

meeting this need. Accordingly, this Special Federal Aviation Regulation is being issued for a period of one year to allow for the collection of data and information on operations conducted under it so that a determination can be made whether it should be proposed for incorporation into the generally applicable regulations set forth in Part 103.

It should be noted that this regulation does not allow the carriage of a pyroforic liquid, which is defined in 49 CFR 173.115 (c) as a flammable liquid that becomes self-igniting when exposed to normal atmospheric conditions incident to transportation.

The FAA is not aware of any accident or incident caused by the carriage of flammable liquids in 55-gallon drums in aircraft in the State of Alaska pursuant to deviation authority issued by the FAA, and believes that the requirements set forth in this regulation are sufficient to provide a level of safety equivalent to that provided by Part 103 for the carriage of flammable liquids in quantities of 10 gallons or less.

In view of the increased need for transportation by air of large quantities of gasoline and other flammable liquids to isolated Alaskan communities during the winter months, I find that notice and public procedure on this Special Federal Aviation Regulation is impracticable and contrary to the public interest, and that good cause exists for making this regulation effective immediately.

(Secs. 313(a), 601, 902(h), Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421, 1472 (h)); sec. 6(c), Department of Transportation Act; (49 U.S.C. 1655(c)))

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted, effective April 5, 1974:

**SPECIAL FEDERAL AVIATION REGULATION No. 28**

Contrary provisions of § 103.9 of the Federal Aviation Regulations notwithstanding, any operator of an aircraft while conducting operations entirely within the State of Alaska may deviate from the provisions of § 103.9 to the extent necessary to permit the transportation in cargo-only aircraft of any flammable liquid listed in 49 CFR 172.5, except a pyroforic liquid as defined in 49 CFR 173.115(c) in quantities greater than 10 U.S. gallons but not exceeding 55 U.S. gallons for each outside container, subject to the following conditions:

1. The flammable liquid may be carried only when means of transportation other than by air are impractical, and the carriage is not solely for the purpose of economic advantage or convenience.

2. No person other than a required flight crewmember or a person assigned to the handling of the flammable liquid may be carried.

3. No person may smoke, carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark in the aircraft.

4. Whenever the owner or operator of an airport, or an authorized representative thereof, has designated a location for loading or unloading flammable liquids or is present on the airport during the loading or unloading of the aircraft, the flammable liquid may not be loaded or unloaded at a location other than the one designated by the owner or operator, or his authorized representative.

5. The aircraft may not be loaded or unloaded while—

(a) Any person is smoking or carrying a lighted cigarette, cigar, or pipe within 50 feet of the aircraft.

(b) Any engine or any device capable of causing an open flame or spark is being operated within 50 feet of the aircraft.

(c) The aircraft's engines or electrical or avionic equipment, except position lights in the steady position, are being operated.

6. During loading and unloading the aircraft shall be positively grounded.

7. No person may fill a container with a flammable liquid or discharge a flammable liquid from a container while that container is inside the aircraft.

This Special Federal Aviation Regulation shall terminate April 5, 1975, unless sooner superseded or rescinded.

Issued in Washington, D.C., on March 28, 1974.

JAMES E. DOW,  
Acting Administrator.

[FR Doc.74-7826 Filed 4-4-74; 8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER D—SPECIAL REGULATIONS**

[Reg. SPR-74; Amdt. No. 5]

**PART 372a—TRAVEL GROUP CHARTERS**

**Authorizing Amendments**

*Correction*

In FR Doc. 74-6666 appearing at page 10886 in the issue of Friday, March 22, 1974, make the following changes:

1. In the third column, last line of the fourth complete paragraph on page 10886, add "(Emphasis added)" following " \* \* \* flights."

2. At the bottom of the first column of page 10889, after footnote <sup>(20)</sup>, add

<sup>(21)</sup> See SPDR-33, p. 9."

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. 8892]

**PART 13—PROHIBITED TRADE PRACTICES**

**St. Joe Minerals Corp.**

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 7, 38 Stat. 731, as amended: 15 U.S.C. 18) [Cease and desist order, St. Joe Minerals Corporation, New York, N.Y., Docket 8892, Mar. 11, 1974]

*In the Matter of St. Joe Minerals Corporation, a Corporation.*

Consent order requiring a New York City producer of lead and zinc, among other things to cease acquiring, without prior Commission approval, any corporations engaged in the production or sale in the United States of more than 30,000 tons per year of lead ore or related lead products. This prohibition is in effect until October 25, 1977.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That for a period commencing with the effective date of

this order and continuing until the expiration of 5 years from October 25, 1972, St. Joe Minerals Corporation, its subsidiaries, successors and assigns or any concern controlled by a concern which is in control of St. Joe Minerals Corporation shall cease and desist from acquiring or agreeing to acquire directly or indirectly without the prior approval of the Federal Trade Commission ("Commission") all or any part of the stock or share capital, operating assets in excess of \$800,000 in any twelve month period, or any interest in or any interest of any one or more concerns, corporate or non-corporate, engaged in the year preceding the acquisition in the production or sale in the United States of more than 30,000 tons per year (in lead content of the concern's end product) of lead ore, lead concentrates, primary lead, secondary lead, lead oxides or lead alloys or any combination thereof, or from entering into any arrangements with any such concern by which St. Joe Minerals Corporation obtains the United States market share in whole or in part of such concern in the above-described products; *Provided, however*, That nothing in this paragraph shall prevent the acquisition of, or of any interest in, mines which are not in production, mineral reserves or other mineral properties which are not being mined, or mines or other operating assets whose production is not being sold directly or indirectly in the United States.

*It is further provided*, That the term interest as used in this paragraph shall not apply to either (1) a debt interest or a security interest acquired incident to a sale or (2) an interest arising out of the conversion of a debt or security interest acquired incident to a sale, if disposed of within 12 months after such conversion.

II. *It is further ordered*, That on October 25, 1973 and on each anniversary date thereafter until the expiration of the prohibitions in paragraph I of this order St. Joe Minerals Corporation shall submit a report in writing to the Commission listing, for the year preceding such date, all its acquisitions of, mergers with, and agreements to acquire or merge with any concern engaged in the production or sale in the United States of any of the products listed in paragraph I; the date of each such acquisition, merger or agreement; the products involved and such additional information as may from time to time be required.

III. *It is further ordered*, That St. Joe Minerals Corporation shall notify the Commission at least 30 days prior to any proposed changes in its corporate status which may affect compliance obligations arising out of the order such as dissolution, assignment or sale resulting in the emergence of successor corporations and that this order shall be binding on any such successor.

Issued: March 11, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-7860 Filed 4-4-74; 8:45 am]

Title 24—Housing and Urban Development  
 CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
 SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM  
 [Docket No. FI-234]

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
Alabama	Lawrence	Multon, town of				Apr. 1, 1974. Emergency.
Illinois	Cook	River Grove, village of				Do.
Do.	Jersey	Unincorporated areas.				Do.
Do.	Randolph	do				Do.
Do.	Whiteside	Albany, village of				Do.
Louisiana	St. Landry Parish	Palmetto, village of				Do.
Mississippi	Bolivar	Shaw, city of				Do.
Do.	Holmes	Durant, city of				Do.
Missouri	Scott	Commerce, city of				Do.

(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, Pub. L. 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: March 25, 1974.

GEORGE K. BERNSTEIN,  
 Federal Insurance Administrator.

[FR Doc. 74-7779 Filed 4-4-74; 8:45 am]

[Docket No. FI-235]

## 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
Minnesota	McLeod	Hutchinson, city of				Apr. 2, 1974. Emergency.
Mississippi	Panola	Batesville, city of				Do.
Do	Coahoma	Clarksdale, city of				Do.
Missouri	Mississippi	Wyatt, city of				Do.
New York	Tompkins	Ithaca, city of				Do.
Pennsylvania	Wyoming	Laceyville, borough of				Do.
Do	Armstrong	Leechburg, borough of				Do.
Do	Montgomery	Skippack, township of				Do.
South Carolina	Pickens	Unincorporated areas.				Do.
Virginia	Warren	Front Royal, town of				Do.
Washington	Pacific	Ilwaco, town of				Do.
Do	do	Raymond, city of				Do.
Do	Okanogan	Tonasket, town of				Do.
Wisconsin	Waupaca	Clintonville, city of				Do.
Do	Fond Du Lac	Unincorporated areas.				Do.
Do	Waukesha	Waukesha, city of				Do.

