

the duplication of names for navoids at this location.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is a minor matter in which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be made on appropriate aeronautical charts, this amendment will be made effective July 18, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t. July 18, 1974, as hereinafter set forth.

1. § 71.105 (39 FR 305, 38 FR 34728) is amended as follows:

a. In A-2 "Big Delta, Alaska, RR; INT northwest course Big Delta RR;" is deleted and "Delta Junction, Alaska, RBN;" is substituted therefor.

b. In A-15 "Big Delta, Alaska," is deleted and "Delta Junction, Alaska, RBN;" is substituted therefor.

2. § 71.107 (39 FR 306, 10116, 15259) is amended as follows:

In R-103 "Middleton Island, Alaska, RBN," is deleted and "Wessels, Alaska, RBN," is substituted therefor.

3. § 71.109 (39 FR 306, 3670) is amended as follows:

In B-25 "Middleton Island, Alaska, RBN 296° bearing;" is deleted and "Wessels, Alaska, RBN 296° bearing;" is substituted therefor, also "Big Delta, Alaska, RR;" is deleted and "Delta Junction, Alaska, RBN," is substituted therefor.

4. § 71.163 (39 FR 346) is amended as follows:

In Control 1310 "Middleton Island RBN to the Sandspit," is deleted and "Wessels, Alaska, RBN to the Sandspit," is substituted therefor, and "from the Middleton Island RBN and northwest from the Sandspit RBN," is deleted and "from the Wessels, Alaska, RBN and northwest from the Sandspit RBN," is substituted therefor, also "midway between Middleton Island and Sandspit," is deleted and "midway between Wessels and Sandspit," is substituted therefor.

5. § 71.181 (39 FR 440) is amended as follows:

In Middleton Island, Alaska "the Middleton Island RBN 011° bearing," is deleted and "the Wessels, Alaska, RBN 011° bearing," is substituted therefor.

6. § 71.211 (39 FR 632) is amended as follows:

a. "Big Delta, Alaska, RR" is deleted and "Delta Junction, Alaska, RBN" is added.

b. "Middleton Island, Alaska, RBN" is deleted and "Wessels, Alaska, RBN" is added.

c. In Porpoise INT: "INT 122° bearing Middleton Island," is deleted and "INT 122° bearing Wessels," is substituted therefor.

d. In Shrimp INT: "INT 122° bearing Middleton Island, Alaska (MDO), RBN," is deleted and "INT 122° bearing Wessels, Alaska, RBN," is substituted therefor.

7. § 71.213 (39 FR 634) is amended as follows:

In Porpoise INT: "INT 122° bearing Middleton Island, Alaska, RBN," is deleted and "INT 122° bearing Wessels, Alaska, RBN," is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 16, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 74-12678 Filed 6-3-74; 8:45 am]

[Airspace Docket No. 74-EA-21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Route

On April 8, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 12769) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-864R east of Front Royal, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 15, 1974, as hereinafter set forth.

§ 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

In J-864R "Herndon, Va., 39°01'10" N. 77°27'42" W." is deleted, and "Armel, Va., 38°56'04" N. 77°28'01" W." is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 29, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 74-12677 Filed 6-3-74; 8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 15307 of the FEDERAL REGISTER of May 2, 1974, there was published a notice of proposed rulemaking to revise the minimum wage rates at 20 CFR 602.10b (a) (1), which are applicable to the importation of aliens for certain temporary agricultural work. Interested persons were given 15 days in which to file written statements of data, views, or arguments regarding the proposed amendment. No comments were received. After consideration of all relevant matters,

the amendment as so proposed is hereby adopted with one change and is set forth below.

The change is required because of a typographical error in the proposed minimum wage rate for the State of New York. For this reason the wage rate for New York is reserved in this amendment. A proposed amendment setting forth the correct wage rate for New York, \$2.26 per hour, is being published today.

The amendments herein reflect findings regarding changes in wage rates of U.S. workers in agricultural occupations to be used pursuant to the Secretary's responsibility in the immigration process. Full opportunity was provided for participation in the rulemaking process. Any additional advance notice of these changes would be contrary to the public interest. Accordingly, this amendment becomes effective on June 4, 1974.

