AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

TUESDAY, MARCH 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 49

Pages 9529–9639

PART I

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Assistant to the Secretary and Director, Office of Revenue Sharing is excepted under Schedule C.

Effective March 12, 1974, § 213.3305(a) (52) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(52) Assistant to the Secretary and Director, Office of Revenue Sharing.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-5630 Filed 3-11-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Paper and Allied Products and Waste Paper

The purpose of this amendment is to exempt prices charged for paper and allied products as described in the Standard Industrial Classification Manual, 1972 edition, under Major Group 26 by the manufacturers of such products; to exempt prices charged for waste paper as described in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 5093; and to add a parallel exemption in the pay regulations.

There are two primary reasons for exempting paper and allied products from the Phase IV price regulations. First, prices charged in foreign markets for waste paper, newsprint, pulp and certain other paper products are much higher than prices charged for those items in the United States. Consequently domestic firms are beginning to export a greater amount of the paper products they manufacture. This fact, coupled with intense demand for paper products, has created domestic shortages. If price controls were continued, the amount of paper products exported would be expected to continue to increase and present shortages could worsen given the demand outlook. Conversely, because foreign prices for pulp are much higher than domestic prices, and because foreign demand is strong, imports of pulp have declined. Therefore, non-integrated domestic firms find that they are unable to increase their production of paper products through importation of raw materials. The exemption of the sale of paper products should increase supplies by removing the incentive to export and by encouraging expansion of productive capacity.

Second, many domestic producers of paper products are integrated firms, in the sense that they control their own supply of pulp for paper production. Non-integrated firms usually obtain pulp from either integrated firms or from foreign suppliers. Because integrated firms are now using a larger part of their pulp in their own operations due to current strong paper demand, non-integrated firms must depend largely on expensive imported pulp. Therefore, because the prices they charge must reflect the cost of imported pulp, non-integrated firms are not able to compete effectively with integrated firms. This market distortion, taken together with fundamental pulp shortages, is causing many non-integrated firms to curtail operations and in some instances to go out of business. This result further exacerbates the supply problem.

An alternative source of raw material, waste paper, is also in short supply due to rapidly expanding exports. In view of the interrelationship between the supply of waste paper and the production of paper products, the Council believes that it is appropriate to extend the present exemption to cover waste paper.

While the Council's actions are designed to help alleviate the increasing shortage of paper products, the Council is also concerned with pricing behavior in this industry subsequent to decontrol. In response to inquiries made by the Council, leading firms in the paper industry have individually indicated they will commit themselves in the form stated below to limit price increases on most of the major products in the industry in consideration for decontrol by the Council at this time.

This exemption does not apply to firms which derive a total of more than $150 million in annual sales or revenues from the sale of products listed under Major Group 26 unless such firms have submitted a commitment for price restraint which is satisfactory to the Council. Firms falling in this category must submit their commitments before March 15, 1974, in the following form:

VOLUNTARY COMMITMENT STATEMENT FROM LARGE PRODUCERS IN THE PAPER AND PAPER PRODUCTS INDUSTRY

To qualify for exemption, the following statement of voluntary commitment is to be submitted to the Cost of Living Council by firms with more than $150 million of annual sales or revenues derived from the sale of products falling within SIC 26, Paper and Allied Products. Firms that do not wish to make this commitment must continue to abide by Phase IV price regulations. Statements must be signed by the chief executive officer or his designee and must be received in *acceptable* form before March 15, 1974. Statements and/or inquiries regarding exceptional circumstances should be addressed to: Associate Director for Economic Policy, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508. It should be noted that exceptions to this exact commitment statement will be considered only in very rare instances.

The ---------- Company
(name)
hereby makes the following voluntary commitments:

1. *Market Pulp*

a. Total exports by the firm of U.S. produced pulp in 1974 will not exceed the total tonnage exported in 1973. (In rare instances, the commitment may be to export no more pulp in 1974 than required by present contractual commitments as of the date of exemption.)

b. Through July 1, 1974, the price charged for bleached softwood sulfate paper pulp will not exceed $265 per ton. Moreover, the normal price relationships* between this pulp and related pulps in this product group will be maintained during that period.

2. *Newsprint*

Through August 1, 1974, the price charged for 32# standard white newsprint will not exceed $200 per ton. Moreover, normal price relationships will be maintained in this product group.

3. *Containerboard*

Through July 1, 1974, the price charged for 42# liner board will not exceed $165 per ton. Normal price relationships will be maintained in the product group.

4. *Bleach Board*

Through July 1, 1974, the price charged for 16 point clay coated folding carton board will not exceed $270 per ton. Normal price relationships will be maintained in this product group. However, tab card stock, while included in this group, is not covered by this commitment.

*Normal price relationships for purposes of all these commitments are defined as either: (1) the existing price relationship among products in each group at the date of exemption; or, (2) the relationship which prevailed during the fourth quarter of 1972, the base period for most companies. In all cases except milk cartons, the relationships are defined in dollar terms, not percentages. In the case of milk cartons only, the relationships are defined in percentage terms.

---------- ----------
(Signed) (Date)

5. *Kraft Paper*

Through August 1, 1974, the price charged for grocery bag paper (57# jumbo rolls) will not exceed $185 per ton. Normal price relationships will be maintained among all kraft, industrial, bag, sack, and wrapping papers.

6. *Groundwood Paper (Excluding Newsprint)*

Through July 1, 1974, the price charged for 36# letterpress (coated 2 sides) publication grade groundwood paper will not exceed $340 per ton. Normal price relationships will be maintained in this product group.

7. *Consumer Tissues*

Through August 1, 1974, the prices charged for all consumer tissues and all converted consumer tissue products and consumer and service products of a generic consumer tissue nature, will be held to a maximum increase of 7 percent from March 7 authorized levels, on a weighted average basis.

8. *Other Papers*

Through July 1, 1974, the prices charged for fine printing and writing grade, business and communication papers and all other papers not specifically addressed elsewhere in this commitment, will be held to a maximum increase of 10 percent from March 7 authorized levels, on a weighted average basis.

9. *Milk Cartons*

Through August 1, 1974, the list price for standard half gallon milk cartons (2 color) will not exceed $30 per thousand (based on the highest quantity price bracket). In addition, normal relationships will be maintained, on a percentage basis, with respect to lower quantities and other sizes.

10. *Other Converted Products*

Through August 1, 1974, the prices charged for all other converted paper products will be held to a maximum increase of 8 percent from March 7 authorized levels, on a weighted average basis.

The Council will not accept commitments in a form other than that provided above, except in very rare instances.

In developing the list of items the sales of which are exempt under these amendments, the Council relied on the SIC Manual Code system. Only the sale by the manufacturer of the specific items listed in Major Group 26 and the sale by any firm of waste paper as described in Industry Number 5093 are exempt. Other items which may be generically similar but are not listed do not come within the scope of this amendment.

Under § 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales and revenues from the sale or lease of nonexempt items and 90% or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the waste paper industry (§ 152.40v) or an establishment in the paper manufacturing industry (§ 152.40w).

The Council has established a tripartite paper industry task force. The task force, which is composed of members representing management, labor, and government, will analyze the problems of small, non-integrated paper producers and will explore long-run solutions to the problem of unemployment in the industry.

"Establishment in the waste paper industry" is defined at § 152.40v(b) as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 5093 (Scrap and Waste Materials) and primarily engaged in the wholesaling of waste paper, or an establishment primarily engaged in the retailing of waste paper. "Establishment in the paper manufacturing industry" is defined at § 152.40w(b) as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 26 (Paper and Allied Products) and primarily engaged in the manufacture of products classified under such Major Group. Establishments primarily engaged in recycling waste paper into fiber pulp are covered by the exemption provided in § 152.40w. The exemptions are inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemptions are also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the particular industry exempted and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the particular industry exempted and are not related to the pay adjustments of other employees that are within the particular industry exempted. The exemptions are further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the particular industry exempted or in support thereof. The paper manufacturing industry exemption does not apply to pay adjustments with respect to an appropriate employee unit which is subject to (a) a Decision and Order of the Council for the period covered by such Decision and Order; or (b) a Notice of Challenge issued by the Council pursuant to § 152.53 on or before March 8, 1974. In cases of uncertainty of application, inquiries concerning the scope or coverage of these pay exemptions should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its preexemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of $2,500 for each stabilization violation.

A significant number of important collective bargaining agreements in the West Coast and Southern pulp and paper industries are scheduled to be negotiated after the effective date of this regulation. Other settlements negotiated in 1973 in these industries were reviewed thoroughly and in many instances challenged by the Council as being unreasonably inconsistent with the goals of the Economic Stabilization Program. In view of the history of increasingly larger settlements as negotiations proceed from company to company in the West Coast and Southern pulp and paper industries, the Council intends to review settlements reached in these industries after the date of this exemption. Therefore, § 152.40w(f) authorizes the Council to require the parties to a collective bargaining agreement entered into after March 8, 1974, to submit a report to the Council concurrently with the settlement. This report will include a Form PB–3 and the supplemental information specified in § 152.5(b).

The Council retains the authority to reestablish price and wage controls over the industry exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impractical and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 8, 1974.

Issued in Washington, D.C., on March 8, 1974.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended by adding a new paragraph (vv) to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(vv) *Paper and allied products and waste paper.* (1) Except as provided in subparagraph (2) of this paragraph, the prices charged for paper and allied products as described in the Standard Industrial Classification Manual, 1972 edition, under Major Group 26 by manufacturers of such products and for waste paper as described under Industry Number 5093 are exempt.

(2) In the case of a firm engaged in manufacturing which derives in total more than $150 million in annual sales or revenues from the sale of products listed in the SIC Manual, 1972 edition, under Major Group 26, the exemption in subparagraph (1) of this paragraph applies only if that firm submits before March 15, 1974, a commitment for price restraint which is satisfactory to the Council.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40v to read as follows:

§ 152.40v Waste paper industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the waste paper industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the waste paper industry.* For purposes of this section, "Establishment in the waste paper industry" means—

(1) an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 5093 (Scrap and Waste Materials) and primarily engaged in the wholesaling of waste paper; or

(2) an establishment primarily engaged in the retailing of waste paper.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an esablishment in the waste paper industry or in support of such operation only if such employee is employed at an establishment in the waste paper industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and respnosibilities are of a type not exclusively performed in or related to the waste paper industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the waste paper industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the waste paper industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the waste paper industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to *waste paper.* (1) Except as provided in *industry.* For purposes of this section,

3. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40w to read as follows:

§ 152.40w Paper manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the paper manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the paper industry.* For purposes of this section, "Establishment in the paper manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 26 (Paper and Allied Products) and primarily engaged in the manufacture of products classified under such Major Group.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the paper manufacturing industry or in support of such operation only if such employee is employed at an establishment in the paper manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) Pay adjustments with respect to an appropriate employee unit which is subject to—

(i) A Decision and Order of the Council for the period covered by such Decision and Order; or

(ii) A Notice of Challenge issued by the Council pursuant to § 152.53 on or before March 8, 1974;

although the Council may by order withdraw any of the limitations set forth in this subparagraph.

(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the paper manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the paper manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the paper manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25% or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the paper manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 8, 1974.

(f) *Authority to require reports.* Notwithstanding any other provision of this section, the Council may require the parties to a collective bargaining agreement in the West Coast and Southern pulp and paper industries entered into after March 8, 1974, to submit a report to the Council concurrently with the settlement of such agreement. The Council may direct that such report include a Form PB–3 and the supplemental information specified in § 152.5(b).

[FR Doc.74–5817 Filed 3–8–74;4:03 pm]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.6]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart E—Farm Labor Housing Grant Policies, Procedures, and Authorizations

PRIORITY CHANGES IN USE OF FUNDS

Section 1822.207 of Subpart E of Part 1822, Title 7, Code of Federal Regulations (35 FR 14437) is amended to add a new paragraph (a) to reflect a change in establishing a priority in the use of funds. The present paragraph (a) is redesignated to paragraph (a)(2).

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. The amendment, however, is being published without prior notice of proposed rulemaking because such notice would delay making available to the public assistance and benefits that are provided by the amendment, which would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers

Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before April 11, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

As amended, § 1822.207 (a) of Subpart E of Part 1822 reads as follows:

§ 1822.207 Limitations and conditions.

(a) *Priority in use of funds and maximum amount of grant*—(1) *Priority in use of funds.* Projects will be authorized for funding by the National and State Offices based on priority being given to:

(i) Public bodies such as housing authorities.

(ii) Housing that will have a rate of 75 percent annual occupancy or more.

(iii) Locations where a long range need exists for farm labor housing because of labor intensive agricultural crop production.

(iv) Wherever possible, consistent with the foregoing limitations and conditions, project occupancy will consist of at least 50 percent migratory farm labor.

(v) All project occupants must derive a substantial portion of their income from on farm agriculture.

(2) *Maximum amount of grant.* The amount of any grant may not exceed the lessor of:

(i) Ninety percent of the total cash development cost, or

(ii) That portion of the total cash development cost which exceeds the sum of any amount the applicant can provide from its own resources plus the amount of a loan which the applicant will probably be able to repay, with interest, from income from rentals within the financial reach of low-income families.

* * * * *

Effective date: This amendment shall be effective March 12, 1974.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Dated: March 6, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-5671 Filed 3-11-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Services Requiring Use of Helicopters or Fixed-Wing Aircraft and for Services Not Elsewhere Defined in the Size Regulations

On August 24, 1973, there was published in the FEDERAL REGISTER (38 FR 22802) a notice that the Small Business Administration proposed to establish a new definition of small business (average annual receipts of $1.5 million) for the purpose of bidding on Government procurements for services requiring the use of helicopter or fixed-wing aircraft. The current procurement size standard for services requiring the use of helicopter and fixed-wing aircraft is 500 employees or less. It also was proposed to make the $1 million average annual receipt size standard for "services" not elsewhere defined in the size regulation apply to services in a generic sense rather than being limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual.

Interested parties were given 30 days to comment on the proposal. Based on the comments received, we concluded that the $1 million "catchall" standard for services not elsewhere defined should be amended as proposed. However, we concluded that the $1.5 million average annual receipts size standard proposed for helicopter and fixed-wing aircraft services would not be adequate because many Government contracts require the use of sophisticated and expensive aircraft. The comments received indicated that a concern with only one or two of such aircraft probably would need to generate receipts of more than $1.5 million to obtain a reasonable return on investment. The same comments were received in regard to fixed-wing aircraft such as air tankers.

Accordingly, on January 3, 1974, there was published in the FEDERAL REGISTER (39 FR 831) an additional notice that we proposed to adopt a $3 million annual receipts size standard for the purpose of bidding on Government procurement for services requiring the use of helicopters or fixed-wing aircraft.

Interested parties were given 15 days to file comments on the additional proposal.

We have carefully considered all comments and have decided to amend the size regulation as proposed in the notice of January 3, 1974.

Therefore, Part 121 of Chapter I of Title 13 of Code of Federal Regulations is hereby amended by:

1. Revising the first paragraph of § 121.3-8(e) and adding a new (e)(15) to read as follows:

§ 121.3-8 Definition of Small Business for Government Procurement.

* * * * *

(e) *Services.* Any concern bidding on a contract for services (including but not limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual) not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $1 million.

* * * * *

(15) Helicopter and Fixed-Wing Aircraft Services. Any concern bidding on a contract for services requiring the use of one or more helicopters or fixed-wing aircraft is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $3 million.

* * * * *

2. Revising the first clause of § 121.3-10(d) to read as follows:

§ 121.3-10 Definition of Small Business for SBA loans.

* * * * *

(d) *Services.* Any concern primarily engaged in a service industry (including but not limited to service industries set forth in Division I, Services, of the Standard Industrial Classification Manual) is classified:

* * * * *

Effective Date. For financial assistance purposes, on March 12, 1974. For procurement purposes, on March 12, 1974, but shall apply only to solicitations issued on or after March 12, 1974.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.018)

Dated: March 1, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-5595 Filed 3-11-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Minden, La., transition area.

On January 15, 1974, an amended notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 1861) stating the Federal Aviation Administration proposed to alter the Minden, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Minden, La., transition area is amended to read:

MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.) and within 2.5 miles each side of Shreveport VORTAC 105° radial extending from the 5-mile radius area to 25 miles east of the VORTAC; within 3 miles each side of the 021° bearing from the NDB (latitude 32°38'28" N., longitude 93°18'06" W.) extending from the 5-mile radius area to 8 miles north of the NDB; within 3 miles each side of the 186° bearing from the NDB extending from the 5-mile radius area to 8 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas on March 1, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-5568 Filed 3-11-74;8:45 am]

[Airspace Docket No. 73-SW-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Camden, Ark., transition area.

On January 15, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 1862) stating the Federal Aviation Administration proposed to alter the Camden, Ark., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Camden, Ark., transition area is amended to read:

CAMDEN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.) and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.), extending from the 5-mile radius area to 8 miles north of the RBN and 2.5 miles each side of the E. Dorado, Ark., VORTAC (33°15'21.7" N., 92°44'37.6" W.) 356° radial extending from the 5-mile radius area to 20 miles north of the El Dorado VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas on March 1, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-5567 Filed 3-11-74;8:45 am]

[Airspace Docket No. 73-SW-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Albuquerque, N. Mex., transition area.

On January 16, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 2014) stating the Federal Aviation Administration proposed to alter the Albuquerque, N. Mex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Albuquerque, N. Mex., transition area is amended to read:

ALBUQUERQUE, N. MEX.

That airspace extending from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.) and within a 10.5-mile radius of Alameda Airport (latitude 35°11'30" N., longitude 106°40'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)))

Issued in Fort Worth, Tex., on March 1, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-5566 Filed 3-11-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES AND DELETION OF ALUMINUM SILICATE FROM PROVISIONAL LISTINGS

Requests have been received to postpone the closing dates for the currently provisionally listed color additives pending final action in their review. The existing closing date for all provisionally listed color additives is "December 31, 1973, or until a new closing date is established." Pursuant to provisions of Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Public Law 86-618, 74 Stat. 404; 21 U.S.C. 376, note) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The Commissioner finds that, except for aluminum silicate, postponement of the closing date for the currently provisionally listed color additives is consistent with the protection of the public health and with the objective of carrying to completion the scientific investigations, including multigeneration reproduction studies and stability testings, necessary for making a determination as to the listing of such color additives, or specified uses thereof, under section 706 of the Federal Food, Drug, and Cosmetic Act. This postponement is granted on condition that, where applicable, final reports on multigeneration reproduction studies shall be received on or before July 1, 1974, by the Food and Drug Administration, as required by FEDERAL REGISTER notices of September 11, 1971 (36 FR 18336) and June 12, 1973 (38 FR 15472).

The color additive regulations (21 CFR 8.501) require that, except for color additives for which petitions have been filed, semiannual progress reports of scientific studies must be submitted for the various provisionally listed color additives. Aluminum silicate (including hydrated aluminum silicate) has been provisionally listed but is not the subject of a filed petition nor has a progress report been submitted thereon. Accordingly, the provisional listing for this color additive is being terminated by this order.

Requests have also been received for the restoration of FD&C Violet No. 1 to provisional listing for use in externally applied drugs and cosmetics. FD&C Violet No. 1 was removed from provisional listing, when preliminary results from two studies with test animals conducted in Japan indicated that the additive was carcinogenic when ingested, by notice published in the FEDERAL REGISTER of April 10, 1973 (38 FR 9077) and April 26, 1973 (38 FR 10266). This subject matter will receive specific attention in a separate issue of the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2) and (d)(1), Title II, Public Law 86-618; 74 Stat. 404-405; 21 U.S.C. 376, note) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended in § 8.501 *Provisional lists of color additives* as follows:

1. The closing dates for the color additives listed in paragraphs (a), (b), (c), (e), (f), and (g) are changed to read "December 31, 1974, or until a new closing date is established."

2. In paragraph (g), "Aluminum silicate (including hydrated aluminum silicate)" is deleted from the list of color additives.

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of January 1, 1974.

(Sec. 203(a)(2) and (d)(1), Title II, Public Law 86-618; 74 Stat. 404-405; 21 U.S.C. 376, note.)

Dated: March 5, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-5621 Filed 3-11-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

SELENIUM IN ANIMAL FEED; RESPONSE TO OBJECTIONS AND CONFIRMATION OF EFFECTIVE DATE OF ORDER

In the FEDERAL REGISTER of January 8, 1974 (39 FR 1355), the Commissioner of Food and Drugs published a final order amending the food additive regulations to permit the use of selenium as a nutrient in the complete feed of swine and growing chickens up to 16 weeks of age at a level not to exceed 0.1 part per million and in the complete feed of turkeys at a level not to exceed 0.2 part per million.

The order provided that any person adversely affected could file objections to and a request for hearing on the amendment on or before February 7, 1974. No requests for hearing were filed. Two objections were filed and the Commissioner's conclusions with respect to them are as follows:

1. One research corporation requested a response to its comment on the proposed order that the regulation include a provision permitting the addition of 0.1 part per million of selenium to calf milk replacers.

The Commissioner has responded to this proposal in the final order published in the FEDERAL REGISTER of January 8, 1974 (39 FR 1355), wherein he concluded that such a use cannot be incorporated at this time into the regulation since it was not included in the food additive petition for the use of selenium approved for filing.