(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, Pub. L. 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: March 26, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 74-7780 Filed 4-4-74; 8:45 am]

[Docket No. FT-236]

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
Colorado	Huerfano	Unincorporated areas.				Apr. 4, 1974 emergency.
Connecticut	Hartford	Enfield, town of.				Do.
Idaho	Kootenai	Unincorporated areas.				Do.
Illinois	Carroll	Savanna, city of.				Do.
Do.	Madison	East Alton, village of.				Do.
New Jersey	Bergen	Fair Lawn, borough of.				Do.
North Dakota	Morton	Mandan, city of.				Do.
Pennsylvania	Berks	South Heidelberg, township of.				Do.
Do.	Lackawanna	Jessup, borough of.				Do.
Do.	Schuylkill	Minersville, borough of.				Do.
Do.	York	Washington, township of.				Do.
Virginia	Brunswick	Unincorporated areas.				Do.
Do.	Hanover	do.				Do.

(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, Pub. L. 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: March 27, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-7778 Filed 4-4-74;8:45 am]

## Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION, DE-  
PARTMENT OF LABORPART 1910—OCCUPATIONAL SAFETY  
AND HEALTH STANDARDSEmergency Temporary Standard for  
Exposure to Vinyl Chloride

1. *Background.* Vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75015, is a synthetic chemical made by oxychlorination of ethylene or by hydrochlorination of acetylene. It is the parent compound of a series of thermoplastic resin polymers and copolymers which are widely used for containers, wrapping tissues, electrical insulation, pipe, conduit and a variety of other products. Vinyl chloride has been made commercially in this country since 1939 and present production is in excess of seven billion pounds per year.

Vinyl chloride (VC) is a gas at ambient temperature and pressure and is a chlorinated hydrocarbon which has moderate liver toxicity. The present standard sets a ceiling value of 500 parts per million (ppm) (29 CFR 1910.93).

On January 22, 1974, the Occupational Safety and Health Administration was informed by the National Institute for Occupational Safety and Health (NIOSH) that the B. F. Goodrich Chemical Company reported that deaths of several of its employees from a rare form of liver cancer may have been occupationally related. As a result of this notification, and after consultation with NIOSH and a joint inspection of the plant by OSHA, NIOSH, and the Kentucky Department of Labor, a fact-finding hearing on possible hazards involved with the manufacture and use of both VC and polyvinyl chloride was announced on January 30, 1974 (39 FR 3874), and held on February 15, 1974.

2. *Carcinogenicity of VC.* Information produced at the hearing demonstrated that exposure of laboratory animals (mostly Sprague-Dawley rats) to VC by inhalation at and below the current OSHA standard of 500 ppm induced tumors, including angiosarcomas of the liver. Professor Cesare Maltoni, of the Instituto di Oncologia, Bologna, Italy, reported on a series of experiments on the effect of exposure of rats, mice, and hamsters to VC at concentrations of 10,000; 6,000; 2,500; 500; 250; and 50 ppm for varying periods of time (TR 43-63). Some of the experiments have been concluded, and others are still ongoing. The experimental results so far reported are that tumors have been observed in groups of animals exposed to VC at concentrations as low as 250 ppm. No tumors have been observed in the group of animals exposed to VC at a concentration of 50 ppm. It also appears so far that the total number of tumors, as well as the numbers of angiosarcomas of the liver, decrease as the concentrations of VC are reduced to 250 ppm. Finally, another experiment by Professor Maltoni is underway involving the exposure of 300 animals to VC at concentrations of

50 ppm, in order to assess in a more definitive way whether that level of exposure produces tumors in animals. Data reported by Torkelson, Oyen and Rowe (American Industrial Hygiene Association J 22:354-361 (1961)) indicate that exposure to VC at concentrations of 50 ppm failed to induce tumors in rats, hamsters, rabbits, and dogs.

The employees of the B. F. Goodrich Chemical Company who died from angiosarcoma of the liver had an average exposure of approximately 19 years to vinyl chloride, at unknown concentrations, and variable exposures to other volatile chemicals. (TR 93). Some employees of Union Carbide Company and Goodyear Company are also reported in a post-hearing comment from NIOSH dated March 11, 1974, to have had exposure to vinyl chloride and to have died from angiosarcoma of the liver. Finally, autopsies of four deceased employees revealed that liver angiosarcoma tumors were histologically indistinguishable from the angiosarcoma tumors observed in Professor Maltoni's experimental animals. It is concluded therefore, that vinyl chloride is carcinogenic for humans.

We therefore conclude that the present standard for VC should be lowered from a ceiling of 500 ppm to a ceiling of 50 ppm for the following reasons:

(a) In light of the evidence referred to above including the Maltoni experiments demonstrating that VC is carcinogenic in animals at 250 ppm, we conclude that VC must be considered carcinogenic in man at the same level;

(b) Although Professor Maltoni did not induce tumors in his experimental animals at an exposure concentration of 50 ppm, these data do not support the concept that occupational exposure of employees to concentrations of 50 ppm throughout their working lifetime would be without detrimental health effects;

(c) The question whether safe levels of exposure to carcinogens exist for humans and, if so, what such levels would be, is the subject of continuing scientific deliberation. In the case of VC, Professor Maltoni did not observe tumors in his animals at exposure concentrations of 50 ppm. In addition, Torkelson, Oyen, and Rowe found that exposure to concentrations of 50 ppm of VC failed to induce tumors in rats, hamsters, rabbits, and dogs. Accordingly, there is insufficient evidence at this time to conclude that VC at concentrations of 50 ppm or below poses a grave danger to humans.

(d) The emergency temporary standard adopted represents a substantial reduction in the permissible level of exposure and, in our practical judgment, is the lowest level that can be complied with immediately; and

(e) This standard will be in effect for a period of no longer than six months, during which time the whole question of possible safe exposure of humans to VC will be reconsidered more fully and in the light of more information, including experiments which are under way at this time (TR 47, 49, 71-74).

3. *Petitions for an emergency tempo-*

*rary standard.* In a telegram to the Assistant Secretary of Labor, received on or about March 14, 1974, the President of the United Rubber Workers International Union urged the establishment of an emergency temporary standard for VC. During the hearing of February 15, 1974, the Industrial Union Department, AFL-CIO, and the United Rubber Workers International Union made a joint petition for an emergency temporary standard for VC (TR 141-148), which was also joined by the Oil, Chemical and Atomic Workers International Union (TR 37). At the same hearing, several participants urged, on the other hand, a regular rulemaking proceeding as the most suitable for the orderly development of relevant information (TR 112, 180).

The petitions for an emergency temporary standard specified in detail the contents of the standard requested. In substance, the request is to issue a comprehensive fully-developed standard based on the recommendations of the Standards Advisory Committee on Carcinogens submitted to the Assistant Secretary of Labor on or about August 27, 1973. The recommendations are far-ranging, and cover special categories of operations, signs and labels, medical surveillance, reporting, etc., including a permit system for the use of a carcinogen.

We agree that an emergency temporary standard is necessary; we cannot say on the basis of the information developed so far that a comprehensive standard, such as the one requested, is either necessary or even desirable. It has been decided to promulgate a standard containing only those essential provisions which are deemed necessary to provide protection to employees from grave danger until a regular rulemaking proceeding in accordance with sections 6 (b) and (c) of the Act can be concluded. The reasons for a decision to establish a ceiling value of 50 ppm have already been stated. A decision on other possible, appropriate provisions is best made after consideration of all relevant data and views that interested persons may submit during the proceeding soon to be initiated.