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	Rate
Connecticut	\$2.28
Maine	2.24
Massachusetts	2.25
New Hampshire	2.43
New York [Reserved]	
Rhode Island	2.21
Vermont	2.37
Virginia	2.27
West Virginia	2.25

(8 U.S.C. 1184, 8 CFR 214.2(h), 34 FR 6502)

Signed at Washington, D.C., this 30th day of May 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc. 74-12740 Filed 6-3-74; 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 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Spiced, Flavored Standardized Natural Cheese; Identity; Label Statement of Optional Ingredients

A proposal to establish a standard of identity for spiced, flavored standardized natural cheeses in 21 CFR Part 19 was published in the FEDERAL REGISTER of February 13, 1973 (38 FR 4347), based on a petition submitted by the National Cheese Institute, Inc., 110 North Franklin St., Chicago, IL 60606. The petition proposed to establish a standard of identity for natural cheeses which contain added spice, or flavoring, or both, but in other respects conform to existing natural cheese standards of identity.

Eleven consumers and one member of industry submitted comments in response to the proposal. The comments and the responses of the Commissioner of Food and Drugs are as follows:

1. Eight of the consumers were in favor of the proposal based on provisions in the proposal that required labeling which to them would distinguish a spiced and/or flavored cheese from the natural cheese variety and would at the same time allow for new and distinctive variations of historical foods.

2. Three consumers were not in favor of the proposed standard based on the issue that they would not want spices or flavors added to natural cheeses.

The Commissioner points out that natural cheeses without added spices and flavors will still be available. The labeling provisions of this standard require that cheese which has added spices or flavors be clearly identified by name so that consumers will have the choice of purchasing cheese with or without added spices and flavors.

3. The single industry comment suggested deletion of the words "by weight" from the phrase "in order of predominance by weight" in § 19.112 (b) (1) (i), and in addition suggested deletion of the portion of (b) which requires the name of the characterizing flavor or spice to be in the same size, style, and color of type as the rest of the name of the food.

The Commissioner has concluded that the labeling provisions of this standard should be consistent with the applicable requirements of 21 CFR Part 1. Therefore, the label provisions for the foods covered by this standard have been cross-referenced to § 1.12 Food labeling; spices, flavorings, colorings, and chemical preservatives. The Commissioner wishes to point out that when spices are represented as being the primary recognizable flavor in the food, this constitutes a declaration of flavor and the provisions of § 1.12(d) apply.

4. The industry comment questioned why the proposed standard did not provide for the addition of foods such as tissues derived from fruit, vegetable, meat, fish, or poultry during the manufacture of the cheese.

The Commissioner has concluded that such a change is beyond the scope of the notice that was published. A separate petition, furnishing reasonable grounds, should be submitted and subjected to an adequate comment period before such a change is made.

Paragraph (b) which appeared in the proposal has been revised to reference the provisions of 21 CFR 1.12 (38 FR 27622) which deal with the manner in which the use of spices and flavorings are to be declared on the label of foods.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to establish the standard of identity for spiced, flavored standardized natural cheeses as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered,

That Part 19 be amended by adding thereto a new section as follows:

§ 19.792 Spiced, flavored standardized cheeses; identity; label statement of optional ingredients.

(a) Except as otherwise provided for herein and in applicable sections in this part, a spiced or flavored standardized cheese conforms to the applicable definitions, standard of identity and requirements for label statement of optional ingredients prescribed for that specific natural cheese variety promulgated pursuant to section 401 of the act. In addition a spiced and/or flavored standardized cheese shall contain one or more safe and suitable spices and/or flavorings, in such proportions as are reasonably required to accomplish their intended effect: *Provided*, That no combination of ingredients shall be used to simulate the flavor of cheese of any age or variety.

(b) The name of a spiced or flavored standardized cheese shall include in addition to the varietal name of the natural cheese, a declaration of any flavor and/or spice that characterizes the food, in the manner prescribed in § 1.12 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before July 5, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 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 Aug. 5, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the **FEDERAL REGISTER**.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: May 28, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-12719 Filed 6-3-74; 8:45 am]

**SUBCHAPTER F—BIOLOGICS
PART 680—ADDITIONAL STANDARDS
FOR MISCELLANEOUS PRODUCTS
Sterility Test Media**

An order was published in the **FEDERAL REGISTER** of September 22, 1971 (36 FR

18795), which required in part that Soybean-Casein Digest Medium be used in place of Fluid Sabouraud's Media for testing the sterility of biological products as specified in § 610.12(a)(2) (21 CFR 610.12(a)(2)), formerly 42 CFR 73.730 (a)(2), recodified in the **FEDERAL REGISTER** of November 20, 1973 (38 FR 32057). However, it has come to the attention of the Commissioner of Food and Drugs that due to an oversight, a corresponding reference to this substitution was not reflected in the additional standards for allergenic products under § 680.3(c)(2) and (3), which continue to erroneously reference Fluid Sabouraud Medium, rather than Soybean-Casein Digest Medium.