2. The second objection, filed by a salt manufacturer, opposed the regulation's limitation of the sources of selenium permitted for addition to animal feeds to sodium selenite or sodium selenate, on the ground that published data indicate that other selenium compounds may be considerably less toxic but equally efficacious. The objection proposed that the language "or other suitable compounds" be added to § 121.325(a) (21 CFR 121.325 (a)), alleging that the present wording eliminates the use of selenium derivatives that may prove far less toxic than sodium selenite or sodium selenate.

In support of this objection, the manufacturer submitted a "Statement of Patentable Invention," a list of references to the scientific literature, and a table in which the intraperitoneal LD_{50} (defined as that dose of selenium, expressed on a miligram per kilogram of body weight basis, which will result in mortality of 50 percent of the treated rats when administered by intraperitoneal injection) and the ED_{50} (defined as that dose of selenium, expressed as microgram per 100 grams of diet, which will result in the prevention of liver necrosis in 50 percent of the treated rats that have been reared on a basal diet deficient in selenium) were determined for a series of fifteen derivatives of selenium.

The Commissioner concludes that the proposed additional selenium derivatives cannot at this time be incorporated into the regulation since they were not included in the food additive petition approved for filing.

Furthermore, the Commissioner has reviewed these data and concludes that sufficient basis has not been established for amending the selenium regulation to provide for the use of any of the proposed additional selenium derivatives. Acute toxicity information developed by intraperitoneal administration of a compound, although useful for comparing toxicities, is of little value in assessing the potential long term toxic effects of an orally administered food additive. To make such an assessment, life time studies in several species of animals treated with graded doses of the test compound are required. Such data were provided in support of sodium selenite and sodium selenate in the proposal published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10458).

The Commissioner has further determined that acute toxicity information in rats does not shed any light on the potential toxicity of the various selenium derivatives to poultry and swine. Appropriate feeding tests conducted to market term would have to be performed for each species involved. These data were provided for sodium selenite and sodium selenate in the proposal published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10458). In addition, a major consideration supporting the regulation as published is that sodium selenite and sodium selenate when administered to food producing animals do not cause an elevation in the level of selenium in the edible tissues beyond that required to satisfy physiological needs. No such data are available for any of the proposed additional selenium derivatives. Moreover, ED_{50} data in rats do not support the utility of the proposed additional selenium derivatives in poultry or swine. This utility would have to be demonstrated in each species by appropriately designed experiments which demonstrate the minimum level of selenium producing the maximum response.

In the FEDERAL REGISTER of January 8, 1974 (39 FR 1371), the Commissioner also published a notice of availability of a final environmental impact statement on the selenium order. No objections to or requests for hearing on this statement were received within the 30-day period prescribed for such objections and requests by the Council on Environmental Quality guidelines published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550) and the Food and Drug Administration's environmental regulations, § 6.3(a)(5) (21 CFR 6.3(a)(5)).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), the regulation on the use of selenium in animal feeds as published in the FEDERAL REGISTER of January 8, 1974 (39 FR 1355) became effective as of February 7, 1974.

Persons proposing any amendment of the regulation may submit data and information in support of such amendment in a food additive petition pursuant to 21 CFR 121.51.

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

Dated: March 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74—5623 Filed 3-11-74;8:45 am]

Subchapter C—Drugs

DRUGS FOR VETERINARY USE

Technical Changes and Updating of Regulations

This promulgation provides for the deleting and updating of obsolete material which has been superseded, is inconsistent with current policy, is redundant, or refers to sections that have since been recodified.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 512, 701(a), 52 Stat. 1051, 1055, 82 Stat. 343; 21 U.S.C. 352(f), 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 131, 135, and 135a are amended as follows:

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

§ 131.20 [Amended]

1. Section 131.20 is amended by deleting:

a. "ANTHELMINTICS: NICOTINE." and the caution statement that follows.

b. "ANTIBIOTICS FOR EXTERNAL USE." and the warning and caution statements.

c. "ANTIBIOTICS (INTRAMAMMARY)." and the text that follows.

d. "ARSENICALS (ORGANIC, FOR POULTRY AND SWINE)." and the text that follows.

e. "NITHIAZIDE FOR POULTRY." and the text that follows.

f. "STREPTOMYCIN AND DIHYDROSTREPTOMYCIN (INTRAMUSCULAR) IN POULTRY." and the text that follows:

§ 131.21 [Amended]

2. Section 131.21 is amended as follows:

a. Under "ANIMAL FEED CONTAINING PENICILLIN, * * *.": "Diethylstilbestrol for sheep." and the text that follows are deleted; "3,5-Dinitrobenzamide for poultry." and the text that follows are deleted; "Nithiazide." and the text that follows are deleted.

b. "ANTIBIOTICS (INTRAMAMMARY)." and the text that follows are deleted.

c. "BACITRACIN - CONTAINING PREPARATIONS FOR VETERINARY USE ONLY." and the text that follows are deleted.

d. "CHLORAMPHENICOL-CONTAINING PREPARATIONS FOR VETERI-

NARY USE ONLY." and the text that follows are deleted.

e. Under "CHLORAMPHENICOL OTIC; CHLORAMPHENICOL TOPICAL.", the parenthetical reference to § 146d.308 is corrected to read "§ 135a.3".

f. "CHLORAMPHENICOL SOLUTION; CHLORAMPHENICOL FOR AQUEOUS INJECTION." and the text that follows are deleted.

g. "CHLORTETRACYCLINE GAUZE PACKING; CHLORTETRACYCLINE DRESSING." and the text that follows are deleted.

h. "PENICILLIN - CONTAINING PREPARATIONS FOR VETERINARY USE ONLY." and the text that follows are deleted.

i. "CAPSULES PENICILLIN-TETRACYCLINE PHOSPHATE COMPLEX-NOVOBIOCIN NYSTATIN VETERINARY." and the text that follows are deleted.

j. Under "EPINEPHRINE INJECTION 1:1000 in 10-MILLILITER CONTAINERS * * *.", the parenthetical reference to § 3.54 is corrected to read "§ 135.108".

k. Under "PENICILLIN-CONTAINING PREPARATIONS FOR INTRAMUSCULAR USE ONLY.", the parenthetical references "§§ 146a.25, 146a.50, 146a.85, 146a.90, 146a.91, and 146a.110" are deleted.

l. Under "PENCILLIN FOR SURFACE APPLICATION.", the parenthetical reference immediately following the heading is deleted.

m. Under "PROCAINE PENICILLIN AND STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) IN OIL; * * *", the words "and 146a.108" are deleted from the parenthetical references.

n. "STREPTOMYCIN-AND DIHYDROSTREPTOMYCIN - CONTAINING PREPARATIONS FOR VETERINARY USE ONLY." and the text that follows are deleted.

o. "STREPTOMYCIN-AND DIHYDROSTREPTOMYCIN - CONTAINING PREPARATIONS FOR ORAL VETERINARY USE ONLY." and the text that follows are deleted.

p. "STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) PENICILLIN-SULFONAMIDE WITH KAOLIN AND PECTIN." and the text that follows are deleted.

q. "STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND PARA-AMINO BENZOIC ACID POWDER FOR INHALATION THERAPY." and the text that follows are deleted.

PART 135—NEW ANIMAL DRUGS

3. Section 135.35(a) is amended by deleting "§ 144.24 through". As amended, paragraph (a) is revised to read as follows:

§ 135.35 Records and reports on new animal drugs and antibiotics for use in animals for which applications or certification Forms 5 and 6 became effective or were approved prior to June 20, 1963.

(a) Each applicant for whom a new animal drug application or supplement for a drug for use in animals became effective or was approved at any time prior to June 20, 1963, each person holding an approved Form 5 or 6 for an antibiotic drug for use in animals at any time prior to June 20, 1963, and each person who has been manufacturing and/or marketing a product deemed approved under § 144.26 of this chapter, shall submit in duplicate the following information for each dosage form within 90 days from the effective date of this section:

* * * * *

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

4. Section 135a.7 is amended by revising paragraph (e) to read as follows:

§ 135a.7 Fenthion.

* * * * *

(e) *Related tolerances.* See 40 CFR 180.214.

* * * * *

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(a), the Commissioner finds that notice, public procedure and delayed effective date are unnecessary for the promulgation of this order since it does not impose a duty or burden on any person but rather provides for technical changes and updating of these regulations to make them consistent with regulatory action previously taken.

Effective date. This order shall be effective March 12, 1974.

(Secs. 502(f), 512, 701(a), 52 Stat. 1051, 1055, 82 Stat. 343; 21 U.S.C. 352(f), 360b, 371(a).)

Dated: March 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-5622 Filed 3-11-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. R-74-254]

PART 2200—FEDERAL DISASTER ASSISTANCE

PART 2201—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

Correction

In FR Doc. 74-4227, appearing as page 6697 in the issue for Friday, February 22, 1974, the effective date in the penultimate paragraph should read "February 22, 1974".

Title 38—Pensions, Bonuses, and Veterans' Benefits

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Brownsville Incident; Lump-sum Payment

The Administrator of Veterans' Affairs proposes regulatory provisions to implement provisions of Pub. L. 93-177 (87 Stat. 694) relating to the "Brownsville Incident". The "Brownsville Incident" was an outbreak of shootings which occurred in the town of Brownsville, Texas, on the night of August 13, 1906. The participants in the shootings were never identified. However, the incident culminated in the mass discharge, without honor, of 167 enlisted men of the 25th Infantry Regiment who were stationed at Fort Brown (adjacent to the town of Brownsville) at the time of the shootings. The discharge order provided that the men would be barred thereafter from service in the military or civil branches of the U.S. Government. Subsequently, fourteen of the men were ruled eligible for reenlistment by a special military tribunal. On September 22, 1972, the Secretary of the Army issued an order changing the discharges issued as a result of the "Incident" to honorable.

Section 7 of Public Law 93-177 provides for payment of $25,000 to each surviving veteran who was discharged as a result of the "Brownsville Incident" and was not thereafter ruled eligible for reenlistment. It also provides for payment of $10,000 to the unremarried widow of any such veteran who died before enactment of Pub. L. 93-177 or died thereafter prior to filing application for payment under the Act. The Act provides that an application will be filed with the Administrator of Veterans' Affairs who will certify entitlement of the applicant to the Secretary of the Army. Payments will be effected by the Secretary. It is required that the application be filed within 5 years after December 6, 1973, the date of enactment of Pub. L. 93-177. To implement the provisions of Pub. L. 93-177, 38 CFR Part 3 is amended as set forth below.

In addition a minor editorial change has been made in § 3.810(a)(1) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. No substantive change affecting benefits is involved.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is deemed unnecessary in this instance because of the limited scope of the regulatory provision and the limited number of potential beneficiaries.

1. In § 3.810, paragraph (a)(1) is amended to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance of $150 (payable in a lump sum).

(1) Where a Veterans Administration examination or hospital or examination report from a facility specified in § 3.326(c) discloses that the veteran wears or uses certain prosthetic or orthopedic appliances which tend to wear or tear clothing (including a wheelchair) because of such disability and such disabil-

ity is the loss or loss of use of a hand or foot compensable at a rate specified in § 3.350 (a), (b), (c), (d), or (f)(1); or

* * * * *

2. Section 3.811 is added to read as follows:

§ 3.811 Lump-sum payment under Public Law 93–177.

(a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a Special Army Tribunal decision dated April 6, 1910, shall, upon application, be paid the sum of $25,000.

(b) Any unremarried widow of any veteran described in paragraph (a) of this section shall, upon application, be paid the sum of $10,000 if the veteran died prior to December 6, 1973, or if the veteran failed to file an application for payment under paragraph (a) of this section after that date and prior to his death.

(c) Applications for payment under paragraphs (a) and (b) of this section and any required evidence will be filed with the Veterans Administration. The application must be filed within 5 years after December 6, 1973.

(d) When eligibility to benefits under this section is established the Veterans Administration will certify entitlement of the veteran or widow to the Department of the Army for payment.

Effective date. Section 3.811 is effective January 1, 1974, the effective date of Pub. L. 93–177.

Approved: March 6, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–5636 Filed 3–11–74;8:45 am]

PART 17—MEDICAL

Sickle Cell Anemia Program

On page 3292 of the FEDERAL REGISTER of January 25, 1974, there was published a notice of proposed regulatory development to add § 17.135 to implement section 653, title 38, United States Code pertaining to voluntary participation in the sickle cell anemia program. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective September 1, 1973.

Approved: March 6, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

A new Centerhead and § 17.135 are added to read as follows:

SICKLE CELL ANEMIA

§ 17.135 Voluntary participation in sickle cell anemia program.

Patients who are otherwise eligible for medical care under existing regulations in 38 CFR Part 17, are potential candidates for partcipation in a Veterans Administration system-wide program for sickle cell disorders. Participation in this program shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under Title 38, United States Code.

[FR Doc.74–5635 Filed 3–11–74;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 27, Amendment 7; Docket No. 74–1]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Enforcement

By notice of proposed rulemaking filed January 11, 1974 (39 FR 2111), the Federal Maritime Commission proposed to amend its General Order 27 (46 CFR Part 542) by (a) redesignating references to section 11 of the Federal Water Pollution Control Act (FWPCA) to section 311, and (b) adding new enforcement provisions concerning only oil, each pursuant to the 1972 Amendments to the FWPCA. Comments were to be filed by January 28, 1974. No comments were received. Therefore, the Commission adopts its proposed amendment without change.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act (86 Stat. 870), and section 3 of Executive Order 11735, notice is hereby given that the Federal Maritime Commission amends General Order 27 (46 CFR Part 542) as follows:

1. All references to section 11 of the Federal Water Pollution Control Act are changed to section 311.

2. The following new § 542.10 *Enforcement* is added to 46 CFR Part 542:

§ 542.10 Enforcement.

(a) Any owner or operator of a vessel subject to subsection 311(p) of the Act who fails to comply with the provisions of said subsection 311(p) or these regulations shall be subject to a fine of not more than $10,000.

(b) Any vessel subject to subsection 311(p) of the Act which does not have a Certificate issued pursuant to these regulations, evidencing that the financial responsibility requirements of paragraph 311(p)(1) of the Act have been complied with, may be refused by the Secretary of the Treasury the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91).

(c) Any vessel subject to subsection 311(p) of the Act, which, upon request, does not produce a Certificate issued pursuant to these regulations, evidencing that the financial responsibility requirements of paragraph 311(p)(1) of the Act have been complied with, may be (1) denied entry, by the Secretary of the Department in which the Coast Guard is operating, to any port or place in the United States or the navigable waters of the United States, and (2) detained by said Secretary at the port or place in the United States from which it is about to depart for any other port or place in the United States.

Effective date. The amendments contained herein shall become effective April 11, 1974.

By the Comimssion.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–5661 Filed 3–11–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. 1174]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 4th day of March 1974.

It appearing, that an acute shortage of plain boxcars exists on the Illinois Central Gulf Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1174 Distribution of boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraph (a)(3) of this section, all plain boxcars which

are listed in the Official Railway Equipment Register, I.C.C.R.E.R., No. 390, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Illinois Central Gulf Railroad Company (ICG).

(2) Deliver to the ICG empty, or in the manner provided in paragraph (4) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C.R.E.R., No. 390, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, owned by, or bearing reporting marks issued to any of the following railroads. (See exception, paragraph (a)(4) of this section):

Atlantic and Western Railway
Reporting marks: ATW
Pickens Railroad Company
Reporting marks: PICK
Richmond, Fredericksburg and Potomac Railroad Company
Reporting marks: RFP
Roscoe, Snyder and Pacific Railway Company Company
Reporting marks: RSP
Vermont Railway, Inc.
Reporting marks: RUT or VTR
Wellsville, Addison & Galeton Railroad Corporation
Reporting marks: WAG

(3) Boxcars described in paragraph (a)(1) of this section may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (a)(2) of this section may be used for loading to any station on the lines of the ICG, or for loading to any station on the lines of the car owner, or for the movement of any traffic routed via the car owner. After unloading at a junction with the ICG, such cars shall be delivered to the ICG at that junction, either loaded or empty. After unloading at a junction with the car owner, such cars shall be either delivered to the car owner at that junction or forwarded to the ICG in the manner provided herein, as directed by the car owner.

(5) Empty plain boxcars owned by any railroad listed in paragraph (a)(2) of this section which are located on lines other than the car owner and which cannot be loaded in the manner prescribed in paragraph (a)(4) of this section shall be handled as follows:

(i) If located on a line which has a direct connection with the ICG: Deliver empty to the ICG

(ii) If located on a line which does not have a direct connection with the ICG and which is not listed in the index to Special Car Order No. 90 as defined in Car Service Rule 2 prescribed by the Commission in Ex Parte No. 241: Deliver to the line designated to receive empty plain boxcars owned by the ICG. Such designated line shall accept and move these cars to the ICG in the manner provided herein.

(6) Empty plain boxcars described in paragraph (a)(2) of this section which are located on the lines of the car owner may be loaded to any destination.

(7) Plain boxcars described in paragraph (a)(1) of this section include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(8) The return to the owner or delivery to the ICG of a boxcar described in paragraph (a) (1) or (2) of this section shall be accomplished when it is delivered to the car owner or to the ICG, either empty or loaded.

(9) Junction points and connections with the car owner or with the ICG shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C.R.E.R., No. 390, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (a) (3), (4), or (6) of this section.

(11) Plain boxcars described in paragraph (2) herein are exempt from the provisions of Car Service Rules 1 and 2 prescribed by the Commission in Ex Parte No. 241 while subject to the provisions of this order or when located on the lines of the ICG.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m. March 10, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–5675 Filed 3–11–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Delta-Breton National Wildlife Refuge, Venice, La.

The following special regulation is issued and is effective on March 8, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

LOUISIANA

DELTA-BRETON NATIONAL WILDLIFE REFUGE

Except for official purposes, the use of airboats on all waters of the Delta-Breton National Wildlife Refuge is prohibited.

The provisions of this special regulation supplement the regulations which govern public use on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until revoked.

RAY R. VAUGHN,
Acting Regional Director Bureau of Sport Fisheries and Wildlife.

MARCH 1, 1974.

[FR Doc.74–5596 Filed 3–11–74;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 235, 299]

U.S. CITIZEN IDENTIFICATION CARDS

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-5230, appearing on page 8924 in the issue for Thursday, March 7, 1974, make the following changes:

1. In the first column, the second paragraph, line 21, the figure reading "Form I-197" should read "Form I-179".

2. In § 235.10, paragraph (g), in the third line, the word reading "officer" should read "office".

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 221]

PROCESSING CERTAIN APPLICATIONS

Proposed Charges

Pursuant to sections 9 and 37 of the Shipping Act, 1916, as amended (46 USC 808, 835), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 1840), as amended by P.L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973), the Maritime Administration must approve the sale, mortgage, charter or delivery of a vessel owned by a United States citizen or documented under the laws of the United States, or of a shipyard, dry dock, shipbuilding or ship-repairing plant or facility, to a person not a citizen of the United States, or the transfer to foreign registry of any such vessel, or any subsequent transfer of a vessel for which such approval was granted.

Section 221.14 of 46 CFR 221 sets forth the charges for processing applications for these required approvals by the Maritime Administration. The charges cover the cost of processing the applications.

Notice is hereby given that the Maritime Administration proposes to revise § 221.14 by: (1) increasing the charges to reflect the increase in costs for processing the applications; and (2) inserting in subsection (a) a new paragraph (7) which requires charges to accompany the applications for appointment of a qualified bank or trust company to act as trustee for an indebtedness which is secured by a mortgage on a vessel, or on a vessel under construction, or on a shipyard, dry dock, shipbuilding or ship-repairing plant or facility.

Although the promulgation of regulations regarding charges for the processing of applications under sections 9 and 37 of the Shipping Act, 1916, as amended, is exempt from the requirements of 5 U.S.C. 553, the Maritime Administration nevertheless is publishing the regulations in proposed form. Comments may be addressed, and data, views and arguments concerning the proposed revision may be submitted in duplicate to the Secretary, Maritime Administration, Washington, D.C. 20230. All material received on or before April 12, 1974 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is proposed to revise § 221.14 of Title 46 of the Code of Federal Regulations to read as follows:

§ 221.14 Charges for processing certain applications.

(a) An application for approval of any of the following actions pursuant to sections 9 or 37 or both of the Shipping Act, 1916, as amended, shall be accompanied by a fee in the sum as set forth below:

(1) Vessel construction for, and sale and delivery to, an alien, and transfer to foreign registry:	
(i) Vessel of 5,000 gross tons and over	$200
(ii) Vessel of over 1,000 gross tons but less than 5000 gross tons	100
(iii) Vessel of 1,000 gross tons and under	50
(2) Mortgage of a vessel or of interest in a vessel to an alien	50
(3) Charter of a vessel to an alien	50
(4) Sale or transfer to an alien of a shipyard, drydock, ship building or ship repairing plant or facility, or any interest therein, having a capacity to accommodate:	
(i) Vessels of 5,000 gross tons and over	200
(ii) Vessels of over 1,000 gross tons but less than 5,000 gross tons	100
(iii) Vessels of 1,000 gross tons and under	50
(5) Sale or transfer of stock in a corporation organized under the laws of the United States, or of any State, territory, district, or possession thereof, and owning any vessel, shipyard, drydock, or ship building or ship repairing plant or facility, if by such sale or transfer the controlling interest or a majority of the voting power of the corporation is vested in, or for the benefit of, any person not a citizen of the United States	50
(6) Departure of a vessel from the United States if the vessel was built in the United States and never cleared for a foreign port, and if no transfer to foreign ownership or registry is involved	25
(7) Appointment of a qualified bank or trust company to act as trustee for an indebtedness secured by a mortgage on a vessel, or on a vessel under construction, or on a shipyard, drydock, or ship building or ship repairing plant or facility	50

(b) An application for approval of any of the following actions pursuant to certain Maritime Administration contracts covering vessels transferred to a foreign ownership or registry or both shall be accompanied by a fee in the sum as set forth below:

(1) Transfer of ownership or registry of a vessel or both	$200
(2) Sale or transfer to an alien of stock in the foreign corporate owner of a vessel	50
(3) Charter of a vessel to an alien	50

(c) An application for modification of any approval covered by paragraph (a) or (b) of this section shall be accompanied by the fee established for the original application.