With respect to arguments in opposition to issuance of an emergency temporary standard, the concern and efforts of several companies participating at the hearing for the protection of their employees are recognized. It may also be that some employers in some plants have fully complied with the interim controls recommended by NIOSH on January 30, 1974. There is, however, reason to believe that employees are currently being exposed to VC at concentrations well above 50 ppm. This was asserted several times at the hearing, and not seriously questioned. Moreover, a report, dated March 1974, of a survey by the staff of the Office of Standards Development, OSHA, of several facilities manufacturing VC and polyvinyl chloride revealed concentrations for some job classifications as high as 229 ppm. Therefore, a regulation is considered necessary to provide, immediately, adequate protection to workers ex-

posed to VC. Also, the eight-hour, time-weighted average standard suggested by several participants at the hearing (see, for instance, TR 178), has been rejected. The March 1974 report of the survey revealed that several kinds of work or operations are of short duration. Loading or unloading of a tank car may require approximately 15 minutes. The cleaning of a reactor may require approximately half an hour. An eight-hour, time-weighted average standard would permit exposure to VC at concentrations of 400 ppm for one hour. Such upward excursions, several times the 50 ppm level, cannot be permitted to occur.

4. *The standard.* The standard set out below contains only the requirements deemed necessary to provide protection before the conclusion of the rulemaking proceeding to be commenced shortly.

Because exposure to VC is hazardous, and because such exposure can occur in the processes of synthesizing or polymerizing of VC or in the handling of VC polymers or copolymers which contain absorbed VC, this standard applies to all such processes and to the handling, reacting, manufacturing, processing, re-leasing, repackaging, or storage of any of these materials. The monitoring requirements serve two purposes, to trigger into operation a compliance program and to check the effectiveness of the program. Also, engineering controls are favored for compliance, and respirators are intended to provide protection until such controls can be installed or in cases where such controls are not feasible.

Accordingly, by reason of the foregoing and on the basis of the record of the hearing of February 15, 1974, with exhibits, the written submissions received before the hearing pursuant to the notice of the hearing, the post-hearing written submissions by the participants at the hearing, the March 1974 report of a fact-finding survey recommendations received from NIOSH, and the other data referred to herein, it is found (1) that VC at concentrations in excess of 50 ppm is physically harmful and carcinogenic; (2) that exposure to VC at concentrations in excess of a concentration of 50 ppm poses a grave danger to employees; (3) that employees are presently exposed to VC at concentrations in excess of 50 ppm; and (4) that the emergency temporary standard set out below is necessary to provide immediate protection to employees from such danger.

Pursuant to section 6(c) of the Occupational Safety and Health Act of 1970, a proceeding will commence shortly in accordance with section 6(b) of the Act, in which the emergency temporary standard will serve as a proposed rule, together with other subsidiary rules. As soon as possible a draft environmental impact statement will be filed with the President's Council on Environmental Quality, and copies will be provided to other appropriate Federal agencies for their comments.

Pursuant to sections 6(c) and 8(c) (3) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596, 1599; (29 U.S.C. 655, 657)), and

Secretary of Labor's Order No. 12-71 (36 FR 8754), 29 CFR Part 1910 is amended by adding thereto a new § 1910.93q to read as set forth below. In addition, pursuant to section 4(b) (2) of the Act (84 Stat. 1592; (29 U.S.C. 653)), the standard in the new § 1910.93q is determined to be more effective than the corresponding standards now in Subpart B of Part 1910, in Parts 1915, 1916, 1917, 1918, and 1926 of title 29, Code of Federal Regulations, and in Part 50-204 of Title 41 of the Code of Federal Regulations. Therefore, these corresponding standards are superseded by the new standard in § 1910.93q.

1. In 29 CFR Part 1910, § 1910.93 is amended by deleting from Table G-1 the line: " \* \* \* C Vinyl chloride \* \* \* 500 \* \* \* 1300".

2. Part 1910 of Title 29 of the Code of Federal Regulations is amended by adding thereto a new § 1910.93q to read as follows:

§ 1910.93q Vinyl chloride.

(a) *Scope and application.* (1) This section applies to any area or operation in which vinyl chloride (chloroethene), Chemical Abstracts Service Registry Number 75015, is manufactured, reacted, handled, processed, released, repacked, or stored.

(2) This section does not apply to the handling, storage, or other use of vinyl chloride polymers and copolymers in the form of fabricated products.

(b) *Permissible exposure.* The occupational environment shall be controlled so that no employee is exposed to vinyl chloride at a concentration in excess of 50 parts per million (ppm) (127.0 mg/cum).

(c) *Monitoring.*—(1) *Initial monitoring.* As soon as possible but not later than April 22, 1974, every employer of an employee working in an area or operation in which vinyl chloride is manufactured, reacted, handled, processed, released, repacked, or stored shall begin monitoring the ambient air of the area to determine whether it contains vinyl chloride in concentrations in excess of 50 ppm.

(2) *Frequency.* Monitoring of a sufficient number of employees so that a representative sample of exposures to vinyl chloride may be determined shall be accomplished not less frequently than weekly until all results for three consecutive weeks are at or below 50 ppm. Thereafter, monitoring shall be conducted not less frequently than monthly so long as the concentrations of vinyl chloride do not exceed 50 ppm. If a monitoring sample reveals vinyl chloride in concentrations in excess of 50 ppm, weekly monitoring shall be resumed until all results for three consecutive weeks are at or below 50 ppm.

(3) *Method of monitoring.* Personnel monitoring shall be accomplished by collecting samples by suitable devices worn by the employee. The samples shall be analyzed by gas chromatography or by any other method which is of equivalent sensitivity. The analytical procedure shall be sensitive to 5 ppm of vinyl chloride in air with an accuracy of  $\pm 20$  percent for a ten minute air sample.

(4) *Employee observation of monitoring.* Employees working in an area or operation whose ambient air is monitored, or their representatives, shall be given a reasonable opportunity to observe the personnel monitoring required by this section.

(5) *Recordkeeping.* The results of all monitoring shall be recorded in writing. The records shall be retained for at least 5 years and shall be made available for inspection and copying by representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health (NIOSH).

(6) *Employee access.* Each employee and former employee shall have access to such records of the results of monitoring required by this section as will indicate his own exposure to airborne concentrations of vinyl chloride.

(7) *Employee notification.* Each employer shall promptly notify any employee who has been or is being exposed to vinyl chloride in concentrations in excess of 50 ppm, and shall inform him of the corrective action being taken.

(d) *Compliance.* (1) Whenever any monitoring sample reveals vinyl chloride at a concentration in excess of 50 ppm, or whenever any accident, such as rupture of equipment or spillage, indicates the likelihood of a greater than usual release of vinyl chloride into the ambient air, all employees exposed to such concentrations shall be withdrawn to a safe area and shall not be permitted to re-enter the work area unless they wear either Type C continuous flow or pressure demand air supplied respirators or self-contained breathing apparatus.

(2) Work which may reasonably be expected to release vinyl chloride in concentrations in excess of 50 ppm, such as repair, maintenance or cleaning of reactors or other equipment containing vinyl chloride, shall be accomplished only by employees wearing Type C continuous flow or pressure demand air supplied respirators or self-contained breathing apparatus.

(3) In any case covered by paragraphs (d) (1) or (d) (2) of this section, in addition to providing the required respirators, the employer shall examine and analyze the source of the excessive concentrations of vinyl chloride in order to determine feasible engineering or operational controls appropriate to reduce the airborne concentrations to the permissible level. Such controls shall be implemented as quickly as possible.

(4) Periodic tests shall be conducted for equipment leaks and for emissions of vinyl chloride which may result from work practices.

3. In 29 CFR Part 1910, § 1910.19 is revised to read as follows:

§ 1910.19 Special provisions for air contaminants.

(a) *Asbestos dust.* Section 1910.93a shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any dif-

ferent standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(b) *Vinyl chloride*. Section 1910.93q shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

*Effective date*. These amendments shall become effective on April 5, 1974.

