasons of the year by rationing of gasoline to the extent required to achieve a 67 percent reduction in hydrocarbon emissions. (NOTE: This strategy could be employed singularly, or in combination with any of the above strategies.)

Because of New Jersey's inability to submit transportation control strategies on the deadline imposed by the Court of Appeals, portions of the New Jersey implementation plan were disapproved on June 15, 1973.

In accordance with the requirements of section 110, on this day the Administrator is submitting a proposal for a transportation control plan for the attainment and maintenance of the national primary ambient air quality standard for photochemical oxidants and carbon monoxide in the New Jersey-New York-Connecticut and the Metropolitan Philadelphia Interstate Regions in response to the January 31, 1973, Court order.

POLLUTION IN THE NEW JERSEY PORTIONS OF THE NEW JERSEY-NEW YORK CONNECTICUT REGION AND THE METROPOLITAN PHILADELPHIA REGION

The New Jersey portion of the Metropolitan Philadelphia Interstate Region consists of the counties of Burlington, Camden, Gloucester, Mercer, and Salem. The Region is meteorologically and topographically similar consisting, characteristically, of low and generally flat terrain. The population and source density varies greatly throughout the Region ranging from sparsely populated rural areas through mushrooming suburbs to the dense urban core areas surrounding Philadelphia. The highest pollutant concentrations were recorded in the heavily developed western sections of the Region.

The Region is classified priority I with respect to carbon monoxide and photochemical oxidants. The maximum 8-hour carbon monoxide concentrations were recorded in the cities of Trenton and Camden and the maximum 1-hour photochemical oxidant concentrations at the Camden monitoring site in Camden County.

In 1972 there were more than 3,000 violations of the maximum 8-hour carbon monoxide concentration. During the same period the oxidant standard was exceeded three times at the site reporting the highest concentrations.

The New Jersey-New York-Connecticut Region is comprised of the following counties: (1) Bergen, Essex, Hudson, Middlesex Monmouth, Morris, Passaic, Somerset and Union in New Jersey; (2) the five boroughs of New York City, Nassau, Rockland, Suffolk and Westchester Counties in New York State; and (3) Fairfield County in Connecticut. In addition to meteorological and geographical similarity among these counties, the region contains one of the largest metropolitan areas in the world. This area is characterized by a high density commercial-residential core in New York City and a peripheral complex sprawl of industrial and suburban developments interspersed with numerous urban centers. The similarity of source characteristics throughout the area results in common pollutant problems throughout this Region.

The New Jersey portion of the Region had a population of nearly 5 million people in 1970 and about half as many motor vehicles. The rate of growth of both people and motor vehicles is approximately the same. This extremely high motor vehicle population forms an integral part of the transportation system for people and goods in the Region, since only the more central urban areas have well developed mass transit systems.

From a meteorological standpoint, the high degree of urbanization has been found to cause the development of complex wind circulation systems in the Region, resulting in a significant increase in the intraregional transport of pollutants emitted in the area. This consideration is of particular significance in the case of photochemical oxidants, whose formation generally occurs at a considerable distance downwind from the source of the precursors of the photochemical reaction. It is, therefore, necessary to control such reactants throughout the Region to prevent the formation of photochemical oxidants anywhere in the region.

This Region is classified priority I for all pollutants, including those predominantly associated with motor vehicles (carbon monoxide, hydrocarbons, and photochemical oxidants). In 1972, the 8-hour average standard for carbon monoxide was exceeded 352 times in Newark, the site with the highest CO concentration in the New Jersey portion of the region. For this same period, the oxidant standard was exceeded 19 times in the site with the highest concentration in New Jersey.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm), average for a 1-hour period, and for carbon

monoxide is 40 $\mu g/m^3$ (35 ppm), average for a 1-hour period and 10 $\mu g/m^3$ (9 ppm), average for a 8-hour period, none of which are to be exceeded more than once per year. These standards, promulgated on April 30, 1971 (36 FR 8186), were judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Clean Air Act of 1970.

ANALYSIS OF METHODOLOGY

Because ambient concentrations of carbon monoxide, at any given location, appear to be highly dependent on carbon monoxide emission in the near vicinity, it was decided that a strategy based on the area-wide application of the proportional model would be unjustified. The peak concentrations of CO in the central portions of Newark, Camden and Trenton were obviously caused by problems related to traffic density and traffic flow, which were highly localized in nature. Therefore, an effective strategy to reduce CO concentrations in these cities should appropriately concentrate on obtaining the maximum reductions in carbon monoxide emissions in the central business districts (CBD's) of each city. A tailored control strategy of this kind requires the analysis of detailed VMT data that are currently not available. Until such time as the data are obtained, it will be necessary to make assumptions about the CBD distribution from data relating to the counties as a whole.

The formation of photochemical oxidants through atmospheric reactions involving reactive hydrocarbons is strongly influenced by atmospheric transport. It has been determined that hydrocarbon emissions during the period 6 a.m. to 9 a.m. play an important role in the formation of peak concentrations of photochemical oxidants shortly before and after noon. This determination leads to the conclusion that, in general, peak concentrations of photochemical oxidants can be expected at distances representing as much as 3 to 6 hours travel time downwind from the source of emissions provided that the other ingredients for the reaction are present. Thus the formation of photochemical oxidants is regional in nature. Any program to provide for significant reductions in the concentrations of photochemical oxidants in a region that is characterized by widespread, significant sources of hydrocarbons will have to be based on obtaining reductions in emissions of hydrocarbons on a region-wide basis.

During the days of high oxidant concentration, the peak values were found during the period 12 noon to 3 p.m. An analysis of near surface wind flow on days when the concentration of photochemical oxidants exceeded the national standard shows an overwhelming preponderance of cases in which the prevailing wind flow was from the southwest or westerly direction. With this prevailing flow, emissions from the New Jersey portion of the region have the greatest impact in the New York portions of the region particularly in Manhattan, Queens, and Nassau County. Current inventories of hydrocarbon emissions show that 469,000 ton/yr are produced in the New Jersey portion of the region as compared with 401,000 ton/yr in the New York portion of the region. Sources of hydrocarbon emissions in the New Jersey portion of the region can, therefore, be associated with high photochemical oxidant concentrations at the New York State monitor on Welfare Island. Based on these considerations, it will be necessary to reduce hydrocarbon emissions both in the New Jersey and the New York portions of the region by 67 percent in order to achieve the national ambient air quality standard for photochemical oxidants throughout the region.

SUMMARY

Information currently available to the Administrator indicates that reductions of 67 and 17 percent in projected emissions of reactive hydrocarbons are necessary to achieve the national primary ambient air quality standard for photochemical oxidants in 1975 in the New Jersey-New York-Connecticut Region and the Metropolitan Philadelphia Interstate Region, respectively. Reductions of 47 percent, 70 percent and 43 percent are necessary to achieve the National Primary Ambient Air Quality Standard for carbon monoxide in Essex, Mercer, and Camden counties, respectively.

Because the major fraction of reactive hydrocarbon emissions in the New Jersey-New York-Connecticut Region are attributable to motor vehicle emissions, the most effective strategy for achieving reductions in the Region's ambient concentrations must include control of motor vehicle emissions. The analysis performed by EPA indicated that in addition to stringent controls for limiting emissions of individual motor vehicles, a reduction in vehicle miles traveled (VMT) by gasoline-powered motor vehicles of over 60 percent would have to be effected to achieve the ambient air quality standard for photochemical oxidants in 1975 in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region. In the Metropolitan Philadelphia Interstate Region a combination of motor vehicle controls and the Federal Motor Vehicle Control Program will achieve the photochemical oxidant standard in 1975. This analysis shows that a reduction in VMT in excess of 35 percent would be necessary in the Mercer County portion of the Metropolitan Philadelphia Interstate Region in order to achieve the ambient air quality standard for carbon monoxide by 1975.

In Camden County, a VMT reduction of 33 percent will be necessary to attain the carbon monoxide standards by 1975. The VMT reduction of 33 percent is not achievable by 1975. Additional hardware strategies were investigated for attainment of the standards by 1975, but all were found to be either non-implementable or inconsistent with the strategies proposed in nearby Mercer County. Therefore, a 1-year extension is granted until 1976 with a total VMT reduction of 27 percent to be achieved by that date. In Essex County, a VMT reduction of 41 percent will be necessary to attain the carbon monoxide standards by 1975 without imposition of retrofit devices on light duty vehicles.

If the standard for photochemical oxidants is to be achieved by 1977, it would require a VMT reduction of 68 percent in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region. A VMT reduction of 30 percent by 1977 would be necessary in the Mercer County portion of the Metropolitan Philadelphia Interstate Region to achieve the carbon monoxide standards. Achievement of the photochemical oxidant standard at this time will assure achievement of the carbon monoxide standard in Essex County.

This proposal includes measures for limiting emissions of hydrocarbons from stationary sources to the maximum extent technologically feasible. It also includes stringent controls for limiting emissions of individual motor vehicles. These controls include the Federal Motor Vehicle Control Program for new light duty vehicles, the maintenance of in-use light duty vehicles to achieve specified emissions limitations, the retrofit of all pre-1968 light duty vehicles with a relatively inexpensive emissions control device (vacuum spark advance disconnect) by 1975, and the installation of catalytic converters on cars of later model years to the extent that would be technologically and organizationally feasible by 1977.

The inspection and maintenance proposals for New Jersey differ from those EPA is proposing in other regions because the state of New Jersey has already established most of the elements of such a system under state law, leaving only a few portions to be supplemented by Federal promulgation. The inspection and maintenance system established by New Jersey is the most advanced in the nation. The statewide application of these emission limitations on individual vehicles will provide for the achievement of standards for carbon monoxide and photochemical oxidants throughout other portions of the state.

These measures by themselves will not be sufficient to achieve the standards. Accordingly, the Administrator is also proposing a variety of measures to reduce VMT in the two regions covered by this proposal. In the Philadelphia area, the measures being proposed are a ban on the construction of new parking spaces, and the conversion of selected lanes of major streets and highways to the exclusive use of buses and carpools. In addition, limitations on gasoline consumption are being proposed.

These three measures are also being proposed for the northern New Jersey area. Additional measures being proposed for this region only are a prohibition on daytime deliveries to large commercial establishments by gasoline-powered trucks, a freeze on motorcycle registrations, and a ban on daytime motorcycle operation during the summer months.

The measures being proposed today may be amended, if the comments re-

ceived in response to this Notice, or EPA's own re-examination of the problem, indicate that such a course would be desirable. All new proposals made in the course of this rule making proceeding will be carefully evaluated before a final promulgation is made.

In each of the cases where regulations have been proposed to limit the use of vehicles or require their emissions per mile to be reduced, the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases where it must promulgate portions of an implementation plan to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist: Natural Resources Defense Council v. EPA, No. 72-1219 (1st Cir. May 2, 1973).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible, and may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the states or cities only where the activity being regulated is in the judgment of EPA closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Based on the extent of analysis completed so far, the Administrator has concluded that the approaches proposed today, including the VMT reductions, are the only ones which could be proposed at this time with any confidence that they would provide for the achievement of the ambient air quality standards. Other approaches, some of which may appear less extreme, present problems regarding feasibility and effectiveness of implementation and enforcement. The Administrator emphasizes that further analysis of the problem will be made to determine whether other options are available.

Although the Environmental Protection Agency (EPA) has serious reservations as to the feasibility and desirability of the VMT reductions required to meet the standards in Northern New Jersey by the statutory deadline, the requirements imposed by the Act leave the Administrator with no presently available legal alternative but to propose this plan. It is clear that extreme measures will be necessary here to comply with statutory requirements and that these measures will have a significant socio-economic impact.

The Transportation Control Plan for New York City submitted by New York State on April 17, 1973, contains control strategies which New York will implement in order to achieve the national standards. These strategies included: (1) Motor vehicle emission control, (2) Traffic control and vehicle-use restraints, (3) Mass transit improvements, (4) Goods movement improvements, and (5) Long range planning. The motor vehicle emissions control strategy includes the retrofit of heavy-duty vehicles. The Plan being proposed for the State of New Jersey is considered to be compatible with the New York State plan.

EPA has not proposed retrofit of heavy duty vehicles as part of its proposed New Jersey Plan. Though this strategy is being accepted in the case of New York, the uncertainties in its implementation date are such that EPA does not feel justified in proposing its establishment as a Federal program. If the state of New Jersey wishes to propose it as a state program, in a manner similar to New York's, then it may well be approved provided it is consistent with the New York program.

It is recommended that if the New Jersey Department of Environmental Protection is considering for its plan a measure that requires the retrofit of heavy-duty vehicles, it should actively work with the New York City Bureau of Motor Vehicle Pollution Control. This will provide a greater assurance that an acceptable device will be available for use in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and in the affected New Jersey counties of the Metropolitan Philadelphia Interstate Region.

Extension in the Achievement Date

The January 31, 1973 Court ruling clearly required that a plan be written identifying the strategies that must be applied to demonstrate achievement of the national primary standards for photochemical oxidants and carbon monoxide by 1975. This has been done for the State of New Jersey. It has also been established that certain control strategies cannot be implemented by 1975. It is our judgment that, while certain reductions in VMT will be achievable by 1975 it will require an additional period of at least two years to implement the major portion of the reduction in VMT addressed by this proposal. It has also been determined that retrofit of a significant number of in-use light duty vehicles with catalysts cannot be accomplished before 1977.

Current Studies

The Environmental Protection Agency has published the results of an investigation of certain transportation control strategies in "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Area, Final Report", November, 1972. Copies are available from EPA, Air Pollution Technical Information Center, Research Triangle Park, North Carolina 27711. Additional information is contained in the EPA document, "Control Strategies for In-Use Vehicles," November, 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 "M" Streets, S.W., Washington, D.C. 20460.

Specific studies to limit automobile emissions and use in New Jersey are currently being done under EPA contract. The results of these studies were available in April 1973 and were used in the development of the proposed regulations.

Proposed Control Strategy

The Administrator proposes to require controls on stationary sources, the installation of retrofit devices on light duty vehicles, the inspection of automobiles, and the reduction of VMT.

Proposed Controls on Stationary Sources

Controls to prevent hydrocarbon emissions will be imposed on a variety of stationary sources. EPA proposes controls on users of solvents in dry cleaning. Vapor recovery systems that prevent evaporation of gasoline into the air will be required for service stations. In addition, emissions from petroleum storage tanks will be controlled as well as from the manufacturing of paints, varnishes, and dyes using photochemically reactive solvents. Should additional stationary source controls prove feasible and desirable, they may be proposed at a later date.

Proposed Controls and Mobile Sources

Due to the substantial contribution of mobile sources to hydrocarbon emissions in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region (88,432 tons/yr vs. 30,500 tons/yr. from stationary sources) and in the Metropolitan Philadelphia Interstate Region (88,432 tons/yr vs. 30,500 tons/yr from stationary sources), transportation controls must be imposed in order to achieve enough emission reductions to provide for the achievement of the standards for carbon monoxide and photochemical oxidants. In the case of carbon monoxide, emissions from transportation sources account for greater than 95 percent of the total emissions. Information obtained by the State of New Jersey and EPA during the past year results in estimates of emissions from mobile sources which are significantly different than those contained in the Implementation Plan submitted by New Jersey in January 1972. The difference is attributable to the use of more accurate emission factors that have become available (see "An Interim Report on Motor Vehicle Emission Estimation", Kircher and Armstrong, EPA, October 1972, which is available from the Office of Land Use Planning, EPA, Research Triangle Park, N.C. 27711).

Although the Federal emission standards for new motor vehicles will impose stringent emission limitations on vehicles manufactured in the 1975 and 1976 model years, the reductions obtained will not be adequate to meet the national ambient standards for photochemical oxidants and carbon monoxide in the affected regions of New Jersey by the deadline of May 31, 1977. By that time, no more

than 20 percent of the vehicle population will be 1975 or later cars. Accordingly, the emissions reductions measures outlined above for individual vehicles are being proposed.

PROPOSED REDUCTIONS IN VMT

Reducing the emissions per mile of vehicles as outlined above will not be enough to provide for attainment and maintenance of the national standards. In order to meet the requirements of the Act, limitations must be placed upon the amount of driving done in the affected areas of New Jersey.

As noted above, a VMT reduction of 68 percent will be required in the New Jersey portion of the New York-New Jersey-Connecticut Interstate Region by 1977.

Accordingly, EPA is proposing the VMT reduction measures outlined above for implementation in this area by 1975 or 1977. Certain of the measures are also being proposed for the Philadelphia area.

Other VMT reduction measures, for which no regulatory language has been included, will also be considered as part of this rule-making proceeding. In particular, the advisability of limiting or reducing the number of parking spaces specifically in central business districts or other trip attraction centers, and the feasibility of establishing a more refined bus and carpool transport system by selective conversion of existing streets to their use will be explored. Measures to favor the use of bicycles will also be considered.

The final promulgation may include these other measures not explicitly proposed today if at the time of final promulgation they appear to be the most practicable ways of achieving the standards.

The Administrator is required at this time to propose for promulgation specific measures for reducing the VMT of light-duty vehicles within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and within Mercer County which is located in the New Jersey portion of the Metropolitan Philadelphia Interstate Region. Comments are particularly solicited on any other method of VMT reduction that may be less disruptive than those that are being proposed at this time.

All of these measures will not be able to be implemented in full by 1975. However, it should be emphasized that the Clean Air Act requires measures to reduce air pollution which are "reasonably available" by 1975 to be put into effect by that date before an extension of the time for achieving the standards may be granted.

The following tables present a summary of the effect of each element of the proposed strategy for the areas in question. All calculations are based on 1972 air quality data. There is no reason to believe that 1972 was a year of unusually high carbon-monoxide or photochemical oxidant concentration.