(d) All fees set forth in this section will be retained to recover the cost of processing the applications.

(e) Application forms as required by this section may be obtained from and shall be submitted to: Foreign Transfer Branch, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

(Sec. 43, Shipping Act, 1916, as amended (75 Stat. 776, 46 U.S.C. 841a), Reorganization Plan No. 21 of 1950 (64 Stat. 1273) and Reorganization Plan No. 7 of 1961 (75 Stat. 1840) as amended by P.L. 91-469 (84 Stat. 1036), Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973))

Dated: March 6, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-5673 Filed 3-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations which would alter the transition area at Bismarck, No. Dak.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 8, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The extension of the existing 1200-foot transition area is necessary in order to provide additional controlled airspace for the protection of arriving/departing aircraft at the Bismarck Municipal Airport, Bismarck, No. Dak.

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

In § 71.181 (39 FR 440) amend the 1200-foot transition area for Bismarck, No. Dak. to read as follows:

BISMARCK, NO. DAK.

* * *; that airspace extending upward from 1200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 290° radial clockwise to the Bismarck VORTAC 082° radial and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 290° radial.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on March 4, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.74-5569 Filed 3-11-74;8:45 am]

Federal Highway Administration

[49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397]

[Docket No. MC-54; Notice No. 74-2]

HAWAII, APPLICATION OF MOTOR CARRIER SAFETY REGULATIONS

Proposed Revocations

The Director of the Bureau of Motor Carrier Safety is considering revocation of two administrative exemptions which presently preclude application of the Federal Motor Carrier Safety Regulations to commercial motor carriers operating in interstate or foreign commerce within the State of Hawaii. The effect of the action now under consideration would be to require Hawaiian motor carriers (except private carriers of passengers) to conduct their operations in interstate or foreign commerce in conformity with the Motor Carrier Safety regulations in Subchapter B of 49 CFR Chapter III.

Under section 204(a)(1), (2), and (3) of the Interstate Commerce Act, 49 U.S.C. 304(a)(1), (2), and (3), a person who engages in motor carrier operations in interstate or foreign commerce as a common or contract carrier of passengers or property or as a private carrier of property is subject to the regulations prescribed pursuant to that section governing the qualifications and maximum hours of service of his employees and the safety of his operations and equipment. This is the case with respect to all commercial motor carriers, except private carriers of passengers, who operate in the United States. Operations in interstate or foreign commerce may be conducted by a motor carrier whose equipment never crosses a State boundary and remains wholly within a single State.

In recognition of this fact, Congress also enacted section 204(a)(4a) of the Interstate Commerce Act, 49 U.S.C. 304(a)(4a), which authorized the Interstate Commerce Commission to grant a certificate of exemption from the Act's requirements "to any motor carrier or class of motor carriers lawfully engaged in operation solely within a single State" upon a finding that it is not necessary to regulate that carrier or class of carriers in order to reach the goals of uniform regulation or in order to carry out the national transportation policy. Acting under section 204(a)(4a), the Interstate Commerce Commission in 1960 issued a decision exempting Hawaiian motor carriers from the application of both the economic and safety regulations which the Commission then administered under Part II of the Interstate Commerce Act. Motor Carrier Operation in the State of Hawaii, 84 MCC 5 (1960). That exemption has remained in force, notwithstanding the enactment of the Department of Transportation Act in 1966 (80 Stat. 931, 49 U.S.C. 1651–1659), transferring the commission's jurisdiction over motor carrier safety matters to the Department of Transportation. As a result, motor carrier operations in the State of Hawaii are not now subject to the Motor Carrier Safety Regulations. The Director is considering revoking the section 204(a)(4a) exemption enjoyed by Hawaiian motor carriers, thereby making them once again subject to the statutorily-authorized scheme of safety regulation.

Another exemption which affects Hawaiian motor carriers is the partial exemption from the Motor Carrier Safety regulations which is applicable to drivers and vehicles used wholly within a municipality or its ICC-defined commercial zone. See 49 CFR 390.33. Since the overwhelming majority of motor carrier operations in interstate or foreign commerce within the State of Hawaii take place wholly within the city limits of Honolulu, removal of the section 204(a)(4a) exemption for Hawaiian motor carriers would leave those carriers covered by the administrative exemption for commercial zone operations.

It is the position of the Bureau of Motor Carrier Safety that the transfer in 1967 of the Interstate Commerce Commission's jurisdiction over safety of interstate or foreign commercial motor carrier operations, by virtue of the enactment of section 6(e) of the Department of Transportation Act, 49 U.S.C. 1655(e), vested the Department of Transportation with authority to revoke the section 204(a)(4a) exemption that the Commission issued to Hawaiian motor carriers in 1960 insofar as safety regulation is concerned. The Department's authority in this respect has been delegated to the Federal Highway Administrator (49 CFR 1.48) and, in turn, redelegated to the Director (49 CFR 389.4). In addition, the Bureau has concluded that it has inherent authority to revoke the commercial zone exemption as it applies to safety matters, since that exemption is the creature of administrative action in the first instance.

The question of revocation of the exemptions and extension of the Motor Carrier Safety Regulations to motor carriers operating in Hawaii was first raised during the latter half of calendar year 1973 by a letter from the Hawaii Teamsters and Allied Workers Local 996.

The union local asked the Bureau to consider bringing Hawaiian motor carrier operations under the Motor Carrier Safety Regulations, insofar as the Bureau is empowered to do so. Governor Burns of Hawaii and the members of Hawaii's delegation in the Congress also expressed interest in a proceeding to consider extending the regulations to cover commercial interstate or foreign transportation by motor vehicle in Hawaii. Though these communications could not be deemed formal petitions for rulemaking under § 389.31 of the Bureau's procedural rules, 49 CFR 389.31 (because they were not accompanied by any statement of reasons for the request), they did prompt the Director to commission an informal staff study of the status of Motor Carrier Safety Regulation in the State of Hawaii.

The study indicated that, in recent years, the level of state and local government monitoring and compliance activities to assure that safety regulations applicable to motor carrier operations are being obeyed has dropped off significantly. Principal responsibility for the State's Motor Carrier Safety program is vested in the Public Utilities Commission of the Department of Regulatory Agencies. Hawaii has adopted the basic rules in the Federal Motor Carrier Safety regulations for application to all motor carrier operations in the State. However, because of severe restrictions on its budget, the Commission, which is also charged with administering the normal public utilities regulatory responsibilities

—principally in the economic regulation area—that devolve on similar state agencies, has been unable to devote sufficient resources to the Motor Carrier Safety program. As a result, the study reported, "there is very little monitoring being accomplished to assure that carrier's vehicles, particularly those of the trucking companies, are in compliance with the Safety Regulations."

Officials of Hawaii Teamsters and Allied Workers Local 996, which represents over 2,000 drivers of commercial motor vehicles, advised the Bureau's staff conducting the study that truck drivers have been unjustly blamed for multiple-fatality accidents that have occurred on Oahu during recent years. They claimed that many of the accidents, particularly those on mountain highways, resulted from brake failure and poor vehicle maintenance. The Public Utilities Commission's program of requiring periodic inspection of commercial motor vehicles at designated garages, it was said, is not working well in practice; since the Public Utilities Commission discontinued performing roadside inspections of carriers vehicles, there has allegedly been a steady deterioration in the maintenance of vehicles. On the other hand, officials of the Hawaii Trucking Association, which represents 165 truck and bus companies, told the Bureau's staff that there are no unusual safety problems relating to the motor carrier industry in the State. Commercial vehicle accident frequency in Hawaii, they said, is no worse than that in other States of comparable size. Officials of the Association were of the opinion that extension of the Motor Carrier Safety Regulations to Hawaii is unnecessary because the Public Utilities Commission has a good set of safety regulations which are effective and with which the industry is complying.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety has decided to invite interested persons to comment orally, in writing, or both, on the proposal to extend the application of the Motor Carrier Safety Regulations to motor carrier operations in interstate or foreign commerce in Hawaii. As noted above, the proposal under consideration involves revocation of two distinct exemptions: (1) the Interstate Commerce Commission's action under section 204(a)(4a) of the Interstate Commerce Act in 1960 in the Hawaii case, granting a blanket certificate of exemption from safety regulation to Hawaiian motor carriers; and (2) the commercial zone exemption in the Safety regulations which would apply to many operations in Hawaii if the section 204(a)(4a) exemption were revoked as to matters of safety. The proposal under consideration would not, if adopted, affect the amenability of Hawaiian motor carriers to economic regulation by the Interstate Commerce Commission, since jurisdiction over that subject remains vested in the Commission. See Motor Carrier Operation in the State of Hawaii, 115 MCC 228 (1972).

Interested persons are invited to submit written data, views, or arguments pertaining to the proposal. All comments should refer to the docket number and notice number appearing at the top of this document. It is requested that three copies of each written comment be furnished. All comments should be sent to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All written comments submitted before the close of business on May 15, 1974, will be considered before further action is taken on the proposal.

The Bureau of Motor Carrier Safety will conduct public hearings to permit interested persons to make their views on the proposal known to the Director by oral testimony, which will be stenographically transcribed and which may be accompanied by written statements for inclusion in the record. The hearings will be legislative in character, although persons who testify may be asked to respond to questions by the Director or his representative and by counsel for the Bureau.

The public hearings will be held on May 1 and 2, 1974, beginning at 10 a.m., local time, in the conference room, third floor, Federal Aviation Administration Building, 1833 Kaliakaua Avenue, Honolulu, Hawaii.

Any interested person who desires to testify at the hearings is invited to do so. Persons who plan to testify should write to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590, not later than April 15, 1974, advising the Director of their intention and of the approximate length of time their presentations will consume. Requests to testify on a particular day will also be entertained.

The original transcript of the testimony at the hearings, as well as written matter presented by the witnesses and any written comments filed by interested persons, will be placed in the docket. The docket of this proceeding will be available for inspection by the public in the docket room of the Bureau of Motor Carrier Safety, Room 4138, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments. In addition, a copy of the docket will be maintained in the office of the Federal Highway Administration, Division Engineer, Suite 613, Pacific International Gold Bond Building, 677 Ala Moana Boulevard, Honolulu, Hawaii and will be available for public inspection during normal business hours (7:15 a.m.—4:15 p.m. HST).

This notice of proposed rule making is issued under authority of section 204(a) of the Interstate Commerce Act, 49 U.S.C. 304(a), section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on March 4, 1974.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.74-5615 Filed 3-11-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 101]

PUBLIC INFORMATION ACT

Proposed Fee Schedule

In the FEDERAL REGISTER for October 27, 1971 (36 FR 20612), there was published a proposal to amend 45 CFR Part 101 to add a new Subpart B setting forth a schedule of fees to be charged for the provision of special information services pursuant to the Public Information or Freedom of Information Act, section 552 of Title 5 of the United States Code. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. Several responses were received, objecting to the proposed twenty-five cents per page fee for copying and duplicating services or expressing concern that other fees included in the proposal may be so high as to discourage members of the public from seeking or obtaining access to information to which they are entitled. In the FEDERAL REGISTER for August 7, 1973 (38 FR 22230), there was published by the Department of Health, Education, and Welfare, after notice of proposed rule making, a final regulation governing the availability of information to the public, which regulation contained, in § 5.61 thereof, a fee schedule for records of the Office of the Secretary. This fee schedule varies considerably from that previously proposed by the Office of Education. The Office of Education now proposes to adopt a fee schedule closely following that issued for the Office of the Secretary.

The proposed amendment would be issued under the authority granted by 5 U.S.C. 552, as implemented by regulations of the Department of Health, Education, and Welfare (45 CFR 5.60–5.65) and pursuant to the general rule making authority of the Commissioner of Education, 20 U.S.C. 1231. Part 101, Chapter I, Title 45 of the Code of Federal Regulations would be amended by adding a new Subpart B, to read as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material received on or before April 10, 1974, will be considered.

Dated: February 11, 1974.

JOHN OTTINA,
Commissioner of Education.

Approved: March 6, 1974.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart B—Public Information Act—Fee Schedule

Sec.
101.10 Scope.
101.11 Policy.
101.12 Fee schedule.
101.13 Services under section 427 of the General Education Provisions Act.

AUTHORITY: Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552); sec. 427 of Pub. L. 91-230, 84 Stat. 168 as amended (20 U.S.C. 1231f).

Subpart B—Public Information Act—Fee Schedule

§ 101.10 Scope.

This Subpart B sets forth: (a) In § 101.11, the policy of the Office of Education on availability of records, (b) In § 101.12, the schedule of fees to be charged by the Office of Education for records obtained under the Public Information or Freedom of Information Act (5 U.S.C. 552), and (c) In § 101.13, the procedure of the Office of Education in relation to charges for information obtained under section 427 of the General Education Provisions Act (20 U.S.C. 1231f).

(5 U.S.C. 552; 20 U.S.C. 1231f).

§ 101.11 Policy.

(a) *Policy.* It is the policy of the Office of Education to provide routine information to the general public at no charge. Special information services involving a benefit that does not accrue to the general public are subject to the payment of fees which have been established to recover cost to the Government of providing such services.

(5 U.S.C. 552(a)(3)).

§ 101.12 Fee schedule.

The fee schedule for the Office of Education is as follows:

(a) *Search for records.* $3 per hour: Provided, however, That no charge will be made for the first one-half hour.

(b) *Reproduction, duplication, or copying of records.* 10 cents per page: Provided, however, That no charge will be made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photocopying, e.g., punch cards or magnetic tapes, the amount charged will be the actual cost, as determined on a case-by-case basis.

(c) *Certification or authentication of records.* $3 per certification or authentication.

(d) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(e) *Payment of fees and charges.* Payment may be made by check, draft or postal money order, payable to U.S. Office of Education. Requests for services, accompanied by payment, or requests for charges for record searches should be made to: Office of Education, Information Center, 400 Maryland Avenue SW., Washington, D.C. 20202.

(5 U.S.C. 552)

§ 101.13 Services under section 427 of the General Education Provisions Act.

(a) Charges for transcripts or copies of tables and other records and for special statistical compilations to be furnished by the Commissioner of Education pursuant to section 427 of the General Education Provisions Act (20 U.S.C. 1231f) will be established at the time a specific request is submitted, approximating as closely as possible the actual or estimated cost of the work.

(b) Payment in advance is required for all services under paragraph (a) of this section.

(5 U.S.C. 552; 20 U.S.C. 1231f)

[FR Doc.74-5655 Filed 3-11-74;8:45 am]

ACTION

[45 CFR Part 1211]

VOLUNTEER GRIEVANCE PROCEDURES

Resolution of Grievances

Section 104(d) of the Domestic Volunteer Service Act of 1973 (87 Stat. 398) requires the Director of ACTION to establish a procedure, including notice and an opportunity to be heard, for volunteers under Part A of Title I of the Act to present and obtain resolution of grievances. Section 402(15) of the Act authorizes the Director to generally perform such functions and take such steps, consistent with the purposes and provisions of the Act, as he deems necessary or appropriate to carry out the provisions of the Act.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1211 which will provide a grievance procedure under which all ACTION volunteers, both full and part time, be entitled to present, be heard and obtain resolution of grievances.

The proposed procedure provides for informal presentation of grievances to sponsors and to ACTION officials and for a more formal proceeding in which a volunteer may present his grievance to the appropriate ACTION Regional Director, obtain a hearing before a Hearing Examiner in cases involving relevant and material issues of fact, and appeal the decision of the Regional Director to the Associate Director of ACTION for Domestic and Anti-Poverty Programs.

Inquiries may be addressed, and comments and views concerning the proposed new subpart may be submitted to ACTION, 806 Connecticut Avenue, Washington, D.C. 20525 Attention: Associate Director for Domestic and Anti-Poverty Programs. All comments received on or before April 10, 1974 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1211 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1211—VOLUNTEER GRIEVANCE PROCEDURES

Sec.
1211.1-1 Purpose.
1211.1-2 Applicability.
1211.1-3 Definitions.
1211.1-4 Policy.
1211.1-5 Matters not Covered.
1211.1-6 Freedom to Initiate Grievances.
1211.1-7 Entitlement to Representation.
1211.1-8 Time for Preparation and Presentation.
1211.1-9 Access to Agency Records.
1211.1-10 Time Limits.
1211.1-11 Informal Grievance Procedure.
1211.1-12 Initiation of Formal Grievance Procedure.
1211.1-13 Inquiry by Hearing Examiner.
1211.1-14 Grievance File and Examiner's Report.
1211.1-15 Decision by Regional Director.
1211.1-16 Appeal to Associate Director of ACTION for Domestic and Anti-Poverty Programs.
1211.1-17 Associate Director's Decision.
1211.1-18 Disposition.

APPENDIX A—STANDARD FOR EXAMINERS

AUTHORITY: The provisions of the Part issued under sec. 104(d), 402(14) and 420 of P.L. 93-113, 87 Stat. 398, 407 and 414.

§ 1211.1-1 Purpose.

This part establishes procedures under which volunteers under Pub. L. 93-113 may present and obtain resolution of grievances.

§ 1211.1-2 Applicability.

This Part applies to all volunteers enrolled under the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 396.

§ 1211.1-3 Definitions.

(a) "Volunteer" means a person enrolled and currently serving as a full or part-time volunteer or trainee under the Domestic Volunteer Service Act of 1973, and may include more than one such person when a common grievance is involved. For the purpose of this Part, a volunteer whose service has terminated shall be deemed to be a volunteer for a period of 90 days thereafter.

(b) "Grievance" means a request for individual relief by a volunteer actually affected in a matter arising out of a volunteer work situation or the terms and conditions of the volunteer's service in which the volunteer believes there has been a deviation from, misinterpretation of or misapplication of laws, published regulations or ACTION policies or procedures governing his service. Requests for relief by more than one volunteer arising from a common cause within one region may be treated as a single grievance. The term includes complaints of discrimination on account of race, creed, belief, color, national origin, sex, age, or political affiliation by ACTION.

(c) "State Program Officer" means that ACTION official who is directly responsible, at the first level, for the project in which the volunteer is serving. If more than one project is involved, it means that lowest level ACTION Regional Office employee who has direct ad-

ministrative responsibility for all projects within the region involved.

(d) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned volunteers or which is receiving financial assistance from ACTION under a grant, contract, or otherwise. It also includes local SCORE Chapters.

(e) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A appointed by a Region Director to conduct an inquiry with respect to a grievance.

§ 1211.1–4 Policy.

It is ACTION's policy to provide volunteers the widest latitude to present their grievances and concerns to appropriate officials of ACTION and of sponsoring organizations. ACTION recognizes that it is in its interest as well as the interest of sponsors and volunteers to provide a method for expeditious and informal resolution of differences. However, it recognizes that some volunteer dissatisfactions will arise which require a more formal procedure. This regulation is designed to assure that the rights of individual volunteers are recognized, and to provide formal and informal ways for them to seek remedial action with confidence that they will obtain just treatment. The success of the system will, however, only be achieved by the exercise of understanding, fairness and good judgment by ACTION employees, sponsors, and volunteers alike.

§ 1211.1–5 Matters Not Covered.

The following matters are excluded from the definition of a grievance, and are not eligible for processing under this Part:

(a) The establishment of a project, its continuance or discontinuance, the number of volunteers assigned to it, increases or decreases in the level of support provided to a project, or suspension or termination of a project. Grievances based on a complaint that the level of support provided to individual volunteers does not meet the standard provided by section 105(b) of Pub. L. 93–113 (80 Stat. 495) are not excluded from coverage by this subsection.

(b) Matters for which a separate appeals procedure is provided.

(c) The provisions of any law, published rule, regulation, policy or procedure, or actions taken in compliance therewith.

(d) Matters which are, by law, subject to final administrative review outside ACTION.

(e) Matters in which the relief requested is not personal to the volunteer.

(f) Matters affecting the curriculum, program of instruction, administration or personnel of any educational institution or school system.

§ 1211.1–6 Freedom to Initiate Grievances.

The initiation of a grievance shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that each supervisor and sponsor maintain a healthy atmosphere in which a volunteer can speak freely and have frank discussions of problems. A volunteer who initiates a grievance shall not be subjected to restraint, interference, coercion, discrimination or reprisal.

§ 1211.1–7 Entitlement to Representation.

A volunteer may be accompanied, represented and advised by a representative of his own choice at any stage of the proceeding. A person chosen by the volunteer must be willing to represent him and not be disqualified because of conflict of position.

§ 1211.1–8 Time for Preparation and Presentation.

(a) A volunteer must be given a reasonable amount of time off from his assignment to prepare and present his grievance or appeal.

(b) A volunteer's representative, if he is a volunteer or an employee of ACTION, must be given a reasonable amount of time off from his assignment to present a grievance or appeal.