(Secs. 4, 6, and 8, 84 Stat. 1592, 1596, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71, 36 FR 8754.)

Signed at Washington, DC., this 2d day of April 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-7890 Filed 4-4-74; 8:45 am]

Title 32A—National Defense, Appendix  
CHAPTER X—OFFICE OF OIL AND GAS,  
DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt. 65]

OIL IMPORT REG. 1—OIL IMPORT  
REGULATIONS  
Canadian Imports

There appeared in the FEDERAL REGISTER on February 11, 1974 (39 FR 5193) a proposal to amend several sections of Oil Import Regulation 1 (Revision 5), as amended. Amendment 64 to Oil Import Regulation 1 (Revision 5) made the changes related to the proposed rulemaking for all sections except for sections 29 and 33, both of which pertain to Canadian imports. Publication of amendment of sections 29 and 33 was deferred until discussions could be held with the Canadian government to determine their export policy. Those discussions have been concluded. The Canadian government plans to continue to control exports along the lines of their present controls for at least through September 1974 at which time the method of control may be modified significantly. Accordingly, interested parties should note that, although sections 29 and 33 are written to provide allocations for the entire allocation period May 1, 1974 through April 30, 1975, licenses will only be issued initially for one half of the May 1, 1974 through April 30, 1975 allocation period and the licenses will only be valid for a six month period unless extended by the Director. This procedure will provide for needed flexibility should the Canadian export policy change to the extent that it is necessary to further modify the affected sections of the Oil Import Regulation to conform to such changes.

As stated in the preamble to Amendment 64 the three tier system proposed for making allocations under section 29 did not receive complete acceptance. Also, the proposed change to section 29 was predicated on a continuation of the

Federal mandatory crude allocation program in its present form. The Federal Energy Office has now proposed changes to that program. For these reasons it has been decided to retain the historical basis for making allocations of Canadian imports into Districts I-IV. The major change is a provision that requires that a person having an allocation of Canadian imports must process the entire volume of Canadian imports in his own facility.

The changes to section 33 are strictly technical in nature with the exception of the licensing periods referred to above.

This amendment also amends section 3 to provide that entries for consumption of Canadian imports by pipeline under a license issued pursuant to these regulations may be made until midnight of May 15, following the end of the allocation period in which the license authorizing such imports from Canada was issued. This fifteen day overlap is necessary to prevent disruption of pipeline operations at the end of each allocation period.

This amendment 65 becomes effective on April 5, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant  
Secretary of the Interior.

Approved

WILLIAM E. SIMON,  
Deputy Secretary of the Treasury.

A new paragraph (f) is added to section 3 to read as follows:

Sec. 3. Allocation periods.

\* \* \* \* \*

(f) Notwithstanding the provisions of paragraphs (a) and (c) of this section

Sum of each eligible applicant's allocation of Canadian imports in 1973 pursuant to section 23 and section 21-expressed in barrels per day

Sum of all allocations of Canadian imports in 1973 pursuant to section 23 and section 21-expressed in barrels per day

× 762,000 barrels/day

(2) The Director shall issue before May 1, 1974 to each eligible applicant a license equal to one half of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on October 31, 1974 unless extended by the Director. The Director shall issue before November 1, 1974 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on April 30, 1975.

(e) (1) Except as provided for in subparagraph (2) of this paragraph a person who imports Canadian imports must process all such imports in his own facility. For the purpose of this paragraph, blending by mechanical means does not constitute processing.

(2) (1) Canadian imports may be exchanged on a barrel for barrel basis for other Canadian imports but each person receiving crude oil or unfinished oils in the exchange must process the crude oil

entries for consumption of Canadian imports by pipeline may be made until midnight of May 15 following expiration of the allocation period in which a license authorizing such imports from Canada was issued.

Section 29 is amended in its entirety to read as follows:

Sec. 29. Canadian Imports—Districts I-IV.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under this section, a person must have in Districts I-IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the terms of paragraph (d) (1) of this section, make allocations for the allocation period May 1, 1974 through April 30, 1975 of not to exceed 762,000 average barrels daily of Canadian imports into Districts I-IV.

(d) (1) The Director shall make allocations not subject to license fees of Canadian imports to eligible applicants who received allocations of such imports for the period January 1, 1973 through December 31, 1973, pursuant to section 23 or from the Oil Import Appeals Board under section 21, or from both. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

or unfinished oil received in his own facilities. Settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(ii) Canadian imports which are sold to meet the requirements of regulations published by the Federal Energy Office shall not be subject to the provisions of paragraph (e) of this section.

(f) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (or Canadian imports received in exchange for such imports) in his facilities before July 1, 1975, or if he fails to meet the requirement of paragraph (e) of this section, then any allocation of Canadian imports for Districts I-IV to which such person may otherwise be entitled for the first allocation period beginning after April 30, 1975 shall be reduced by the Director by the amount of Canadian im-

ports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before July 1, 1975 or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (e) of this section, except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person on or before September 1, 1974, in writing, relinquishes all or part of an allocation made under this section and returns to the Director licenses issued thereunder.

(g) Any allocation relinquished by a person pursuant to paragraph (f) of this section shall be reallocated to all eligible applicants in the same proportion that each received an allocation under paragraph (d) (1) of this section.

(h) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, not later than July 15, 1974, (1) the total quantity of Canadian imports which that person imported during the period January 1, 1973 through April 30, 1974, pursuant to an allocation made under section 23 of this regulation, and (2) the quantity of such imports that were processed in his facilities before July 1, 1974. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by July 15, 1974 the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(i) An allocation made pursuant to this section shall not be sold, assigned or otherwise transferred.

(j) An application for an allocation under this section shall be made by letter or telegram to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240 unless an application has been previously filed. Applications must be received by the Director within ten (10) days after the publication of this section 29 in the FEDERAL REGISTER. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of Canadian imports and other qualified inputs processed in each such facility during the calendar year ending December 31, 1973.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before July 1, 1975.

(k) Licenses issued pursuant to this section shall permit the entry or withdrawal from warehouse for consumption

of Canadian imports only into Districts I-IV. Except for licenses issued pursuant to this section 29, section 23, section 32, and section 21 when Canadian imports into Districts I-IV are specifically granted by the Oil Import Appeals Board no other licenses issued pursuant to this regulation shall permit the importation of Canadian imports into Districts I-IV.

Section 33 is amended in its entirety to read as follows:

**Sec. 33. Canadian Imports, District V.**

(a) For the allocation period May 1, 1974, through April 30, 1975, the Director shall allocate, as provided in paragraph (c) of this section, approximately 252,000 average barrels daily of Canadian imports into District V among eligible persons having refinery capacity in this district.

(b) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils except ethane, propane, and butanes which have been derived from crude oil or natural gas liquids produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(c) (1) The Director shall make allocations not subject to license fee to each eligible applicant for the allocation period beginning May 1 of each year on the basis of the pro rata share of the allocation of Canadian imports into District V made to each applicant for the calendar year 1973, relative to the total of all allocations of Canadian imports made to all applicants for the calendar year 1973.

(2) The Director shall issue before May 1, 1974 to each eligible applicant a license equal to one half of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on October 31, 1974 unless extended by the Director. The Director shall issue before November 1, 1974 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on April 30, 1975.

(d) Each eligible applicant desiring an allocation under this section shall make application by letter to the Director, within ten (10) days after publication of this section in the FEDERAL REGISTER. Such applications shall include the location of the facility in which the Canadian imports will be processed and shall be signed by an officer of the company.

(e) No allocation made pursuant to this section shall be sold, assigned, or otherwise transferred.

(f) Licenses issued pursuant to this section shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only into District V. Except for licenses issued pursuant to this section 33, section 32, and section 21 when Canadian imports into District V are specifically granted by the Oil Import Appeals Board no other licenses pursuant to this regulation shall permit the

importation of Canadian imports into District V.