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Hydrocarbons

New Jersey Portion of the New Jersey-New York-Connecticut Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Stationary source emission without control strategy	145,395		
Expected Reductions:			
a. Control of petroleum storage tanks	60,849	19	12.9
b. Control of solvent emissions from dry cleaning	7,167	2	1.5
c. Other stationary source controls	8,229	3	1.8
Stationary emissions remaining	69,150		
II. Aircraft emissions without control strategy	17,575		
Expected Reductions	5,273	2	1.1
Aircraft emissions remaining	12,302		
III. Mobile emissions from on-highway light and heavy duty vehicles and from gasoline marketing operations without control strategy	302,428		
Expected Reductions:			
a. FMVCP	73,674	23	15.7
b. Gasoline marketing vapor control	3,778	1	0.8
c. Inspection and maintenance	18,126	6	3.9
d. Oxidizing catalyst retrofit with VSAD	15,751	5	3.4
e. Oxidizing catalyst retrofit	67,371	21	14.3
f. Reduction in VMT	54,617	18	11.6
Mobile emissions remaining	69,092		
Total Emissions without control strategy	469,901		
Total Reductions	314,834	100	67
Total emissions remaining	155,067		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1975—Hydrocarbons

New Jersey Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles and from gasoline marketing operations without control strategy	87,483		
Expected Reduction:			
a. FMVCP	15,833	67	13.4
b. Inspection and Maintenance	5,833	25	4.9
c. Gasoline marketing vapor control	1,100	5	0.9
Mobile Emissions Remaining	64,667		
II. Aircraft emissions without control strategy	1,809		
Expected Reduction	543	3	0.5
Aircraft Emissions Remaining	1,266		
Total Emissions without control strategy	118,932		
Total reductions	23,409	100	19.7
Total Emissions Remaining	95,573		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—CARBON MONOXIDE

Mercer County Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobil emmissions from on-highway light and heavy duty vehicles without control strategy	101,842		
Expected Reductions:			
a. FMVCP	41,800	54	33.1
b. Inspection and Maintenance	4,896	7	4.5
c. Oxidizing catalyst retrofit with VSAD	2,942	4	2.7
d. Oxidizing catalyst retrofit	18,967	25	17.3
e. Reduction in VMT	6,447	8	5.9
Mobile Emissions Remaining	26,790		
II. Aircraft emissions without control strategy	5,439		
Expected Reduction	1,650	2	1.5
Aircraft Emissions Remaining	3,849		
Total Emissions without control strategy	109,575		
Total Reduction	76,702	100	70.0
Total Emissions Remaining	32,873		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Carbon Monoxide

Camden County Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles without control strategy	131,536		
Expected Reductions:			
a. FMVCP	53,500	87	39.7
b. Inspection and Maintenance	7,804	13	5.8
Mobile Emissions Remaining	70,232		
Total Emissions without control strategy	134,811		
Total Reduction	61,304	100	45.5
Total Emissions Remaining	73,507		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Carbon Monoxide

Essex County Portion of the New Jersey-New York-Connecticut Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles without control strategy	208,671		
Expected Reductions:			
a. FMVCP	61,700	38	27.6
b. Inspection and Maintenance	9,539	6	4.3
c. Oxidizing catalyst retrofit with VSAD	8,236	5	3.7
d. Oxidizing catalyst retrofit	43,875	27	19.7
e. Reductions in VMT	35,735	22	16.0
Mobile Emissions Remaining	49,586		
II. Aircraft emissions without control strategy	9,881		
Expected Reduction	2,917	2	1.3
Aircraft Emissions Remaining	6,917		
Total Emissions without control strategy	223,222		
Expected Reductions	162,049	100	
Total Emissions Remaining	61,173		72.6

Additional technical information is contained in: "Technical Support Document for the Proposed Transportation Control Strategy for the State of New Jersey," available from the Region II Office, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

ECONOMIC AND SOCIAL IMPACT OF THE NEW JERSEY TRANSPORTATION CONTROL PLAN

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issue. However, we will attempt to describe briefly the types of impacts which might occur. An immediate impact of the adoption of this proposal will be the imposition of direct costs to vehicle owners and operators. A subsequent impact will be derived from the reduction in the mobility of workers and consumers. This interference with the ability of citizens to move as freely as they are now accustomed to move will alter the activity patterns of many people residing in the state. Obviously, the severity of the impact depends on the degree of vehicle use restrictions, on the manner that direct costs of abatement equipment are recovered, and the degree to which the effects can be ameliorated, particularly through the improvement of the mass transit system.

Elements common to all of the mobile source control strategies considered are limited catalytic retrofits of late model cars, an inspection and maintenance program to insure proper functioning of abatement equipment and emission control devices on gasoline marketing equipment.

The Clean Air Act requires all VMT reduction measures which are "reasonably available" to be put into effect by 1975 before an extension to 1977 of the date for achieving the standards may be granted. It is here assumed that VMT reduction measures which would cause significant social and economic disruption cannot be considered as "reasonably available."

Short of significant social and economic disruption, however, it is plain that the authors of the Clean Air Act anticipated that significant changes in life styles might be called for as a way of meeting air quality standards. Although the impact of the kind of VMT reductions that must be considered "reasonably available" on aspects of human welfare other than air quality is hard to assess precisely it is reasonably clear they will create inconvenience in the short run. Those who have been accustomed to driving alone at their own convenience in the assurance of finding a parking space at shopping or recreation areas or to driving alone to and from work when carpools or mass transit are available, will have to modify their previous habits to some degree. Some shorter trips will be shifted from automobiles to other forms of locomotion such as bicycles or walking. Some trips that are more a matter of convenience than necessity will probably not be taken.

In the longer run, there may well be significant positive aspects to voluntary VMT reductions. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. More widespread use of other modes of transportation will be necessary if these tendencies are to be arrested. Though to correct these tendencies is not and cannot legally be the purpose of VMT reductions under the Clean Air Act, they may nevertheless be an essential step in that direction.

No such standard of "reasonable availability" applies to the requirement that the air quality standards must be achieved by 1977. Though of course they should be achieved in the most technically and socially feasible way, the Clean Air Act commands that they must be achieved in any event regardless of economic and social consequences.

It appears that in Northern New Jersey extremely stringent measures may be required to meet this statutory command. The Administrator is concerned about the potential for social disruption this might cause, and will study the situation further to determine whether the standards can be achieved on schedule in a socially and economically feasible way.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The combined effect of these proposed regulations, together with the New Jersey Implementation Plan, will eliminate the danger to human health and welfare that exists in the affected areas from air pollution. They will, however, have a significant economic and social impact. The Administrator will make every effort possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments and agencies give special attention to the needs of New Jersey for strategies to reduce VMT, and the needs for mass transit systems to replace the automobile travel eliminated by the proposed controls.

THE NEED FOR MASS TRANSIT

The development of large-scale mass transit facilities in the State is essential to any effort to mitigate the disruptions that can be caused by significant reductions in automobile use. A public transportation system that can absorb the travelers displaced by sizable reductions in gasoline consumption or vehicle miles traveled will have to be considerably more extensive than the system now existing for travel within the State. There exists within the State a comprehensive mass transit system to provide transportation to and from the central business districts of Manhattan and Newark. What is needed, in the State of New Jersey, is a comprehensive mass

transit system which will provide transportation for non-work related trips and for work related trips within the State.

The Administrator recognizes that the present low density, sprawling land use pattern in the New Jersey area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and use would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation.

Proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the only approach available to him at the present time that is demonstrably capable of achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the affected areas of New Jersey. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities in support of or to supplement the proposed air pollution control strategy for the Regions, means of implementing these measures, and the comparative social and economic effects of alternative pollution control measures.

Public hearings will be held on this and alternative proposals on Monday, July 16, 1973, at 9:00 a.m., in Room 121, Armitage Hall, Rutgers University, Camden, New Jersey; on Tuesday, July 17, 1973, at 9:00 a.m. in the Trenton Auditorium, New Jersey State Museum, 205 West State Street, Trenton, New Jersey; and on Wednesday, July 18, 1973, and, if necessary, on Thursday and Friday, July 19 and 20, 1973, at 9:00 a.m. at the Newark College of Engineering, Room 313, Newark College Engineering Center, 323 High Street, Newark, New Jersey.

The Administrator's final promulgation of transportation control for New Jersey will be greatly influenced by the comments and testimony he receives as well as by the approvable strategies submitted by the State as part of the State plan prior to August 15, 1973. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA Region II, 26 Federal Plaza, New York, New York 10007. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region II Office, and at locations to be announced in the New Jersey area. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Subpart FF of Part 52 of Chapter 1 of Title 40 of the Code of Federal Regulations as follows:

1. Subpart FF is amended by adding the following sections:

§ 52.1583 Regulation for yearly inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Appendix N to Part 51 of this subchapter, are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) and counties of Mercer, Burlington, Camden, Gloucester, and Salem which constitute the New Jersey portion of the Metropolitan Philadelphia Interstate AQCR.

(c) All registered gasoline-powered light-duty vehicles shall be inspected annually for emissions in accordance with the currently established New Jersey program and, as necessary, maintained by the owner in order to pass the inspection.

(d) After January 1, 1975, the following shall apply in the areas described in paragraph (b) of this section:

(1) The State of New Jersey shall not register light-duty vehicles that do not comply with the provisions of paragraph (c) of this section.

(2) No owner of light-duty vehicles shall operate or allow the operation of such vehicles that do not comply with the provisions of paragraph (c) of this section.

§ 52.1584 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) The term "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is travelling below a predetermined speed.

(2) All other terms used in this section which are defined in Appendix N of Part 51 of this subchapter are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the County of Mercer contained in the Metropolitan Philadelphia Interstate Air Quality Control Region.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 31, 1975, all gasoline powered light-duty vehicles of model years prior to 1968 subject under presently existing legal requirements to registration in the area defined in paragraph (b) above are equipped with an appropriate vacuum spark advance disconnect device. No later than March 1, 1974 the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1975, no vehicle of which retrofit is required under this section shall pass the annual emissions test provided for by § 52.1583 as a prerequisite to annual registration unless it has been first equipped with an approved vacuum spark advance disconnect retrofit which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After May 31, 1975, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(e) The State of New Jersey shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. The state will be considered to have failed to comply with the require-

ments of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1585 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Appendix N to part 51 of this subchapter, are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the County of Mercer contained within the Metropolitan Philadelphia Interstate Air Quality Control Region of New Jersey.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 1, 1977, certain gasoline powered light-duty vehicles of model years 1965 through 1974 subject under presently existing legal requirements to registration in the area defined in paragraph (b) above are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the state shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of California shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON gasoline, to be retrofitted with an oxidizing catalytic converter.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After May 1, 1977, the State shall not register or allow to operate on its streets or highways any light duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 1, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of New Jersey shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1586 Daylight delivery ban regulation.

(a) Definitions:

(1) "Daylight hours" means the hours between 7 a.m. and 6 p.m. Monday through Saturday.

(2) "Delivery ban" means a program to reduce emissions from in-use heavy duty gasoline powered vehicles employed to deliver goods during daylight hours.

(3) "Heavy duty gasoline powered vehicle" means any motor vehicle designated primarily for transportation of property and rated at more than 6,000 pounds GVW which is powered by a gasoline burning engine.

(4) All other terms used in this section which are defined in Part 51 of this subchapter are used herein with the meaning so defined.

(b) This section is applicable in those portions of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union counties which make up the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

(c) Beginning January 1, 1975, the State of New Jersey, the counties described in paragraph (b) of this section and any incorporated communities located within these counties shall prohibit during daylight hours deliveries of goods to commercial establishments employing 10 or more persons on the streets or highways over which it has ownership or control. The prohibition shall state that heavy duty gasoline powered vehicles making deliveries in violation of the prohibition shall either be towed away, or the owner and/or operator subject to a fine of up to $100 or both.

(d) The State of New Jersey, counties and incorporated municipalities subject to this section shall submit, no later than July 1, 1974, detailed compliance schedules showing the steps they will take to establish and enforce a daylight hours delivery ban program including the statutory proposals and needed regulations which they will propose for adoption. The compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the State, county, or city officer responsible for enforcement.

(e) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1587 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two or three wheeled motor vehicle capable of carrying one or more persons.

(2) "Four Stroke Engine" means an internal combustion engine which requires four strokes of the engine's pistons for a complete cycle of operation.

(3) "Two Stroke Engine" means an internal combustion engine which requires two strokes of the engine's pistons for a complete cycle of operation.

(4) "Registration" means the action of a State allowing a vehicle to be operated on the streets and highways in that State during a defined period of time.

(5) "Registration Period" means that period of time for which a vehicle is allowed to be used within the State.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

(c) As of January 1, 1974, or any registration period which commences during the calendar year 1974, the State of New Jersey shall not register in its portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region more motorcycles than the total number registered in 1973.

(d) As of May 1, 1974, the State of New Jersey shall prohibit the operation of two stroke motorcycles in its portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region between 6:00 a.m. and 8:00 p.m. during the months of May, June, July, August, and September.

(e) After January 1, 1974, no person shall operate any motorcycle on the streets and highways of the State within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region which is not validly registered by the State of New Jersey or by another state.

(f) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing steps it will take to implement and enforce these requirements, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State will adopt procedures necessary to limit the number of motorcycles registered as re-

quired above, to restrict the operation of two stroke motorcycles as required above and to require the registration of all motorcycles operated as required above.

(2) Proposed procedures to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(3) A date by which such procedures will go into effect. Such date shall be no later than January 1, 1974.

(g) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1588 Gas limitation regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) and the counties of Mercer, Burlington, Camden, Gloucester, and Salem contained within the Metropolitan Philadelphia Interstate AQCR in the State of New Jersey (hereinafter the "affected areas"), to all distributors who transport gasoline to any retail outlet in this area, and to the owners of all retail outlets in this area.

(c) (1) Beginning July 1, 1974, the State of New Jersey shall implement regulations limiting the total gallonage delivered to retail outlets in the AQCR to the amount delivered to such outlets during the base year.

(2) Beginning May 31, 1977, the State of New Jersey shall implement regulations limiting the total gallonage delivered to retail outlets to that amount which, when combusted, will not result in the ambient air quality standard being exceeded. The state shall by January 1, 1977, submit to the Administrator regulations to accomplish this limitation and specifying the amount of limitation necessary.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the applicable areas during the base year and each year during which the control is in effect. For each year during which control is in effect, the owner of each retail outlet to which this paragraph applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The State of New Jersey shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) (1) and (d) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) (1) of this section is delivered to retail outlets in the affected areas. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, a state will be considered to have failed to comply with the regulations of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1589 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a motor vehicle lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b) (4) (ii) and (iii) of this section.

(b) The following provisions apply to all areas within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region and for Mercer County in the New Jersey portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (hereinafter the "affected areas").

(1) Each incorporated city within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and within Mercer County shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(2) Each county within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(3) The State of New Jersey shall establish bus/carpool lanes on the major streets and highways within the affected areas over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more motor vehicle traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or motor vehicle lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lanes for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take

effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in this paragraph (b) shall convert existing on-street parking spaces to use as traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by this paragraph (b).

(8) A signed statement by the chief executive officer of each governmental entity or his designee shall be submitted to EPA on October 1, 1973, to identify the source and amount of funds for all actions required by this section.

(c) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1590 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means the date on which an owner or operator and a contractor to, or affiliate of such owner or operator, enter into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification, or enlargement.

(5) Parking facility (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in all areas within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and in Mercer County in the New Jersey portion of the Metropolitan Philadelphia Interstate Region.

(c) No person, after the date of this proposed regulation, shall commence construction of any new parking facility or modify or enlarge any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification, or enlargement of such facility will not interfere with the attainment of maintenance of applicable Federal Air Quality Standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) the location of the proposed facility.

(ii) the total motor vehicle capacity of the proposed facility.

(iii) the normal hours of operation of the proposed facility and the enterprises and activities which it serves.

(iv) the number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) the number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) a projection of the geographic areas in the community from which people and vehicles will be drawn to the proposed facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) full consideration of all facts contained in the application.

(ii) provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this subchapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to seven days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.1591 Volatile organic compound loading facilities.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with paragraph (b) of this section shall be in accordance with the provisions of § 52.1599.

(b) No person shall load or allow the loading of volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions, into any tank truck or trailer, railroad tank car, locomotive, aircraft, or stationary storage tank with a capacity greater than 5 gallons from any loading facility unless such tank or loading facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, and in operation. Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor disposal system.

A means shall be provided to prevent liquid organic compound drainage from the loading device when it is removed from the hatch, or to accomplish complete drainage before such removal. The vapor disposal portion of the system shall consist of one of the following:

(1) An absorber system or condensation system with a minimum recovery efficiency of 90 percent by weight of all the volatile organic compound vapors and gases entering such disposal system.

(2) A vapor handling system that directs all vapors to a fuel gas system.

(3) Other equipment of at least 90 percent efficiency, provided plans for such equipment are submitted to the Administrator for approval as part of the submission required by § 52.1581(a)(1).

Intermediate storage vessels may be used prior to disposal of vapors under paragraph (b) (1), (2), or (3) of this section provided they are so designed as to prevent release of vapors at any time during use.

§ 52.1592 Control of dry cleaning solvent evaporation.

(a) For the purposes of this section: "Drycleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric material.

(b) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Conrtol Region (AQCR) in the State of New Jersey.

(c) No person shall operate a drycleaning operation unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent, except that drycleaning operations emitting less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirements of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide. Compliance with this requirement shall be in accordance with the provisions of § 52.1599.

(e) Any owner or operator of a stationary source subject to this section

shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents as defined by § 52.1594(b) no later than January 31, 1974, or by controlling emissions in accordance with the requirements of § 52.1599.

§ 52.1593 Degreasing Operations.

(a) Definitions. "Degreasing" means the operation of using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating, or any other process.

(b) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) in the State of New Jersey.

(c) No person shall use trichloroethylene (TCE) degreaser as a degreasing solvent after January 31, 1974.

§ 52.1594 Organic solvent usage.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraphs (b) through (i) of this section shall be in accordance with the provisions of § 52.1599.

(b) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.

(c) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in paragraph (b) of this section for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 40 pounds in any one day.