(c) ACTION will not pay travel expense or per diem travel allowances for either a volunteer or his representative in connection with the preparation of a grievance or appeal. The Hearing Examiner must authorize payment of travel expense and per diem at standard government rates for necesssary attendance of the volunteer, his representative and necessary witnesses who are volunteers or ACTION employees at a hearing, and for the volunteer or his representative to conduct the necessary examination of the grievance file provided in § 1211.1–14(b). The Hearing Examiner may authorize travel expense and per diem at standard government rates for other necessary witnesses. The Hearing Examiner may not authorize payment of travel expense or per diem to any witness if his testimony can be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

§ 1211.1–9 Access to Agency Records.

(a) A volunteer is entitled to review non-restricted material in his official volunteer folder and any non-restricted documents of the agency relevant to the grievance.

(b) A volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(c) Restricted documents include, but are not limited to:

(1) Documents annotated as Top Secret, Secret or Confidential.

(2) Documents not subject to the disclosure requirements of the Freedom of Information Act, such as reference checks secured under a pledge of confidence, official volunteer folders of other volunteers, or privileged intra-agency memoranda.

§ 1211.1–10 Time Limits.

Each grievance shall receive full, impartial and prompt consideration. The final decision on a grievance shall be issued not later than 125 days after initiation of the informal grievance procedure. Within the 125 day period, the following time limits are established:

(a) The informal procedure shall be completed within 30 days after the date a volunteer initiates the grievance.

(b) The volunteer may present a formal grievance, in writing, either in person or by mail, to the appropriate Regional Director not later than 15 days after receipt of a response to an informal grievance.

(c) If a formal grievance is not resolved within 10 days after receipt, the Regional Director shall refer it to a Hearing Examiner for inquiry.

(d) The inquiry shall commence as soon as possible, and the hearing, if necessary, shall begin no more than 15 days after referral. The Hearing Examiner shall issue his report not later than 15 days after conclusion of the hearing.

(e) The volunteer shall file his comments on the grievance file with the Hearing Examiner not later than 5 days after the Hearing Examiner makes it available to him for examination.

(f) The Regional Director shall issue his decision not later than 10 days after receipt of the grievance file, and Hearing Examiner's report.

(g) The volunteer may file an appeal from the decision of the Regional Director with the Associate Director of ACTION for Domestic and Anti-Poverty Programs not later than 15 days after the decision of the Regional Director is delivered to him.

(h) The Associate Director shall issue his decision on the appeal not later than 15 days after it is filed.

§ 1211.1–11 Informal Grievance Procedure.

(a) *Initiation of Grievance.* A volunteer may initiate a grievance within 15 days after the event giving rise to the grievance occurs, or within 15 days after he becomes aware of it. A volunteer may present a grievance arising out of a continuing condition or practice at any time. A volunteer initiates a grievance by presenting it orally or in writing to the sponsor representative who is his immediate supervisor. The sponsor representative may not refuse to receive a grievance, even if it involves matters not eligible for consideration under this Part. The sponsor representative shall respond to the grievance within 3 working days, and may reject it as not eligible for consideration under this subpart.

(b) *Consideration by Sponsor.* If the matter is not resolved to the volunteer's satisfaction, the volunteer may submit the grievance in writing to the chief executive officer of the sponsor within 3 working days after receipt of an answer from his immediate supervisor. The chief executive officer shall respond in writing to the grievance within 5 working days af-

ter receipt. He may designate an immediate subordinate, who may not be the volunteer's immedate supervisor, to act in his behalf with respect to grievances. Volunteers must be informed of any such designation.

(c) *Consideration by ACTION State Program Officer.* If the matter is not resolved to the volunteer's satisfaction by the sponsor's chief executive officer, the volunteer may submit the grievance in writing to the ACTION State Program Officer who has responsibility for the project within 5 working days after receipt of the decision of the sponsor's chief executive officer. If the grievance involves a matter over which the sponsor has no control, the procedures described in paragraphs (a) and (b) of this section may be omitted, and the volunteer may present his grievance directly to the State Program Officer within the time limits specified in paragraph (a) of this section. In cases of direct submission to the State Program Officer, the chief executive officer of the sponsor, or his designee, shall indicate his agreeents or disagreement with the facts stated in the grievance, and shall indicate the agreement to direct submission to the State Program Officer. The State Program Officer may not refuse to receive a grievance, and shall respond to the grievance in writing within 5 working days after receipt.

(d) *Discussion.* All parties to the informal grievance procedure must be prepared to participate in full discussion of the grievance, and to permit the participation of others who may have knowledge of the circumstances of the grievance in the discussion. State Program Officers and other ACTION employees may participate in discussions, and give interpretations of ACTION policies and procedures, at the request of any party, even prior to submission of a grievance to them.

(e) *Sponsor Grievance Procedures.* A sponsor may substitute his own grievance procedure for the procedure described in paragraphs (a) and (b) of this section. Any such procedure must provide the volunteer with opportunity to present and appeal his grievance at least as comprehensive as that contained in this section, must meet the time limits of this section, and must be provided in writing, to all volunteers.

§ 1211.1–12 Initiation of Formal Grievance Procedure.

(a) *Submission of Grievance to Regional Director.* If a volunteer is dissatisfied with the response of the State Program Officer required by § 1211.1–11 (d), he may present his grievance in writing to the Regional Director of ACTION having administrative responsibility for the project to which the volunteer is assigned. To be eligible for the formal grievance procedure, the volunteer must have completed action under the informal procedure contained in § 1211.1–11.

(b) *Contents of Grievance.* The volunteer's grievance must be in writing, contain sufficient detail to identify the grievance, specify the relief requested, and be signed by the volunteer or a person designated by the volunteer to be his representative for the purposes of the grievance.

(c) *Time Limit.* The volunteer must submit his grievance to the Regional Director within 15 days after receipt of the informal response from the State Program Officer.

(d) *Rejection of Grievance.* The Regional Director may reject the grievance if:

(1) It was not filed within the time limit specified in paragraph (c) of this section.

(2) The grievance consists wholly of matters not contained within the definition of a grievance, or excluded from coverage under § 1211.1–5. A notice of rejection must be in writing and specify the reasons for rejection.

(e) *Referral to Hearing Examiner.* The Regional Director shall designate an immediate subordinate (who must not be a State Program Officer who responded to the grievance under the informal procedure) to attempt to resolve the grievance in a manner acceptable to the volunteer. If he is unable to resolve the grievance within ten days after it is received, the Regional Director must refer it to a Hearing Examiner, who shall possess the qualifications specified in Appendix A hereto. The Hearing Examiner selected must be fair, impartial, and objective and must not occupy a position which is directly or indirectly under the jurisdiction of an official involved in, or who has made a decision with respect to the grievance. If the grievance involves a complaint of discrimination against ACTION the Regional Director shall consult with the Assistant Director of ACTION for Minority Affairs prior to appointing a Hearing Examiner.

§ 1211.1–13 Inquiry by Hearing Examiner.

(a) *Scope of Inquiry.* The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. At the Examiner's discretion, the inquiry may include:

(1) The securing of documentary evidence,

(2) Personal interviews, including telephone interviews.

(3) Group meetings,

(4) Affidavits, written interrogatories or depositions,

(5) A hearing.

If the grievance involves relevant and material disputed issues of fact the Examiner must hold a hearing if requested by the volunteer.

(b) *Conduct of Hearing.* If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Hearing Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making his decision.

(2) The hearing shall not be open to the public or the press and attendance at a hearing is limited to persons determined by the examiner to have a direct connection with the grievance.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) *Witnesses.* (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his own initiative. Parties shall furnish to the Examiner a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least three days before the date of the hearing. The Hearing Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteer and employees who serve as witnesses shall be free from coercion, discrimination, or reprisal for presenting their testimony.

(5) A grievant may make a recording of the hearing at his own expense.

(d) *Report of Hearing.* The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted to and accepted by him. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings. If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary constitute the report of the hearing and shall be made part of the record of proceedings.

§ 1211.1–14 Grievance File and Examiner's Report.

(a) *Preparation and Content.* The Examiner shall establish a grievance file containing all documents related to the grievance, including statements of wit-

nesses, records or copies thereof, and the report of the hearing when a hearing was held.

(b) *Review by Volunteer.* On completion of his inquiry, the Examiner shall make the grievance file available to the volunteer and his representative for review and comment. Their comments, if any, shall be included in the file.

(c) *Examiner's Report.* After the volunteer has been given an opportunity to review the grievance file, the Examiner shall prepare a report of his findings and recommendations and submit it with the grievance file to the Regional Director. The Examiner shall also furnish the volunteer a copy of the report.

§ 1211.1–15 Decision by Regional Director.

The Regional Director shall consider the Examiner's report and the grievance file and issue a written decision to the volunteer within ten days. If the Regional Director does not accept the Examiner's recommendations, the decision shall set forth the basis for the determination.

§ 1211.1–16 Appeal to Associate Director of ACTION for Domestic and Anti-Poverty Programs.

(a) If a volunteer is dissatisfied with the decision of the Regional Director, he may appeal the decision to the Associate Director of ACTION for Domestic and Anti-Poverty Program (hereinafter referred to as the "Associate Director").

(b) Contents of Appeal. Contents of the volunteer's appeal must be in writing, specify those portions of the Regional Director's decision with which he disagrees and the reasons for his disagreement, and identify those parts of the grievance file or report of the Hearing Examiner which support his appeal. The volunteer shall provide a copy of his appeal to the Regional Director.

(c) Time Limit. The volunteer must file his appeal with the Associate Director and provide a copy thereof to the Regional Director within 15 days after receipt of the Regional Director's decision.

(d) Appeal File. The Regional Director shall, upon receipt of a copy of the volunteer's appeal, immediately transmit the grievance file, Hearing Examiner's report and a copy of his decision to the Associate Director. These documents, together with the volunteer's appeal, shall constitute the appeal file, and shall provide the sole basis for decision on the appeal.

§ 1211.1–17 Associate Director's Decision.

(a) The Associate Director shall issue a written decision on the appeal to the volunteer within ten days after receipt of the appeal file. He may delegate responsibility for deciding appeals to his immediate subordinate having program responsibility for the project in which the volunteer is serving. In his discretian, he may designate a panel of not more than three persons to provide an advisory report and recommendations on how the appeal should be decided. One of the panel members must be his immediate subordinate having program responsibility for the project in which the volunteer is serving, or his designee.

(b) The Associate Director's decision shall include a statement of the basis of his determination. The Associate Director, or his designee, in making the decision, acts with the full authority of the Director of ACTION, and his decision is final.

§ 1211.1–18 Disposition of Grievance and Appeal Files.

All grievance and appeals files shall be forwarded to the Associate Director of ACTION for Domestic and Anti-Poverty Programs after the grievance has been settled, or a final decision has been made and implemented. No part of a grievance or appeal file may be made part of, or included in, a volunteer's official personnel folder.

APPENDIX A—STANDARDS FOR EXAMINERS

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) (a) Current employment in grade GS–12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to—

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situations; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of—

The relationship between volunteer administration and over-all management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS–935–0.

(4) Membership in good standing in the National Academy of Arbitrators.

(b) A former Federal employee who at the time of leaving the Federal service was in grade GS–12 or equivalent, or above, and who meets all the requirements specified for an examiner except completion of the prescribed training course, may be used as an examiner upon satisfactory completion of the training course.

MICHAEL P. BALZANO, JR.,
Director.

MARCH 6, 1974.

[FR Doc.74–5640 Filed 3–11–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 202]

NOISE ABATEMENT

Interstate Motor Carrier Noise Emission Standards; Notice of Public Hearing

On July 27, 1973, the Environmental Protection Agency, under the authority of section 18 of the Noise Control Act of 1972, P.L. 92–574, 86 Stat. 1234, proposed regulations on noise emissions resulting from operation of motor carriers engaged in interstate commerce. On November 7, 1973, notice was published in the FEDERAL REGISTER that a background document detailing the basis for the proposed regulations was available. A docket for the receipt of public comments on the proposed regulation and on the background document was open until December 7, 1973.

Final regulations on noise emissions resulting from the operations of motor carriers engaged in interstate commerce will be promulgated in the near future. Prior to promulgation of final regulations, however, it is desirable to ensure that all issues involved in the regulations have been resolved.

Notice is, therefore, hereby given of a public hearing to be held on the regulations on noise emissions resulting from the operation of motor carriers engaged in interstate commerce. The principal issues to be reviewed are matters relating to the adequacy of the available technology requirements in the proposed standards, and the impact of Federal preemption of State and local noise regulations by these Federal standards. As a result of review of the extensive material submitted to the official docket for these regulations, the Agency believes that there is a need for providing a means for public presentation of any additional concerns or information bearing on these issues.

All interested parties are invited to attend this hearing, which will be held on March 20 and 21, 1974, beginning at 9 a.m., in the Departmental Auditorium, Conference Room B and C, entrance on Constitution Avenue between 12th and 14th Streets, Washington, D.C.

Dr. Alvin E. Meyer has been designated as the Presiding Officer for the hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intentions to make a statement no later than March 18, 1974, and to submit if practicable, five copies of the proposed statement to the Administrator of the Environmental Protection Agency, in care of the presiding officer. The proposed statements and all other comments and inquiries prior to the hearing should be addressed to the Presiding Officer at the Office of Noise Abatement and Control, U.S. Environmental Protection Agency, attention Assistant for Environmental Equity, Washington, D.C. 20460, not later than March 18, 1974.

The transcript of the hearing and any materials submitted for the record will become part of the official docket for Interstate Motor Carrier Regulations. This docket number is ONAC 7202005.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-5593 Filed 3-11-74;8:45 am]

[40 CFR Part 423]

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Notice of Proposed Rule-Making

Correction

In FR Doc. 74-4814 appearing at page 8294 in the issue of March 4, 1974, on page 8304, in the first line of the first complete paragraph, the words "June 3, 1974 will be considered. Steps previously taken by the Environmental" should be inserted after the word "before".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110; FCC 74-222]

MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Oral Argument

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations.

1. The Commission has before it the comments and replies filed in response to the further notice of proposed rule making in this proceeding adopted March 25, 1970, 22 F.C.C. 2d 339 (36 FR 11818).

2. The proposal in the further notice would require divestiture, within five years, to reduce one party's media holdings in any market to one or more daily newspapers, or one television broadcast station, or one AM-FM combination. Under the proposal, if a broadcast station licensee were to purchase one or more daily newspapers in the same market, it would be required to dispose of any broadcast stations that it owned in that market within one year or by the time of its next renewal date, whichever is longer. No grants for broadcast station licenses would be made to owners of one or more daily newspapers in the same market. Comments were also invited on whether divestiture should be required with regard to AM-FM combinations so that no party could own such a combination unless he had made a showing that the two stations were for economic or technical reasons so interdependent that one could not be sold without the other. There were two major concerns which led to the proposal. The first was the Commission's recognition of the need for diversity in sources of information on topics of public importance and the Commission's conclusion that it was necessary to explore whether adequate diversity is available. The second had to do with the question of economic concentration.

3. In response to the further notice, a large number of parties submitted comments including studies of the impact of newspaper-television cross-ownership on public access to divergent opinions on topics of public importance, the economic consequences of divestiture, and the effects of common ownership on competition and station performance. Although the proposal to require the separation of ownership of co-located daily newspapers and television stations received the most attention by the commenting parties, other points were also addressed.

4. The material submitted has been helpful in providing the Commission with a basis for arriving at decisions in this proceeding. However, there are certain areas concerning which it believes that additional information would facilitate the decision-making process. The Commission also believes it is in the public interest to develop such information by means of oral arguments and perhaps panel sessions as well as by affording interested parties an opportunity to file up-dating or elaborating materials. We do not mean to imply that material concerning areas not mentioned below would be unwelcome. Rather, we believe that in view of the record already established, the time and energies of interested parties and of the Commission could be more profitably spent by concentrating on the topics highlighted below.

5. In issuing the further notice of proposed rule making in this proceeding, the Commission observed that the most significant aspect of the common ownership problem was that of co-located newspapers and television stations, both from the point of view of diversity of viewpoints and that of competition for advertising revenues. We are still of that opinion. Considering the controversy engendered by our proposal on that subject, as well as its core importance, we invite parties to focus primarily on the newspaper-television station cross-ownership proposal. Although not meaning in any way to limit comment thereon, specific aspects to which remarks might be addressed are the following: If divestiture is required, should it be required in all markets? Should it be limited to markets of a specified size, to those with a specified number of separate media voices, or to those with specific patterns of distribution of advertising revenues? Should it be otherwise tailored to respond to local variations which exist in different markets? Should the time required for divestiture be five years as proposed, or a longer or shorter period? How should the term "market" be defined for purposes of the rule? Should it be defined differently for newspapers than for television stations? Should the proposed rule apply to UHF television stations if it is adopted?

6. With regard to the foregoing, and the topics mentioned below, although no doubt in some cases it may be difficult to fashion comments so as not to be repetitious of what has already been submitted in this docket, we believe that to the extent that written and oral presentations do not duplicate the present record the work of the interested parties and of the Commission will be more efficient. This is so because what is now in the record will of course be given careful consideration in arriving at final decisions and it need not be repeated.

7. While urging divestiture as to newspaper-television combinations, the Department of Justice suggests that it is unnecessary to break up radio-newspaper or radio-television stations in larger markets. It states that such cross-ownership should only be examined in the smaller markets, e.g., markets below the top 100, and that this examination should take place on an ad hoc basis to determine whether divestiture is necessary in particular case. It also suggests that the creation of new radio-newspaper or radio-television combinations be prohibited in all markets and that sale of existing combinations to a single party should be proscribed.

8. Another commenting party, agreeing that divestiture of radio-newspaper or radio-television combinations in larger markets is unnecessary, but viewing an ad hoc approach as inefficient and ineffective for smaller markets, suggests that smaller markets be handled by a general rule instead. This party would define the smaller markets as those below the top 100 or top 200, or according to the number of radio stations in the market, and would take into account the types of radio stations in the market. The same party also suggests that as to radio-TV combinations, small markets might be defined as those with a single TV station.

9. Thus, although we have arrived at no conclusions in this area, we would welcome comments on such questions as whether to proceed on a case-by-case method or by rule in smaller markets and on how small markets should be defined, whether a rule should be adopted prohibiting the creation of new radio-newspaper or radio-television combinations in all markets, whether a rule should be adopted proscribing the sale of such combinations to the same party, etc.

10. As to AM-FM combinations, it may well be that rather than requiring sep-

arate ownership, an appropriate route to follow would be that of permitting such cross-ownership but of amending our present AM–FM non-duplication rules, which prohibit more than 50 percent duplicated programming in communities of more than 100,000 population, by making them more restrictive. To this end, we shall in the near future issue a Notice of Proposed Rule Making intended to explore various possibilities for amendments of the rule.

11. Although we have previously expressed the intention of considering the problems of cross-ownership of co-located newspapers and cable television systems (Docket No. 18891) and cross-ownership of co-located newspapers and broadcast stations (Docket No. 18110) at the same time, we have on further consideration decided against this. There are, of course, similarities in the problems relating to the two types of cross-ownership, but there appear to be fundamental differences that suggest separate treatment might be advisable. For this reason, we do not now invite parties to submit written comments on the subject of newspaper-cable cross-ownership or to make oral presentations on that subject. Such submissions or presentations may be requested at a later date.

12. As previously stated, both for updating and elaboration we would welcome supplemental written filings. Moreover, we would do so both from original or other parties. To permit these filings to be studied before oral argument takes place, we shall specify a deadline of May 1, 1974, for them. Oral argument will be held on June 18, 19 and, if necessary, June 20, 1974. This provides about 60 days for the submission of written material and allows us a short time in which to examine it before the oral argument. No one must file, but for those that do so, the usual requirement of an original and 14 copies shall apply.

13. May 1, 1974, is also the deadline for requesting an opportunity to participate in oral argument. For this purpose, parties should file separately from their comments an original and two copies of their request, referring to this docket and directing it to the attention of the Dockets Branch, Office of the Secretary. When filing, parties should indicate who is to appear on their behalf and how much time is requested. Thereafter, the Commission will notify the parties of the schedule for oral argument. To the extent possible, parties will be given the amount of time requested. Since sufficient time may not be available, the Commission encourages parties wishing to present like views to join in a single presentation. As to panel sessions, the Commission will subsequently decide whether they will be held and, if so, on the precise format, timing and participants.

14. *Accordingly, it is ordered,* That oral argument is scheduled in this proceeding as outlined in the above discussion.

Commissioner Reid concurring in the result.

Adopted: February 28, 1974.

Released: March 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74–5648 Filed 3–11–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19942; RM–2118]

TABLE OF ASSIGNMENTS

FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Palestine, Texas).

1. Notice of proposed rule making is hereby given concerning the proposed amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with respect to the petition of KNET, Inc., licensee of Station KNET(AM), Palestine, Texas to assign Channel 252A as a second assignment to that community. The assignment of Channel 252A to Palestine can be accomplished by substituting Channel 285A for Channel 252A which is unoccupied at Mexia, Texas. Both assignments would meet the spacing requirements of the Commission's Rules. No statements, pro or con, were filed in response to the petition.

2. Palestine (population 14,525) [1] is the seat of Anderson County (population 27,789). Existing broadcast facilities at Palestine are Class IV AM Station KNET (operated by the petitioner herein) and a first FM-only station (Station KLIS (FM)) operating on Channel 232A.