[FR Doc.74-7917 Filed 4-3-74; 10:12 am]

**Title 35—Panama Canal  
CHAPTER I—CANAL ZONE  
REGULATIONS**

**SUBCHAPTER E—EMPLOYMENT AND  
COMPENSATION IN THE CANAL ZONE**

**PART 253—REGULATIONS OF THE  
SECRETARY OF THE ARMY**

**Subpart D—Compensation and Allowances  
APPLICATION TO CERTAIN PROVISIONS OF  
FEDERAL WAGE SYSTEM**

The purpose of these amendments is to provide for administrative application in the Canal Zone of appropriate provisions of the Federal Wage System established by Pub. L. 92-392, approved August 19, 1972.

Effective the first day of the first pay period beginning after July 1, 1973, Part 253 of Title 35, Code of Federal Regulations is amended as follows:

1. The table of sections for Part 253 is amended by revising the listing for § 253.155 to read as follows:

Sec.  
253.155 Environmental and night shift differentials for manual-type positions.

2. Section 253.2 is amended by adding a paragraph (o) reading as follows:

**§ 253.2 Definitions.**

(o) "Federal Wage System" means the system for fixing and adjusting the rates of pay for prevailing rate employees of the Government that was established by Pub. L. 92-392 and implemented by the U.S. Civil Service Commission in FPM Supplement 532-1 and related issuances.

3. Section 253.113 is revised to read as follows:

**§ 253.113 Manual category.**

(a) Those manual-type occupational groupings that elsewhere in the federal government are usually covered by the Federal Wage System, i.e., those that encompass the unskilled, semiskilled, and skilled manual-labor occupations in the trades, crafts, and related employment. This category does not include those positions that are specifically excepted and placed in the special category.

(b) The Board shall prescribe standards for grading manual category jobs. Whenever a job-grading standard under the Federal Wage System is utilized, the Board shall modify it if necessary to take into account any significant differences in knowledge, skill, or responsibility requirements that are found between the job covered by the Federal Wage System standard and the Canal Zone position to which it is applied.

4. In § 253.154, paragraphs (a) and (b) are revised to read as follows:

**§ 253.154 Individual pay determinations.**

(a) *Nonmanual category.* Salary changes and retention for employees in

this category shall be governed by Subparts B, C, and E of 5 CFR Part 531.

(b) *Manual category.* Wage determinations for employees in this category shall be made in accordance with regulations published by the Board. Such regulations shall conform as nearly as is practicable with regulations prescribed under the Federal Wage System by the U.S. Civil Service Commission.

5. Section 253.155 is revised to read as follows:

**§ 253.155 Environmental and night shift differentials for manual-type positions.**

The head of each department, in coordination with the heads of other departments, may authorize payment of environmental differential for manual-type positions to compensate for exposure to hazards, physical hardships, and working conditions of an unusually severe nature which have not been considered in determining the base rate of pay for the position in question. Differentials for night work may also be established for manual-type positions. Any differential prescribed under this section shall conform with like differentials established under the Federal Wage System to the extent that it is practicable under local conditions. Such differential shall be treated as part of the basic compensation for the position to the extent it is so treated in the Federal Wage System.

6. Section 253.156 is revised to read as follows:

**§ 253.156 Pay savings.**

(a) Whenever an employee's rate of basic compensation, that is established in relation to rates of compensation for the same or similar work in the continental United States, is converted under 2 C.Z.C. sec. 144(b), 76A Stat. 17, to a rate of basic compensation established in relation to rates in areas other than the continental United States, such employee shall, pending transfer to another position for which the rate of basic compensation is established in relation to rates in the continental United States, continue to receive the rate of basic compensation (but excluding environmental and night shift differentials) to which he was entitled immediately prior to such conversion. The saved rate shall be paid so long as he remains in the same position as that in which he was serving at the time his rate was converted, or until subsequent change is effected to another position unless the change is made without an increase in pay to a position of equal or higher level. If the subsequent change is made to a position of equal or higher level and application of the normal pay fixing rule would result in a decrease in pay, the employee's saved rate shall be preserved. He shall not be eligible for within-grade salary increases granted to non-manual employees, step increases granted to manual employees, or across-the-board increases granted to manual employees for so long as he remains in a position the salary for which

is derived from or fixed in relation to wage rates existing in the Republic of Panama or elsewhere outside the continental United States.

(b) Paragraph (a) of this section does not apply to a manual category employee whose grade is reduced as a result of the initial application of a job standard prescribed by the Board under § 253.113(b) during the conversion period resulting from administrative adoption of the Federal Wage System. Such employee shall be entitled to pay retention under regulations issued by the Board under § 253.154(b).

(c) Whenever under § 253.134 a recomputation of the tax allowance necessitated by a change in tax laws would result in decreases in base salary or wage rates, the employees so affected shall, pending individual raises or general increases in base salary or wage rates which will fully offset the pay decreases attributable to the tax allowance recomputation, continue to receive the rates of pay to which they were entitled immediately prior to the effective date of such recomputation.

(2 C.Z.C. 142, 155, 76A Stat., 16, 19; 35 CFR 251.2)

Dated: March 26, 1974.

HOWARD H. CALLAWAY,  
Secretary of the Army.

[FR Doc. 74-7835 Filed 4-4-74; 8:45 am]

**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**  
**SUBCHAPTER C—AIR PROGRAMS**  
**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Indiana: Promulgation of Transportation Control Plan**

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 the implementation of the national ambient air quality standards. On that date, the Governor of Indiana was advised that the attainment date for the national photochemical oxidant and carbon monoxide standards in the Metropolitan Indianapolis Intrastate Region was extended for two years.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit ordered that the Administrator rescind the extensions granted the States for submission and implementation of the transportation and/or land use control portions of their implementation plans. The affected States were required to submit control plans by April 15, 1973. The plans were required to show 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.

On April 9, 1973, the State of Indiana held public hearings in Indianapolis on proposed revisions to its plan but did not submit these revisions to the Admin-

istrator, within the schedule set by the Administrator.

On June 22, 1973, the Administrator disapproved the Indiana plan because the State had chosen not to make a submittal (38 FR 16650). The Administrator initially proposed on July 2, 1973 (38 FR 17682) and subsequently repropose a transportation control plan for Marion County, Indiana, on November 8, 1973 (38 FR 30975). The reproposal was subjected to public hearing on November 28, 1973 in Indianapolis. A State revision was submitted October 19, 1973. This revision was reviewed and discussed with State officials in conjunction with EPA's re-proposed transportation plan of November 8, 1973. The State revision was found to be inconsistent with the requirements of the Clean Air Act by EPA for the reasons noted herein.

The transportation control plan being promulgated herein is based upon the EPA reproposal of November 8, 1973 and incorporates the comments and other related data received at and subsequent to the public hearing of November 28, 1973. A complete transcript of the hearing is available for inspection at the Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois, 60606. A general Preamble was published on November 6, 1973 (38 FR 30626) and is incorporated by reference.

*Pollution in the Region.* The Region is comprised of approximately 3,000 square miles of land located in the central portion of Indiana. It consists of eight counties: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby. The population of the Region is about 1.1 million; Marion County, which includes Indianapolis, comprises approximately 400 square miles of land or about 13 percent of the Region's population. Based on the associated density of vehicular and stationary sources of hydrocarbon emissions, Marion County is known to be the most polluted portion of the Region with regard to oxidant pollution.

Continuous-monitoring air quality data collected for Marion County by the State indicated that the photochemical oxidant standard was not exceeded during 1972. This point formed the basis for the State transportation control plan submitted by the Governor on October 19, 1973. Based on this data it was concluded that the attainment of the standard would continue through 1975.

Analysis, however, of the 1971, 1972, and 1973 oxidant air quality data demonstrated inadequate calibration of the monitor during the latter two years. During the summer of 1971 two oxidant monitors, one located at the Washington Township Fire Station and one located at the State Board of Health Building, were operated and calibrated monthly by EPA personnel using the EPA calibration method (neutral buffered KI procedure). In September, 1971 oxidant monitoring was assumed by the State. The monitor located at the State Board of Health Building, 1330 West Michigan Street, was returned to EPA and the

monitor located at the Washington Township Fire Station was relocated to the State Board of Health Building where it was placed in operation. This instrument was not calibrated by means of the EPA method until September, 1972 and was subsequently not calibrated until the monitor became inoperable one year later. At the present time, a properly calibrated substitute monitor is now operating at the same location.