(d) Any series of articles, machine, equipment or other contrivance designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in paragraphs (b) or (c) of this section involving any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, shall be subject to compliance with paragraph (c) of this section. Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in paragraph (b) of this section, said portions shall be collectively subject to compliance with paragraph (b) of this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in paragraph (l) of this section, of any article, machine, equipment or other contrivance described in paragraphs (b), (c) or (d) of this section shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(f) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods described in paragraph (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation devices as specified in the authority to construct or the permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides or herbicides.

(3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs, (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d) or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(k) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(l) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent

(3) A combination of ethylbenzene, ketones having branched hydorcarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(m) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(n) This section shall be effective on the date of its adoption as to any article, machine, equipment or other contrivance not then completed and put into service. As to all other articles, machines, equipment or other contrivances, this section shall be effective in accordance with § 52.1599.

§ 52.1595 Storage of petroleum products.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.1598.

(b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(1) A floating roof, consisting of a pontoon type or double deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Administrator.

§ 52.1596 Gasoline loading into tank trucks and trailers.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the Counties of Mercer, Burlington, Gloucester, Salem, and Camden contained within the Metropolitan Philadelphia Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provision of § 52.1599.

(b) A person shall not load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collection adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected. The vapor disposal portion of the system shall consist of one of the following:

(1) A vapor/liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

(2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.

(3) Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Administrator.

§ 52.1597 Gasoline loading into tanks.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the Counties of Mercer, Burlington, Gloucester, Salem, and Camden contained within the Metropolitan Philadelphia Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.1599.

(b) (1) A person shall not load or permit the loading of gasoline into any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device or a pressure tank as described in § 52.1596(b). The provisions of this subparagraph shall not apply to the loading of gasoline into any tank having a capacity of less than 2,000 gallons which was installed prior to the date of adoption of this section nor to any underground tank installed prior to the date of adoption of this section where the fill line between the fill connection and tank is offset.

(2) Any person operating or using any gasoline tank with a capacity of 250 gallons or more installed prior to the date of adoption of this section shall apply for a permit to operate such tank. A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in paragraph (b) (1) of this section.

(c) Definitions. (1) For the purpose of this section, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(2) For the purpose of this section, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(3) The provisions of this section do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

§ 52.1598 Paint and varnish manufacturing.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Except as provided in paragraph (b) (1) of this section, compliance with paragraphs (b) and (c) of this section shall be in accordance with the provision of § 52.1599.

(b) All persons engaged in the manufacturing of paints shall fulfill one of the following requirements:

(1) Reformulate paint to replace a photochemically reactive solvent with a non-photochemically reactive solvent by January 31, 1974.

(2) Produce water-base coatings.

(3) Condense and absorb by scrubbing with alkali or acid washes.

(4) Scrub and adsorb by activated charcoal or other adsorbants.

(5) Combust organic emissions.

(c) Any manufacturer engaged in the production of varnish shall not engage in such activity unless the manufacturer fulfills the following requirements:

(1) Remove copal vapors through installation of a condensation unit which has been approved by the Administrator.

(2) Remove varnish vapors through installation of a combustion unit which has been approved by the Administrator.

§ 52.1599 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.1591, 52.1592, 52.1593, 52.1594, 52.1595, 52.1596, 52.1597, 52.1598 shall comply with the compliance schedule in paragraph (b) of this section.

(b) Compliance Schedule. (1) September 17, 1973. Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the regulations cited in paragraph (a) of this section.

(2) November 16, 1973. Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) April 1, 1974. Initiate on-site construction or installation of emission control equipment or process modification.

(4) April 1, 1975. Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1975. Final compliance with the regulations cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with the regulations cited in paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this subchapter.

[FR Doc. 73-13035 Filed 7-2-73;8:45 am]

[40 CFR Part 52]

PENNSYLVANIA

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted by the Commonwealth of Pennsylvania for attainment of the primary national ambient air quality standard for carbon monoxide (CO) for the Southwest Pennsylvania Intrastate Region and for the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for photochemical oxidants (O_x) for the Southwest Pennsylvania Intrastate Region was disapproved in part on June 15, 1973. This notice of proposed rulemaking sets forth regulations which in the Administrator's judgment could be implemented in addition to the approved portions of the Pennsylvania plan to attain and maintain the national standard for carbon monoxide in the Southwest Pennsylvania Intrastate Region and the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for photochemical oxidants in the Southwest Pennsylvania Intrastate Region.

If revisions to the State plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide standard in both Regions and the photochemical oxidant standard in the Southwest Pennsylvania Intrastate Region be a State plan carried out by the State or its designated representative.

SUMMARY

Portions of the Pennsylvania plan were not approved on June 15, 1973, because the justification for claimed reductions and the procedures for administration, enforcement, and monitoring of the strategies were not adequate. Although the general strategies proposed in the plan were approved, the specific control strategy package was not approved. The specific control strategies in the state plan did not guarantee a sufficient degree of carbon monoxide and hydrocarbon emissions reductions to justify a finding that carbon monoxide and photochemical oxidant air quality standards would be attained.

Pennsylvania's request for a 2-year extension cannot be approved at this time because the submittal does not contain sufficient supporting data on the technical infeasibility of the considered control strategy. The opinion of the D.C. Circuit Court of Appeals in NRDC v. EPA requires the agency to apply a very stringent standard of review to state extension requests. On our part, we are proposing a one-year extension of the compliance date because implementation of an air bleed retrofit program cannot be completed until mid-1976. Alternative strategies for this period do not appear technically feasible. If evidence presented at the public hearings or submitted to the agency during the comment period indicates that an additional extension is justified or that this one-year extension is not justified, appropriate revisions will be made in our final promulgation.

The proposed regulations are designed to correct specific deficiencies in the state plan. Because the state plan lacks adequate assurance that all gasoline powered light duty vehicles subject to the Pennsylvania Vehicle Inspection Program will meet emission limitations, a regulation is proposed to prohibit the Commonwealth of Pennsylvania from registering or allowing the operation of vehicles which cannot show proof of satisfactorily the state plan lacks specific assurances of the statep lan lacks specific assurances of emissions reductions from improvements to public transportation, regulations are proposed to establish exclusive bus lanes and to restrict on-street parking. Because the state plan provides no specific "fail-safe" vehicle restraint program, a regulation is proposed to achieve a minimum 13 percent reduction in the number of motor vehicles entering the Central Business Districts of both Philadelphia and Pittsburgh on working days.

A regulation also is proposed to require an air bleed retrofit of all pre-1968 light-duty vehicles and to require inspection and maintenance of these vehicles. As a final assurance of adequate emission reductions, a backup regulation is proposed to limit gasoline sales to their 1972 levels in both regions in the event, now considered unlikely, that market conditions would otherwise allow those sales to increase.

The strategies proposed herein are projected to achieve a 58 percent reduction in carbon monoxide emissions to meet the national ambient air quality standard for carbon monoxide by May 31, 1976, in the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region, and a 57.3 percent reduction in carbon monoxide emissions and 56.5 percent reduction in hydrocarbon emissions to meet the national ambient air quality standards for carbon monoxide and photochemical oxidants by May 31, 1976, in the Southwest Pennsylvania Intrastate Region.

TRANSPORTATION CONTROL ALTERNATIVES

Analysis of the air quality problems in the Commonwealth of Pennsylvania reveal carbon monoxide problems in the Philadelphia and Pittsburgh CBD's within the Metropolitan Philadelphia Interstate Region and the Southwest Pennsylvania Intrastate Region.

Since virtually all carbon monoxide emissions are vehicle related, alternative measures consist of reducing emissions emanating from each vehicle or of reducing vehicular travel. Reductions in emissions from vehicles can be obtained through inspection and maintenance programs and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be

achieved through various pricing and taxing schemes for road use, limitations of gasoline consumption, or adoption of parking restrictions.

Direct vehicle restraints may also be necessary. These can take the form of limitations on gasoline distribution or of restricting access of vehicles to areas of high pollutant concentrations. In situations where the pollutant is carbon monoxide and the area is the CBD, restricting access is preferable. The measure can be confined to the major contributors to the problem and to the area best served by alternative modes of travel.

These automobile use disincentives can be combined most effectively with improvements to public transportation. Such improvements as greater coverage, increased frequency of service, improved reliability, improved comfort, and adequate personal security will further encourage the use of viable transit alternatives to the automobile.

PROPOSED ADDITIONAL CONTROL STRATEGIES

The Pennsylvania plan in its demonstration of attainment of the carbon monoxide emissions utilizes five general strategies: the Federal Motor Vehicle Emissions Control Program, the Pennsylvania Motor Vehicle Inspection Program, improvements to public transportation, automobile use disincentives, and automobile restraints. Attainment of the photochemical oxidant standards for the Southwest Pennsylvania Interstate Region by May 31, 1975, was not explicitly demonstrated.

According to the Pennsylvania plan, total carbon monoxide emissions in the Philadelphia CBD were 28,805 tons/year in 1971 and in the Pittsburgh CBD were 13,130 tons/year in 1971; total hydrocarbon emissions in the Southwest Pennsylvania Intrastate Region were not identified in the plan. From EPA calculations based on APTD-1446, "Transportation Controls to Reduce Motor Vehicle Emissions in Pittsburgh, Pennsylvania," hydrocarbon emissions in Allegheny County were 59,200 tons/year in 1971. In order to demonstrate attainment of the standards, the Environmental Protection Agency calculations indicate that carbon monoxide emissions must be reduced by 55.5 percent of the 1971 emissions in the Philadelphia CBD to a level of 12,820 tons/year and by 57 percent of the 1971 emissions in Pittsburgh CBD to a level of 5,650 tons/year, and that hydrocarbon emissions must be reduced by 55 percent of the 1971 emissions in Allegheny County to a level of 26,700 tons/year.

Including projected increases in vehicle miles of travel, the Federal Motor Vehicle Emissions Control Program will reduce carbon monoxide emissions by 40.4 percent to 17,175 tons/year in the Philadelphia CBD by 1975 and by 37.4 percent to 8,219 tons/year in the Pittsburgh CBD by 1976. The Federal Motor Vehicle Emissions Control Program plus the existing program for reduction of stationary sources will reduce hydrocarbon emissions by 46.1 percent to 31,960 tons/year by 1976. These estimates include the 1975 interim motor vehicle emissions standards as announced on April 11, 1973.

To provide the required additional reductions to attain the national ambient air quality standards, several measures controlling mobile sources and reducing VMT are proposed. Mobile source controls include a strengthening of the State's vehicle inspection program and retrofitting of all pre-1968 light duty vehicles. VMT reductions will be realized through improvements to public transportation, a CBD vehicle restriction program, and a limitation on gasoline distribution to 1972 levels.

In order to further ensure that national ambient air quality standards will be achieved as expeditiously as practicable, the following interim measures will be implemented prior to May 31, 1975.

1. Gasoline limitations to 1972 levels.
2. 20 percent vehicle exclusion from the CBD of both Philadelphia and Pittsburgh.

PROPOSED CONTROLS ON MOBILE SOURCES

The Pennsylvania plan demonstrates legal authority for an emissions inspection program as part of the existing semi-annual State vehicle inspection program. A 10 percent carbon monoxide emission reduction for all 1968 and subsequent light duty vehicles is claimed through the use of a diagnostic type inspection/maintenance program. The Environmental Protection Agency proposes an inspection program utilizing an idle mode test with a 30 percent failure criterion. According to Appendix B of Part 51 of this Chapter idle mode inspection on an annual basis can be expected to reduce carbon monoxide emissions by 8 percent per vehicle and to reduce hydrocarbon emissions by 10 percent per vehicle. Inspection on a semi-annual basis should result in at least a 10 percent reduction in carbon monoxide emissions per vehicle and a 12 percent reduction in hydrocarbon emissions per vehicle. Because this inspection program does not apply to heavy-duty vehicles, the effect on total carbon monoxide emissions for the Philadelphia CBD is a 6.8 percent reduction and for the Pittsburgh CBD is a 6.7 percent reduction; the effect on hydrocarbon emissions for Allegheny County is a 6.3 percent reduction. (It should be noted that further reductions in emissions resulting from such controls as retrofit or VMT reductions will reduce the impact of inspections and maintenance identified by the above reductions. This is due to the fact that an inspection and maintenance system will have a proportionately greater effect on uncontrolled vehicles as compared to controlled vehicles).

According to EPA calculations, retrofit of all pre-1968 light duty vehicles with approved air bleed to intake manifold devices will result in an 8 percent carbon monoxide emissions reduction for the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for the Allegheny County portion of the Southwest Pennsylvania Intrastate Region in 1976; hydrocarbon reductions for the Allegheny County Region will be 2.2 percent.

PROPOSED REDUCTIONS IN VMT

According to the Pennsylvania plan, improvements to public transportation are credited with reducing carbon monoxide emissions by 5 percent in each Region. Because 22 percent of hydrocarbon emissions in Allegheny County are from stationary sources, the net effect of the reduction in hydrocarbon emissions due to public transportation improvements is only 3.7 percent. Specific improvements are cited including streets for exclusive bus lanes, 950 new buses, 144 new rail cars, subway station improvements, and increased parking facilities at commuter stations; but implementation schedules are not firm, providing no assurance for claimed reductions by May 31, 1975. To ensure the stated reductions claimed for mass transportation improvements, the Environmental Protection Agency is proposing two regulations: one for provision of exclusive bus lanes within each Region and one for limitation of on-street parking within the CBD's of each Region.

Automobile disincentives, claiming 10 percent emissions reductions, and automobile restraints are insufficiently described to assure any carbon monoxide or hydrocarbon reductions. To attain the needed reductions for attainment and maintenance of the carbon monoxide and photochemical oxidant national ambient air quality standards, the Environmental Protection Agency proposed vehicle restraints for CBD originating and terminating trips, and a limitation of gasoline sales in the two Regions to the 1972 levels.

The total impact on emissions from direct vehicle restraints is difficult to determine. Secondary benefits from flow improvements and induced public transportation utilization will result, but the precise effect must be measured after the fact. From previous studies of both regions, at least a 1 percent reduction in CBD carbon monoxide and hydrocarbon emissions can be credited to increases in speed due to flow improvements.

In the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region the restricted area will be the Philadelphia CBD; in the Southwest Pennsylvania Intrastate Region the restricted area will be the Pittsburgh CBD. The Governor of Pennsylvania or his designee will divide the vehicle population into six categories. Up to one-third will be designated with special passes and be unrestricted (police and fire vehicles, ambulances, taxis, etc.). The remaining two-thirds or more will be divided into five equal groups and be restricted on a rotational basis, having access to the CBD on a schedule determined by the Governor or his designee.

According to the Pennsylvania plan approximately 60 percent of the VMT in the Philadelphia CBD, and according to APTD-1446, approximately 45 percent of the VMT in the Pittsburgh CBD originates or terminates in the CBD. The ve-

hicle restriction proposal would realize at least 8 percent and 6 percent reductions in VMT in the Philadelphia and Pittsburgh CBD's. According to the "rollback" techniques, this would result in at least 8 percent and 6 percent reductions in carbon monoxide emissions.

The Clean Air Act of 1970 requires attainment of the national ambient air quality standard as expeditiously as practicable but in no case later than May 31, 1975, unless the necessary technology or other control methods are not reasonably available by that date. In the latter event, an extension of time for achieving the standards until no later than May 31, 1977 may be granted, but all reasonably available alternatives must be implemented by 1975, along with such interim measures of control as are deemed to be reasonably available. In light of these specific requirements and the long lead times required for the purchase of new mass transit equipment, it is proposed to limit the sales of gasoline to the 1972 levels in the Southwest Pennsylvania Intrastate and Metropolitan Philadelphia Interstate Regions. From forecasts of VMT growth in the Pittsburgh and Philadelphia CBD's, it is estimated that the proposed gasoline limitation will result in CO emission reductions of 6.6 percent and 2.5 percent in the Pittsburgh and Philadelphia CBD's, respectively, and a hydrocarbon emission reduction of 7.6 percent in Allegheny County.

The proposals described above are the only ones for which regulatory language has been included in this proposal. However, EPA will also consider other VMT reduction measures as part of this rulemaking proceeding, and they may be included in the final promulgation if they are found to be the most feasible methods for achieving the standards. In particular, EPA will explore the possibility of reducing VMT by the selective limitation or reduction of the number of parking spaces in CBD's and other trip attraction centers, and establishing a more sophisticated mass transit system through more selective conversion of traffic lanes on roads to the exclusive use of buses and carpools. Measures to promote the use of bicycles will also be considered. Comments on these and other VMT reduction measures are particularly solicited.

Summary of Effects

The following table is a summary of the effects of each element of the proposed strategies on the total reductions required.

Compilation of Control Strategy Effects on May 31, 1976

	Philadelphia		Pittsburgh			
	Carbon Monoxide		Carbon Monoxide		Hydrocarbons	
	Tons per Year	Percent of Total Reduction Required	Tons per Year	Percent of Total Reduction Required	Tons per Year	Percent of Total Reduction Required
Stationary source emissions without Control Strategy.	(Neg)		(Neg)		13,050	
a) Dry Cleaning Vapor Recovery	0	0	0	0	180	1.8
b) Gasoline Handling Vapor Recovery.	0	0	0	0	1,070	10.6
c) Other stationary source rule strengthening.	0	0	0	0	3,600	35.5
Stationary Emissions Remaining	(Neg)		(Neg)		8,200	
Mobile Emissions from Light and Heavy Duty Vehicles without Control Strategy.	17,175		8,219		23,700	
Expected Reduction						
a) Inspection and Maintenance	875	20.1	414	10.1	1,720	17.0
b) Air Bleed Retrofit	1,371	31.5	658	23.6	703	6.9
c) Mass Transit Improvements	858	19.7	411	16.0	1,189	11.6
d) Traffic Flow Improvements	172	3.9	82	3.2		
e) 20% Vehicle Exclusion	1,371	31.5	494	19.2	192	1.9
f) Gasoline Limitations	429	9.8	542	21.1	2,420	23.8
Mobile Emissions Remaining	12,099		5,618		17,545	
Total Emissions w/out strategy	17,175		8,219		30,810	
Total Reductions	5,076	116.5	2,601	101.2	11,065	109.1
Total Emissions Remaining	12,099		5,618		23,745	

The regulations proposed herein implement the basic control strategies.