Accordingly, in order to correct this inadvertent discrepancy, 21 CFR 680.3(c) is being amended as set forth below to change references from Fluid Sabouraud Medium to Soybean-Casein Digest Medium.

Therefore, pursuant to the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 680 is amended by revising § 680.3(c)(2) and (3) to read as follows:

§ 680.3 Tests.

(c) * * *

(2) For lots consisting of no more than 5 final containers, the final container test shall be performed in accordance with § 610.12(g)(7) of this chapter using the sample therein prescribed or using a sample of no less than 0.25 ml. of product from each final container, divided in approximately equal proportions for testing in Fluid Thioglycollate and Soybean-Casein Digest Media. The test sample in the latter alternative method may be an overflow in the final container.

(3) For products prepared in sets of individual dilution series, a test sample of 0.25 ml. shall be taken from a final container of each dilution, which samples may be pooled and one half of the pooled material used for the test with Fluid Thioglycollate Medium and one half used for the test with Soybean-Casein Digest Medium.

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner finds that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this order since it is of a minor nature and does not alter, but rather maintains consistent requirements for sterility testing.

Effective date. This order shall become effective June 4, 1974.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: May 28, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-12720 Filed 6-3-74; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-271]

PART 1700—INTRODUCTION

Amendment and Delegation of Authority

The Secretary is amending 24 CFR, Part 1700 in order to notify the public of the reorganization of the Office of Interstate Land Sales Registration and of the establishment of a new Division of that Office. The new Division is named the Policy Development and Control Division, and is headed by a Director who is delegated and assigned certain authorities and responsibilities, as reflected by this amendment.

The section dealing with separability of provisions is renumbered and placed under Part 1700, Subpart A, where it is felt to be more appropriately ordered.

This amendment relates to agency management; therefore, notice of proposed rule making and postponement of the effective date are unnecessary.

Accordingly, Chapter IX of Title 24 CFR, Part 1700 is amended to read as follows:

PART 1700—INTRODUCTION

Subpart A—Authority and Organization

- Sec.
- 1700.1 Scope of authority and purpose.
 - 1700.5 Authority of Secretary.
 - 1700.10 Delegation of authority.
 - 1700.15 Establishment of office.
 - 1700.20 Administrator.
 - 1700.25 Principal divisions.
 - 1700.30 Public information.
 - 1700.35 Separability of provisions.

Subpart B—Delegations of Basic Authority and Functions

- 1700.80 Director of Examination Division, Office of Interstate Land Sales Registration, and Deputy.
- 1700.85 Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and Deputy.
- 1700.90 Director of the Policy Development and Control Division, Office of Interstate Land Sales Registration.
- 1700.95 Acting Administrator.
- 1700.100 Assistant Deputy Administrator.

AUTHORITY: The provisions of this Part 1700 issued under sec. 1419, 82 Stat. 598 (15 USC 1718).

Subpart A—Authority and Organization

§ 1700.1 Scope of authority and purpose.

A land developer is required by the Interstate Land Sales Full Disclosure Act, Title XIV of Public Law 90-448, 82 Stat. 590, 15 USC 1701, enacted on August 1, 1968 (hereafter sometimes referred to as the Act) to make full disclosure in the sale or lease of certain undeveloped, subdivided land. The Act makes it unlawful (except with respect to certain exempted transactions) for any developer to sell or lease, by use of the mail or by any means in interstate commerce, any such land offered as part of a common promotional plan unless the land is registered with the Secretary

of Housing and Urban Development and a printed property report is furnished to the purchaser or lessee in advance of the signing of an agreement for sale or lease.

§ 1700.5 Authority of Secretary.

Section 1416(a) of the Act vests authority and responsibility for its administration in the Secretary of Housing and Urban Development (hereafter in this part referred to as the Secretary), and authorizes the Secretary to delegate any of his functions, duties and powers thereunder to employees of the Department of Housing and Urban Development.

§ 1700.10 Delegation of authority.

(a) The Secretary has delegated to the Interstate Land Sales Administrator and the Deputy Administrator all of the authority to exercise the power and authority vested in him under the Act except the authority to:

(1) Conduct hearings in accordance with 5 USC 556 and 557.

(2) Issue orders or determinations after such hearings.

(3) Issue rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act 15 USC 1701-1720, Title XIV of the Housing and Urban Development Act of 1968 prescribing rights of appeal from the decisions of hearing examiners.