3. In support of its petition for the second FM assignment to Palestine, KNET states, although Station KNET provides daytime AM service to the surrounding communities of Frankston, Elkhart, Oakwood, Buffalo, Montalba, Tennessee Colony, Fairfield, Grapeland and Slocum, these communities cannot receive the KNET signal at night and therefore are denied news coverage provided by Texas State Network and the station's local news operation. It is also stated that a second FM station at Palestine could be used to program for the tastes of persons above the median age of 36.8 (which is ten years older than the state's median age), as both KNET(AM) and KLIS(FM) program on a country and western and top-40 music program format, which appeals to a younger age group.

4. Palestine is located approximately midway between Dallas and Houston in the Piney Woods area of East Texas. The National Center for Atmospheric Research is located in Palestine, which launches high-altitude balloons carrying research equipment, and the legislature of the State of Texas allocated one million dollars to establish a technical-vocational school, which is presently in operation under the guidance of nearby Henderson County Junior College.

5. Also located within 25 miles of Palestine is Lake Palestine, which offers sportsmen ideal fishing and boating conditions, as well as furnishing many municipalities with water supplies. As of 1973, the lake is to have 410,000 acre-feet of water and 25,000 surface acres with a shoreline of 135 miles and an expected shoreline population of 20 to 30 thousand residing in over 80 subdivisions by 1980. KNET(AM) does not reach this area, but an FM station would serve this lake area.

6. Approximately 15 years ago, the Missouri-Pacific removed a headquarters operation from Palestine back to St. Louis. To offset the loss of railroad payroll, the city diversified its economy and, in the petition, KNET lists 13 industrial employers. Also assisting in the further development of industry in the area is the construction of a large channel with lakes and reservoirs (located within 5 or 6 miles of Palestine) on the Trinity River connecting the Gulf of Mexico with the Dallas-Ft. Worth area.

7. Extensive demographic data identified as to specific source of the data, is set forth which shows significant increase in population of the city of Palestine (14,525 in 1970 as opposed to 12,445 in 1950), though the population of Anderson County declined from 31,875 in 1950 to 27,789 in 1970. However, total income rose to $45,186,000 in 1970, up 16.6% from $38,774,000 in 1963–64. Ten new manufacturing plants began operations in the 1966–72 period, and manufacturing employment rose from 1,245 in 1963–64 to 1,600 in 1972; agricultural employment rose from 1,010 to 1,215 and non-manufacturing and non-agricultural employment rose from 6,230 to 7,900 in the same 1963–64 to 1972 period. Retail sales in the county rose from $31,575,000 in 1963–64 to $43,542,000 in 1972, and wholesale trade sales rose from $14,645,000 to $16,695,000 in the same period.

8. Wholesale trade payrolls, mining payrolls and manufacturing payrolls increased from $7,654,000 (total) in 1963–64 to $10,115,000 in 1972. Bank assets more than doubled from 1964 to 1972 ($42,635,016 up from $20,904,956) and savings and loans deposits increased from $5,601,385 in 1964 to $11,910,000 in 1972. City sales taxes also showed a significant increase. In the 1968–72 period, there were 373 new residences constructed (value $5,616,000); 57 commercial buildings (value $1,777,000); and 12 public buildings (value $1,470,000). In the 1964–72 period, public utility connections showed an approximate ten percent increase. The number of vehicles in the county rose from 16,068 in 1963–64 to 18,250 in 1972. The Palestine Chamber of Commerce estimates a 7 percent increase to 15,541, in city population by 1980, and East Texas Chamber of Commerce figures show a population increase for East Texas from 2,898,687 in 1950 to 4,003,481 in 1970 with a 1980 projected population of 4,684,073.

[1] All population figures cited are from the 1970 United States Census, unless otherwise stated.

9. The proposal to assign Channel 252A to Palestine and substitute Channel 285A for Channel 252A at Mexia complies with the minimum mileage separations contained in the Commission's rules, provided the site for an FM station on Channel 285A at Mexia is located at least six miles northwest of the community. Insofar as preclusion is concerned, analysis indicates the proposed assignment would foreclose future assignment only on Channel 252A. There are two communities located within the precluded area where a channel could be assigned (Lufkin, Texas, population 23,049 and Crockett, Texas, population 6,616), but these two communities have FM assignments and do not appear to warrant an additional channel assignment. Petitioner has stated its intention to apply for a construction permit on Channel 252A if the proposed assignment is made.

10. In our view, the proposal has sufficient merit to warrant consideration in a rule making proceeding. The proposal is to assign the second Class A FM channel to a community the size of Palestine, and there is sufficient evidence of past and future growth and demand for the second FM service in the city and area. Accordingly, we propose the following revision in the FM Table of Assignments (§ 73.202(b) of the rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Palestine, Tex	232A	232A, 252A
Mexia, Tex	252A	285A

11. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

12. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference his former pleading. He should also restate his present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

13. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

14. Pursuant to applicable procedures set out in Section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before April 11, 1974, and reply comments on or before April 22, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

15. In acordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

16. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: February 26, 1974.

Released: February 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 74-5649 Filed 3-11-74; 8:45 am]

[47 CFR Part 73]

[Docket No. 19945; RM-2121]

TABLE OF ASSIGNMENTS

FM Broadcast Stations

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Naples, Florida).

1. Notice of proposed rule making is hereby given concerning the proposed amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to the petition filed by Frank A. Franco and Anthony B. Battaglieri (Franco, et al.) to assign Channel 221A as a third assignment to Naples. This assignment may be made without making other changes in the Table and would meet the spacing requirements of the Commission's Rules. No statements, pro or con, were filed in response to the petition.

2. Naples (population 12,042) [1] is the seat of Collier County (population 38,040) is located some 150 miles south of Tampa on the west coast of Florida. Existing broadcast facilities consists of one fulltime AM station (WNOG, 1270 kHz, 500 w, DA-N, U) and two FM stations (WLAJ, Channel 228A and WNFM, Channel 233C).

3. In support of its request for the assignment, Franco, et al. states that the increase in population for Naples from 1960 to 1970 was 158.7 percent (194.5 percent for Naples Census Division) and 141.5 percent for Collier County. The Florida Department of Commerce has projected a 1975 population for Collier County of 49,400—more than 11,000 greater than 1970—and a projected 1980 population of 60,200. It is stated that: "[U]nited Telephone expects the 1975 population to reach 71,650 and projects a 1981 population of 168,000." However, the preceding statement does not refer to any specific area. It is stated that virtually all the population lies near Naples, as shown by the total population of 27,143, consisting of Naples, North Naples, Naples Park, Immokalee and Everglades. The Naples census division contains 26,896, or approximately 71 percent of the population in the county. The interior portion of Collier County is principally composed of the Big Cypress Swamp.

4. 1970 Census figures indicate median income for males sixteen years and older to be $8,016 with females earning $4,130. The family median income was $13,733 as compared to Miami ($7,304), Tallahassee ($9,078) and Orlando ($7,945). Unemployment in Naples is comparatively low—1.4 percent for males 16 years old and over and 2.3 percent for females in that age bracket, with a combined average of 1.7 percent. Collier County shows unemployment at 2.4 percent for males 16 years old and over with 2.8 percent being the figure for women. In comparison, Miami has combined unemployment of 4.3 percent; Panama City 3.3 percent; and Tallahassee 3.4 percent.

5. In 1965, building permits were issued for construction value of $8,062,696; for 1966—$10,981,380, 1967—$14,394,361; 1968—$23,031,515; 1969—$27,942,537; 1970—$37,363,521; in 1971, it rose to $50,038,625. Wholesale sales increased from $2,690,000 in 1948 to $26,351,000 in 1967; and retail sales increased from $3,008,000 in 1951 to $76,588,000 in 1969.

6. Naples has a separate identity from the large population belt on the East Coast of Florida. A publication entitled General History—Naples and Collier County, Florida, prepared by the Naples Chamber of Commerce was submitted as an attachment to the petition setting forth much significant historic and economic data concerning the area. Naples, in addition to being the county seat, is the principal community, as well as the financial, cultural and business center of the community. There are two national banks, two state banks and a savings and loan association with 1970 total deposits of $164,606,305 as opposed to $22,111,578 in 1960. A daily newspaper, the Naples Daily News is published there. Naples also has a 191 bed hospital with a medical staff of 43. There are 20 different church congregations located in Naples, and all major national civic and social organizations are represented. There are 3,000 rental units available in Naples for tourists. The petitioners have stated their intention to apply for a construction permit in the event the Commission assigns Channel 221A to Naples.

7. The proposed assignment of Channel 221A to Naples would foreclose future

[1] All population figures cited are from the 1970 United States Census, unless otherwise stated.

assignments on Channels 218, 219, 220 and 221A. Although the preclusion on Channel 221A would encompass a relatively large area, there are only a few communities located therein, and Immokalee (population 3,764) is the only community that could use an FM channel. However, it is to be noted that Immokalee had Channel 240A assigned to it but the channel was moved to Bonita Springs, Florida (15 miles north of Naples) on a petition of the licensee of the station (FCC 71-1138, 32 F.C.C. 2d 307). Immokalee still has a full-time Class IV AM station. As to the preclusion on the three educational channels, the nearest community with a higher educational facility is Fort Myers, Florida (37 miles north of Naples) which has a junor college (Edison Jr. College, students—1,516, 1967-68). The nearest Channel 6 television station is located at Miami, Florida (WCIX-TV), some 90 miles from Naples and 120 miles from Fort Myers, and does not provide a Grade B service to these communities. Thus there is no need to reserve the use Channels 218, 219 or 220 for educational use. The Channels below Channel 218 could be used if a need for educational FM stations should arise.

8. Although the proposed assignment would exceed the quota set forth in the FM assignment policy guidelines, Channel 221A could be assigned to Naples. The preclusion on the commercial FM spectrum is minimal and reservation on the use of the top three educational channels does not appear warranted. Because of the extensive growth in Naples and Collier County just in the past decade as well as projected future growth, we believe that a sufficient public interest showing has been made to warrant exploration of the assignment of Channel 221A at Naples in a rule making proceeding. Accordingly, we propose the following revision in our FM Table of Assignments (§ 73.202(b) of the rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Naples, Fla	228A, 233	221A, 228A, 233

9. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

10. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent should provide any available additional data concerning population and commercial growth in Naples and Collier County, Florida, since the filing of the petition. In any event, the proponent is expected to file comments even if he only resubmits or incorporates by reference his former pleading, and restates his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

11. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 15, 1974, and reply comments on or before April 26, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

14. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.)

Adopted: February 25, 1974.

Released: March 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-5651 Filed 3-11-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19928; RM-1971, etc.]

FM TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Danville and Hoopeston, Illinois; Fowler, Lafayette, and Terre Haute, Indiana).

1. On January 25, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on February 5, 1974, 39 FR 4586. The dates for filing comments and reply comments are presently March 6, and March 18, 1974, respectively.

2. On February 20, 1974, the Citizens Broadcasting Company (Citizens), licensee of standard broadcast Station WAAC, Terre Haute, Indiana requested that the time for filing comments and reply comments be extended to March 27 and April 8, 1974, respectively. Citizens states that it has undertaken a further study of assignments in the area with the objective of developing an even more efficient reassignment of frequencies than proposed in the Notice and more time is required to complete the studies.

3. Counsel for each of the other rule making petitioners has informally advised that he has no objection to a grant of the extension requested herein.

4. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including March 27 and April 8, 1974, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

Adopted: March 4, 1974.

Released: March 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-5653 Filed 3-11-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC-43 (Sub-No. 3)]

REGULATED MOTOR CARRIERS OF VEHICLES WITH DRIVERS

Lease by Private Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of March, 1974.

This investigation and rulemaking proceeding is directed to an examination and evaluation of existing Commission regulations governing the augmentation of equipment by motor common and contract carriers of property subject to part II of the Interstate Commerce Act (49 U.S.C. 301, et seq.). It is our aim in this proceeding to determine whether this agency should, in light of the current national energy emergency, modify existing motor vehicle leasing regulations which have been in effect in their current form since 1968. The present regulations are reproduced in appendix A hereto.

Specifically, we intend to consider whether the needs of industry and consumers require that a more effective and efficient means be found for regulated carriers to supplement their equipment during the period of the energy shortage. One such means may be to allow such carriers to lease from private carriers, for a period shorter than 30 days, motor vehicle equipment with drivers. Generally, such leasing arrangements, would result in trip-leasing, i.e., the hire or lease of a motor vehicle, with driver, for a single one-way trip.

Common and contract carriers by motor vehicle are an institution upon

whose services the general public must depend. Informed by experience, we believe it likely that the public's dependence upon the regulated sector of the motor transportation industry will increase to a marked degree during the present energy emergency. Motor common carriers must, according to their abilities, serve all who seek their services and serve them equally and fairly. Motor contract carriers, among other things, generally have the continuing obligation to meet the distinct transportation requirements of their individual customers by the exclusive assignment of vehicles or otherwise. In addition, this Commission is charged with the duty of regulating motor carriers subject to the Interstate Commerce Act fairly, impartially, and in the public interest. In keeping with that mandate, we are constrained here to determine what, if any, modifications in our current equipment leasing regulations would be in the public interest during the period of reduced energy supplies.

Leasing practices of carriers have created problems from the inception of Federal motor carrier regulation. In order to determine what problems could be expected should a modification be made in the current regulations, it would be well to examine the history of the regulations now governing equipment leasing. It should be noted that motor carriers subject to part II of the Act may, under present regulations, trip lease equipment between and among themselves in certain instances.

Background of the Current Regulations

Leasing of vehicles by one carrier from another has long been a common occurrence in the motor transportation industry. In fact, during World War II that industry was encouraged to lease equipment in order fully to utilize the Nation's resources to further the war effort. The advantages of leasing are plain: a carrier can obtain needed equipment to bolster its own supply, and the lessor can reduce his expenses by obtaining a load for his return trip that might otherwise be made without lading. There are disadvantages in the practice, however, among which are:

1. Non-compliance by carriers with safety rules, especially requirements dealing with the hours of service and qualifications of drivers. Such regulations have been more difficult to enforce in situations where equipment with a driver is leased for only a single trip.

2. The locus of liability. Prior to the present leasing regulations, there was often a question of who, as between the lessor or lessee, was liable in case of accidents. Much of this problem arose out of inadequately drafted and generally informal equipment-leasing agreements.

3. The fairness and adequacy of the compensation. A frequent cause of trouble in prior years was dissatisfaction with the money paid to owners of vehicles by carrier-lessees.

As a result of these advantages and disadvantages of equipment leasing, which are by no means exhaustive of the subject, this Commission's Bureau of Motor Carriers began, in 1940, a study of motor vehicle leasing practices. Although suspended during the war, that study was resumed in 1947 when tentative rules were proposed. Those tentative regulations were presented to the public and the motor carrier industry for their views and suggestions, but none was forthcoming. Thereupon, this Commission, on January 9, 1948, initiated a formal proceeding in Ex Parte No. MC-43, Lease and interchange of Vehicles by Motor Carriers, to consider the lawfulness of equipment-leasing practices of motor common and contract carriers. On June 26, 1950, then Division 5 of this Commission issued its report (51 M.C.C. 461) determining that the leasing practices of motor carriers included many violations and evasions of part II of the Interstate Commerce Act. Although the Division accepted most of the proposed rules, it rejected two important principles—that leases must be of at least 30 days' duration and that compensation should be on a basis other than a division of revenues—earlier recommended in the proceeding by the hearing officer.

Thereafter, following oral argument, the entire Commission issued on May 8, 1951, a report (52 M.C.C. 675) in which rules similar to those prescribed by Division 5 were adopted but which included the two basic points earlier recommended by the hearing officer. These specific rules were adopted for the stated reasons (a) that abuses by carrier managements—namely, the failure to keep control over operational safety and to meet their carrier responsibilities—were in need of correction; and (b) that this agency's ability to enforce certain economic regulation over the motor carrier industry would otherwise be diminished. This Commission's jurisdiction and authority to issue the rules were immediately questioned by certain agricultural interests and motor carriers, but were confirmed by the United States Supreme Court in American Trucking Associations, Inc. v. United States, 344 U.S. 298 (1953). The Court, though expressly not ruling on the wisdom of the adopted regulations, held that even though the Interstate Commerce Act does not specify a right in this agency to control vehicle-leasing practices, we nevertheless possess sufficient rulemaking jurisdiction to promulgate rules governing the leasing of equipment. In addition, the Court decided that the rules adopted did not violate sections 208(a) or 209(b) of the Act which protect carriers' rights to augment their equipment, or section 203(b)(6) which exempts from this Commission's jurisdiction vehicles used in transporting livestock, fish, and unprocessed agricultural commodities. The latter section was not violated, the Court held, even though, in the face of the leasing regulations the cost of nonregulated transportation in such exempted vehicles might increase.

The leasing rules were to have taken effect on August 1, 1951, but because of objections registered by agricultural interests and certain motor carriers, and as a result of requests by certain committees of the Congress, that effective date was postponed. The main objection voiced by various groups against the adopted regulations was directed at the 30-day lease requirement. This portion was deemed to be extremely important because it would have effectively abolished much of the trip-leasing engaged in by carriers. As a result, transporters of agricultural commodities, livestock, and fish would no longer be able to obtain return loads by leasing their equipment. It was argued that empty return trips would prompt these carriers to increase their charges for hauling the above-mentioned products, thus increasing marketing costs and prices ultimately paid by consumers. As a House Report[1] stated:

> The economic loss involved in such wasteful use of equipment, manpower, and gasoline would be reflected in higher prices to consumers, or lower prices to farmers and other producers, or both. It is doubtful, indeed, whether exempt haulers of agricultural commodities, livestock, and fish would be able to survive under these conditions.

The 30-day rule was subsequently amended by this Commission so that it no longer applied to motor vehicles used in the transportation of agricultural commodities referred to in sections 203(b)(4a), (5), and (6) of the statute. Therefore, regulated carriers (common and contract) could trip-lease a motor vehicle with a driver, when that vehicle was either owned by a farmer or farmer cooperative or used in the for-hire transportation of commodities referred to in section 203(b)(6) of the Act after such a vehicle had completed a movement exempted from regulation by reason of sections 203(b)(4a), (5) or (6) of the statute. The use of leased equipment under this exception, however, was restricted to a single movement in any direction, or a series of movements over reasonably direct routes in the direction of the general area in which the exempt movement originated, or in the direction of the area in which the equipment is based.

In 1956, the Congress withdrew, with respect to most vehicles used to haul agricultural commodities and certain related products, this Commission's power to regulate (1) the duration of equipment leases, and (2) the compensation to be paid for equipment used in the transportation of such commodities. The vehicles of certain private carriers, i.e., those whose vehicles regularly are used in the transportation of agricultural commodities (which was not permitted under the amended regulations), were allowed to be trip-leased. The House Committee stated its belief that limited

[1] House Report No. 2425, June 25, 1956 (to accompany S. 898), U.S. Code Congressional and Administrative News, 84th Congress, 2nd Sess., 1956, p. 4304.

trip-leasing by such private carriers would be:

> essential to the continuation of a flexible and efficient motor transportation service for the marketing of agricultural products and is in the public interest.[3]

This exemption of equipment hauling agricultural commodities was challenged in the courts and upheld in Christian v. United States, 152 F. Supp. 561 (D. Md., 1957). The court there held that the amendments were not discriminatory and did not constitute class legislation. The legislation enacted in 1956 represents the latest Congressional action on this matter. For subsequent Commission action in this area, see 64 M.C.C. 361 (1955), 68 M.C.C 553 (1956), 79 M.C.C. 65 (1959), 79 M.C.C. 251 (1959), 84 M.C.C. 247 (1961), 86 M.C.C. 525 (1961), 89 M.C.C. 683 (1962), and 91 M.C.C. 877 (1963).

It is apparent from the history described above that although trip-leasing does tend to allow savings in transportation costs, the Congress recognized that certain abuses seem to be inherent to it. In this light, the Congress restricted this Commission's authority over vehicle-leasing practices in order to provide additional flexibility as well as cost savings, but it did so only with respect to the transportation of farm-related commodities.

The Energy Emergency

Unnecessary empty backhaul mileage by motor vehicle equipment is inconsistent with the urgent need for conservation of our national energy resources. This inconsistency may be more pronounced in the case of private carriage equipment subject to trip-leasing restrictions. On the other hand, undisciplined trip-leasing of equipment has generally resulted in transportation service less susceptible of the regulatory control necessary to the achievement of the public interest objectives of the Interstate Commerce Act.

The question now presented is whether, in light of the energy crisis, some means can be found for increasing the opportunities to trip-lease equipment while maintaining in the general public interest the necessary level of control over trip-leasing and the resulting transportation services. The proposed modifications of our existing leasing regulations set forth in appendix A are directed to that end. As a corollary to the liberalized trip-leasing regulations here under consideration, we would urge, and will consider in this proceeding all practicable means to encourage private carriers to utilize public transport whenever they may be unable to develop leasing, scheduling, or other practices, specifically designed to balance their traffic patterns in the interests of fuel conservation. While not all traffic imbalances can be eliminated, we would hope that shippers engaged in private carriage would be mindful of their duty to conserve energy by eliminating, as fully as possible, energy inefficient one-directional motor carriage.