Implementation Procedures

Implementation of the strategies provided for by the regulations proposed herein is the key to the success of the air quality improvement program for the Pennsylvania portion of the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Regions.

Therefore, the proposed regulations also provide for the development of any necessary administrative procedures; schedules of compliance by sources; and surveillance, monitoring, and enforcement activities.

In all cases where VMT reduction measures are being proposed by regulations the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases where it must promulgate portions of an implementation plan to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist (Natural Resources Defense Council, Inc., v. EPA, No. 72-1219 (1st Cir. May 2, 1973)).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible, and may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the States or cities only where the activity being regulated was, in the judgment of EPA, closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Economic and Social Impact

As noted above, the Clean Air Act only required the application of all control measures that are "reasonably available" to achieve air quality standards by 1975. If more than that would be necessary an extension of up to two years in the time for achieving the standards may be granted. EPA has proposed the granting of a one-year extension of the time for achieving the standards in these two regions. In the Administrator's opinion, the standards can be achieved in these two regions by 1976 through the use of reasonably available control measures.

A measure to reduce VMT cannot be considered "reasonably available" if putting it into effect would cause significant economic and social disruption. However, no such effect is anticipated from the measures proposed today. Though some reduction in personal travel could certainly be absorbed without this effect, the bulk of the travel displaced will have to be absorbed by such other modes of transportation as carpools, walking, bicycling, or public transit.

This can be done in both of the regions concerned here through use of the existing transit facilities, upgrading of bus services (which can be accomplished in a relatively short time), and increased use of carpools, walking and bicycling. Private automobiles, which are designed to carry four to six persons and currently carry an average of 1.5 persons per trip in major urban areas, represent the largest unused pool of transportation capacity currently available.

In addition, many short trips now made by car could be made by walking or bicycling.

Although the impact of VMT reductions on aspects of human welfare other than air quality is as hard to assess precisely as the other aspects of the question, it is reasonably clear they will create significant inconvenience in the short run. Those who have been accustomed to driving downtown at their own convenience in the assurance of finding a parking space while they shop, or to commuting to and from work at times to some extent of their own choosing, will have to modify their previous habits to some degree. Some shorter trips will be shifted from automobiles to more burdensome forms of locomotion such as bicycles or walking. Some trips that are more a matter of convenience than necessity will probably be taken less frequently.

In the longer run, there may well be significant positive aspects to VMT reductions. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. More widespread use of other modes of transportation will be necessary if these tendencies are to be corrected. Though to correct these tendencies is not and cannot legally be the purpose of VMT reductions under the Clean Air Act, they may nevertheless be an essential step in that direction.

The proposed vehicle exclusion measure, which is primarily designed to decrease total VMT and hence emissions by encouraging greater use of mass transit and car pooling, may well stimulate the switch to a four-day week by major industries. This may well result in further reductions in VMT and/or total emissions at least in the CBD. The gasoline limitation measure should result in more widespread use of mass transit and/or carpooling, thus resulting in further reductions of the total emissions.

DIRECT COSTS TO AUTOMOBILE OWNERS

Elements common to all of the transportation control strategies considered are retrofitting of pre-1968 light-duty vehicles and an inspection and maintenance program to ensure proper functioning of abatement equipment. The cost of air bleed control devices should range from $35 to $50. The annual cost of inspection/maintenance is estimated to be $5 to $15.

If a sizable share of these costs falls on individual automobile drivers, the burden will weigh more heavily on low-income families. The effect is exacerbated by the fact that older cars, subject to higher abatement equipment costs, tend to be owned by low-income families.

MANUFACTURING, WHOLESALE TRADE AND THE DISTRIBUTION SYSTEM

Maintenance of the system to distribute goods is critical to the viability of the economy, especially for life-sustaining necessities.

Large trucks are already largely diesel powered and would be allowed to operate under the proposed plan. Smaller gasoline powered trucks and vehicles would have to be retrofitted with control devices. Their operation would, however, be restricted under gas rationing or under intermittent controls during crisis (air pollution episode) periods.

Costs of doing business may rise to a certain extent. Business may also be faced with increased pressure for higher wages and salaries as workers try to offset increased costs to the individual resulting from the transportation control plan. It is not known whether such costs increases will be significant enough to affect the competitive position of firms in the Pittsburgh and Philadelphia areas, causing them to lose sales both within the respective areas and on goods now produced within the areas and sold to other markets.

Time limitations have made it impossible to investigate effects on specific industries. Some industries will be adversely affected while others will experience an increase in sales. For instance, the burden would fall very hard on service stations and automotive supply outlets. On the other hand, the demand for mass transit and communication facilities will increase. Even with more time, it is not clear that a reasonable estimate of the impact on specific industries could be made.

TAX REVENUE IMPLICATIONS

The transportation control plan will have direct and indirect effects on local, State, and Federal Tax revenues. Some illustrative impacts are cited below.

It is not clear whether property taxes collected in the Pittsburgh and Philadelphia areas will rise or fall. It seems certain that property values will change depending on location. For example, property near shipping and work zones will increase in value while that in suburban vicinities will decrease.

Excise, sales, income taxes, and profit would probably decline if purchasing power in the Pittsburgh and Philadelphia areas diminishes. Excise taxes from gasoline would certainly fall. However, declines in revenues related to some forms of spending (gasoline) will be offset to some degree by increased expenditures for other goods.

The effect on State and local budgets will also depend on whether subsidies and/or new taxes (parking, gasoline) related to the transportation control plan will be instituted.

MASS TRANSIT

Attendant improvements and expansion in the existing mass transit facilities in the Philadelphia and Pittsburgh metropolitan areas are a corollary to the proposed reductions in VMT obtained as a result of disincentives and restraints on the personal use of automobiles primarily within the CBD of those cities. The emphasis in the Pittsburgh area must be a large-scale expansion of a very limited public transportation system for CBD commuters. The existing Port Authorities of Allegheny County (Pittsburgh) system consists of about 915 buses and ninety-five streetcars. For the short term, the best possibility of achieving the required expansion is by means of large-scale increases of capacity of radial bus routes. Philadelphia has a number of existing bus and rail routes. The Southeastern Pennsylvania Transportation Authority (SEPTA) system includes 490 rapid transit cars, 478 interurban cars, 1797 buses, and 456 commuter rail cars. These must initially be expanded to absorb expected increases in commuter travel. For example, the capability of the existing Penn-Central and Reading rail lines to respond to such increases has been demonstrated during work stoppages affecting the SEPTA bus and trolley systems. However, the amenities of all public transportation systems, as well as the usability they afford the riders, must be considerably improved in order to ensure retention of mass transit commuters.

Although the Administrator does not have the authority to direct Pennsylvania or its jurisdictions to provide expanded mass transit facilities, he is firmly of the belief that such expanded facilities are essential to the success of any air pollution control strategy for the Pittsburgh and Philadelphia areas. The Administrator therefore is conducting an investigation of the needs and possibilities for transit expansion in these areas and he encourages and will provide all possible support to efforts by Federal, State, local governmental, and private groups to expand the mass transit facilities.

Philadelphia is fortunate in that an extensive network of subways, bus lines, trolleys, and commuter rail is already in place and could support a substantial increase in ridership with such system modifications as additional buses, longer trains, shorter headways, and a mid-city tunnel linking the Reading and Penn Central commuter lines. Although many of these improvements are reflected in the Southeast Pennsylvania Transit Authority's six-year plan, substantial support from Federal grants or state/local subsidies will be required.

The problem in Pittsburgh is more formidable since there are no rapid transit or commuter rail systems and the bus-streetcar network is not nearly so extensive as Philadelphia's. Moreover, the Early Action Program, which would result in a greatly expanded mass transit network, has been plagued with innumerable legal and procedural delays, so that Federal assistance would be required in order to ensure the availability of adequate mass transit facilities by 1975 or even by 1976.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Pittsburgh and Philadelphia areas. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy, to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearings will be held in Philadelphia on July 23 and 24, 1973, beginning at 10 a.m., in conference room B, 11th floor, 1421 Cherry Street; and in Pittsburgh on July 30 and 31, 1973, beginning at 10 a.m. in rooms 2214 and 2218, Federal Building, 1000 Liberty Avenue.

The Administrator's final promulgation of transportation controls for the Pittsburgh and Philadelphia areas will be significantly influenced by the comments and testimony he receives, as well as by the approvable strategies submitted by the State in mid-April as part of the State plan. These influences, and the ad-

ditional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106. All relevant comments received not later than August 1, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region III Office, and at locations to be announced in the Pittsburgh area. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

EPA STUDIES AND GUIDELINES

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

a. "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," November 1972. Both of these documents are generally known as the "Six Cities Study."

b. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

NOTE: The documents listed in a and b above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

c. "Control Strategies for In-Use Vehicles," November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street S. W., Washington, D.C. 20460.

d. "Transportation Control Measures," FEDERAL REGISTER (38 FR 15194) June 8, 1973.

e. "Transportation Control Strategies for the State Implementation Plan: City of Philadelphia," APTD-1370 (February 1973), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

f. "Transportation Controls to Reduce Motor Vehicle Emissions in Pittsburgh, Pennsylvania," APTD-1446 (December 1972), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

(42 U.S.C. 1857 et seq)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of Title 40 of the Code of Federal Regulations by adding the following:

Subpart NN—Pennsylvania

§ 52.2037 Inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles by identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) "Idle emission test" means a sampling procedure for exhaust emissions which requires operation of the engine in the idle mode only. At a minimum, the idle test must consist of the following procedures carried out on a fully warmed-up engine: a verification that the idle RPM is within manufacturer's specified limits and a measurement of the exhaust carbon monoxide and/or hydrocarbon concentrations during the period of time from 15 to 25 seconds after the engine either was used to move the car or was run at 2000 to 2500 RPM with no load for 2 or 3 seconds.

(3) "Initial failure rate" means the percentage of vehicles rejected because of excessive emissions of a single pollutant during the first inspection cycle of an inspection/maintenance program. (If inspection is conducted for more than one pollutant, the total failure rate may be higher than the failure rates for each single pollutant.)

(b) This section is applicable within the geographical confines of the Commonwealth of Pennsylvania.

(c) The Commonwealth of Pennsylvania shall submit to the Administrator of EPA or his designee, no later than October 1, 1973, a detailed compliance schedule showing the steps that will be taken to establish and enforce an inspection and maintenance program pursuant to paragraph (d) of this section.

The compliance schedule shall include:

(1) The text of any necessary statutory proposals and regulations that are needed to carry out the inspection/maintenance system.

(2) A detailed timetable describing the steps that must be taken to ensure the timely adoption of the regulations needed for paragraph (d) of this section, and when these steps will be taken.

(3) A detailed timetable describing necessary equipment, and the dates for acquisition thereof.

(4) A signed statement by the chief executive or his designee identifying the sources and amounts of funding for the inspection/maintenance program and a timetable to ensure that proper funding levels are available.

(d) The Commonwealth of Pennsylvania shall establish an inspection and maintenance program applicable to all light duty gasoline powered vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the Commonwealth of Pennsylvania shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for the inspection of all gasoline powered light duty vehicles at periodic intervals of no more than one year by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emission reduction claimed in the plan for the strategy. These criteria shall include an initial failure rate of 30 percent.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks or idle adjustments and/or a suitable type of physical tagging.

(5) Delineation of the agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(e) After January 1, 1975, the Commonwealth of Pennsylvania shall not register nor allow to operate on its streets and highways vehicles which fail within this regulation and have not complied with the applicable standards and procedures of paragraph (d) of this section.

(f) After January 1, 1975, no owner of a vehicle which is affected by its regulation shall operate or allow to be operated a vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2038 Regulation for limitation of public parking.

(a) Definitions:

(1) "On-street parking" means stopping and leaving a vehicle on a street alongside a curb or sidewalk.

(2) "CBD" is defined as the area bounded by Vine Street, South Street, the Schuylkill River, and the Delaware River, within the City of Philadelphia.

(b) On-street parking limitations.

(1) Beginning January 1, 1974, the City of Philadelphia shall prohibit on-street parking between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, on all streets and highways in the CBD over which it has ownership or control and which contain express bus lanes or trolleys. The prohibition shall

state that vehicles parked in violation of the prohibition shall either be towed away, or the owner subject to a fine of up to $100, or both.

(2) Beginning on January 1, 1974, the State of Pennsylvania shall prohibit on-street parking between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, on all streets or highways in the CBD over which it has ownership or control, and which contain express bus lanes or trolleys. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner subject to a fine of up to $100. or both.

(c) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

§ 52.2039 Preferential bus/car pool treatment.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/car pool lane" means a lane or a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Pittsburgh Central Business District (CBD" means an area enclosed by the Allegheny River, the Monongahela River and I-876. I-876 is not included.

(4) "Philadelphia Central Business District (CBD)" means an area enclosed by Vine Street, South Street, the Schuylkill River, and the Delaware River. Vine Street, South Street, and I-95 are not included.

(5) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b)(4) (ii) and (iii) of this section.

(b) The following provisions apply to all areas within the counties of Allegheny, Bucks, Chester, Delaware, Montgomery, and Philadelphia.

(1) The Cities of Philadelphia and Pittsburgh and all incorporated municipalities in counties described above shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control, beginning December 1, 1973.

(2) The following counties shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control, beginning December 1, 1973: Allegheny, Bucks, Chester, Delaware, Montgomery, and Philadelphia.

(3) The State of Pennsylvania shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 p.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, the street or highway, or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption (such as inappropriateness of use by buses or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at lease once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established, and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(vii) Between 7:00 a.m. and 6:30 p.m. the right two lanes of each one-way street in the CBD having four or more lanes shall be bus/carpool lanes.

(viii) Between 7:00 a.m. and 6:30 p.m., the right lane of each one-way street in the CBD having three lanes shall be a bus/carpool lane.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) A signed statement by the chief executive of each governmental entity of his designee shall be submitted to EPA on October 1, 1973 to identify the sources and amount of funds for all projects.

(8) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2040 Selective Vehicle Use Exclusion.

(a) Definitions:

(1) "Philadelphia Central Business District (CBD)" means an area enclosed by Vine Street, South Street, the Schuylkill River, and the Delaware River. Vine Street, South Street, and I-95 are not included.

(2) "Pittsburgh Central Business District (CBD)" means an area enclosed by the Allegheny River, the Monongehela River, adn I-876. I-876 is not included.

(3) "Vehicle Limited Zone" means the Philadelphia CBD and the Pittsburgh CBD.

(b) On or before November 1, 1973, the Governor of the Commonwealth of Pennsylvania shall submit to the Administrator for his approval a procedure for issuing up to six categories of access certificates, one to each vehicle registered after January 1, 1975, in the counties included within the Southwest Pennsylvania Intrastate Region and the Metropolitan Philadelphia Interstate Region. The procedure shall include:

(1) Provisions for the exclusion of vehicles bearing one or more types of the six categories of access certifications from any vehicle limited zone between 7 a.m. and 5 p.m. on different workdays. The number of categories included shall be sufficient to achieve a 15 percent reduction vehicle miles traveled in each vehicle limited zone on such days.

(2) Assurances that households owning more than one car receive only one category of access certificate for all the cars they own.

(3) Provisions that unlimited access certificates may be issued for vehicle use which is deemed essential by the State of Pennsylvania (for example, police, fire, or ambulance, and transit buses).

(4) Prohibitions on vehicles bearing specified certificates from being operated or parked on public streets within the "vehicle limited zone."

(5) Provisions that certificates of access will be distributed to vehicle owners no later than during the registration period beginning January 1, 1975. However, all such certificates must be issued no later than March 31, 1975.

(6) Provisions that actual exclusion will begin as expeditiously as practicable; however, this exclusion shall begin no later than May 31, 1975.

(7) Designation of an agency or agencies which shall be responsible for administration and enforcement of this program.

(8) Procedures necessary to enforce this program (such as establishing spot-check locations and issuing citations to those prohibited from driving on such day).

(c) Beginning no later than January 1, 1975, the Commonwealth of Pennsylvania shall not register any vehicle subject to the provisions of paragraph (b) of this section without issuing suitable access certificates to the owner.

(d) Beginning no later than January 1, 1975, no vehicle owner subject to the provisions of paragraph (b) of this section shall operate or allow the operation of such vehicle which does not have the access certificate prominently affixed to his or her vehicle. Each vehicle's access certificate shall be large enough and well enough displayed to be as prominent to outside observers as a license plate.

(e) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to submit on a timely basis any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2042 Gas Limitation Regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This paragraph is applicable in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR and Southwest Pennsylvania Interstate AWCR, to all distributors who transport gasoline to any retail outlet in this area, and to the owners of retail outlets in this area.

(c) Beginning July 1, 1974, the Commonwealth of Pennsylvania shall implement regulations limiting the total gallonage delivered to retail outlets in the area described in paragraph (b) of this section to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the areas described in paragraph (b) of this section during the base year, and the years during which control is in effect. For the year during which control is in effect, the owner of each retail outlet to which this paragraph applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The Commonwealth of Pennsylvania shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the areas affected. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-13632 Filed 7-2-73;8:45 am]

[40 CFR Part 52]

TEXAS

Approval and Promulgation of Implementation Plans

This notice of proposed rule making sets forth an emission control plan for certain air quality control regions in Texas as required by order of the U.S. Court of Appeals for the District of Columbia Circuit, January 13, 1973. This proposal results from the failure of the State of Texas to submit a fully acceptable revised implementation plan for the attainment and maintenance of the National Primary Ambient Air Quality Standard for photochemical oxidants as required by this court order.