(4) Transmit evidence of apparent violations of the Act to the Attorney General of the United States for the institution of any appropriate criminal proceedings under section 1415(a) of the Act.

(5) Sue and be sued.

(b) The Secretary has further authorized the Administrator to redelegate any of the delegated authority to employees of the Department.

§ 1700.15 Establishment of Office.

There is established, as an organizational unit of the Department of Housing and Urban Development, the Office of Interstate Land Sales Registration.

§ 1700.20 Administrator.

The Office of Interstate Land Sales Registration is headed by the Interstate Land Sales Administrator who shall be designated by the Secretary.

§ 1700.25 Principal divisions.

The following Divisions have been established within the Office of Interstate Land Sales Registration:

- (a) Examination Division.
- (b) Land Sales Enforcement Division.
- (c) Policy Development and Control Division.

§ 1700.30 Public information.

(a) *In general.* The identifiable records of the Office of Interstate Land Sales Registration are subject to the provisions of 5 USC 552, as implemented by Part 15—Public Information, Subtitle A, of this title.

(b) *Availability of information and records.* Information concerning land sales registrations and copies of statements of record may be obtained from the following address:

Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

In addition, statements of record may be reviewed at such address on any business day from 9 a.m. to 4:15 p.m.

(c) *Nonapplicability of exemptions authorized by 5 USC 552.* Section 1405(d) of the Act specifically provides that information contained in or filed with any statement of record shall be made available to the public. The exemptions from public disclosure authorized by 5 USC 552, as set forth in § 15.21 of this title, are not applicable to information contained in or filed with a statement of record.

(d) *Duplication fee—property report.* Notwithstanding the provisions of § 15.14, Schedule of Fees, of this title, copies of a Property Report on file with the Office of Interstate Land Sales Registration will be provided upon request for a fixed fee of \$2.50 per copy regardless of the number of pages duplicated. Payment may be made in cash or by check or money order payable to the Department of Housing and Urban Development. Personal checks are acceptable.

§ 1700.35 Separability of provisions.

If any clause, sentence, paragraph, or part of these regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined by its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Subpart B—Delegations of Basic Authority and Functions

§ 1700.80 Director of the Examination Division, Office of Interstate Land Sales Registration, and Deputy.

To the position of Director of the Examination Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director there are delegated and assigned the following authorities and responsibilities:

(a) To receive and examine all statements of record (other than those partial statements of record filed in connection with requests for Exemption Orders or Exemption Advisory Opinions) and property reports filed under the provisions of the Interstate Land Sales Full Disclosure Act and all amendments and corrections to such statements.

(b) To determine the adequacy of disclosure of statements of record and property reports and amendments thereto and to effect corrections, additions, and deletions in such statements and reports deemed necessary to achieve the purposes of the Interstate Land Sales Full Disclosure Act.

(c) To recommend to the Administrator that he find effective or declare not effective statements of record filed under the Interstate Land Sales Full Disclosure Act and to prepare evidence in connection with hearings and other administrative proceedings relative to statements of record declared not effective.

§ 1700.85 Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and Deputy.

To the position of Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director, there are delegated and assigned the following authorities and responsibilities:

(a) To receive, examine, and make determination with respect to complaints arising from the alleged failure of a developer subject to the Act to comply with the requirements of the Act and Regulations issued thereunder and to negotiate resolutions of such complaints and compliance by such developers.

(b) To recommend actions by the Administrator to achieve compliance by developers deemed subject to the Act who have not complied with any or all of the requirements of the Act and Regulations issued thereunder.

(c) To conduct, on his own initiative, or in response to information received, reviews to determine the existence of such noncompliance and secure compliance with the requirements of the Act and Regulations thereunder.

(d) To recommend suspension by the Administrator of statements of record on a determination of noncompliance with the requirements of the Act and Regulations thereunder.

(e) To recommend action to secure permanent or temporary injunctions or restraining orders to prevent acts or practices in violation of the provisions of the Act and Regulations thereunder and to require compliance therewith.

(f) To prepare evidence in connection with hearings or other administrative proceedings or injunctions or restraining orders in connection with suspensions of statements of record or other action in connection with noncompliance under the Act and Regulations thereunder.

§ 1700.90 Director of the Policy Development and Control Division, Office of Interstate Land Sales Registration.

To the position of Director of the Policy Development and Control Division there are delegated and assigned the following authorities and responsibilities:

(a) To receive, examine, and recommend approval or disapproval of developers' claims and requests for statutory and regulatory exemptions from the Act.

(b) To perform all functions incident to mail and correspondence control.

(c) To develop and recommend regulatory and legislative changes.