Analysis of the Amendments Proposed

The factors of leased-equipment operation most in need of public interest controls are: (1) the equipment; (2) the lease compensation for the use of the equipment; (3) the safety of the operation; and (4) the opportunity for discriminatory practices by lessees of the equipment. In light of these factors, any relaxation of current regulations (which preclude the leasing of equipment with drivers from private carriers for period of less than 30 days) should be considered with caution.

The proposed modifications set forth in appendix A attempt to afford relief during the current fuel shortages and protect the public from the pitfalls of undisciplined leasing of motor vehicle equipment.

A matter of fundamental concern in the leasing of motor vehicles—particularly when equipment is leased with a driver—is that an unacceptable situation may be created in which the person claiming to be a carrier cannot effectively control the safety of operation, hours of service of drivers, and the responsiveness of the service to the public's needs. To maintain a Federal oversight over the discharge of these public interest responsibilities was a primary objective of Congress in its decision to regulate interstate motor transportation.

Consistent with the goals of Congress, subparagraphs (1) and (2) of the proposed amendment would require authorized carriers to agree, in writing, to control and be responsible for the operation of leased equipment with drivers.

Subparagraph (3) delimits the private carriage equipment to which the rule would apply. It is fundamental that for-hire motor carriers have sufficient equipment of their own to meet their responsibilities to the public. Extensive reliance on equipment leased from others for single trips on a "when-available" basis would tend to lessen the certificated carriers' dependability and responsiveness, because it would lessen the carrier-lessees' control over the availability of vehicles to meet shipper-customer needs as a given time. A public need for a level of service above that obtainable through use of the carriers' own equipment may go unmet or be satisfied only in an unreliable or inconsistent manner.

On the other hand, a carrier that holds operating authority to provide a particular type of service and operates only a relatively small fleet of vehicles of its own could, by extensive leasing, cause overcapacity in the market to the detriment of those carriers who incur the expense of consistently operating a more reasonably adequate number of vehicles. If the public is to be assured of access to reliable transportation services, the long-range strength and stability of the regulated for-hire carrier system must be maintained. This need is never more pronounced than when private carriage operations tend to take away the so-called "cream" of available traffic, leaving what may be the less-desirable operations to be performed by others.

Private carriage operations are a fact of our economic life, however, and they are quite extensive. Such empty backhaul mileage as they may generate may result in fuel wastage which we would seek to minimize. Proposed subparagraph (3) would limit the ability to trip-lease generally to that equipment used in private carriage operations (or replacements therefor) on the date of service of this notice and order. This limitation is designed to prevent any relaxation of existing regulations from compounding the problem even further, in that more shippers would not be induced to enter into private carriage based on the belief that trip-leasing would be available to them.

Subparagraph (4) proposes a maximum return-trip distance that private carriage equipment may travel and still qualify for the proposed trip-leasing exemption. Inasmuch as our objective in modifying the leasing regulations is to conserve fuel—and not necessarily to add to the flexibility of operations of private carriers, as was the concern of the Congress with respect to carriers of agricultural commodities—the trip-leasing permitted should be limited to direct backhaul operations, from the point at which private carriage terminates to the base point of the equipment. Yet we recognize that it could be wasteful of fuel if private carriage operators did not have some latitude in arranging for return loads. Some parameters are required, however, if unnecessary distances are to be curtailed and the following net effects are to be avoided: (1) the generation, to the public detriment, of the equipment problems of regulated carriers discussed above; (2) interference with the ability of private operators to have their equipment at base points when needed, thus possibly creating a need for additional equipment which for reasons stated above should not qualify under the proposed exemption; and (3) private carriage operators having undue freedom to appropriate the most lucrative return traffic available and leaving the less attractive loads to regulated carriers other than the equipment lessee. All of these effects would be inconsistent with the goals of regulating motor carriage and promoting fuel conservation. Accordingly, the contemplated modifications of our leasing regulations propose a maximum distance of 110 percent of the most direct highway mileage from the point at which private carriage terminates to the base point of the equipment. This would even enable a private carrier to travel a short distance beyond the point at which private carriage ends in order to obtain a more direct return load. Allowing such leeway is more likely to achieve the goals stated above than permitting private carriers to trip-lease only in the general direction of the base point of equipment.

Subparagraph (5) proposes to set precisely the compensation which may be

[3] Ibid, P. 4308.

paid for equipment with a driver leased on a single-trip basis. This Commission has the statutory power to fix such compensation in certain circumstances. The tendency to discriminate and the abuses of the past indicate that it is now vital to the public need for control, from the standpoint of the economic stability of the regulated sector, that such compensation be fixed in some fashion. In this manner we can achieve an effective policing against discriminatory practices. Perhaps no compensation formula for universal application throughout the country would be without significant advantages and disadvantages. Formulas might be based upon mileage, tonnage, a combination of the two, a percentage of variable or out-of-pocket costs, or a percentage of revenue.

In appendix D to Division 5's report, cited earlier herein, there is an analysis of answers given by 200 owner-operators to a questionnaire regarding leasing practices. It is stated, at 51 M.C.C. 543, that of those owner-operators 85 percent received a percentage of revenue and sation thus paid ranged from 50 to 88 percent of the revenue, with the majority receiving about 70 percent. Although the present situation as to private carriage equipment may not be precisely the same as it was then with respect to owner-operators, the need for simplicity is a major consideration, especially if the real purpose of trip-leasing is to be fuel conservation.

We noted earlier that, on oral argument, the entire Commission found the division-of-revenue method not to be completely satisfactory (52 M.C.C. 675, at 726). It appears, however, that with the other restrictions placed upon trip-leasing by our proposed modification, the earlier objections can be overcome. Accordingly, and for reasons of simplicity in application, it is proposed that compensation be based upon a fixed percentage of revenue.

Proposed subparagraphs (6) and (7) would make it clear that the modified leasing regulations would not relieve anyone of other duties or prohibitions imposed upon them by law.

The modifications contemplated in subparagraphs (8) and (9) are designed to enable us, through our direct jurisdiction over the regulated carriers, to oversee compliance with the letter and spirit of the regulations as modified.

Subparagraph (10) provides that the proposed exemption from the prohibitions against trip-leasing are temporary in nature.

As presently informed, we deem it to be urgent, desirable, and necessary at this time, in the interest of fuel conservation, to investigate the possible need for revision of our existing motor vehicle leasing regulations. Our investigation should include, among other things, a determination whether the proposed modifications set forth in appendix A to this notice should be adopted, as well as whether this Commission should take other and further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

Oral hearing does not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice and order may do so by the submission of written data, views, or arguments. A draft environmental impact statement is attached as Appendix B.

It is ordered, That based on the foregoing, a proceeding be, and it is hereby, instituted under part II of the Interstate Commerce Act (49 U.S.C. 301, et seq.), including section 204 thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of determining whether the current national energy emergency and the present and future public convenience and necessity, as well as the public interest, require the adoption of the proposed modifications to the regulations contained in part 1057 of Title 49 of the Code of Federal Regulations, as set forth in appendix A hereto, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common and contract carriers of property subject to part II of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against, the proposed modifications in the leasing regulations is hereby invited to do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before April 15, 1974; and that all such statements will be considered as evidence and as part of the record in this proceeding.

It is further ordered, That this Notice be served upon the government agencies listed in section 5 of the Summary Sheet in appendix B hereto.

And it is further ordered, That notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over motor transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C., during regular business hours.

Dated: March 5, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

It is proposed to amend 49 CFR 1057.3 by adding a new paragraph (f) to read as follows:

§ 1057.3 Exemptions.

* * * * *

(f) *Vehicles with drivers from private carriers.* To the lease of equipment with drivers by an authorized carrier from a private carrier, subject to the following terms, conditions, and limitations.

(1) *Control and responsibility.* The two carriers (which may not be affiliated within the meaning of 49 U.S.C. 5(6) except as may be specifically authorized by the Commission) shall have first agreed in writing that control and responsibility for the operation of the equipment shall be that of the lessee-authorized carrier from the time the equipment passes the inspection required to be made by lessee or its representative under § 1057.4(c) until such time as the lessor or its representative shall give the lessee or its representative a receipt in the manner and form prescribed in § 1057.4(b) specifically identifying the equipment and stating the date and time of day possession thereof is retaken or until such time as the required inspection is completed by another authorized carrier taking possession of the equipment in an interchange of equipment where such use is contemplated, such writing to be signed by the parties or their duly authorized regular employees or agents, and a copy thereof carried in the equipment while the equipment is in the possession of the lessee;

(2) *Lease in triplicate.* The contract, lease, or other arrangement for the use of such equipment shall be executed in triplicate; the original (with the certifications required to be made by paragraph (f)(8) of this section) shall be retained by the authorized carrier in whose service the equipment is to be operated, one copy shall promptly be mailed by the authorized carrier (postage prepaid) to the owner of the equipment, and one copy shall be carried on the equipment as specified in subparagraph (f)(1) of this section;

(3) *Equipment to which applicable.* The owner or the duly authorized agent of the owner of the equipment so to be used shall certify in the manner set forth in paragraph (f)(8) of this section that the equipment was used in private carriage on the date of service of the notice of proposed rulemaking and order in Ex Parte No. MC-43 (Sub-No. 3) (March 7, 1974), or is replacement equipment on a one-for-one basis for such equipment in use on that date;

(4) *Distance limitation.* The equipment so to be used shall be used for a single direct movement or for one or

more of a series of movements within the confines of the total distance certified in paragraph (f)(8)(vi) of this section, to the point at which such equipment is based;

(5) *Compensation.* The compensation to be paid by the lessee for the lease of equipment with a driver shall be equal to 70 percent of the revenue derived from transporting the traffic involved as determined by the published applicable charges for such traffic.

(6) *Safety regulations.* Nothing herein shall be construed as relieving any carrier or a driver employed by a carrier when operating equipment leased from a private carrier to an authorized carrier of the duty to comply with all applicable provisions of the Motor Carrier Safety Regulations of the Federal Highway Administration of the Department of Transportation.

(7) *Duties imposed by law not affected.* Nothing herein shall be construed as relieving any authorized carrier or other person of the duties imposed upon it or him by the provisions of the Elkins Act (49 U.S.C. 41(1)) and sections 222(c) and 222(e) (proscribing the disclosure of information pertaining to the business activities of a shipper or consignee without his consent) of the Interstate Commerce Act, or, with respect to authorized common carriers, of the duties imposed by sections 216(b) and (d) and 217(b) of the Interstate Commerce Act;

(8) *Certification of information required to be supplied.* For all equipment leased to an authorized carrier with a driver, the owner thereof or the duly authorized agent of the owner shall provide in writing to the authorized carrier: (i) a notarized statement by the owner of the equipment, or agent duly authorized to sign for the owner (in which event the agent shall show a notarized power of attorney), authorizing the driver to lease the equipment for the movement or movements contemplated by the lease; (ii) the name of the driver and the year, make, model, and serial number or numbers of the equipment; (iii) a statement that the leased equipment was used by the owner in private carriage on March 7, 1974, or that it replaces equipment so used on that date in which case the said owner or agent shall also furnish the year, make, model, and serial number of the replaced equipment; (iv) the location of the base point to which the equipment is assigned; (v) the point at which the most recent loaded movement in private carriage was completed with the equipment to be leased; and (vi) a statement that the lease of such equipment will not, in conjunction with all distances traveled since termination of the private carriage referred to in (v), result in the equipment traveling a distance (under the lease and otherwise, loaded or empty, on the return movement of such equipment to the base point) greater than 110 percent of the most direct highway mileage from the point at which private carriage was terminated to the base point of the equipment. The person or persons furnishing the information required by this subparagraph, in addition thereto shall complete the following statement of certification:

I certify that I am aware that anyone who, in any matter within the jurisdiction of the Interstate Commerce Commission, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and be fined up to $1,000 and imprisoned up to 5 years (18 U.S.C. 1001).

(9) *Separate file of records.* Records of equipment leased from private carriers under this paragraph shall be maintained in a separate file.

(10) *Limited term of exemption.* Unless extended by further order of the Commission, the provisions of this paragraph shall expire on _____, 197__.

APPENDIX B

DRAFT ENVIRONMENTAL IMPACT STATEMENT

[Ex Parte No. MC-43 (Sub-No. 3)]

LEASE TO REGULATED MOTOR CARRIERS OF VEHICLES WITH DRIVERS BY PRIVATE CARRIERS

Prepared in compliance with section 102 (2)(C) of the National Environmental Policy Act of 1969.

SUMMARY SHEET

(1) *Administrative action.* Draft Environmental Impact Statement for the proposed exemption from certain requirements contained in part 1057 of Title 49 of the Code of Federal Regulations insofar as such regulations pertain to the lease by regulated carriers of motor vehicles with drivers from private carriers.

(2) *Description.* The proposed rulemaking action would provide a further exemption from regulations which presently require equipment leased from private carriers to regulated carriers to be leased for periods of at least 30 days' duration. It is contemplated that adoption of the proposed exemption would provide (1) an opportunity for regulated carriers to augment their operating equipment by leasing on a one-trip basis equipment and drivers of private carriers, and (2) an opportunity for limited supplies of fuel allocated to the transportation sector to be more efficiently utilized. These ends could be accomplished by allowing equipment of private carriers to be trip leased provided, however, that the leased equipment is utilized only in a movement of no more than 110 percent of the direct highway mileage to the base point of such equipment from the point at which the immediately preceding private carriage terminated. It is further anticipated that the proposed exemption would allow private carriers to move their equipment with lading rather than empty for all or a portion of the distance from the point at which private carriage terminates to the base point of such equipment.

(3) *Environmental Impacts.* The proposed action will provide opportunities to reduce highway congestion, alleviate air and noise pollution, tend to minimize certain safety hazards on the Nation's highways, and conserve fuel. It is not anticipated that the proposed action will be detrimental to or otherwise upset the economic situation in that segment of the surface transportation industry subject to the Interstate Commerce Act.

(4) *Other Alternatives.* Alternatives to the proposed action include: (a) total elimination of current leasing regulations; (b) permitting the lease of equipment of private carriers with drivers for periods of less than 30 days but not to allow such equipment to be trip leased; (c) inaction; and (d) temporary or experimental action.

(5) *Federal, State, and Local Agencies from Which Comments are Being Solicited.* Federal Agencies:

Civil Aeronautics Board
Council on Environmental Quality
Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Depart of the Interior
Department of Justice
Department of State
Department of Transportation
Environmental Protection Agency
Federal Energy Office
Federal Maritime Commission
General Services Administration
Office of Economic Opportunity
State agencies: State clearinghouses

I. DESCRIPTION OF THE PROPOSAL

The action being contemplated is fully described in the Notice of Proposed Rulemaking and Order attached. That Notice and Order is hereby incorporated by reference and made a part of this draft impact statement. Generally, it is proposed to relax, under certain conditions existing regulations (now codified at 49 CFR 1057) which govern the lease of motor vehicle equipment. Those regulations require that equipment with a driver leased to a regulated carrier by a private carrier be leased for a period of at least 30 days' duration. It is believed that the purpose of energy conservation will be furthered, and that substantial reductions in empty truck movements will be realized if regulated carriers are allowed to trip lease equipment of private carriers. Regulated carriers thus would be able to transport shipments on a private carrier's vehicle which otherwise would return to the base point of that vehicle without lading. It is also believed that the general availability of such equipment to regulated carriers throughout the country would enable them to transport greater volumes of traffic without having to introduce additional vehicles of their own.

II. PROBABLE IMPACTS OF PROPOSED ACTION

It is contemplated that the proposed action will have a beneficial impact upon energy conservation and, as a consequence, a similar effect upon the quality of the human environment. The partial elimination of empty backhaul movements of equipment of private carriers to the base points from which their operation originate will improve the utilization factor of existing motor transportation equipment and foster the availability and provision of public transportation services. A reduction in empty miles annually traveled by thousands of motor vehicles should reduce the need for acquisition of additional equipment, produce significant savings in fuel consumption, reduce the number of vehicles on the highways, lessen the amount of noise emitted each day, and, hence, improve the human environment.

It is believed that intensive efforts should be made to encourage shippers to utilize public transportation during the energy shortage. Rather than rely on what, in certain circumstances, is one-directional and, thus, energy-inefficient private carriage, shippers should be put in the position of being able to choose the most energy-efficient means of surface transportation. The proposed action, therefore, seeks conditionally to relax regulations which under normal conditions might justifiably reduce the opportunity of regulated carriers to augment their equipment by leasing private carrier equip-

ment but which, in the current emergency, should be reevaluated in terms of the increased significance of energy conservation.

The Interstate Commerce Commission has an obligation to assure the public that for-hire carriers subject to the Interstate Commerce Act operate efficiently and economically. Existing authorized carriers must always be healthy and stable and the importance of their health and stability is heightened when energy is in short supply. Accordingly, the public interest would be served by implementation of the proposed action.

The proposed action would appear to be fully consistent with anti-pollution programs established by the Environmental Protection Agency and the President's Energy Council. EPA reports that freeway noise is already considered "highly annoying" by a large portion of our society. By permitting trucks otherwise moving empty to be trip leased so that a portion or all of their return movements may be under load, the number of trucks necessary to move existing and future volumes of the Nation's traffic can be reduced. Thus, not only would less fuel be required, but highway congestion would be alleviated, and noise and air pollution would be reduced.

The contemplated action should permit both regulated and private motor carriers to operate with greater efficiency, better utilization of existing equipment, and limited consumption of short energy supplies. Such economies of operation may be passed on to consumers in the form of lower prices for transportation services with respect to regulated carriers and, in the case of private carriers, lower costs of raw materials and finished products, comparative inflation factors considered.

III. Unavoidable Adverse Environmental Impacts of Proposed Action

The proposed action will have significant beneficial effects upon the quality of our human environment. There will, however, be some adverse impact resulting from the proposed action. For example, certain regulated carriers may be faced to some extent with strengthened competition from carriers which because of a present insufficiency of equipment, are less competitive. This impact should not be significant because those carriers with sufficient equipment also may be faced with reduced energy supplies and might otherwise be unable to transport the traffic involved.

Another unavoidable effect of the action considered herein is that some degree of latitude is necessary in order to allow private carriers sufficient flexibility to obtain suitable lading for their return movements. A private carrier returning under load to the base point of its equipment under a trip-lease arrangement must therefore be allowed to travel some additional mileage in order to reach points at which loads are available or to which the traffic is consigned. This may cause certain operations to be conducted within congested areas or over heavily traveled highways. The unavoidable adverse environmental effects of such necessary operation, however, appear to be significantly outweighed by the beneficial results of the fuel savings contemplated by the proposed action. Moreover, the return under load rather than empty serves, in effect, to keep another vehicle off the road.

IV. Alternatives

The attached Notice and Order points out that undisciplined trip-leasing historically has led to abusive practices by those who engage in it. These practices not only affect the health and stability of the regulated sector of motor transportation, but also have given rise to irresponsible and unsafe operations being conducted upon the Nation's highways. Thus, a total elimination of our leasing regulations would result in destructive competition for existing carriers and increase the risks to life and property through the entry of hazardous operations conducted without sufficient restraints.

The Commission considered the possibility of permitting leases for less than 30 days but not allowing equipment with drivers of private carriers to be trip-leased. This alternative, however, was not adopted because the interest of energy conservation would not be as fully served as it is under the proposed action.

The Commission also considered and rejected inaction as an alternative. Failure to act at this time was considered contrary to the public interest and the Commission's regulatory responsibilities under the circumstances of reduced energy supplies. Not only would inaction cause fuel to be consumed unnecessarily, but pollutants would be emitted in our air, and noise and vibrations would interrupt the enjoyment of life. These considerations along with added highway congestion and extra costs for essential public transportation services cannot be reconciled with inaction.

The adoption of experimental or temporary measures has also been evaluated. It is in a sense because of the inherent nature of trip-leasing and the history of its having led to abusive practices and unsafe operations that the Commission has proposed that the action contemplated should expire on a fixed date. It is contemplated, however, that the proposed action should remain in force as necessary in the energy emergency. Should it be adopted, the proposed action may require adjustment in the light of experience under it. Inasmuch as reduced supplies of energy constitute the major consideration underlying the proposed action, such action is, hopefully, temporary in nature. Its effect may, however, be extended beyond the proposed expiration date by further order of the Commission. Although the Commission fully recognizes that pollution is a permanent problem that requires a lasting response, the Commission is not prepared at this time to conclude that reduction in pollution should be accomplished by condoning such abuses as have arisen in the past under trip-leasing arrangements. If the regulations proposed herein should be found at a later date to be inadequate for any reason, they may be modified in an appropriate fashion at that time.

Other alternatives may be considered as this proceeding develops.

V. Relationship Between Local Short-Term Uses of the Environment and Enhancement of Long-Term Productivity

Successful implementation of the proposed action will enable private and regulated motor carriers to operate more efficiently in terms of energy consumption. This should prove to be of immediate and future benefit to the quality of our environment. Not only will levels of air and noise pollution be lowered, but unnecessary consumption of limited energy resources will be curtailed. Implementation also should relieve a certain amount of highway congestion which would not only be advantageous now, but also may eliminate some of the need for future highway expansion. Most importantly, however, it should conserve fuel which is a precious resource now in short supply. Such savings should allow available fuel inventories to be conserved and used over a longer period of time and some fuel to be diverted from surface transportation to other critical uses.

VI. Irreversible and Irretrievable Commitments of Resources

No irreversible and irretrievable commitments of resources are foreseen. To the contrary, the contemplated action should result in reduced demands for and more efficient utilization of existing resources.