This proposal sets forth a plan which in the Administrator's judgment could be implemented to attain and maintain the national standards for photochemical oxidants in the State of Texas by May 31, 1975.

If a State plan which is submitted is determined to be approvable prior to Federal promulgation of a plan, then the Federal plan will not be promulgated. If a State plan is determined to be approvable after Federal promulgation of a plan, then the Federal plan will be rescinded. It is the desire of the Environmental Protection Agency that the plan be a State plan implemented and enforced by the State.

The regulations proposed herein implement the basic control strategy.

BACKGROUND

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, state plans for implementation of the national ambient air quality standards. To complete the requirements of § 51.11(b) and 51.14 of 40 CFR Part 51, the Governor of Texas was required to submit to the Administrator no later than February 15, 1973, a timetable for the development of the legal authority, regulations and administrative policies necessary to carry out a vehicle inspection program which would assist in providing for the attainment of national ambient air quality standards in the Austin-Waco, Metropolitan Dallas-Fort Worth, Metropolitan San Antonio, and El Paso-Las Cruces-Alamogordo Regions by 1975, and in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Regions by 1977.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of "Natural Resources Defense Council, et al. v. Environmental Protection Agency" (Civil Action No. 72-1522) and seven other related cases, hereafter referred to as NRDC v. EPA. It issued an order which required the Administrator to formally rescind the extensions of time which had been granted for achieving the standards, and to require all affected states to formally submit transportation control plans by April 15, 1973.

The State of Texas submitted a revision to the Texas Air Pollution Implementation Plan on April 15, 1973. Along with that submittal, the Governor of Texas again requested an extension until 1977 for the attainment of the standard for photochemical oxidants in seven Texas Air Quality Control Regions. The State Plan indicated that the 1975 ambient air quality standards would be met by May 31, 1975 by utilizing a stationary source strategy that would regulate reactive carbon compounds. Using data from AP-84 (Air Quality Criteria for Nitrogen Oxides), the State developed a model relationship similar to Appendix J of the August 14, 1971, FEDERAL REGISTER, but based on non-methane hydrocarbons. Using this relationship, the percent reduction required for reactive hydrocarbon emissions was significantly lower than that percent reduction required for total hydrocarbons using Appendix J. To estimate reductions in reactive hydrocarbons resulting from their strategy, the State separated reactive and non-reactive components in the hydrocarbon emission inventory.

The reduction relationship developed by the State presumes the non-existence of data at the "lower end" (below 0.3 ppm non-methane hydrocarbons) of the oxidant non-methane hydrocarbon relationship described in AP-84. In fact, data does exist in this range, but was not

plotted due to low confidence levels resulting from the measurement technique employed (see Reference 8 of section 4, AP-84). Consideration of this "omitted" data could result in a reduction requirement model even more stringent than Appendix J. Therefore, it is the opinion of the Administrator that the reduction relationship developed by the State should not be accepted as an appropriate reduction model. On the other hand, Appendix J does not account for the utilization of a reactive hydrocarbon approach, and is therefore not appropriate for use in that case either. Since a reduction in reactive hydrocarbons relates more closely to a subsequent reduction in oxidants, a reactive hydrocarbon strategy approach is desirable. In the absence of an adequate photochemical diffusion model, an appropriate relationship for use with a reactive hydrocarbon approach is straight percentage reduction. Precedence for the use of a reactive hydrocarbon approach has been established and this technique has been used in other critical areas of the United States.

EPA believes the procedures and reactivity data developed by the State of Texas to separate reactive carbon compounds from total hydrocarbon emissions for petroleum refining, chemical processes, and certain transportation categories were inconsistent with data that showed the relationship between reactive and non-reactive components for identical processes and sources in other areas of the country. Generally, the approach used by the State overestimated reactive emissions from petroleum refining, chemical processes, aircraft and diesel engines, and underestimated the reactive emissions from gasoline powered motor vehicles. Estimates for most other emission categories are consistent.

The State emission inventory for total hydrocarbons and the procedure used to estimate the effects of Texas' Regulation V was determined to be adequate and was used directly in the development of the plan proposed herein except for certain transportation categories. The plan proposed herein is based on a reactive hydrocarbon control approach. The required reactive hydrocarbon reductions for each region are based on straight percentage rollback from the baseline oxidant air quality measurements in that region. The plans proposed are the results of extensive continuing studies that were initiated by EPA following the approval and promulgation of implementation plans, on May 31, 1972.

Air Quality in the State of Texas

There are seven air quality control regions in the State of Texas that have been classified priority 1 for photochemical oxidants (hydrocarbons). The regions are: AQCR 3 Austin-Waco, AQCR 5 Corpus Christi, AQCR 7 Houston-Galveston, AQCR 8 Dallas-Fort Worth, AQCR 9 San Antonio, AQCR 10 Southern Louisiana-Southwest Texas, AQCR 11 El Paso. The plan herein proposed is designed to attain and maintain the national ambient air quality standard for oxidants in all six of the AQCRs cited in the May 31, 1972 Federal Register. However, during subsequent development of the hydrocarbon control strategies for the State of Texas, it was determined that the seventh region, Southern Louisiana-Southeast Texas Interstate Region, would also require a modified control strategy for the control of hydrocarbon emissions. Due to the severe schedule limitations imposed upon the Administrator resulting from the implementation of the court order, a plan for controlling hydrocarbon emissions in Texas' portion of the Southern Louisiana-Southeast Texas Interstate Region has not been fully completed for inclusion in this proposed rulemaking. However, it is the opinion of the Administrator that, as a minimum, controls for limiting reactive hydrocarbon emissions from the stationary sources located there should be included as part of this proposed rule making. It has been determined that approximately 80 percent of the total hydrocarbon emissions in this Region result from stationary sources. It is the intent of the Administrator to develop a comprehensive study of this Region which would provide the basis for making a determination of the necessity for transportation and/or land use controls. If it is determined that transportation and/or land use controls are needed to complement the control of stationary sources proposed herein, regulations implementing these controls will be proposed in the Federal Register in the near future.

The standard for photochemical oxidants is 160 ug/m³ (0.08 ppm) averaged for a one-hour period, not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is based on evidence of increased frequency of asthma attacks in some asthmatic subjects on days when estimated hourly averaged concentrations of photochemicals oxidants reached 0.10 ppm. A standard of 0.08 ppm was therefore judged necesary by the Administrator to protect public health with an adequate margin of safety, as required by the Clean Air Act.

The following table summarizes the basis for the proposed plan:

Region	2nd Highest O_3 Measurement to Date	Percent Emission Reduction Required	% Emission Reductions Achieved Under Present State & Federal Requirements	
			1975	1977
3	0.109 ppm	27%	19.8%	30.6%
5	0.184 ppm	56%	64.6%	66.9%
7	0.320 ppm	75%	64.0%	66.4%
8	0.125 ppm	36%	23.0%	34.0%
9	0.145 ppm	45%	20.6%	30.7%
10	0.341 ppm	77%	----------	----------
11	0.120 ppm	34%	24.7%	36.0%

Current Studies

The Environmental Protection Agency has published a report entitled, "Control Strategies for In-Use Vehicles," November, 1972, available from EPA, Mobile Source Pollution Control Programs, 401 M Street S.W., Washington, D.C., 20460. Other relevant publications available from EPA, Office of Technical Information and Publications, Research Triangle Park, N.C., 27711, include "Aircraft Emissions: Impact on Air Quality and Feasibility of Control", and "Compilation of Air Pollutant Emission Factors". Specific studies directly concerning the Texas air quality control regions mentioned here are currently being performed under EPA contract. The results of these studies will be available in July, 1973. Preliminary results were used in the development of the following proposed plan.

Methods Available to Reduce Reactive Organic (Hydrocarbon) Compounds

The Administrator's analysis of the control strategies required to meet ambient air quality standards for oxidants included evaluation of additional stationary source controls in combination with mobile source controls. The proposed control strategy for each air quality control region is based on the most promising combination for that particular region. In addition, every effort was made to incorporate portions of the state plan where possible, and to follow known state priorities and planning in setting forth additional proposals. The following is a summary of the measures proposed.

Stationary Sources

EPA looked first to the reductions in emissions that might be achieved by further control of stationary sources for a variety of reasons. The nature of the controls available, their cost, and their effectiveness are relatively well known. The states and EPA have had significant experience in enforcing similar measures. It can be predicted with confidence that none of these measures will cause any noticeable economic or social disruption even though some burden on individuals may result from them.

The following emission reduction measures are applicable to stationary sources of reactive organic compound emissions.

1. *Extend application of Texas' regulation V.* Texas' present Regulation V, "Control of Air Pollution from Volatile Organic Compounds" is now applied to sixteen counties. Significant reduction may be obtained by applying this regulation to additional counties.

2. *Control of organic solvent evaporation.* The uncontrolled emission of organic compounds from any process can be reduced by at least 85 percent.

3. *Control of evaporative losses from gasoline marketing operations.* The handling and transfer operations associated with the sale of gasoline contribute a substantial portion of hydrocarbon emissions (through evaporative losses) in regions where transportation accounts for a large fraction of total emissions. These evaporative losses can be controlled:

a. At the stage when gasoline is loaded into the storage tanks at a service station or other distribution facility; and

b. At the stage when gasoline is loaded into the individual vehicle.

EPA is currently of the opinion that the technology to control emissions associated with storage tank filling can be applied in full by May 31, 1975. However, it also appears, based on current information, that only half the distribution facilities in affected regions can be equipped with vapor control devices for controlling vehicle servicing by, that time.

4. *Control of barge and ship loading.* At the present time there are no regulations controlling reactive organic compound emissions resulting from the loading of barges and ships in Texas. Technology is available which, if applied, would substantially reduce the emissions.

5. *Architectural coatings for buildings.* The emission of organic compounds from architectural coatings can be reduced by requiring the use of water-based or other coatings having a reactive organic solvent content of less than 20 percent by volume, or substituting less reactive solvents.

6. *Limitation of additional industrial growth.* A permit system can be utilized to control growth of industries emitting reactive organic compounds in Air Quality Control Regions where excessive industrial development will prevent the attainment and maintenance of air quality standards.

EPA is currently proposing Item 4 for adoption to apply to all vessels using port facilities in the Houston-Galveston area. In addition, EPA is proposing Item 1 above for Corpus Christi, 1 and 3-a for Austin, 2, 3-a and 5 for El Paso, 3-a and 3-b for Dallas, every Item except 6 for San Antonio, and every Item on the list for Houston. Although these are the only proposals for which regulatory language is included, EPA will also consider the adoption of each of these measures in regions for which they are not currently proposed, or the substitution of one measure for another, if further examination of the facts available or comments received during this proposed rule making make such a course desirable.

No regulatory language is included to apply Item 1 in Corpus Christi because Texas already proposes to apply it there.

MOBILE SOURCES

1. *Aircraft.* Proposed Federal standards (40 CFR Part 87, December 12, 1972) will limit emissions from a variety of new and in-use aircraft and aircraft engines. Promulgation of these measures essentially as proposed was assumed in calculating emission reductions.

2. *Vehicles.* The Controls being proposed for vehicles can be divided into controls designed to reduce emissions per mile from vehicles currently in use and those designed to reduce the total number of vehicle miles traveled (VMT) in a region.

a. *Emissions per mile.* Two measures in this category are being proposed. The first is inspection and maintenance. Under it, the State will be required to test all vehicles in an area annually in a way that indicates their emissions, fail those vehicles that exceed a certain emission level, and then require these vehicles to have maintenance performed in order to comply. The emission inspection procedure, which involves measuring the emissions while the vehicle is running in neutral, is called an "idle mode test." Assuming a 20 percent initial failure rate, a reduction of 8 percent in reactive hydrocarbon emissions from light duty vehicles can be obtained. The second measure involves retrofit of pre-1968 light duty vehicles in a region with a relatively simple emissions control device called "vacuum spark advance disconnect/lean idle air fuel ratio retrofit" (VSAD/LIAF).

EPA is currently of the opinion that each of these measures can be implemented in full by May 31, 1975. The first is being proposed for El Paso, San Antonio, Dallas and Houston; the second is being proposed for Dallas, San Antonio and Houston.

As noted above, however, EPA will also consider as part of this rule making the necessity or desirability of applying each of these measures in other regions. Final regulations may be promulgated applying them in other areas if in the Administrator's judgement they are warranted there; conversely, they may not be applied in the regions for which they have been proposed if alternative means of achieving the standards are found to be preferable.

b. *Vehicle restraints.* In the Houston and San Antonio Regions, it is clear that the measures proposed above will not be sufficient to achieve the standards by 1975. This will probably also be true in Dallas. Although in the first two regions, as stated below, the Administrator is proposing that extensions of time under section 110(e) for achieving the standards be granted, the Clean Air Act provides that no such extension may be granted unless all control measures which are reasonably available for application by May 31, 1975, are applied by that date. Accordingly, the Administrator is proposing the following measures for application to Houston and San Antonio:

(1) The conversion of motor vehicle lanes on major streets and freeways to the exclusive use of buses and car pools.

(2) A ban on the construction of new parking facilities.

(3) Limitations on the future growth of gasoline sales above current levels.

Only the first two measures are being proposed for Dallas. Application of these measures in other regions, if that should prove necessary, will also be considered.

Although regulatory language has only been included for these three measures, additional measures will also be considered for eventual promulgation as part of this rule making. In particular, EPA will consider the feasibility of reducing VMT by reducing the number of indoor and outdoor parking spaces in central business districts and other trip attraction centers. EPA will also consider establishing vehicle free zones. Such zones eliminate localized traffic concentrations. However, since most travel consists of getting to and from the zone rather than traveling within it, emission reductions in terms of regional requirements will be small.

It is also possible to impose restrictions or selective restriction on the use of vehicles. For example, the operation of motorcycles might be forbidden during the daylight hours, or daylight deliveries by gasoline-powered trucks to large commercial establishments might be forbidden. The feasibility of achieving VMT reductions by changes in working hours, or measures to promote the use of bicycles, is also being considered.

A "pollution tax" charged in direct ratio to the emission rate, higher registration fees, etc., would be an example of financial disincentives to reduce VMT. However, EPA doubts whether it has the power to promulgate the use of economic disincentives to reduce emissions, although such an approach by the state could certainly be approved if it met the other requirements for an acceptable control strategy.

In each case where VMT reduction regulations are being proposed, the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases, where it must promulgate portions of an implementation plan, to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist. Natural Resources Defense Council v. EPA, No. 72-1219 (1st Cir. May 2, 1973).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible. Accordingly, states may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have been drafted to impose enforcement responsibility on the states or cities only where the activity being regulated is related closely enough to EPA's position to justify the imposition of responsibility under this theory.

3. *Traffic flow improvements.* Measures to achieve emission reductions through improved traffic flow fall into two categories: construction of major new traffic facilities (freeways, expressways, and major arterial linkages) and operational improvements to existing streets and highways. The emission reductions are brought about by increases in vehicle speeds, reduced idling, and a general reduction of trip times.

Since personal travel demand cannot be significantly diminished, some form of transportation alternatives must be provided if vehicle use is reduced, and particularly if vehicle restraints are implemented.

a. *Public transit.* Improvements to public transit systems include both extension and/or upgrading of bus systems

and provision for rapid transit on separate rights-of-way.

In conventional bus operation, improvements include expanding levels of service (area of coverage, headway, etc.) and amenity promotions (air conditioning, bus stop shelters, etc.). Many such measures could be implemented by 1975 and could result in significant patronage increases, but it is unlikely that such improvements would induce major shifts of riders from autos to public transit without accompanying restraint measures. Provision of rapid transit (i.e., fixed-rail or busway) requires substantial lead time for final design, right-of-way acquisition, construction, and break-in to full service. These tasks almost certainly cannot be completed in time to impact air quality by 1975 in Texas unless they are already well under way. Rapid transit, however, would provide the level of service required for a major shift of riders from auto to public transit.

b. *Car pools.* Greater efficiency (higher occupancy) in auto use through shared trip making or car pools, could significantly reduce total vehicle miles traveled (VMT) and hence, automobile emissions.

AUSTIN–WACO ACQR

AQCR 3 encompasses 24,633 square miles in 29 counties located in the central section of the State. The AQCR 3 counties are: Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, McLennan, Madison, Milan, Mills, Robertson, Travis, Washington and Williamson.

The second highest one-hour oxidant measurement in AQCR 3 is 0.109 ppm and was recorded in 1971. Based on the proportional rollback procedure described in this proposal, this level requires a reactive carbon compound emission reduction of 27 percent to meet the ambient air quality standard by May 31, 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of approximately 19.4 percent by 1975. An additional 3.8 percent reduction will result from an extension of Texas' Regulation V to Bell and McLennan counties. The remaining 4.9 percent will be accomplished by a full vapor recovery system on gasoline storage tanks for all retail gasoline sales outlets, and aircraft emission reductions due to Federal standards which limit emissions from aircraft engines.

The baseline emission inventory is tabulated by major source category in Table 3–1. The emissions inventory for 1975, projected on the basis of the measures described above, is summarized in Table 3–2. Finally, an estimate of the regional impact of the proposed measures is presented in Table 3–3.

TABLE 3–1

AQCR 3 (AUSTIN-WACO) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source category	1971*	1975	1977
Stationary Sources			
Area Sources	797	840	871
Chemical Processing	2,631	2,870	2,893
Petroleum Refining & Petrochem	0	0	0
Other Processing	833	796	807
Transportation Sources			
Gasoline Powered Motor Vehicles	47,992	34,176	26,375
Diesel Powered Motor Vehicles	441	510	548
Aircraft	5,342	5,206	5,147
Gasoline Marketing	4,405	5,421	6,028
Other Transportation**	4,035	3,839	3,806
Total	66,576	53,658	46,475
% Reduction From Baseline Year		19.4	30.2

*Baseline year.
**Off-highway fuel usage (Farm, construction, etc.), vessels, and railroads.