(d) To recommend office policy, to review examinations to determine consistency of application of office policy, and to develop training programs to implement office policy as needed.

(e) To maintain and coordinate the efforts of the Office of Interstate Land Sales Registration with the efforts of those State agencies having responsibility for land sales functions.

§ 1700.95 Acting Administrator.

The Deputy Administrator and the Assistant Deputy Administrator in the

order named, are designated by the Administrator to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Administrator" with the powers, duties, and rights delegated by the Secretary's Delegation of Authority published in the FEDERAL REGISTER on March 9, 1972, 37 FR 5071.

§ 1700.100 Assistant Deputy Administrator.

The Assistant Deputy Administrator is designated by the Administrator to perform routine matters concurrently with the Deputy Administrator.

Effective date. These amendments are effective on June 4, 1974.

(Section 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670 (42 USC 3535(d)), 1419, 82 Stat. 598 (15 USC 1718), Secretary's delegation of authority published at 37 FR 5071.)

GEORGE K. BERNSTEIN,
Interstate Land
Sales Administrator.

[FR Doc. 74-12759 Filed 6-3-74; 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

Revisions to the New Jersey Transportation Control Plan

On December 7, 1973 (38 FR 33775), EPA published in the FEDERAL REGISTER proposed revisions to the New Jersey Transportation Control Plan concerning the employer's provisions for mass transit priority incentives. Public hearings were held on the proposed revisions in Camden, Trenton, and Newark, New Jersey on January 10, 11, and 12, 1974. At the public hearings, representatives of various industries, civil organizations, industrial associations, and private citizens presented testimony on the New Jersey Transportation Control Plan.

Representatives from two industrial concerns expressed their support of the intent of the regulation but were concerned that the proposed revision discriminated against larger employers because it applied only to employers who provide 700 or more parking spaces for their employees. One representative also stated that there were estimated to be only 4 or 5 employers in the New Jersey portion of the Metropolitan Philadelphia Region who maintained 700 employee parking spaces and that to be effective this program must be applicable to more than 4 employers. It was suggested that the criteria be based on the number of employees at a facility rather than on the number of parking spaces provided. It was further suggested that an employer whose incentive/disincentive program is disapproved be allowed an inexpensive and rapid review. One specific recommendation was that the proposed regulation should apply to employers with 200 or more employees. On the basis of the testimony presented, the Administrator has modified the size criterion to include all employers who provide 400

or more parking spaces. Recognizing that the total number of persons employed is often unrelated to the number of persons who commute by private automobile, EPA has rejected the use of the criterion based on the number of employees.

Spokesmen for two motoring organizations continued to oppose the proposed regulation on the grounds that they believed that carpooling and other mass transit programs should be "voluntary" for employers and that EPA should instead work to develop mass transit alternatives. They also urged that additional park-and-ride facilities and exclusive bus lanes should be established along major commuter routes.

In order to assure that needed reductions in pollutant emission levels take place, the Administrator feels an employer incentive program of a mandatory nature is definitely necessary. Furthermore, it has been and is EPA's policy to encourage mass transportation expansion and improvements. A list of short-term control strategies for reducing VMT was prepared by the New Jersey State Department of Transportation in September 1973 for inclusion in the transportation control plan that the State of New Jersey is developing. Since the list included possible additional park-and-ride facilities to be established, the Administrator felt that a regulation requiring the establishment of such facilities would not be necessary. The Administrator has further concluded that the bus lanes which are required by § 52.1598 of the New Jersey Transportation Control Plan as promulgated on November 13, 1973 are sufficient to meet the plan objectives.

The remaining testimony was addressed to other sections of the New Jersey Transportation Control Plan. EPA will consider these statements in its continuing plan evaluation process.

During the 30-day public comment period following the hearings, EPA received additional comments on the proposed revisions and on the other aspects of the New Jersey Transportation Control Plan. Five industrial corporations commented on the proposed revision. Three of these corporations have opposed the measure on the basis that it would "discriminate" against certain employees or groups of employees and would strain employee-employer relationships.

The Administrator has determined that this measure would not place a strain on employee-employer relationships. This determination is based upon review of programs that have been submitted to EPA by employers to comply with similar regulations in Texas and California. These programs consist primarily of providing benefits rather than detriments to employees and do not appear to "discriminate" against any employee or group of employees.

A fourth company generally supported the objectives of the proposed measure but expressed some concern with the proposed definition of "employer" and with the use of surcharges in a program. EPA has revised its definition of employer. It is no longer based upon the number of employees but on the number of employee parking spaces provided at