In the judgment of the Environmental Protection Agency, the 1972 and 1973 data are invalid due to lack of adequate instrument calibration. The 1971 data has a dependable calibration record and has been determined to be sufficiently valid to allow dependable definition of the oxidant pollution problems in the county.

The primary national ambient air quality standard for photochemical oxidants is an average of  $160 \mu\text{g m}^{-3}$  (0.08 ppm) for a 1-hour period not to be exceeded more than once per year. This standard was exceeded for 111 hours during the oxidant season of 1971 at the two locations where oxidants were being measured within Marion County. Concentrations measured at the two locations showed good correlation and were generally within 10 percent of each other. The highest concentration recorded was 0.14 ppm on September 8. Because the primary standard is written in terms of a concentration that is not to be exceeded more than once per year, this plan is based upon the second highest measured concentration of 0.13 ppm.

From the 1971 baseline air quality measurement, a 38 percent reduction in overall hydrocarbon emissions as determined from Appendix J (40 CFR Part 51) is required within Marion County to achieve the primary national standard for photochemical oxidants. Stationary source solvent use restrictions of Indiana's APC-15 coupled with the impact of the Federal Motor Vehicle Control Program (FMVCP) will not provide adequate reduction in overall hydrocarbon emissions by May 31, 1975. The regulations being promulgated herein are intended to provide the additional emission reduction necessary. Due to the extended period of time necessary to implement these strategies, the Administrator is granting an extension until March 1, 1976 to provide for full impact of the regulations.

The Environmental Protection Agency has received cooperation from the City of Indianapolis and from the State of Indiana in expanding the scope of the existing oxidant air sampling program for Marion County during the ensuing year. The expanded system should be operational before the commencement of the 1974 oxidant season which historically extends from June through September. At the conclusion of this critical sampling period, the more recent air quality data will be examined in relation to the photochemical oxidant standard. Any variations above or below the standard will be analyzed in conjunction with the associated total non-methane hydrocar-

bon emission data and meteorological data. Any revisions to the transportation control strategies (promulgated herein) deemed appropriate by the Administrator will then be made at that time.

EPA has also agreed to conduct further investigations into the emission inventory. EPA has received cooperation from the City of Indianapolis and from the State of Indiana to support and assist this review of the emission inventory.

**State Transportation Control Plan.** The State of Indiana held public hearings in Indianapolis on April 9, 1973, to address proposed revisions to the implementation plan pertaining to transportation controls. As previously stated, those proposed revisions were formally submitted to the EPA by the Governor of Indiana, on October 19, 1973. EPA reviewed the proposal to determine if it was consistent with provisions of the Clean Air Act. The Clean Air Act requires that the control plan must be adequate to attain and maintain the oxidant air quality standard with the exception of one incident per year in excess of the standard. The State proposal utilized a 1972 baseline for air quality data. With meteorological factors and emission variability, control must be based on the year for which valid data demonstrates the lowest emissions/air quality relationship. Comparison of this relationship for 1972 to that of 1971 demonstrates that the 1971 baseline must be utilized for the development of transportation control plans adequate to assure attainment and maintenance of the oxidant standard by May 31, 1975. The State proposal, therefore, does not appear to be approvable. Public comment is invited on or before May 6, 1974.

**EPA Transportation Control Plan.** The transportation control plan for Marion County proposed by the Environmental Protection Agency on November 8, 1973, was based upon a required reduction in overall hydrocarbon emissions from 1971 levels of 38 percent. At the time of the proposal, it was estimated that existing stationary source controls due to APC-15 coupled with the impact of the FMVCP would account for only a 25 percent reduction in hydrocarbon emissions by mid-1975. To achieve the additional 13 percent reduction necessary, the Administrator proposed the following strategies:

(1) Establishment of an annual idle mode vehicle emission inspection program for all light duty vehicles registered in Marion County.

(2) Require that all pre-1968 and/or pre-controlled vehicles (or trucks) presently in use in Marion County be retrofitted with non-catalytic emission reduction devices.

(3) Require that all service stations in Marion County purchase, install, and operate appropriate vapor removal devices to control emissions during the filling of gasoline storage tanks and the filling of automobile gas tanks.

(4) Require parking surcharges applicable to all off-street parking facilities located within the Metropolitan Indianapolis Area.

(5) Require the creation of exclusive express bus/carpool lanes leading into the central business district, from Marion County.

(6) Restrict the total availability of on-street parking spaces within the City of Indianapolis.

(7) Require the creation of a metropolitan bus/carpool matching service for use by all commercial, institutional, and industrial entities located within Marion County.

The Federal proposal was subjected to public hearing on November 28, 1973, in Indianapolis. At the hearing and continuing thereafter, comments were received regarding the proposal from City and State officials, and from concerned commercial industrial entities and private citizens. The primary public comments relate to the socio-economic impact of the parking surcharge strategy and the present stage of development of control technology pertaining to Stage II vapor recovery operations under gasoline marketing (filling of automobile tanks). The proposed surcharge was withdrawn as a strategy on January 15, 1974, by EPA. Vapor recovery at vehicular tanks has been determined to be unnecessary to achieve the standards. Following the public hearing, City and State officials worked with the EPA in examining the oxidant problem and the various strategies not only in terms of their air quality impact, but also with respect to their social and economic impact on the community.

Subsequent to the Public Hearing, EPA determined that hydrocarbon emission data utilized for certain major sources within the County was subject to some degree of question. This issue was clarified and the emission data base was further refined by examining data that has been previously obtained under procedures outlined in section 114 of the Clean Air Act. Under these procedures, requests are sent to the pollutant sources requiring that specific accurate emission data be made available to EPA under penalty of law. An examination of the 114 data obtained in Marion County revealed that the reductions in overall hydrocarbon emissions from stationary sources would be greater by mid-1975, than was previously anticipated. As a result of these new data projections the need for additional controls of hydrocarbon emissions has been shown to be 2424 tons per year.

Further consultation with City officials resulted in the development of a viable transportation control strategy. Based upon the additional reduction necessary in overall hydrocarbon emissions, the following strategies are being promulgated herein by EPA. All other strategies proposed on November 8, 1973 are hereby withdrawn.

(1) An annual idle-mode vehicle emission inspection program will be established for all light duty motor vehicles registered within Marion County. The program is intended to be incorporated into the existing State vehicle safety inspection program, which is operated through a system of certified service stations. The City of Indianapolis will seek the necessary enabling legislation at the approaching session of the State General Assembly in January 1975. Responsibility for establishing the program is shared by the State, County of Marion, and all municipalities in Marion County. Associated time schedules for the implementation of the emission inspection program have been adjusted to

coincide with the City and State actions. Therefore, the program will be initiated in July 1975 with completion of the first inspection cycle one year later.

(2) All service stations and gasoline distribution centers in Marion County will be required to install and have in operation by March 1, 1976 equipment to prevent the loss of gasoline vapors during the filling of service station storage tanks. Certain changes in the regulations have been made regarding safety and other matters. This is simply a clarification of EPA intentions regarding all such regulations. Some dates in the program implementation schedules have been adjusted to provide ample time for the selection, ordering, installation and testing of appropriate control equipment by the affected gasoline distributors and service station owners, taking into consideration the date in promulgating this rulemaking.

**Air Pollution Impact of the Control Strategies.** To achieve the air quality standard, hydrocarbon emissions must be reduced by 2424 tons per year, in addition to the hydrocarbon emission reductions expected from compliance with APC-15 and the FMVCP. This projection is based upon the following calculations:

(1) Total estimated hydrocarbon emissions in Marion County during 1971 were 64,651 tons/year.