TABLE 3–2

AQCR 3 EMISSIONS REDUCTIONS UNDER PROPOSED STRATEGY FOR 1975

Control measures	Tons/year
Present controls	12,918
Extension of Texas' Regulation V	2,544
Gasoline Marketing Evaporative Emission Control	2,496
Aircraft Emission Control	750
Total	18,708

Baseline Emissions: 66,576 Tons/Year
Required % Reduction: 27%
Required Emission Reduction By 1975: 17,976 Tons/Year

TABLE 3–3

ESTIMATED COSTS OF PROPOSED MEASURES FOR AQCR 3

Control Category	Costs	
	Initial	Annual
Gasoline Marketing		
Full Vapor Recovery System	$2,951,000	0.
In-use Vehicle Strategies	Not required	Not required
Total	$2,951,000	0.

All proposed measures for AQCR 3 shall be fully implemented by May 31, 1975. The proposed gasoline marketing measures should result in a net cost savings over the lifetime of a retail gasoline sales outlet, thereby being an extremely cost-effective approach.

Public transit is important to the transportation needs and air quality in the region. The Administrator encourages efforts to improve transit service in Austin and Waco, and will make every possible effort to assure that any Federally-funded transit modernization program is carried out.

The Administrator recognizes that the present low density land use patterns in the Austin and Waco areas are not conducive to the efficient use of mass transit. The long-range problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demand for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

CORPUS CHRISTI-VICTORIA AQCR

The Corpus Christi-Victoria AQCR covers most of the South Texas coastal region. It is composed of 18 counties: Aransas, Bee, Brooks, Calhoun, DeWitt, Duval, Goliad, Jackson, Jim Wells, Kennedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, and Victoria. Fifty-two percent of the population of the AQCR is located within the Corpus Christi Standard Metropolitan Statistical Area which represents 9 percent of the land area.

The region is flat to rolling hills with a rise in altitude from the coastal plains at sea level to approximately 250 feet in the northern sector. While there is ample sunshine to aid the formation of photochemical smog, the region is geographically open and the prevailing Gulf winds provide ventilation of the region.

During the summer studies of 1971, the second highest one-hour reading for ozone was 0.184 ppm. Straight percentage rollback requires a reduction of approximately 56 percent in projected emissions of reactive organic compounds to achieve the national primary ambient air quality standard for photochemical oxidants by May 31, 1975.

The Administrator proposes to require controls on stationary sources which in combination with the Federal emission standards for new vehicles will be adequate to meet the ambient air quality standard by May 1975. The required stationary source controls, which are identical to the Texas Plan revision, are applications of Texas' Regulation V in Aransas, Calhoun, Nueces, San Patricio and Victoria counties. Transportation controls are not required in this region.

Table 5–1 is a summary of the effect of the proposed strategy on the reactive organic compound emissions.

Public transit is important to the transportation needs and air quality in the region. The Administrator encourages efforts to improve transit service in Corpus Christi and will make every possible effort to assure that any Federally-funded transit modernization program is carried out.

The Administration recognizes that the present low density land use pattern in the Corpus Christi area is not conducive to the efficient use of mass transit. The long-range problems of attaining and

maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demand for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be available in assuring maintenance of the standards beyond the attainment date of 1975.

TABLE 5-1

AQCR 5 (CORPUS CHRISTI-VICTORIA) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source category	1971*	1975	1977	1980
Stationary Sources				
Area Sources	395	408	414	424
Chemical Processing	78,995	10,810	11,778	13,418
Petroleum Refining & Petrochem	1,615	170	186	212
Other Processing	46	46	47	48
Ship & Barge Loading	2,607	2,787	2,968	3,278
Transportation Sources				
Gasoline Powered Motor Vehicles	23,714	16,293	12,257	8,362
Diesel Powered Motor Vehicles	214	225	231	241
Aircraft	6,680	6,638	6,620	6,594
Gasoline Marketing	2,399	2,899	3,199	3,717
Other Transportation**	2,486	2,407	2,399	2,283
Total	119,151	42,683	40,099	38,577
% Reduction From Baseline Year		64.2	66.3	67.6

*Baseline year
**Off-Highway Fuel Usage (Farm, Construction, Etc.), Vessels, and Railroads

HOUSTON-GALVESTON AQCR

The Houston-Galveston AQCR is located on the coastal plains in the southeastern part of Texas. It is composed of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton counties.

Ninety-four percent of the population of the AQCR resides in the Houston and Galveston Standard Metropolitan Statistical Areas. The entire land area of the Region is very flat with no characteristic geomorphic features. Altitude varies from sea level on the coast to a maximum of 450 feet in Walker County to the north.

The second highest one-hour ozone measurement in the Region is 0.32 ppm (measured in 1972). Based on straight percentage rollback, this level requires a reactive organic compound emission reduction of 75 percent to meet the national ambient air quality standard for photochemical oxidants by May 31, 1975. Present stationary source regulations (Regulation V) and Federal motor vehicle controls will provide a reduction of 63.2 percent by 1975. The remaining 11.8 percent reduction can, in principle, be attained by applying the following proposed measures:

1. Control of organic solvent evaporation and architectural coatings for buildings;
2. Full vapor recovery from retail gasoline outlets, including vapor return from vehicle tanks;
3. Aircraft emission reduction due to new Federal standards for aircraft engine emissions;
4. A mandatory inspection and maintenance program for light duty vehicles;
5. Retrofit of pre-1968 light duty vehicles utilizing VSAD/LIAF;
6. Twenty-five percent VMT reduction through gas rationing and 3 percent VMT reduction through improvements in regional mass transportation;
7. Control of emission from barge and ship loadings of reactive carbon compounds.

An investigation was made into the effectiveness of catalytic converters in meeting the air quality standards for oxidants by May 31, 1975. It was determined that the retrofit of catalytic converters in 1970 thru 1974 motor vehicles would provide a significant reduction in hydrocarbon emissions. However, current studies indicate that it is unlikely that significant numbers of light duty vehicles can be retrofitted with these catalysts before 1977. In addition, it appears that only half the gasoline distribution facilities in the Region can be fitted with evaporative controls on their gas pumps by 1975. To fully meet the requirement of the Clean Air Act by May 31, 1975 in Texas in light of these facts, would require about 40 percent VMT reduction via gas rationing. However, it is the opinion of the Administrator that a reduction of 40 percent in VMT by 1975 would be socially disruptive. Therefore, the Administrator proposes to require an alternate control strategy (which will involve substantial economic savings) which shall be fully implemented by May 31, 1977. The alternate strategy consists of the present stationary source regulations and Federal motor vehicle controls which provide a reduction of 65.4 percent by 1977, and the remaining 10 percent reduction can be attained without requiring an oxidizing catalytic converter retrofit of light duty vehicles by applying the following measures in addition to those proposed above:

1. Limitation of additional growth in reactive carbon compounds emissions sources
2. Ten percent VMT reduction. This is proposed to be achieved by a combination of three measures;
   a. Setting aside of motor vehicle lanes on major streets and highways for the exclusive use of buses and car pools
   b. A limitation on future construction of motor vehicle parking facilities
   c. A limitation on gasoline consumption to current levels

The Clean Air Act, though it provides for extensions of up to 2 years in the time for achieving air quality standards, also provides that the standards must be achieved as expeditiously as practicable, and that all control measures which are reasonably available must be applied during the time for which an extension is granted. It may well be that greater VMT reductions than 10 percent can be achieved earlier than 1977 through the measures proposed above or through the alternative measures discussed earlier. If so, the standards could and would be legally required to be achieved earlier than currently predicted. Comment on this point is particularly invited during the course of EPA rule making.

The baseline emission inventory which includes the effects of Texas' Regulation V and Federal motor vehicle controls are tabulated by major categories in Table 7-1. The emission inventory reductions for 1975 and 1977 projected on the basis of control strategies described above are summarized in Table 7-2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 7-3.

TABLE 7-1

AQCR 7 (HOUSTON-GALVESTON) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source category	1972*	1975	1977
Stationary sources			
Area sources	5,872	6,211	6,433
Chemical processing	257,417	33,578	37,384
Petroleum refining & petrochem	17,064	1,561	1,662
Other processing	2,526	983	1,014
Ship & barge loading	11,444	12,000	12,778
Transportation sources			
Gasoline powered motor vehicles	83,620	67,977	52,976
Diesel powered motor vehicles	870	980	1,074
Aircraft	5,813	5,491	5,243
Gasoline marketing	10,615	12,316	13,522
Other transportation**	6,486	6,709	6,917
Total	401,727	147,806	139,063
% reduction from baseline year		63.2	65.4

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

TABLE 7-2

AQCR 7 EMISSION REDUCTIONS UNDER PROPOSED STRATEGY

Control measures	1975 Tons/year	1977 Tons/year
Present controls	253,921	262,664
Area source (solvent/paint) regulations	3,166	3,247
Full vapor recovery from service stations, including vapor return from motor vehicles	10,116	11,411
Aircraft emission controls	1,600	1,875
In-use vehicle strategies inspection/maintenance and VSAD/LIAF retrofit of light duty vehicles	10,212	6,230
VMT reduction	12,240	1,300
Ship and barge loading controls	10,200	10,800
Limitation of additional industrial growth		4,716
Total	301,295	302,243

Baseline emissions: 401,727 tons/year
Required % reduction: 75%
Required emission reduction by 1975: 301,295 tons/year

TABLE 7-3

COST ESTIMATES OF PROPOSED MEASURES FOR AQCR 7

Control measures	Costs	
	Initial	Annual
Gasoline marketing		
Full vapor recovery from service station including vapor return from motor vehicle	$33,705,000	$800,000**
In-use vehicle strategies		
Inspection/maintenance and VSAD/LIAF retrofit of light duty vehicles	$53,840,000*	$43,200,200

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets.

A major transit improvement program for the Houston area is currently in the final stages of plan definition. Stage one of the plan consists of 40 miles of rapid transit routes including a downtown subway, a number of new semi-express freeway and local bus routes, some bus priority routes, extensions into adjacent counties and secondary distribution systems at major activity center stations. The Administrator recognizes that the rapid transit elements of this program probably cannot be completed by 1975. Continuation and extension of the present system which carried about 80,000 passengers on an average day in 1972 is essential to achieve ambient air quality standards. Improvements to attract the choice of riders from motor vehicles to mass transit should be implemented in the shortest possible time frame.

The Administrator recognizes that the present low density, sprawling land use pattern in the Houston area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions and would be valuable in assuring maintenance of the standards beyond the attainment date of May 31, 1977.

DALLAS-FORT WORTH AQCR

The Dallas-Fort Worth AQCR is composed of 19 counties: Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwell, Somervell, Tarrant, and Wise. According to the 1970 census, approximately 78 percent of the people residing in this Region live in Dallas and Tarrant counties.

The terrain is composed of rolling hills and prairie with many wooded streams. The vertical relief of the area extends from 400 feet (MSL) in Navarro County to 1300 feet (MSL) in the northwest. Winds are generally characterized by a prevailing southerly direction with occasional northerly winds during the winter months. The second highest one-hour ozone measurement in the Region is 0.125 ppm (measured in 1971). Based on straight percentage rollback, this requires a reactive organic compound emission reduction of 36 percent to meet the national ambient air quality standards for photochemical oxidants by May 31, 1975. The present stationary source regulations (Texas' Regulation V) and Federal motor vehicle controls will provide a reduction of 22.1 percent by 1975. The remaining 13.9 percent reduction could be attained by 1975 with the in-use vehicle strategy of inspection/maintenance (Option) by extending Texas' Regulation V to Tarrant County; aircraft emission reductions; and full vapor recovery from gasoline marketing, including vapor return from motor vehicle tanks. If a mandatory inspection and maintenance with VSAD/LIAF retrofit program (Option) 2 for light duty vehicles is invoked, moderate gasoline marketing controls (underground tank vapor recovery) may be substituted for the full vapor recovery gasoline marketing scheme to obtain the necessary reductions by 1975.

The baseline emission inventory which includes the effects of the present stationary source controls and Federal motor vehicle controls is tabulated by major categories in Table 8-1. The emission inventory reductions for 1975 and 1977 projected on the basis of the control strategies described above are summarized in Table 8-2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 8-3.

TABLE 8-1

AQCR 8 (DALLAS—FORT WORTH) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source Category	1971*	1975	1977
Stationary sources			
Area sources	5,820	6,339	6,692
Chemical processing	5,696	4,510	4,597
Petroleum refining & petrochem	235	241	243
Other processing	4,722	4,384	4,442
Transportation sources			
Gasoline powered motor vehicles	107,801	74,439	55,726
Diesel powered motor vehicles	993	1,231	1,370
Aircraft	15,693	12,261	12,091
Gasoline marketing	11,502	14,247	15,774
Other transportation**	5,422	5,410	5,433
Total	157,884	123,062	106,358
% reduction from baseline year		22.1	32.6

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

TABLE 8-2

AQCR 8 EMISSION REDUCTIONS UNDER PROPOSED STRATEGY

Control measure	1975	1977
	Tons/year	Tons/year
Present controls	34,822	51,520
Extension of regulation V to tarrant County	2,790	2,790
Full vapor recovery from service stations, including vapor return from motor vehicles	9,225*	13,354
Aircraft emission controls	3,000	3,600
In-use vehicle strategies inspection/maintenance VMT reductions	4,750	----------
	2,500	----------
Total	57,037	71,270

Baseline emissions: 157,884 tons/year
Required % reduction: 36%
Required emission reduction by 1975: 56,838 tons/year
*Installation of vapor recovery on half the pumps

TABLE 8-3

COST ESTIMATES OF PROPOSED MEASURES FOR AQCR 8

Control measures	Costs	
	Initial	Annual
Gasoline marketing		
Service station storage tank vapor return	$8,554,000	0
Full vapor recovery including vapor return from motor vehicles	32,900,000	$970,000**
	$41,454,000	
In-use vehicle strategy		
Inspection and maintenance of light duty vehicles	$51,543,000*	$51,543,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets.

While both Option 1 and Option 2 will result in attaining the national ambient air quality standard by May 31, 1975, the Administrator proposes to require the implementation of Option 1. Since gas pumps can most likely not be completely equipped with vapor control systems by 1975, conversion of motor vehicle lanes of streets and freeways to bus and car pool use and restrictions on the growth in the number of motor vehicle parking spaces are also being proposed as part of this option. Studies available to the Administrator indicate the proposed action is the most cost effective and least disruptive combination that is sufficient to meet the national standard for photochemical oxidants by 1975. Although the standards will be attained by 1975, the fitting of gasoline pumps with evaporative controls is proposed to continue into 1976 to ensure maintenance of the standards. Dallas will need 4 percent VMT reduction in 1975.

Both Dallas and Fort Worth have ongoing plans for transit service improvements and extensions. A regional agency is being proposed to operate transit in the North Central Texas Region. This agency would be responsive to the desires of the citizenry as expressed through local elected officials and would not be con-

strained by geographical boundaries in enlarging its service area as the demand arises. The Regional Public Transportation Study is expected to be completed in mid-1973, at which time final recommendations on the regional system will be forthcoming. The Administrator encourages continuation of these efforts to improve public transit service in the region.

The Administrator recognizes that the present low density, sprawling land use pattern in the Dallas-Fort Worth area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by May 31, 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-time implementation of such emission control measures as VMT reductions, and would be available in assuring maintenance of the standards beyond the attainment date of May 31, 1975.

San Antonio AQCR

AQCR 9 is composed of 24 counties covering 28,954 square miles. According to the 1970 census the Region has a total population of 1,124,600 people. The 24 counties of AQCR 9 are: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Gonzales, Gualalupe, Karnes, Kendall, Kerr, Kimble, Kinney, LaSalle, Mason, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, and Zavala. Approximately 75 percent of the population is located in Bexar County which includes San Antonio, and its surrounding area, the major economic center for the Region.

The physiography of the area is generally hilly in the northwest with an altitude of 2000 feet sloping to 400 feet in the southeast. The local climatology sugggests good ventilation with prevailing southeasterly winds and favorable mixing depths.

The second highest one-hour oxidant measurement in AQCR 9 is 0.145 ppm and was recorded in 1971. Based on the proportional rollback procedure described in the proposal, this level requires a reactive carbon compound emission reduction of 45 percent to meet the primary ambient air quality standard by May 31, 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of approximately 18.9 percent by 1975. The remaining 26.1 percent could result from the following measures which are proposed:

1. Solvent, paint, and surface coating regulations;
2. Full vapor recovery from all retail gasoline sales outlets, including vapor return from motor vehicle tanks;
3. Aircraft emission reductions due to Federal standards to limit emissions from aircraft engines;
4. A mandatory inspection and maintenance program with a vacuum spark advanced is disconnect/lean idle air/fuel retrofit or catalytic converter retrofit (depending on model year).
5. A 24 percent reduction in VMT.

Additionally, a reduction of approximately ½ percent is expected due to the traffic flow improvement from the planned opening of more freeway miles in the Region by 1975.

To fully meet the requirements of the Clean Air Act by May 31, 1975 in the metropolitan San Antonio area would require a 24 percent reduction in VMT via gas rationing. However, it is the opinion of the Administrator that a reduction of 24 percent in VMT by 1975 would be socially disruptive. Therefore, the Administrator proposes to require an alternate control strategy which shall be fully implemented by May 31, 1975.

The new measures proposes as part of the alternate control strategy are VSAD/LIAF retrofits of light duty vehicles, and a VMT reduction of 10 percent, to be achieved, as in the case of Houston, by conversion of motor vehicle lanes of major streets and freeways to bus and car pool use, limitations on the construction of new motor vehicle parking facilities, and a limit on the increase in gasoline consumption.

The baseline emission inventory which includes the effects of Texas' Regulation V and Federal motor vehicle controls are tabulated by major categories in Table 9-1. The emissions inventory for 1975 and 1976 projected on the basis of control strategies described above is summarized in Table 9-2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 9-3.