VII. Comments

Comments on this draft environmental impact statement shall be due on or before April 11, 1974. This period of time should be sufficient for any interested parties properly to evaluate the Commission's proposed action and this draft statement and submit relevant comments to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423.

[FR Doc.74-5674 Filed 3-11-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS' BENEFITS

Payment of Accrued Amounts

Public Law 92-328 (86 Stat. 393) provided a new benefit, a clothing allowance in the amount of $150 to be paid each year to each veteran who, because of his service-connected disability, wears a prosthetic or orthopedic device which tends to wear out or tear his clothing. The Administrator of Veterans' Affairs has provided by regulation that the initial clothing allowance was due on August 1, 1972, the effective date of the enabling provision in Pub. L. 92-328, for those veterans who qualified on that date and that subsequent payments would become due and payable on August 1 of each year. It has been determined that the clothing allowance is a periodic monetary benefit within the purview of 38 U.S.C. 3021 which provides for payment to his dependents of accrued benefits due a deceased veteran.

Public Law 92-328 also amended 38 U.S.C. 3203 repealing the requirement for reducing awards of compensation and retirement pay to competent veterans without wives or children who are furnished hospital treatment, institutional, or domiciliary care by the Veterans Administration.

To implement the determination regarding the clothing allowance and the amendment of section 3203, it is proposed to amend 38 CFR Part 3 as set forth below. In addition minor editorial changes have been made in §§ 3.1000(f) and 3.1001(a)(1), (2) and (3) and (c) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. An obsolete legal reference has been deleted from § 3.1002. No substantive change affecting benefits is involved.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before April 11, 1974 will be considered. All written comments received will be available

for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendments to § 3.1000(h) and the introductory portion of paragraph (a) in § 3.1001 would be effective August 1, 1972, the effective date of the enabling provisions of Public Law 92–328.

1. In § 3.1000, paragraph (f) is amended and paragraph (h) is added so that the amended and added material reads as follows:

§ 3.1000 Under 38 U.S.C. 3021.

* * * * *

(f) *Dependents' educational asistance.* Educational assistance allowance or special restorative training allowance under 38 U.S.C. ch. 35, remaining due and unpaid at the date of death of an eligible widow or widower or eligible child is payable to a child or children of the veteran (see paragraphs (a)(2), (a)(3) and (d)(2) of this section), or on the expenses of last sickness and burial (see paragraph (a)(4) of this section). Benefits due and unpaid at the date of death of an eligible wife or husband are payable only on the expenses of last sickness and burial (see paragraph (a)(4) of this section).

* * * * *

(h) *Clothing allowance.* Clothing allowance under 38 U.S.C. 362 remaining due and unpaid at the date of the veteran's death is payable under the provisions of this section.

2. In § 3.1001, paragraphs (a)(1), (2) and (3) and (c) are amended to read as follows:

§ 3.1001 Hospitalized competent veterans.

The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.551(b) which are payable in a lump sum after the veteran's death.

(a) *Basic entitlement.* Where an award of disability pension for a competent veteran without dependents was reduced because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum if payable to the living person first listed as follows:

(1) The veteran's spouse, as defined in § 3.1000(d)(1);

(2) The veteran's children (in equal shares), as defined in § 3.57 but without regard to their age or martial status;

(3) The veteran's dependent parents (in equal shares), or the surviving dependent parent, as defined in § 3.1000(d)(3);

* * * * *

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section will apply in the event of the death of any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated against medical advice or as the result of disciplinary action. (38 U.S.C. 3203).

3. Section 3.1002 is revised to read as follows:

§ 3.1002 Political subdivisions of United States.

No part of any accrued benefits will be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary. (See § 3.1(o)). (38 U.S.C. 3021(b) and 3202(d)).

Approved: March 6, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–5637 Filed 3–11–74;8:45 am]

Notices

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

DEPARTMENT OF DEFENSE

ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Armed Forces Epidemiological Board will meet on 17 April 1974, commencing at 1:30 p.m., Conference Room 341, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C. The agenda includes discussion of Board membership, the establishment of permanent committees, recommendations to be acted on, small pox surveillance, and a presentation on Tropical and Global Medicine.

The meeting is open to the public but limited by space accommodations. Interested persons wishing to participate should advise the Executive Secretary, AFEB in writing, prior to the meeting, at the following address: Executive Secretary, AFEB, Room 6B066, Forrestal Building, 7th and Independence Avenue SW., Washington, D.C. 20314.

NORMAN E. WILKS,
LTC, (P), MSC, USA,
Executive Secretary.

MARCH 5, 1974.

[FR Doc.74-5598 Filed 3-11-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

METHAQUALONE AND ITS SALTS

1974 Interim Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 USC 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II by July 1 of each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to 28 CFR § 0.100.

An order published in the FEDERAL REGISTER (38 FR 27517 dated October 4, 1973), placed methaqualone and its salts in Schedule II of the Controlled Substances Act (21 USC 826).

Since methaqualone was not previously controlled, the impact of control upon legitimate use cannot be readily ascertained at this time. For this reason, the Drug Enforcement Administration has decided to postpone the publication of a proposed 1974 aggregate production quota for methaqualone until on or about May 1, 1974. This will allow the Drug Enforcement Administration to monitor and analyze sales and prescribing trends during the first quarter of 1974 to determine the impact of control upon legitimate usage.

In order to provide for legitimate needs in the meantime, the Drug Enforcement Administration has established an interim production quota. The interim quota is well within the estimate of medical and scientific need recommended by Dr. Charles C. Edwards, Assistant Secretary for Health, Department of Health, Education, and Welfare. The proposed 1974 aggregate production quota will take into account this interim quota. The interim quota, expressed in terms of anhydrous base, is as follows:

Basic Class	*Interim Granted 1974*
Methaqualone and its Salts	15,023.583 kg.

Dated: March 5, 1974.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.74-5663 Filed 3-11-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FHA Instruction 471.1]

CERTIFICATES OF BENEFICIAL OWNERSHIP

Interest Rates to Investors

Notice is hereby given by the Farmers Home Administration that the current rate of interest for certificates of beneficial ownership sold through the National Finance Office established pursuant to 7 CFR 1873.3(b) is as follows:

Rate	*Term of Investment*
7% (7.00%)	1 through 4 Years.
7.15% (7.15%)	5 through 9 Years.
7.35% (7.35%)	10 through 25 Years.

Effective Date: This notice shall be effective on March 12, 1974.

Dated: March 11, 1974.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74-5845 Filed 3-11-74;9:56 am]

Forest Service

RANGELAND ENHANCEMENT, CALIF.

Notive of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final Environmental Statement for Rangeland Enhancement on National Forest Lands in California, USDA-FS-FES (ADM) 74-14.

The Evironmental Statement concerns a proposal to conduct cultural range improvement practices, where potential exists for obtaining increased benefits, on selected sites within the sagebrush, perennial bunchgrass, and Mountain Meadow vegetation types.

This final Environmental Statement was filed with CEQ on March 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
14th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
California Region
630 Sansome St.
San Francisco, California 94111

USDA, Forest Service
Intermountain Region
324 25th St.
Ogdon, Utah 84401

All California National Forests
Forest Supervisor's Office

Toiyabe National Forest
Charles Mapes Bldg.
111 N. Virginia St.
Reno, Nevada 89503

A limited number of single copies are available upon request to Douglas R. Leisz, Regional Forester, U.S. Forest Service, 630 Sansome Street, San Francisco, CA 94111.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the Environmental Statement above when ordering.

Copies of the Environmental Statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Guidelines.

DOUGLAS LEISZ,
Regional Forester,
California Region.

[FR Doc.74-5639 Filed 3-11-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NEW YORK HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 74–00170–33–90000. APPLICANT: The New York Hospital, 525 East 68th Street, New York, New York 10021. ARTICLE: EMI Scanner. MANUFACTURER: EMI, Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to evaluate the gyri and sulci of the brain and abnormalities of the subarachnoid spaces. The EMI scans will be compared with the findings during cerebral angiography, pneumoencephalography, craniotomy and, in some cases, at postmortem examination.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (April 5, 1973).

REASONS: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography making possible the teaching of new techniques in neurological diagnosis and clinical research comparisons of brain lesion, tumor, and atrophy findings with those of older methods. These capabilities are pertinent to the applicant's intended purposes. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 31, 1974 that it knows of no domestic instrument of equivalent scientific value to the article which was available at the order date for the article. HEW also cited as precedents its recommendations relating to Docket Numbers 73–00531–33–90000 and 74–00034–33–90000, which conform in certain particulars with this application.

The Department of Commerce knows of no other instrument or appartus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–5604 Filed 3–11–74;8:45 am]

VANDERBILT UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 74–00168–33–86500. APPLICANT: Vanderbilt University, Nashville, Tennessee 37235. ARTICLE: Rheogoniometer, Model R. 18 and accessories. MANUFACTURER: Sangomo Weston Controls Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the rheological properties of untreated blood, of heparinized blood, and of blood clots. Tangential shear, oscillatory phenomena, and normal forces are studied.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides a sensitivity of 5 dynecentimeters. The most closely comparable domestic instrument, the Rheometrics Mechanical Spectrometer, manufactured by Rheometrics Incorporated, provides a sensitivity of approximately 200,000 dynecentimeters. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 31, 1974 that the best sensitivity available is pertinent to the applicant's intended use in measuring rheological properties of untreated blood, clotting blood, blood clots, and blood heparinized at various levels.

We, therefore, find that the Rheometrics mechanical spectrometer is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–5605 Filed 3–11–74;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00161–33–90000. Applicant: Washington University, Radiology Department, 510 South Kingshighway, St. Louis, Missouri 63110. Article: EMI-Scanner Brain Machine. Manufacturer: SMI Limited, United Kingdom. Intended use of article: The foreign article is intended to be used in the study of diseases and tumors of the brain in patients by charting the subtle absorption differences between normal and abnormal brain tissue. The article will also be used to train residents in radiology, neurosurgery and neuroradiology in the evaluation of patients with neurological disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (September 10, 1973).

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The article provides capabilities for discrimination between slight differences in tissue, X-ray density and computer aided tomography techniques which allows a three dimensional record of each examination. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 31, 1974 that the capabilities described above are pertinent to the applicant's intended use. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import, Programs Division.

[FR Doc.74–5603 Filed 3–11–74;8:45 am]

YALE MEDICAL SCHOOL ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the

United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 1, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

DOCKET NUMBER: 74-00294-33-46040. APPLICANT: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. ARTICLE: Electron Microscope, Model EM 301. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 18, 1974.

DOCKET NUMBER: 74-00295-33-46040. APPLICANT: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. ARTICLE: Electron Microscope, Model Elmiskop 101. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (artriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 18, 1974.

DOCKET NUMBER: 74-00296-33-46040. APPLICANT: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. ARTICLE: Electron Miscroscope, Model Elmiskop 102. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (artriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 18, 1974.

DOCKET NUMBER: 74-00297-33-46040. APPLICANT: U.S. Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268. ARTICLE: Electron Microscope, Model JEM 100B/SEG. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research investigation in the areas of advanced waste treatment, analytical quality control, environmental toxicology, and water supply. Specifically, the article will be used for (1) high resolution studies of virus infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the Bdellovibrio type; (2) particulate identification in water samples, visualization of the collodial material after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization and (3) the investigation of smoke and dust particulates of importance to inhalation toxicology as well as tissue pathology and morphology after animal exposure to these pollutants. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 18, 1974.

Docket number: 74-00298-33-46040. Applicant: University of West Florida, Biology and Chemistry Departments, Pensacola, Florida 32504. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in research involving experimentation with a variety of materials including: the algae, other plants, marine invertebrates and vertebrates, bacteria and colloids. Experiments to be conducted include: (a) effects of nutrition, pesticides and herbicides on algal ultrastructures; (b) ultrastructure of micro-algae; (c) wall formation in algae and algal spine formation; (d) subcellular structure of sexual reproduction; (e) ultrastructure of the ontogeny of marine invertebrates; (f) otolith and lens patterns in marine fish; and (g) preparation of colloidal suspensions. The article will also be used in the courses: Cell Biology, Electron Microscopy Directed Study, Physical Chemistry and Instrumental Analysis to familiarize the student with the electron microscope as a tool, to demonstrate areas of application in his major field and to teach methodology thus enabling the student to use the electron microscope as a tool. Application received by Commissioner of Customs: January 18, 1974

Docket number: 74-00306-33-77040. Applicant: Michigan Cancer Foundation, 110 E. Warren Avenue, Detroit, Michigan 48201. Article: Mass Spectrometer System, Model JMS-01SG-2. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended for the following applications: (1) pharmacological studies and drug metabolism in concert with cancer chemotherapy programs, (2) studies of metabolism of pharmacological levels of estrogens in blood and urine in the treatment of recurrent breast cancer and (3) routine applications in synthetic organic chemistry. Application (1) will be initiated with studies of mitomycin C in 5-fluorouracil in which plasma levels and renal excretion of the two compounds will be determined as a function of time in patients with proven solid tumors and demonstrating normal renal function and application (2) will be determined in patients receiving estrone sulfate in the treatment of recurrent breast cancer, and possibly in tumor tissue also; in each case, both before and after the tumor ceases to respond to the estrogen. Application received by Commissioner of Customs: January 25, 1974.

Docket number: 74-00310-33-46040. Applicant: Rutgers Medical School, CMDNJ, Department of Physiology, Piscataway, New Jersey 08854. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological material including both pathogenic and non-pathogenic microorganisms (e.g. bacteria, fungus and animal viruses), and mammalian tissues derived from experimental animals to exhibit normal and pathologic structure. The experiments to be conducted include, (1) experiments to study localization and distribution of enzymes in both microbial and mammalian cell membrane; (II) experiments to elucidate the supramolecular architecture of the biological membrane system; (III) experiments to study the physiologic and pathologic changes in brain cell ultrastructure; (IV) experiments to study the molecular organization of the intestinal brush border membrane and its changes under experimentally induced malignancy. The article will also be used to teach a graduate level course entitled "Practical Microscopy". Application received by Commissioner of Customs: January 30, 1974.

Docket number: 74-00312-99-90000. Applicant: Methodist Hospital of Indiana, Inc., 1604 N. Capitol Avenue, Indianapolis, Indiana 46202. Article: EMI Scanner. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a teaching program which will involve instruction in the use of the machine and the significance of the information generated. Research will be limited to nonformal clinical research, in

particular, studies to determine whether or not and to what degree the article will render other studies redundant. Application received by Commissioner of Customs: January 28, 1974.

DOCKET NUMBER: 74-00313-33-46500. APPLICANT: University of Wisconsin, Department of Anatomy, 1255 Linden Drive, Bardeen Medical Laboratories, Madison, Wisconsin 53706. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used for studies of biological materials, chiefly tissue from the central nervous system of normal and experimental animals. The ultrastructural morphology of nerve cells and their processes will be investigated. The experiments are concerned with the development of neuronal connections in the visual system. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 1, 1974.

DOCKET NUMBER: 74-00314-01-11000. APPLICANT: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. ARTICLE: Gas Chromatograph-Mass Spectrometer, Model MAT 111. MANUFACTURER: Varian MAT, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for the study of metabolites in the blood and urine from patients with metabolic disease and from control subjects. The materials analyzed will be complex mixtures of compounds extracted from blood or urine. The objectives of the investigations that will require use of the articles are threefold: 1) to detect and characterize metabolic disorders which have not yet been described; 2) to establish the diagnosis of known diseases in new patients; 3) to study such disorders, both known and newly discovered, in greater detail in order to gain insight into their biochemical origins and implications. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 30, 1974.

DOCKET NUMBER: 74-00316-00-46070. APPLICANT: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. ARTICLE: Accessories to JSM U3 Scanning Electron Microscope Anti-Contamination Device, Solid Pair Detector and Specimen Heating Device. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The articles are accessories to an existing scanning electron microscope being used for research and instructional functions on the campus in engineering and in biological sciences. Specific applications of these accessories are as follows:

Anti-contamination Device—Prevents contamination of the specimens during electron bombardment.

Specimen heating device—Permits maintaining the temperature of the specimen under observation at elevated levels (up to 450°C) necessary to study many metallurgical phenomena that are thermally activated.

Solid Pair Detector—Separates the microscopic image into two images.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 4, 1974.

DOCKET NUMBER: 74-00318-65-46040. APPLICANT: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. ARTICLE: Electron Microscope, Model JEM 100. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in a study of engineering surfaces, study of subsurface damage due to surface generation and in the development of free machining alloys. The article will also be used to train graduate and undergraduate students in engineering and physical sciences. The relevant courses are:

ME 496: X-ray diffraction and electron microscopy.
ME 383: Properties of engineering materials.
EAS 597: Electron Microscopy of metals.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 4, 1974.

DOCKET NUMBER: 74-00321-33-46040. APPLICANT: The Children's Hospital of Philadelphia, Department of Pathology, 1740 Bainbridge Street, Philadelphia, Pa. 19146. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article will be used in the following research and clinical diagnostic projects:

(1) Research into the role of bilirubin in the pathogenesis of intrahepatic cholestasis, as investigated through the manganese-bilirubin model, with studies on bile composition;

(2) Research into the effect of Novobiocin on bile flow rate, and the pathogenesis of such effects, with studies of bile composition;

(3) Research into the evolution of the pathologic lesions of childhood inherited renal disease, particularly cystinosis, in order to elucidate the mechanisms of tissue injury in this disease;

(4) Study of renal biopsy material for the purposes of diagnosis, prognostication, and evaluation of therapeutic approaches in childhood renal disease;

(5) Examination of tumors for the purposes of diagnosis classification, and evaluation of therapy; and

(6) Examination of various other tissues removed in the course of surgical and/or autopsy procedures for diagnosis of conditions in which this procedure is of established value (e.g., primary myopathies, storage disorders, etc.)

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 30, 1974.

DOCKET NUMBER: 74-00322-99-46040. APPLICANT: Bridgewater State College, Bridgewater, Massachusetts 02324. ARTICLE: Electron Microscope, Model EM 9S-2. MANUFACTURER: Carl Zeiss, West Germany. INTENDED USE OF ARTICLE: The article will be used, in, or in conjunction with, several biology courses for the training of college freshmen, sophomores, juniors and seniors in the techniques of electron microscopy and the operation of the electron microscope. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 8, 1974.

DOCKET NUMBER: 74-00323-01-19000. APPLICANT: University of Miami, Department of Chemistry, Coral Gables, Florida 33124. ARTICLE: B Vibrating Densimeter, Model O1D. MANUFACTURER: Sodev Inc., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for experiments involving flowing small quantities of alkali metal, alkaline earth, tetraalkylammonium halides and other electrolytes in organic solvents (Alcohol, Amides, etc.) through a flow heat capacity differential calorimeter and then directly through the flow densimeter. The objectives of this research are to gain key thermodynamic information for use in developing a method of estimating thermodynamic quantities for electrolytes in nonaqueous solutions. The article will also be used in graduate research courses (Chem 600 and Chem 700) to train graduate students in research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 1, 1974.

DOCKET NUMBER: 74-00324-33-90000. APPLICANT: Broward General Medical Center, Neurological Sciences Building, Fort Lauderdale, Fla. 33316. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in a computerized axial tomography study of patients with varied neurological diseases involving brain tissue. Such diseases as tumors, strokes and atrophic disorders will be studied. The objectives of this research will be to identify and store pertinent disease data for comparison and use with other patients to preserve and save lives. The article will also be available for study under supervision by neurological residents at the University of Miami Medical School to familiarize the student with usefulness of the equipment in neurology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 7, 1974.

DOCKET NUMBER: 74-00325-33-46040. APPLICANT: Veterans Administration Hospital, 7400 Merton Minter Blvd., San Antonio, Texas 78284. ARTICLE: Electron Microscope, Model EM 301. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in the pathologic diagnoses of various diseases. Both surgical and autopsy materials submitted routinely to the Histopathology Laboratory will be examined at low magnification and high magnification and based upon these observations; diagnostic criteria at the ultrastructural level will be collected. Instruction in the use of electron microscope and interpretation of specimens submitted for ultrostructural analysis will be a part of the

anatomic pathology training. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 8, 1974.

DOCKET NUMBER: 74-00327-65-46040. APPLICANT: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. ARTICLE: Electron Microscope, Model Elmiskop 102. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for in-depth analysis of interfacial structures in coarsened spinodal alloys, study of small (100-200Å) defects in ion-damaged silicon, and lattice imaging of alloys. The article will also be used in the course *MSE 213B—Electron microscopy and diffraction (Advanced)* to train students in sophisticated electron microscope techniques and their application to practical research problems. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 11, 1974.

DOCKET NUMBER: 74-00328-33-46500. APPLICANT: Eastern Virginia Medical School, Department of Pathology, 358 Mowbray Arch, Norfolk, Va. 23507. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used for the examination of cells, tissues, and tissue cultures infected with viral agents; studies on the ultrastructural mechanisms of kidney diseases, and a cytochemical determination of the mechanisms controlling amyloid deposition in duck tissues. The article will be used in an advanced course in electron microscopy which will enable medical students and medical personnel to become highly proficient in the techniques of ultramicrotomy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 11, 1974.