(2) Based upon a 1971 measured oxidant value of 0.13 ppm, a 38 percent reduction in overall hydrocarbon emissions from 1971 levels is necessary. The "safe" emission level, based upon the above data, is 40,084 tons/year.

(3) The additional reduction needed to attain the air quality standard is therefore 24,567—40,084=2424 tons/year.

Hydrocarbon emission totals for Marion County for the base year 1971, the present year (1973), and the year 1975 are shown in Table 1. This table does not include the effect of the two regulations being promulgated herein. Their effect is shown in Table 2.

TABLE 1.—Emission inventory totals: Marion County  
[Tons per year]

Category	1971	1973	1975
<b>Stationary sources:</b>			
Fuel combustion: <sup>1</sup>	2,500	2,850	3,200
Process losses: <sup>2</sup>			
Point sources.....	19,300	16,622	6,663
Area sources.....	7,500	8,180	8,344
Solid waste disposal: <sup>3</sup>			
Point sources.....	45	47	50
Area sources.....	250	264	280
Subtotal.....	29,595	27,963	18,537
<b>Mobile Source Related Emissions:<sup>4</sup></b>			
Gasoline marketing.....	4,620	4,200	3,955
Motor vehicles.....	30,000	24,750	19,500
Railroads.....	436	476	516
Subtotal.....	35,056	29,516	23,971
Total emissions.....	64,651	57,479	42,508

<sup>1</sup> Fuel combustion: Utilities and large and small boiler operations.

<sup>2</sup> Process losses: Point sources—petroleum refining, cooking operations, etc.; area sources—solvent use, dry cleaning, degreasing operations, etc.

<sup>3</sup> Solid waste disposal: Incinerators, backyard burning and open burning.

<sup>4</sup> Mobile sources: Motor vehicles—light and heavy duty gasoline-powered motor vehicles; gasoline marketing—filling station storage tanks and tank trucks, and filling automobile gas tanks.

The expected reductions in overall hydrocarbon emissions due to the implementation of the promulgated control strategies are illustrated in Table 2.

TABLE 2.—Expected hydrocarbon reduction: Marion County

Strategy	[Tons per year]		
	July 1975	January 1976	July 1976
1. County-wide emission inspection program.....	111	778	1,335
2. Gasoline marketing controls.....	436	1,090	1,310
Total impact.....	547	1,868	2,645

#### ECONOMIC AND SOCIAL IMPACT OF THE TRANSPORTATION CONTROL PLAN

During the course of discussions and evaluation of the plan, possible strategy combinations were examined not only with respect to air pollution impact, but also with respect to the associated impact upon the social and economic framework of the affected community. The final strategy promulgated herein by EPA is expected to result in the necessary emission within the county—at minimal cost to the individual citizen.

Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

#### Subpart P—Indiana

1. In § 52.770, paragraph (c) is revised to read as follows:

#### § 52.770 Identification of Plan.

(c) Supplemental information was submitted on:

(1) March 16, 1972, by the Indiana Air Pollution Control Board

(2) April 11, May 1, and 16, 1972

(3) October 19, 1973 by the Governor of Indiana

(4) January 3, 1974 by the State Board of Health

2. In § 52.772, paragraph (b) is revised to read as follows:

#### § 52.772 Extensions.

(b) The Administrator hereby extends for 9 months the attainment date for the national standard for photochemical oxidants in the Metropolitan Indianapolis Intrastate Region.

3. Section 52.786 is revised to read as follows:

#### § 52.786 Inspection and Maintenance Program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a motor vehicle rated a 6,000 lb. GVW (gross vehicle weight) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in the County of Marion, Indiana (including all cities, towns and municipal corporations therein).

(c) The State of Indiana shall establish and cause the implementation of an inspection and maintenance program applicable to all gasoline-powered light duty vehicles which are registered in Marion County. Such program shall conform with this § 52.786. The Consolidated City of Indianapolis, the County of Marion, and other municipalities within the County of Marion, shall take all legislative, executive, or other action necessary to establish and implement the program required by this regulation.

(d) Not later than April 1, 1975, the State of Indiana, the County of Marion and the Consolidated City of Indianapolis shall jointly submit to the Administrator, for his approval, legally adopted legislation and/or regulations establishing the regulatory scheme for the inspection/maintenance program required by paragraph (c) of this section. The legislation and/or regulations shall include:

(1) Provisions requiring inspection of all light-duty motor vehicles subject to the inspection program required by paragraph (c) of this section at periodic intervals no more than 1 year apart by means of an idle test. Any class or category of vehicles that are found to be rarely used on public streets and highways (such as classic or antique vehicles) may be exempted.

(2) Provisions for regulatory criteria that are consistent with achieving an eleven percent reduction of hydrocarbon emissions from light-duty vehicles.

(3) Provisions ensuring that failed vehicles receive, within 30 days, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall impose sanctions against owners of non-complying vehicles, require retest of failed vehicles following maintenance, require a suitable distinctive tag or sticker for display on complying vehicles, and include such other measures as are necessary or appropriate.

(4) Provisions establishing a certification program to ensure that testing stations performing the required tests have the necessary equipment and knowledgeable operators to perform the tests satisfactorily, imposing sanctions against non-complying testing stations, and containing such other measures as necessary or appropriate to a testing program.

(5) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them no longer to comply with the inspection standards. These may include authorization of spot checks of idle adjustments or of a suitable type of physical seal or tag on vehicles. These provisions shall include appropriate penalties for violation by any person.

(6) Designation of agency or agencies responsible for conducting, overseeing, and enforcing the inspection/maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(e) After July 1, 1976, the State of Indiana, County of Marion, the Consolidated City of Indianapolis, and other

municipalities in Marion County shall not allow the operation on streets, roads, or highways under their ownership or control of any light duty motor vehicle subject to the inspection program established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d) of this section.

(f) After July 1, 1976, no person shall operate or allow the operation of any motor vehicle subject to the inspection program established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d) of this section.

(g) No later than October 1, 1974, the State of Indiana, County of Marion, and the Consolidated City of Indianapolis shall jointly submit to the Administrator, for his approval, a detailed compliance schedule showing the steps they will take to establish, operate and enforce the inspection program required by paragraph (c) of this section including:

(1) A detailed description of the inspection program required by paragraph (c) (including a description of the way in which the program will be established, operated, and enforced and the respective responsibilities of the State, county, and municipalities for such tasks).

(2) A description of the legal authority for establishing and enforcing the inspection/maintenance program, including the text of proposed or adopted legislation and regulations.

(3) Specific dates (day, month, and year) by which various steps to implement the inspection/maintenance system will be completed, such steps to include, at a minimum, the following: submitting final plans and specifications for the system to the Administrator for this approval (this date to be no later than February 1, 1975), ordering necessary equipment (this date to be no later than April 15, 1975), commencement of on-site construction and/or installation, and system operational (this date to be no later than July 1, 1975).

(4) An identification of the sources and amounts of funds necessary to implement the system together with written assurances from the chief executive officers of the State, city, and county that they will seek such necessary funding from the appropriate legislative bodies.

(5) Other provisions necessary or appropriate to carry out the program.

4. Section 52.787 is added to read as follows:

**§ 52.787 Gasoline transfer vapor control.**

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the County of Marion, Indiana (including all cities, towns and municipal corporations therein).

(c) No person shall transfer or permit the transfer of gasoline from any deliv-

ery vessel into any stationary source container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a control system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary storage container location. The control system shall include one or more of the following:

(1) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container. If a "vapor-balance return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system or equivalent system connected to the stationary storage container.

(2) Refrigeration-condensation system or adsorption system connected to the stationary storage container.

(3) An equivalent system, approved by the Administrator or his designee, designed to recover or eliminate no less than 90 percent by weight of the organic compounds in the displaced vapor.

(d) No person shall own or operate a delivery vessel containing gasoline unless the delivery vessel is so designed and maintained as to be vapor-tight at all times. This paragraph (d) shall not apply to delivery vessels in transit through Marion County which neither are filled nor deliver gasoline therein, nor shall this paragraph (d) be construed to prohibit safety-valves on other devices required by governmental safety regulations. Delivery vessels which are filled in Marion County but do not deliver in Marion County may be controlled only for filling.