TABLE 9-1

AQCR 9 (SAN ANTONIO) EMISSION INVENTORY UNDER PROPOSED STRATEGY (TONS/YEAR)

Source category	1971*	1975	1977
Stationary sources			
Area sources	1,837	956	975
Chemical processing	520	465	471
Petroleum refining & petrochem	873	123	125
Other processing	141	88	90
Transportation sources			
Gasoline powered motor vehicles	41,030	27,185	20,931
Diesel powered motor vehicles	375	422	443
Aircraft	10,737	8,384	7,443
Gasoline marketing	4,895	1,073	1,030
Other transportation**	2,697	2,606	2,699
Total	63,105	41,312	34,112
% Reduction from baseline year		34.5	45.9

*Baseline year.
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads.

TABLE 9-2

AQCR 9 EMISSION REDUCTIONS UNDER PROPOSED STRATEGY

Control category	1975 Tons/year	1976 Tons/year
Present controls	11,896	15,000
Area source (solvent/paint) regulations	956	965
Full vapor recovery from service stations, including vapor return from motor vehicles	4,958	5,286
Aircraft emission controls	2,150	2,575
In-use vehicle strategies inspection/maintenance retro fit of light duty vehicles		
Inspection/maintenance & VSAD/LIAF	3,614	3,400
VMT reduction (10%)	4,563	1,600
Traffic flow improvements	260	200
Total	28,897	29,026

Baseline emissions: 63,105 tons/year
Required % reduction: 45%
Required emission reduction by 1975: 28,397 tons/year

TABLE 9-3

ESTIMATED COSTS OF PROPOSED MEASURES FOR AQCR 9

Control category	Cost	
	Initial	Annual
Gasoline marketing		
Submerged fill pipe	0	0
Tank vapor return	$3,094,000	0
Vehicle vapor recovery	11,900,000	$354,000**
Subtotal	$14,994,000	$354,000
In-use vehicle strategies		
Inspection & maintenance	18,360,000*	18,360,000
VSAD/LIF (Pre-'68 models)	6,825,000	0
Subtotal	$25,185,000	$18,360,000
Total	$40,179,000	$18,714,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets

Expansion of the modern, air conditioned bus fleet and service afforded by the San Antonio Transit System is essential to meet transportation needs and maintain air quality in Bexar County. The existing system consists of about 260 buses. A modernization program calling for expenditure of $7.5 million by July 1975 is currently underway with two-thirds of the cost being met by grants from the U.S. Department of Transportation, Urban Mass Transportation (UMTA). The modernization program provides for purchase of new buses with further improved anti pollution devices, construction of bus shelters and new administrative and maintenance facilities. The Administrator will make every possible effort to assure that this program and further improvements, as required, are carried out.

The Administrator recognizes that the present low density, sprawling land use pattern in the San Antonio area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the

centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

EL PASO ACQR

The Texas portion of Region 11 is composed of 6 counties (Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio) covering 21,778 square miles in the westernmost part of the State. The area is characterized by an arid climate, mountainous terrain, and high daytime summer temperatures.

According to the 1970 census, of the 379,261 people residing in the Region, 359,291 people are concentrated in El Paso County. The City of Juarez, Mexico lies immediately adjacent to the El Paso City Limits, separated only by the Rio Grande. The population of Juarez is estimated to be 450,000 and in terms of air pollution should most properly be considered part of the air quality control region. (Wind rose data indicates that El Paso is downwind from Juarez roughly 15 percent of the time, while the reverse is true roughly 20 percent of the time.)

The second highest one-hour oxidant measurement in the Region is 0.12 ppm (measured in 1971). Based on the proportional rollback procedure described in this proposed plan, this level requires a reactive hydrocarbon emission reduction of 34 percent to meet the primary ambient air quality standard in 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of 22.2 percent by 1975. The remaining 11.8 percent reduction can be attained by the following measures:

1. Control of area source emissions from solvent and paint users;

2. Storage tank vapor return from retail gasoline outlets;

3. Aircraft emission reductions due to Federal standards to limit emissions from aircraft engines;

4. A mandatory inspection and maintenance program.

According to the analysis available to the EPA, the proposed action represents the most cost effective combination that is sufficient to meet the primary standard for photochemical oxidants by 1975.

The baseline emissions inventory is tabulated by major source categories in Table 11-1. The emissions inventory for 1975 projected on the basis of the above measures is summarized in Table 11-2. Finally, an estimate of the regional economic impact is presented in Table 11-3. It should be noted that in 1977 no additional regulations are required in AQCR 11 above those presently in force.

All proposed measures for AQCR 11 shall be fully implemented by May 31, 1975.

The costs associated with the proposed gasoline marketing controls represent a significant initial burden to those industries affected. However, it is assumed that a sizeable share (if not all) of the costs due to the imposition of gasoline marketing controls will be passed on to the consumer in the form of a higher price on gasoline. The average cost per year to each registered auto owner is estimated to be $3-4, amortizing the initial costs over 10 years.

TABLE 11-1

AQCR 11 (EL PASO) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source category	1971*	1975	1977
Stationary sources			
Area sources	374	376	378
Chemical processing	24	5	5
Petroleum refining & petrochem	557	53	57
Other processing	19	22	22
Transportation sources			
Gasoline powered motor vehicles	14,845	10,647	8,166
Diesel powered motor vehicles	123	149	164
Aircraft	2,150	2,020	1,960
Gasoline marketing	1,664	1,978	2,168
Other transportation**	553	548	548
Total	20,309	15,798	13,468
% Reduction from baseline year		22.2	33.7

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

TABLE 11-2

AQCR 11 EMISSION REDUCTION UNDER PROPOSED STRATEGY

Control measure	1975 Tons/year	1977 Tons/year
Present controls	4,511	6,841
Area source controls	188	
Gasoline marketing evaporative		
Underground storage tank vapor return	873	
Aircraft emission controls	650	
Mandatory inspection and maintenance of light duty vehicles	686	
Total	6,908	6,841

Baseline emissions: 20,309 tons/year
Required % reduction: 34%
Required emission reduction by 1975: 6,905 tons/year

TABLE 11-3

ESTIMATED COSTS OF PROPOSED MEASURES FOR AQCR 11 IN 1975

Control category	Cost Initial	Cost Annual
Gasoline marketing		
Submerged fill pipe	0	0
Tank vapor return	$1,001,000	
Vehicle vapor recovery	0	0
Subtotal	$1,001,000	0
In-use vehicle strategies		
Inspection & maintenance	$6,002,000	$6,002,000
VSAD/LIAF (Pre-'68 models)		
Cat. converter (1970-1975 models)		
Subtotal	$6,002,000	$6,002,000
Total	$7,003,000	$6,002,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.

SPECIAL NOTE: Although the most effective approach to the oxidant problem in El Paso would involve international cooperation, there is at the present no legal foundation for any meaningful course of action in this regard. It is therefore recognized that until such foundations are laid, oxidant concentrations may exceed the primary standard more than once per year, even in the absence of emissions from El Paso.

A viable public transit system is essential to meet transportation needs and to achieve ambient air quality standards in the El Paso area. The existing system consists of about 125 buses operated by three companies (El Paso City Lines, Lower Valley Bus Lines, and Country Club Lines) together with international service afforded by El Paso Street Traction Company and Auto Buses Internacionales. There were more than 50,000 transit rides daily in El Paso in 1972. A study of transit service improvements and extensions is presently underway and is to be completed by mid-1973. The Administrator encourages continued efforts to improve and maintain transit service in the Region.

The Administrator recognizes that the present low density, sprawling land use pattern in the El Paso area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

STATEWIDE SUMMARY—SOCIO-ECONOMIC IMPACT

The application of Texas' Regulation V to additional counties in the State is anticipated to involve a significant addition to capital expenditures by the industries involved. Although actual cost estimates under this regulation are not available as yet (different types of facilities would require different control techniques), the rising price of petroleum products should aid in offsetting these costs. It is quite possible that the investment in vapor recovery systems may be justified on an economic basis alone:

Similarly, the cost of vapor recovery systems required for retail gasoline marketing operations will be at least partially offset by significant decreases in evaporative loss costs to the petroleum industry. For example, a submerged fill pipe retrofit will pay for itself within a few years after installation. It is anticipated that the additional cost of vapor return system, where required, will be passed on to the customer at an esti-

mated average rate of $3 per vehicle per year (amortized over 10 years).

The costs associated with area source controls are assumed to be minimal, since they typically involve a change-over to a more efficient dry cleaning technique, and a switch from oil-based paints.

The estimated statewide combined costs of gasoline marketing controls and in-use vehicle strategies under the proposed plan is summarized below:

Initial Cost: $94,105,000
Annual Cost: $2,133,000

To implement the in-use vehicle strategies by 1975, the resulting statewide costs are:

Initial Cost: $136,840,000
Annual Cost: $119,375,000

In the particular case of AQCR 7 (Houston-Galveston), the regulation concerning the temporary limitation of *new* permits for construction of reactive organic compound sources is considered to be a more acceptable alternative than either a catalytic converter retrofit or gas rationing. Since the limitation does not apply to growth of other types of industries, the economic impact of this control measure on the Region is anticipated to be less severe than the impact that would result from implementation of the aforementioned transportation alternatives.

Lack of data precludes making any firm prediction of the amount of VMT reduction that will be achieved in the cities of Houston, San Antonio, and Dallas by the methods being proposed. Comment that would assist EPA in making a reliable prediction of the effect of these measures on VMT is particularly invited. EPA currently believes, however, that the measures being proposed for these three cities would, if they were all promulgated in each case, be enough to achieve the reductions currently projected for them.

Finally, no significant changes in the lifestyles of the population in the affected regions of this plan are anticipated.

PUBLIC HEARINGS

Public hearings on the following schedule on this proposal will be held in each of the Air Quality Control Regions for which a plan has been proposed:

July 17 at 9 a.m., Marriott Motor Hotel, 2100 South Braeswood Blvd., Houston.
July 17 at 9 a.m., El Tropicana Motor Hotel, 110 Lexington, San Antonio.
July 17 at 9 a.m., Red Carpet Inn, 55 Interstate 10 North, Beaumont.
July 18 at 9 a.m., City Building Municipal Auditorium, South 1st & Riverside Drive, Austin.
July 17 at 9 a.m., EPA Regional Office, Conference Rooms A & B, Dallas.
July 18 at 9 a.m., El Paso Civic Center, 1 Civic Center Plaza, El Paso.
July 19 at 9 a.m., Exposition Hall in Memorial Coliseum, 402 West Shoreline, Corpus Christi.

Persons wishing to submit written comments may do so by notifying Mr. Arthur W. Busch, Regional Administrator, Region VI, and supplying 5 copies of their statements 5 days in advance of the hearing date.

Copies of the proposed regulations which will be considered at these public hearings are available from the Agency's regional office at the following adddress: Environmental Protection Agency, Region VI, 1600 Patterson, Suite 1100, Dallas, Texas 75201. They will also be available at selected locations in each affected air quality control region.

The hearing record will be kept open until August 1, 1973, for those wishing to submit additional written comments.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The combined effect of these proposed regulations, together with the Texas Implementation Plan, will eliminate the danger to human health and welfare that exists in 6 Texas air quality control regions from air pollution. They will, however, have a significant economic impact on the Houston-Galveston and San Antonio air quality control regions, and a nominal economic impact on the other 4 air quality control regions. The social impact will be nominal for all 6 of the air quality control regions.

(42 U.S.C. 1857c-5)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

1. Subpart SS is amended by adding the following sections:

§ 52.2283 Control of volatile carbon compounds.

(a) The requirements of Rule 501 of Texas Air Control Board Regulation V are incorporated herein by reference and are amended to include (in addition to those counties named therein) Bell, McLennan, and Tarrant Counties in Texas and all the counties contained within the Texas portion of the Southern Louisiana-Southeast Texas Interstate.

(b) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 5.15 (b) and (c) of this chapter.

§ 52.2284 Control of solvent evaporation.

(a) For purposes of this section, "solvent process" means that process by which an organic solvent is used as a dissolver, viscosity reducer, or cleaning agent, including the application of architectural coatings.

(b) This section is applicable in those counties contained within the Metropolitan Houston-Galveston, and Metropolitan San Antonio Intrastate and the El Paso-Las Cruces-Alamogordo Interstate Regions in the State of Texas.

(c) No person shall operate a solvent process unless the organic emissions from such operation are limited according to paragraphs 4.6 and 4.7 in Appendix B of Part 51 of this chapter.

(d) Except as provided in paragraph (e) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(e) Paragraph (d) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(f) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (d) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

§ 52.2285 Control of degreasing operations.

(a) For purposes of this section, "degreasing" means the operation of using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating or any other process.

(b) This section is applicable in those counties contained within the Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions in the State of Texas.

(c) No person shall use trichloroethylene (TCE) degreaser as a degreasing solvent after January 31, 1974.

§ 52.2286 Control of evaporative losses from the filling of storage vessels.

(a) Definitions:

(1) "Storage vessel" means any stationary vessel of more than 1,000 gallons (3,800 liters) capacity.

(2) "Vapor recovery system" means any system which prevents the escape of volatile carbon compounds to the atmosphere with a minimum recovery efficiency of 90 percent.

(b) This section is applicable in those counties contained within the Austin-Waco, Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions in Texas and the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate Region.

(c) No person shall transfer into any stationary storage vessel, any volatile carbon compound unless such transfer is made through a vapor recovery system as described in paragraph (a) (2) of this section.

(d) Except as provided in paragraph (e) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(e) Paragraph (d) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(f) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (d) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2287 Ship and barge loading and unloading facilities.

(a) Rule 503.2 of the Texas Air Control Board Regulation V is incorporated herein by reference and shall be amended to read: "All loading and unloading facilities for crude oil or condensate are exempt from Rule 503." This amendment eliminates an exemption for ships and barges.

(b) This section is applicable to ships and barges which use the port facilities within the Metropolitan Houston-Galveston Intrastate Region.

(c) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modifications not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(d) Paragraph (c) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (c) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2288 Control of evaporative losses from the filling of vehicular tanks.

(a) For purposes of this section, "vapor recovery system" means any system which prevents the escape of volatile organic compounds to the atmosphere with a minimum recovery efficiency of 90 percent.

(b) This regulation is applicable to those counties contained within the Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth and Metropolitan San Antonio Intrastate Regions in Texas.

(c) No person shall transfer any volatile organic compound into any vehicular fuel tank unless such transfer is made through a vapor recovery system as described in paragraph (a) of this section. This requirement applies only to vehicles licensed for road use.

(d) The State of Texas shall divide all facilities subject to this section into two classes each of which taken as a whole emit approximately equal amounts of hydrocarbon materials. The classes shall be known as Class I and Class II.

(e) Except as provided in paragraph (g) of this section, the owner or operator

of a source included in Class I shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(g) Paragraphs (e) and (f) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(h) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2289 Regulation for a motor vehicle inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance to be performed.

(2) All other terms used in this section which are defined in Appendix N of Part 51 of this chapter are used with the meanings so defined.

(b) This section is applicable in those counties contained within the Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions, and in the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate Region.

(c) The State of Texas shall establish an inspection and maintenance program applicable to all light duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit to EPA legally adopted regulations to implement such a program. This program shall be operational no later than May 31, 1974. The regulations shall include:

(1) Provisions for inspection of all light duty motor vehicles at periodic intervals no more than one year apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emissions reduction claimed in the plan for the strategy. These criteria shall include failure of at least 20 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards prior to certification. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally re-adjusted or modified subsequent to the inspection and/or maintenanced in such a way as would cause them to no longer comply with the inspection standards. This procedure shall include appropriate penalties for violation. This should include but not be limited to spot checks of the idle adjustments and/or a suitable type of physical tagging.

(5) An agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After May 31, 1974, the State shall not allow issuance of a Texas Department of Public Safety Inspection sticker for any light duty motor vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c).

(e) After May 31, 1975, no owner of a light duty motor vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Texas shall submit, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend needed legislation to the State legislature.

(2) The date by which necessary equipment will be ordered.

(3) A signed statement from the Governor and State Treasurer or their designees identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2290 Regulation for vacuum spark advance disconnect retrofit.

(a) For the purposes of this paragraph, "vacuum spark advance disconnect (VSAD) retrofit" means a set of motor vehicle engine modifications which consists of disconnecting the vacuum spark advance feature of the engine under specified operating conditions.

(b) This section is applicable in those counties contained in the Metropolitan Houston-Galveston and Metropolitan San Antonio Intrastate Regions in the State of Texas.

(c) All gasoline powered light duty vehicles of model years prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an appropriate vacuum spark advance disconnect retrofit.

(d) The State of Texas shall submit no later than October 31, 1973, a detailed compliance schedule showing steps it will take to implement and enforce this requirement. Each schedule shall include the following:

(1) A date by which the State will evaluate and approve modifications for use in this program. Such date shall be not later than February 28, 1974.

(2) A date by which this modification shall begin to be required. Such date shall be not later than June 1, 1974.

(3) A date by which all light duty motor vehicles subject to this section will be modified. Such date shall be not later than May 31, 1975.

(4) An agency responsible for evaluating and approving such modifications and/or devices for use on light duty motor vehicles subject to this section.

(5) An agency responsible for ensuring that the provisions of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those performing the modification have the training and ability to accomplish the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emissions testing at the time of modification or some other positive assurance that the modification achieves the desired results.

(e) After May 31, 1975, the following shall apply to the areas specified in paragraph (b) of this section:

(1) The State shall not register a light duty motor vehicle subject to this section which is not modified in accordance with paragraph (c) of this section.

(2) No owner of a light duty motor vehicle subject to this section shall operate or allow the operation of any such vehicle owned by him which is not modified in accordance with paragraph (c) of this section.

(f) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under § 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2291 Regulation for lean idle air-fuel ratio retrofit.

(a) For purposes of this paragraph, "lean idle air-fuel ratio retrofit (LIAF)" means a set of motor vehicle engine modifications which consists of increasing the idle mode air-fuel ratio to the leanest setting consistent with suitable driveability. Generally, this produces an air-fuel ratio approximately 14:1.

(b) This section is applicable in those counties contained in the Metropolitan Houston-Galveston and Metropolitan San Antonio Intrastate Regions in the State of Texas.

(c) All gasoline powered light duty motor vehicles of model years prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an appropriate lean idle air-fuel retrofit device.

(d) The State of Texas shall submit no later than October 31, 1973, a detailed compliance schedule showing steps it will take to implement and enforce this requirement. Each schedule shall include the following:

(1) A date by which the State will evaluate and approve modifications for use in this program. Such date shall be not later than February 28, 1974.

(2) A date by which this modification shall begin to be required. Such date shall be not later than June 1, 1974.

(3) A date by which all light duty motor vehicles subject to this section will be modified. Such date shall be not later than May 31, 1975.

(4) An agency responsible for evaluating and approving such modifications and/or devices for use on light duty motor vehicles subject to this section.

(5) An agency responsible for ensuring that the provisions of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those performing the modification have the training and ability to accomplish the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emissions testing at the time of modification or some other positive assurance that the modification achieves the desired results.

(e) After May 31, 1975, the following shall apply to the areas specified in paragraph (b) of this section:

(1) The State shall not register a light duty motor vehicle subject to this section which is not modified in accordance with paragraph (c) of this section.

(2) No owner of a light duty motor vehicle subject to this section shall operate or allow the operation of any such vehicle owned by him which is not modified in accordance with paragraph (c) of this section.

(f) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. The State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2292 Regulation for limitation of new reactive carbon compound emissions sources.

(a) For the purposes of this section, "source" means any structure, enterprise, or activity which emits or causes the emission of any reactive carbon compound.

(b) This section is applicable to all counties contained within the Metropolitan Houston-Galveston Intrastate Region.

(c) Effective May 31, 1975, no person shall commence construction or modification of any source within the areas set forth in paragraph (b) of this section, *Provided*, That such construction or modification may be permitted to the extent a satisfactory showing is made to the Administrator that such construction or modification would not result in any increase in reactive carbon compound emissions.

§ 52.2293 Gas limitation regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This section is applicable in all areas within the Metropolitan Houston-Galveston Intrastate Region and the Metropolitan San Antonio Intrastate Region (hereafter the "affected areas").

(c) Beginning July 1, 1974, the State of Texas shall prohibit delivery to retail outlets in the areas described in paragraph (b) of this section of more than 100 percent of the gasoline delivered to retail outlets in the areas during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, each retail outlet to which this section applies shall provide the State with a detailed account of gasoline received from each distributor, the total amount of gasoline sold during the period, and the amount of gasoline on hand at the beginning and end of each year during which control is in effect. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The State of Texas shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the affected areas. Such date shall be not later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be not later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. As to compliance schedules, a State

will be considered to have failed to comply with the requirements of this section, if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2294 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a motor vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b)(4)(ii), and (iii) of this section.

(b) The following provisions apply to all areas within the Metropolitan Houston-Galveston Intrastate Region, the Metropolitan Dallas-Fort Worth Intrastate Region, and the Metropolitan San Antonio Intrastate Region (hereafter the "affected areas").

(1) Each incorporated city within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(2) Each county within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(3) The State of Texas shall establish bus/carpool lanes on the major streets and highways within the affected areas over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption (such as inappropriateness of use by buses) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lanes for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) A signed statement by the chief executive officer of each governmental entity or his designee shall be submitted to EPA on October 1, 1973 to identify the source and amount of funds for allocation required by this section.

(c) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. As to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2295 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of any land or building space for use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means the date on which an owner or operator and a contractor to, or affiliate of such owner or operator, enter into binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This section is applicable in all counties included in the Metropolitan Houston-Galveston Intrastate Region, the Metropolitan San Antonio Intrastate Region, and the Metropolitan Dallas-Fort Worth Intrastate Region.

(c) No person, after the effective date of this section, shall commence construction of any new parking facility or modify or enlarge any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may issue, the following findings of fact or factually supported projections must be made:

(i) The location of the proposed facility.

(ii) The total vehicle capacity of the proposed facility.

(iii) The normal hours of operation of the proposed facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and vehicles will be drawn to the proposed facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to seven days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

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PART III

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT OF FERROUS SCRAP, SOYBEANS, COTTONSEED AND PRODUCTS

Licensing Systems

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 58]

EXPORTS OF SOYBEANS, COTTONSEED AND PRODUCTS

Sections 372.9, 375.2, 386.7 and Supplement No. 1 to Part 377 are amended and a new § 377.3 is established to read as set forth below.

Effective date: 3:30 p.m., e.d.t., July 2, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

The FEDERAL REGISTER issuance of June 28, 1973, announced the requirement of validated licenses for exports of soybeans, cottonseed, and certain products thereof, subject to subsequent announcement of the decision as to licensing of the commodities subject to validated licensing, and the basis on which such licenses might be issued.

Today's FEDERAL REGISTER announces the licensing systems adopted by the Department for exports of soybeans, soybean oil-cake and meal, cottonseed, and cottonseed oil-cake and meal, and the termination of the validated license requirement on exports of the other commodities listed in the Federal Register issuance of June 28, 1973. The reporting requirements previously established remain in full force and effect.

I. LICENSING SYSTEM FOR EXPORTS OF SOYBEANS, SOYBEAN OIL-CAKE AND MEAL, COTTONSEED, AND COTTONSEED OIL-CAKE AND MEAL

A. SUBMISSION OF APPLICATION WITH SUPPORTING DOCUMENTATION

All exporters who reported, in accordance with the terms of Export Control Bulletin No. 84(a), anticipated exports of soybeans (Scheduled B No. 221.4000) for export prior to September 1, 1973, cottonseed (Schedule B No. 221.6000) for export prior to August 1, 1973, or soybean oil-cake and meal (Schedule B No. 081.3030) or cotton seed oil cake and meal (Schedule B No. 081.3020) for export prior to October 1, 1973, and who wish to be considered for the issuance of a validated license for any export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) Photo copy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13, 1973; (2) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any; (3) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier. If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license; (4) with the first application for export of soybeans or for export of soybean oil-cake and meal under this licensing procedure, the applicant will submit Form DIB-636P "Contract Detail Supporting Anticipated 1972–1973 Crop Year Exports as Reported June 13, 1973."[1] The application shall be submitted on forms FC-419 and FC-420.[2] The above mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to 375.2 of the Export Control Regulations.

B. ISSUANCE OF LICENSES

The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license against each verified contract submitted under the terms of Part A, for the following percentages of the unfilled balance of each contract:

Soybeans	50%
Cottonseed	100%
Soybean oil-cake and meal	40%
Cottonseed oil-cake and meal	100%

C. SPECIAL TERMS

Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of soybeans shall expire on September 15, 1973, all those issued for export of cottonseed shall expire on August 15, 1973, and all those issued for export of soybean oil-cake and meal and cottonseed oil-cake and meal shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. Accordingly, exporters shall not export under a license before obtaining from the foreign buyer written confirmation that he will accept delivery under the contract of the quantity licensed for export. Any export without such confirmation would be in violation of the regulations. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

D. REDUCTION OF SHIPPING TOLERANCE ALLOWANCE

Section 386.7(b)(1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 5 percent for cottonseed and soybeans, and to 2½ percent for cottonseed oil-cake and meal and soybean oil-cake and meal.

II. LIFTING OF VALIDATED LICENSE REQUIREMENTS ON EXPORTS OF OTHER COMMODITIES

Effective at 3:30 p.m. e.d.t., July 2, 1973, the following commodities formerly under validated license requirements to all destinations including Canada, pursuant to the announcement in the FEDERAL REGISTER issuance of June 28, 1973, are hereby placed on general license to all destinations except Country Groups S and Z (Southern Rhodesia, Communist controlled areas of Vietnam, Cuba, and North Korea). These commodities are:

Schedule B Number	*Commodity Description*
421.2010	Soybean oil, crude including degummed
421.2020	Soybean oil, once refined
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing or winterizing
431.2010	Soybean oil, hydrogenated
431.2030	Fats and oils, hydrogenated, the following only: Cottonseed and soybean oil mixture
421.3010	Cottonseed oil, crude
421.3020	Cottonseed oil, once refined
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2020	Cottonseed oil, hydrogenated

Exporters are hereby placed on notice that in the event the volume of exports of these commodities reaches unacceptable levels, restriction of exports shall be imposed.

Accordingly, § 372.9, 375.2, 386.7 and Supplement No. 1, to Part 377 are amended and a new § 377.3 is established to read as set forth below.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

1. Section 372.9(d)(2) is amended to read as follows:

§ 372.9 Issuance of validated licenses.

* * * * *

(d) *Validity of license* * * *

(2) *Special provision.* If special provisions for any commodity include terms regarding the validity period of an individual export license, these will be found in Part 376 of this chapter, or, in the case of commodities subject to short supply controls, in Part 377 of this chapter.

* * * * *

PART 375—DOCUMENTATION REQUIREMENTS

2. Section 375.2(b)(xi) is amended to read as follows:

[1] This reporting requirement has been approved by the Office of Management & Budget in accordance with the Federal Reports Act of 1942.

[2] Forms FC-419 and FC-420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

§ 375.2 Ultimate consignee and purchaser statement.

* * * * *

(b) *Statements required from ultimate consignee and purchaser* * * *

(2) *Exemptions* * * *

(xi) The shipment will be made under the short supply provisions of § 377.3 of this chapter or § 377.4 of this chapter, and the application is supported by the documentation required therein.

* * * * *

PART 377—SHORT SUPPLY CONTROLS

3. A new § 377.3 is established to read as follows:

§ 377.3 Agricultural commodities.

(a) *General.* Those agricultural commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada.

(b) *Licensing System for Exports of Soybeans, Soybean Oil-cake and Meal, Cottonseed, and Cottonseed Oil-cake and Meal*—(1) *Submission of application with supporting documentation.* All exporters who previously reported, anticipated exports of soybeans (Schedule B No. 221.4000) for export prior to September 1, 1973, cottonseed (Schedule B No. 221.6000 for export prior to August 1, 1973, or soybean oil-cake and meal (Schedule B No. 081.3030) or cottonseed oil-cake and meal (Schedule B No. 081.-3020) for export prior to October 1, 1973, and who wish to be considered for the issuance of a validated license for any export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) Photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13; (ii) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any; (iii) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier. If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license; (iv) with the first application for export of soybeans or for export of soybean oil-cake and meal under this licensing procedure, the applicant will submit Form DIB-636P "Contract Detail Supporting Anticipated 1972-1973 Crop are Exports as Reported June 13, 1973."[1] The application shall be submitted on forms FC-419 and FC-420.[2] The above mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of Licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license against each verified contract submitted under the terms of Part A, for the following percentages of the unfilled balance of each contract:

Soybeans	50%
Cottonseed	100%
Soybean oil-cake and meal	40%
Cottonseed oil-cake and meal	100%

(3) *Special terms.* Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of soybeans shall expire on September 15, 1973, all those issued for export of cottonseed shall expire on August 15, 1973, and all those issued for export of soybean oil-cake and meal and cottonseed oil-cake and meal shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. Accordingly, exporters shall not export under a license before obtaining from the foreign buyer written confirmation that he will accept delivery under the contract of the quantity licensed for export. Any export without such confirmation would be in violation of the regulations. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(4) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 5 percent for cottonseed and soybeans, and to 2½ percent for cottonseed oil-cake and meal and soybean oil-cake and meal.

Supplement No. 1 to Part 377 is amended to read as follows:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Schedule B Number	*Agricultural Commodities*
081.3020	Cottonseed oil-cake and meal
081.3030	Soybean oil-cake and meal
221.4000	Soybeans
221.6000	Cottonseed

PART 386—EXPORT CLEARANCE

4. Section 386.7(b)(1) is amended to read as follows.

§ 386.7 Shipping tolerance.

* * * * *

(b) *Amount of tolerance allowed*—(1) *Ten percent tolerance.* A shipping tolerance of 10 percent is allowed when the quantity on the license is in the terms set forth below, except that when the commodity is listed in Supplement No. 1 to Part 377 of this chapter, it is subject to the tolerance set forth in Part 379 of this chapter. If no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license:

Avoirdupois ounce
Bale
Barrel
Bushel
Content pound
Cubic foot
Gallon
Gram
Hundredweight (100 pounds)
Linear foot
Linear yard
Long ton (2,240 pounds)
M(1,000) board feet
Milligram
Oxford unit
Pound
Proof gallon
Short ton (2,000 pounds)
Square foot
Square yard
Troy ounce
U.S.P. unit

* * * * *

[FR Doc.73-13719 Filed 7-2-73;4:00 pm]

[13th Gen. Rev., Export Regulations Amdt. 59]

PART 377—SHORT SUPPLY CONTROLS

Licensing of Ferrous Scrap

A new § 377.4 is established and Supplement No. 1 to Part 377 is amended to read as set forth below.

Effective date: 3:30 p.m., e.d.t., July 2, 1973.

RAVER H. MEYER,
Director, Office of Export Controls.

A reporting requirement was previously established on exports and unfilled or partially filled accepted orders for export of 500 short tons or more of ferrous scrap. This requirement remains in full force and effect. The data submitted pursuant to this requirement have resulted in the following actions:

I. REQUIREMENT FOR VALIDATED LICENSE

Effective 3:30 p.m., e.d.t., July 2, 1973, a validated license is required for export

[1] This reporting requirement has been approved by the Office of Management & Budget in accordance with the *Federal Reports Act* of 1942.

[2] Forms FC-419 and FC-420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

of ferrous scrap to all destinations, including Canada. Previously, a validated license was required only for shipment to Country Groups S and Z (Southern Rhodesia, Communist-controlled areas of Vietnam, Cuba, and North Korea).

The new validated export license requirement applies to all shipments of the commodities listed below, regardless of the value of the shipment and of whether the shipment is made against an order accepted on or before the effective date of this Bulletin. These commodities are:

COMMODITY AND SCHEDULE B NUMBER

No. 1 heavy-melting steel scrap, except stainless (282.0010)
No. 2 heavy-melting steel scrap, except stainless (282.0020)
No. 1 bundles steel scrap, except stainless (282.0030)
No. 2 bundles steel scrap, except stainless (282.0040)
Borings, shoveling and turnings, iron or steel, except stainless (282.0050)
Stainless steel scrap (282.0060)
Shredded steel scrap (282.0065)
Other steel scrap, including tin plated and terne-plate (282.0078)
Iron scrap, except borings, shoveling and turnings (282.0080)
Rerolling material of iron or steel (282.0090)

II. SAVING CLAUSE

Shipments of commodities removed from general license as a result of the requirement for a validated export license set forth in Part I above, which were on lighter destined for an exporting vessel or for which loading aboard an exporting vessl had actually commenced as of 3:30 p.m. e.d.t., July 2, 1973, may be exported under the previous general license provisions. Any other shipment of such commodities requires a validated license for export.

III. GENERAL PROVISIONS

Except as provided in Part V below, no licenses will be issued for exports of ferrous scrap during the remainder of the calendar year against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the month of July 1973, which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the previous reporting requirement. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced later.

IV. LICENSING SYSTEM AGAINST ORDERS OF 500 SHORT TONS OR MORE FOR EXPORT IN JULY

A. SUBMISSION OF APPLICATION WITH SUPPORTING DOCUMENTATION

All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July 1973, of 500 short tons or more of the commodities listed in Part I above, and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) A photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (2) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC-419 and FC-420.[1] The above mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

B. ISSUANCE OF LICENSES FOR EXPORTATION DURING JULY

The Office of Export Control will verify the authenticity of the application and supporting documentation described in Part A above, and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

C. SPECIAL TERMS

Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

V. LICENSING SYSTEM FOR EXPORTS OF LESS THAN 500 SHORT TONS

Until further notice, applications for licenses to export ferrous scap against accepted orders for less than 500 short tons, which are submitted on Forms FC-419 and FC-420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of the Form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance. Therefore, at this date only applications for export during July will be ???_____. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation. Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction shall be imposed on exports against orders of less than 500 short tons.

VI. REDUCTION OF SHIPPING TOLERANCE ALLOWANCE

Section 386.7(b) (1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Accordingly, a new § 377.4 is established and Supplement No. 1 to Part 377 is amended to read as set forth below.

A new § 377.4 is established to read as follows:

§ 377.4 Ferrous scrap.

(a) *General.* Those ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no licenses will be issued for exports of ferrous scrap during the remainder of the calendar year against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the months of July or August 1973, which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the previously established reporting requirement. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced later.

(b) Licensing System against orders of 500 short tons or more for export in August and July—(1) *Submission of application with supporting documentation.* All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July or August 1973,

[1] Forms FC-419 and FC-420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

of 500 short tons or more of the ferrous scrap commodities listed in Supplement No. 1 to Part 377 and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) a photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (ii) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC-419 and FC-420.[1] The above mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of licenses for exportation during July and August.* The Office of Export Control will verify the authenticity of the application and supporting documentation described in subparagraph (1) of this paragraph, and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

(3) *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(c) Applications for licenses to export ferrous scrap against accepted orders for less than 500 short tons, which are submitted on Forms FC-419 and FC-420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photo copy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance. Therefore, at this date only applications for export during July will be provided. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction shall be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of Shipping Tolerance Allowance.* Paragraph 386.7(b)(1) of the Export Control Regulations of this chapter states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Supplement No. 1 to Part 377 is amended by adding the following commodities:

COMMODITY AND SCHEDULE B NUMBER

No. 1 heavy-melting steel scrap, except stainless (282.0010)
No. 2 heavy-melting steel scrap, except stainless (282.0020)
No. 1 bundles steel scrap, except stainless, (282.0030)
No. 2 bundles steel scrap, except stainless (282.0040)
Borings, shoveling and turnings, iron or steel, except stainless (282.0050)
Stainless steel scrap (282.0060)
Shredded steel scrap (282.0065)
Other steel scrap, including tin plated and terne-plate (282.0078)
Iron scrap, except borings, shoveling and turnings (282.0080)
Rerolling material of iron or steel (282.0090)

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