(e) No person shall own or operate a facility for the filling of delivery vessels with gasoline unless the facility is equipped with a control system, which can recover or eliminate at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during filling.

(f) After March 1, 1976, no person shall intentionally release gasoline vapors from a delivery vessel, except to a control system that can recover or eliminate at least 90 percent by weight of organic compounds in the vapors released.

(g) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of farming equipment.

(2) Any stationary container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(4) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery

vessels in use on the promulgated date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(h) The operation of a source, otherwise, subject to paragraphs (c), (d), or (e) of this section, shall not be a violation of paragraphs (c), (d), or (e), respectively, if the following acts shall be completed with respect to such source before the following dates:

(1) October 1, 1974.—The owner of the source or his designee shall submit to the Administrator, a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the applicable provisions of paragraphs (c), (d), and (e) of this section.

(2) February 1, 1975.—Negotiate and sign all necessary contracts for control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) April 1, 1975.—Initiate on-site construction or installation of control system equipment.

(4) February 1, 1976.—Complete on-site construction or installation of control system equipment.

(5) March 1, 1976.—Achieve final compliance with the applicable provisions of paragraph (c), (d), and (e) of this section.

(6) Any owner of a source subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) As an alternative to compliance with the schedule under paragraph (h) of this section:

(1) The owner of a source which is in compliance with the provisions of paragraphs (c), (d), or (e) of this section, shall certify such compliance to the Administrator by October 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator may operate in conformity with such compliance schedule.

(3) The owner of a source may submit to the Administrator, by October 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. Until promulgated by the Administrator, such source shall conform with applicable portions of paragraphs (c), (d), (e), or (h) of this section. Upon promulgation of the compliance schedule by the Administrator, no person shall own or operate the source except in conformity with the promulgated schedule.

(j) 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 (h) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(k) Any new container, facility, or vessel subject to this regulation that is placed in operation after October 1, 1974, shall within 30 days of commencing operation submit a compliance schedule in conformity with paragraph (i) of this section and shall otherwise comply with this section. Any facility subject to this regulation that is placed in operation after March 1, 1976, shall comply with the applicable requirements of this section immediately upon commencing operation.

Additional technical and economic information related to this preamble is contained in the "Technical Support Document for the Indianapolis Marion County Transportation Control Plan." This document, along with the State Transportation Plan proposal submitted October 19, 1973 is available for inspection at the Environmental Protection Agency, Region V, One North Wacker Drive, Chicago, Illinois 60606.

Dated: March 29, 1974.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 74-7885 Filed 4-4-74; 8:45 am]

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

##### New Hampshire: Approval of Plan Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved a plan implementing National Ambient Air Quality Standards for the State of New Hampshire. This publication contains the Administrator's approval of a revision to that plan.

On October 15, 1973, in a letter to the Governors of fourteen States, the Administrator advised that the responsible State agencies proceed quickly to devise and initiate plans to prevent, to the greatest degree possible, any detrimental air pollution effects that might result from a probable low sulfur fuel shortage during the coming winter months. The Administrator emphasized the need for States to undertake feasible energy conservation measures either prior to or concurrent with any variance requests in order to minimize the need for variances. Among the other measures recommended was the formulation, according to the anticipated degree of shortage, of a comprehensive variance plan for sulfur content in fuel regulations. Priorities for granting variances would be established which would encourage the distribution (or allocation) of available low sulfur fuel to areas where it would be most needed for the protection of public health. The Administrator described the procedures governing Governors' submissions of such variances to the Environmental Protection Agency for approval as implementation plan revisions. Criteria for approval would be as follows:

1. Compliance with EPA procedural requirements.
2. A demonstration (a) that fuel with a sulfur content low enough to enable

compliance with the applicable regulation is in fact unavailable to the source, (b) that the variance requires the use of the lowest sulfur content fuel that is available, and (c) that the time period involved reflects the reasonably predicted period of shortage.

3. A demonstration that low sulfur fuel that might have been available to the source involved (a) is no longer available, or (b) has been allocated or distributed to other sources deserving higher priority either because of air quality considerations, or because of a Federally imposed allocation plan.

On December 14, 1973, the New Hampshire Air Pollution Control Commission submitted for the Administrator's approval a revision to Regulation 5 of the approved State implementation plan for the State of New Hampshire.

After a careful evaluation of the State's submittal, the Administrator has determined that the procedure is in accordance with the criteria stated above, and is therefore in accordance with the procedural and substantive requirements of 40 CFR Part 51. Information submitted by the State, corroborated by the Agency's own information, indicates that fuel allocation and redistribution measures cannot obviate the need for the revision requested, either in the degree or in the time allowed. The Administrator is not at this time specifically approving or disapproving the State's criteria for review. Information submitted by the State will be reviewed by EPA for each supplier to evaluate whether individual variances should be approved. Accordingly, the revision to the New Hampshire implementation plan which sets forth procedures for granting variances to any source to burn up to 2.5 percent sulfur fuel with the stated exceptions is approved for 120 days beginning December 12, 1973, subject to the conditions specified below:

A. Each supplier must submit a written statement to the New Hampshire Air Pollution Control Commission and the Environmental Protection Agency Region I certifying that the following conditions exist. The required submittal must list each condition as given below and each condition must be followed by an exact statement certifying that such condition is a true statement of the supplier's inability to redistribute, supply, and/or obtain conforming fuel.

1. Sufficient conforming fuel is not available for delivery to the source(s) for which a variance is sought.
2. No opportunities to obtain conforming fuel which could be delivered prior to April 15, 1974, have been refused.
3. There are no existing agreements or contracts to obtain conforming fuel from any source and/or other supplier which are not being fully utilized to procure as much conforming fuel as possible.
4. Efforts are now being made and will continue to be made to procure conforming fuel oil.
5. Upon the procurement of conforming fuel such fuel will be introduced into the supply system as expeditiously as practicable in accordance with the New Hampshire Contingency Plan, including EPA conditions for approval.

6. If requested by EPA or the State, the supplier shall verify that all of the subject conditions are met by the presentation of official company documents relative to the subject conditions.

B. The State, upon such a satisfactory showing by the supplier shall:

1. Make all reasonable efforts to insure that any source utilizing such variance to its supplier shall implement a comprehensive conservation of energy program.

2. Require each supplier utilizing the variance to report to the State on the first day of each month on the quantity, source of supply and sulfur content of all residual fuel oil delivered to each customer during the preceding month.

C. In the event that any supplier utilizing the variance obtains a supply of low sulfur oil adequate to serve its customers prior to the expiration of the variance, such variance shall terminate on such prior date.

The State's submittal is available for public inspection during normal business hours at the following addresses: Air Pollution Control Commission, State Laboratory Building, Concord, New Hampshire 03301, and EPA Region I Office of Public Affairs, Room 2203 John F. Kennedy Federal Building, Boston, Massachusetts 02203. In addition, EPA's evaluation of the State's submittal is available during normal business hours at the EPA address listed above.

The Agency finds that good cause exists for not publishing this action as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons:

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions which are applicable to it so that it may make arrangements to obtain the appropriate fuel.
2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comment, and further participation would be impracticable.

Dated: March 29, 1974.

JOHN QUARLES,  
Acting Administrator,  
Environmental Protection Agency.

[FR Doc. 74-7887 Filed 4-4-74; 8:45 am]

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

##### Review of Indirect Sources in Rhode Island; Correction

In the promulgation of the regulation on indirect sources, appearing at page 7269 in the issue of Monday, February 25, 1974, the State of Rhode Island's legal authority for the review of indirect sources was incorrectly disapproved. To correct this error, paragraph (c) in § 52.2074 (Legal authority) of Subpart 00 is revoked.

Dated: March 29, 1974.

JOHN QUARLES,  
Acting Administrator.

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