DOCKET NUMBER: 74-00330-65-86500. APPLICANT: Newark College of Engineering, 323 High Street, Newark, N.J. 07102. ARTICLE: h-12 Direct Shear Apparatus, h-12 Device for trimming and mounting. MANUFACTURER: Geonor A/S Norway. INTENDED USE OF ARTICLE: The article is intended to be used in studies of cohesive soils. Shear strength tests will be conducted to establish the cause and type of strength anisotropy. The article will also be used in the course Engineering Properties of Soils and Advanced Soil Mechanics Laboratory to enable students to understand the shear behavior of soils and learn the technique of performing laboratory tests. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: February 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H STUART,
Director, Special Import Programs Division.

[FR Doc.74-5602 Filed 3-11-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on March 22, 1974 at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda includes: (1) March Current Population Survey tabulations, (2) Tabulation plans on neighborhood characteristics, (3) Program of demographic analysis, (4) Evaluation of the content of the 1970 Census, (5) Interagency recommendations for improvement of income and poverty statistics, (6) Socio-economic assessment survey, (7) Graphic presentation of census data, (8) Study of the users of Census Bureau statistics, and (9) User needs for the 1980 Census.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Daniel B. Levine, Associate Director for Demographic Fields, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-5167.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74-5668 Filed 3-11-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Announcement of Meeting; Correction

In FR Doc. 74-4810 appearing on page 7975 in the issue for Friday, March 1, 1974, the meeting place for the National Advisory Council on Alcohol Abuse and Alcoholism should be changed from "Conference Room G, Parklawn Building, Rockville, Maryland" to the "National Center for Alcohol Education, RCA Building, 1901 North Moore Street, Conference Rooms 102, 103, and 104 (Lower Lobby), Rosslyn/Arlington, Virginia 22209."

Dated: March 7, 1974.

ROGER O. EGEBERG,
Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74-5765 Filed 3-11-74;8:45 am]

Food and Drug Administration

[FAP MF3568]

ALTA LIPIDS LTD.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP MF3568) has been filed by Alta Lipids Ltd., P.O. Box 1187, Boise, ID 83701, proposing issuance of a food additive regulation (21 CFR Part 121) to provide for safe use of formaldehyde treated lipid and protein constituents of ruminent feed supplements for the production of meat and dairy products with an increased percentage of polyunsaturated fat composition.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-5626 Filed 3-11-74;8:45 am]

[NADA No. 92-041V]

J. B. HUNT CO.

Layer-Breeder Premixes; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued based on grounds set forth below:

New animal drug application (NADA) No. 920-41V, held by J. B. Hunt Co., P.O. Box 200, Lowell, AR 72745, provides for use of Layer-Breeder Premix (Red)-H Medicated and Layer-Breeder Premix (Yellow)-H Medicated which contain hygromycin-B as the active drug ingredient and are intended for use in manufacturing medicated layer-breeder chicken feed.

Following approval of the application, the firm was requested to submit information in accord with § 135.14a (21 CFR 135.14a) which requires annual submission of records and reports concerning experience with new animal drugs for which an approved application is in effect. The firm failed to submit such a report on the anniversary date of December 5, 1973; in response to the Food and Drug Administration inquiry, the firm informed the Administration that it has discontinued manufacturing the subject premixes and requested withdrawal of the new animal drug application covering the drugs.

Therefore, approval of NADA No. 92-041V, including all amendments and supplements thereto, is hereby withdrawn, effective on March 12, 1974.

Dated: March 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-5620 Filed 3-11-74;8:45 am]

National Institutes of Health

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, April 24, 1974, 9:30 a.m., National Institutes of Health, Landow Building, Conference Room A313. This meeting will be open to the public from 9:30 a.m., to 10:15 a.m., April 24, 1974, to discuss program plans for the Biometry and Epidemiology branches. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:15 a.m., to 5 p.m., April 24, 1974, to review 17 contracts in the fields of biometry and epidemiology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of P.L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meetings and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Landow Building, Room C519, National Institutes of Health, Bethesda, Maryland 2014 (301/496-6014) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: February 26, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-5643 Filed 3-11-74;8:45 am]

COMMITTEE ON CYTOLOGY AUTOMATION

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cytology Automation, National Cancer Institute, April 5, 1974, 9 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9 a.m. to 10 a.m., April 5, 1974, to discuss NCI support of cytology automation. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10 a.m. to 5 p.m., April 5, 1974, to review contracts in the fields of cytology automation, cytopathology evaluation and cytopathology specimens in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Mrs. Ann Moss, Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014, (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: February 26, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-5642 Filed 3-11-74;8:45 am]

TOBACCO WORKING GROUP

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Tobacco Working Group, National Cancer Institute, April 8-9, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 5 p.m., April 8-9, to discuss the current activities and planned projects of the Tobacco Working Group. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. Gio B. Gori, Chairman, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6616) will provide substantive program information.

Dated: February 25, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-5641 Filed 3-11-74;8:45 am]

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. Monday, March 18, 1974, through 4:30 p.m., Tuesday, March 19, 1974, in Room 2330, Federal Building, 1961 Stout Street, Denver, Colorado 80202.

The Advisory Committee on the Education of Bilingual Children is established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning the preparation of general regulations for and with respect to policy matters arising in the administration of the Bilingual Education Act.

The above-described meeting shall be open to the public. The proposed agenda for the Committee includes a review of the completed regulations and the Federal role of Bilingual Education in light of recent developments.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3045, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C.

JAMES B. ROBERTS,
Executive Officer, BSS.

[FR Doc.74-5561 Filed 3-11-74;8:45 am]

Office of Education

DRUG ABUSE EDUCATION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 4 of the Drug Education Act of 1970 (84 Stat. 1387, 21 U.S.C. 1003), applications are being accepted from community based public and private nonprofit agencies, institutions, and organizations for the training of community support teams to establish and operate drug abuse education programs in their communities. Criteria for selection of applications and other relevant program standards were previously published (in proposed form) in the FEDERAL REGISTER on December 23, 1972 (37 FR 28426). It is expected that these criteria and standards will shortly be republished in the FEDERAL REGISTER in final form and that the evaluation and selection of applications received pursuant to this notice will be made on the basis of such criteria and standards (a copy of the December 23, 1972 FEDERAL REGISTER notice is attached as an appendix to this document for the convenience of applicants).[1]

Applications must be received by the U.S. Office of Education, Application

[1]Appendix filed as part of original document.

Control Center, Room 5673, Regional Office Building Three, 7th and D Street, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.420), on or before April 15, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(A separate set of selection criteria and a notice of closing date are planned for school based drug abuse education projects to be carried out by local educational agencies).

(21 U.S.C. 1003)

(Catalog of Federal Domestic Assistance No. 13.420, Drug Abuse Education Program)

Dated: March 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-5616 Filed 3-11-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on March 28-29, 1974, from 9 a.m. to 4:30 p.m., and on March 30, 1974, from 8:30 a.m. to 12 noon, at the Statler Hilton Hotel, 16th & K Streets, N.W., Washington, D.C.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Discussion on priorities for discretionary funds.

Adult/career education within the National Institute of Education.

Meetings and reports of the Council's committees on Governmental Relations, Planning and Publications, and Research.

Official transmittal of the Council's 1974 Annual Report.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on March 4, 1974.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.74-5597 Filed 3-11-74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Applications for Special Project Grants; Extension of Time for Submission

Notice was previously published in the FEDERAL REGISTER (January 18, 1974, 39 FR 2285) indicating that the Commissioner of Education would consider applications for special projects under section 708(a) of the Act (45 CFR 185.91(b) of the implementing regulations) from local educational agencies which have developed eligible plans as described in 45 CFR 185.11 subsequent to April 1, 1973, and which did not apply for assistance under the Emergency School Aid Act prior to July 1, 1973, which plans are being, or are to be, implemented prior to February 10, 1974, and which have submitted applications for basic grants under section 706(a) of the Act for the project period July 1, 1974 through June 30, 1975. In the light of comments and inquiries received on the January 18 notice, the Commissioner of Education hereby gives notice that applications for special projects should be in the form of applications for basic grants under section 706(a) of the Act. Furthermore, the Commissioner of Education hereby gives notice that subject to the continued availability of funds after March 18, 1974, applications will be accepted from local educational agencies which may have applied for ESAA assistance prior to July 1, 1973 on the basis of a plan described in 45 CFR 185.11 which was developed prior to April 1, 1973 and which has been superseded by a plan described in 45 CFR 185.11 which was developed subsequent to April 1, 1973 and which has not been the basis of an application submitted prior to July 1, 1973.

The receipt date for applications for assistance submitted pursuant to the January 18 notice and this notice is hereby extended to March 18, 1974.

Applications for assistance must be received on or before March 18, 1974. Such applications should be submitted to U.S. Office of Education, Application Control Center, 7th & D Streets, S.W., ROB-3, Room 5673, Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.525 and 13.532).

Receipt procedure. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education and Welfare, or the U.S. Office of Education mail rooms, in Washington, D.C. (In establishing the date of receipt, the Assistant Secretary will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare, or the U.S. Office of Education.)

Project period. Funds will be awarded for authorized activities commencing no earlier than the date of award for both those applications received on or before February 19 pursuant to the Notice of January 18, 1974, and those applications received on or before March 18 pursuant to this Notice. In all cases the award period shall terminate no later than June 30, 1974.

Applicable regulations. Awards will be subject to 45 CFR Part 185, as such part appeared in the FEDERAL REGISTER on February 6, 1973 (38 FR 3450). Awards under section 708(a) will be subject to the amendments to 45 CFR Part 185 as such amendments appeared in the FEDERAL REGISTER on April 24, 1973 (38 FR 10092) and on August 10, 1973 (38 FR 21646). Awards under all sections of the Act shall be subject to such amendment to 45 CFR Part 185 as may be made in the future. Awards under all sections of the Act as described above are subject to the Office of Education General Provisions of 45 CFR Part 100(a) as published in the FEDERAL REGISTER on November 6, 1973 (38 FR 30654).

(Catalog of Federal Domestic Assistance Programs Nos. 13.525 Emergency School Aid—Basic Grants, 13.532 Emergency School Aid—Special Projects)

(20 U.S.C. 1609(a))

Dated: March 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-5818 Filed 3-11-74;8:45 am]

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled, created to advise the Secretary on regulations and evaluation of programs for Public Law 91-517, will hold a regular meeting on March 21 and 22, 1974, at the Naval Ship Systems Command Headquarters National Center, Building 3 (Zachary Taylor Office Building), Command Conference Room—Rm. 3S11, 2531 Jefferson Davis Highway, Arlington, Virginia. On March 21 the meeting will begin at 9 a.m. and recess at 5:30 p.m. On March 22 the meeting will reconvene at 8:30 a.m. and adjourn at 5 p.m. The agenda will include a progress report by the Executive Secretary, issues arising in legislation and regulations, participatory discussion with National Constituency Organizations, and a report from the Project on Classification of Exceptional Children. The meeting will be open to the public. Additional information can be obtained by calling the Executive Secretary at 202-245-0772.

FRANCIS X. LYNCH,
Executive Secretary.

MARCH 4, 1974.

[FR Doc.74-5617 Filed 3-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAIL SERVICE IN THE MIDWEST AND NORTHEAST REGION

Report by the Secretary; Notice of Supplement

This is to give notice that the Secretary of Transportation has filed with the FEDERAL REGISTER a Supplement to Volume II of the report entitled "Rail Services in the Midwest and Northeast Region."

This report was published in the FEDERAL REGISTER as required by the Regional Rail Reorganization Act of 1973 (P.L. 93-236), on February 12, 1974. Volume I of the two-volume report appeared as Part II of the February 12, 1974 FEDERAL REGISTER edition. Volume II was incorporated by reference into that publication.

A number of additions and corrections to Volume II of the report, subtitled "Local Rail Service Zone Reports," were necessary. This Supplement contains those additions and corrections.

A copy of the Supplement has been filed as part of the original document with the Office of the Federal Register. Copies may also be obtained from the Office of Public Affairs, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-5590 Filed 3-11-74;8:45 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during February 1974:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6850	Shippers registered with this Board to ship Arsenic acid containing less than 0.05% nitric acid in DOT Specification 103B-W tank car (rubber lined).	Rail freight.
6852	Petroleum Technology Corporation, Redmond, Washington to ship a slurry mixture, classified as an oxidizing material, in a specially designed DOT Specification MC-307 cargo tank.	Highway.
6853	Metal Finishing Research Corp., Chicago, Illinois to ship Chromic acid solution in DOT Specification MC-312 cargo tanks.	Highway.
6855	H. J. Baker & Bro., Inc., New York, N.Y. to ship Calcium ammonium nitrate in a non-DOT Specification polyvinyl chloride bag having a thickness of 300 microns and containing not more than 110 net pounds of product.	Cargo vessel, Highway, Rail.
6857	E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware to ship Sodium cyanide in a palletized non-DOT Specification non-returnable, bulk, fiberboard container, with polyethylene liner, having a net weight not exceeding 1500 pounds.	Highway.
6860	Monsanto Company, St. Louis, Missouri to ship Chlorosulfonic acid in DOT Specification 103AW tank car tanks equipped with safety relief valves in lieu of safety vents.	Rail freight.

J. R. GROTHE,
Alternate Secretary.

[FR Doc.74-5669 Filed 3-11-74;8:45 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

PROPOSED ISSUANCE OF SUPPLEMENTS TO 1975 CFR

Request for Comments

The purpose of this notice is to solicit public comments on a tentative plan to issue supplements for the 1975 updating of the Code of Federal Regulations (CFR), rather than reprinting each volume in full.

When the Administrative Committee of the Federal Register changed its regulations to provide for a staggered annual publication of the CFR (37 FR 23605, November 4, 1972, 1 CFR 8.3), the Committee believed that the amount of time between the "as of" date of each volume and the availability of that volume would be substantially shortened.

However, because of severe paper shortages, increased production volume at the Government Printing Office, and other problems, the availability time has not been shortened as much as was hoped.

PROPOSED SUPPLEMENT SYSTEM

The Administrative Committee is therefore considering publishing the annual CFR update for 1975 in supplement form rather than republishing each of the 120 books in full text. The proposed supplement system would work as follows:

(1) *Multiple-title and single-title volumes.* A supplement volume would cover several CFR titles unless the size of a title and/or the number of amendments to a particular title warranted a separate supplement or a complete republication. For example, since Title 7 presently comprises 15 volumes, it is anticipated that at least one separate supplement for that title would be warranted. On the other hand, under normal circumstances one supplement volume would no doubt be adequate to cover Titles 8 through 13 and possibly more.

(2) *Users' notes.* Each supplement volume would contain adequate source and editorial notes to facilitate easy usage.

(3) *Preambles—legislative history.* Consideration is being given to including selected preambles to rulemaking documents in the supplements so that the CFR user will have much of the "legislative history" of the regulation at hand.

OBJECTIVES AND ADVANTAGES

Some advantages of a supplement system are as follows:

(1) *Speedier availability.* By converting to a supplement system for a one year trial period the annual CFR update volume could be available to the user within a few weeks after the "as of" date rather than a matter of months as in the past.

(2) *Paper saving.* Since only amended rules will require publication in the supplements, a considerable paper saving will be effected, a significant factor in itself in view of the energy crisis.

(3) *Cost saving.* Because of increased printing and paper costs it was necessary to increase the cost of the entire CFR from $195 to $350 within the last year.

The supplement system would result in substantial savings to CFR subscribers for 1975.

(4) *Flexibility.* The supplement system is flexible. For example, if a particular CFR volume is significantly revised during 1974, the 1975 volume would be reprinted in full text, while volumes with few changes would not have to be expensively reprinted.

FUTURE POSSIBILITIES FOR CHANGE

In addition, the Administrative Committee intends, if a one year supplement system is put into effect, to study various other possibilities for future CFR publication.

SOLICITATIONS OF COMMENTS

Before making a final decision on 1975 CFR publication, the Administrative Committee will consider comments from CFR users. While comments are specifically requested on the issues discussed above, CFR users are encouraged to submit their comments and suggestions concerning the CFR system in general.

Closing date: April 15, 1974.

Address: Comments should be submitted to the Administrative Committee of the Federal Register at the following address:

Office of the Federal Register
National Archives and Records Service
General Services Administration
Washington, D.C. 20408

Dated: March 7, 1974.

For the Administrative Committee.

FRED J. EMERY,
Secretary.

[FR Doc.74-5634 Filed 3-11-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 9:30 a.m. on March 25, 1974 in the Library, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to consider a report and proposed amendment to the Administrative Procedure Act affecting agency subpoena power, status reports on pending studies of citizen suit provisions and on conciliation procedures of the Equal Employment Opportunity Commission, and a proposed study of procedures for compliance by Federal facilities with State and local environmental quality standards.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeting contact William R. Shaw, Suite 500, 2120 L Street NW., Washington, D.C. 20037 or phone 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 5, 1974.

[FR Doc.74-5600 Filed 3-11-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1, 2, 3 & 4

Notice of Meeting

MARCH 7, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3, & 4 will hold a meeting on March 29, 1974, in the New Conference Room of the Continental Airport Hotel, Bush Field, Augusta, Georgia. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Georgia Power Company for a permit to construct this nuclear power plant. The facility is located on the southwest side of the Savannah River, in eastern Burke County, Georgia.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, March 29, 1974, 8:30 a.m. until the conclusion of business. The Subcommittee wil hear presentations by representatives of the Regulatory Staff and Georgia Power Company and will hold discussions with these groups pertinent to its review of the application of Georgia Power Company for a permit to construct the Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3, & 4.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 22, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and at the Burke County Library, Fourth Street, Waynesboro, Georgia 30830.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on March 29, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 28, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, N.W., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 1, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and within nine days at the Burke County Library, Fourth Street, Waynesboro, Georgia 30830. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, N.E., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 after May 29, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-5696 Filed 3-11-74;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO.

Order Changing Date for Prehearing Conference

In the matter of Louisiana Power & Light Company, (Waterford Steam and Electric Generating Station, Unit 3).

All of the parties to this proceeding have joined in a request to change the schedule. They request that objections to discovery be filed on or before March 11, 1974 and the Fifth Prehearing Conference be held on March 26, 1974. For good cause shown, this request is granted.

The Fifth Prehearing Conference described in the Board's Notice and Order of February 5, 1974 will now be held on March 26, 1974 starting at 10 a.m. The location will be the Postal Rate Commission, Suite 500, 2000 L Street, NW., Washington, D.C.

Dated at Washington, D.C. this 7th day of March, 1974.

By order of the Atomic Safety and Licensing Board.

GEORGE R. HALL,
Acting Chairman.

[FR Doc.74-5628 Filed 3-11-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Order Postponing Prehearing Conference

In the matter of Northern States Power Company, (Monticello Nuclear Generating Plant).

After a telephone conference with the attorney for the Minnesota Pollution Control Agency respecting a change in circumstances advising a change in the date from March 19 to March 20, 1974 for the convening of a prehearing conference, and being advised that attorneys for Applicant, Regulatory Staff, the City of Saint Paul and MECCA have no objection to the postponement,

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, the prehearing conference is postponed from March 19 and in lieu thereof shall convene at 10 a.m., local time, on Wednesday, March 20, 1974 in the Pioneer Suite, The Saint Paul Hilton, 11 East Kellogg Boulevard, St. Paul, Minnesota 55101.

Issued at Washington, D.C. this 6th day of March, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.74-5627 Filed 3-11-74;8:45 am]

SAFETY ANALYSIS REPORTS FOR NUCLEAR POWER PLANTS

Proposed Standard Format and Content for LMFBRs

The Atomic Energy Commission's regulations (10 CFR 50.34) require that each application for a construction permit for a nuclear reactor facility include, among other things, a preliminary safety analysis report and that each application for a license to operate such a facility include a final safety analysis report.

To aid applicants in the preparation of safety analysis reports for liquid-metal-cooled fast-breeder reactors (LMFBRs), the Commission's Regulatory staff has prepared a proposed "LMFBR Edition of the Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants." The new document, which has been issued for comment, identifies the principal information that is needed by the Regulatory staff in evaluating applications for construction permits and operating licenses for LMFBRs and describes a format for presenting this information. Use of the LMFBR Edition will help to assure that information provided is complete, will assist the Regulatory staff and others in locating information, and will aid in shortening the time needed for review.

The specific information identified and the detailed subdivisions of the LMFBR Edition reflect the differences between LMFBRs and light-water-cooled reactors, but retain the material from the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—Revision 1," issued in October 1972, that is generally applicable to both types.

All interested persons who desire to submit comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by June 10, 1974. Copies of the proposed LMFBR edition of the standard format are available from the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 4th day of March, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-5650 Filed 3-11-74;8:45 am]

U.S. NUCLEAR DATA COMMITTEE, SEPARATED ISOTOPES SUBCOMMITTEE

Notice of Meeting

The Separated Isotopes Subcommittee of the Atomic Energy Commission's U.S. Nuclear Data Committee (USNDC) will hold a meeting at the Oak Ridge National Laboratory, Building 6025, South Conference Room, Oak Ridge, Tennessee, on March 25, 1974. The meeting will begin at 9:00 a.m. on March 25, and will end at approximately 5:00 p.m. The entire meeting will be open to the public.

The preliminary agenda for the meeting is as follows:

Monday, March 25, 1974

9-9:30 am—Administrative Topics.
9:30-10 am—Briefing on ORNL's Study of Separated Isotopes Program.
10-10:30 am—Briefing on Status of ORNL's Separated Isotopes Program.
10:30-12—Review of Plans and Status of Program on Computer Control of the Calutrons.
12-1 pm—LUNCH.
1-1:30 pm—Heavy Element Samples—Briefing on TRU Program.
1:30-4 pm—Research Material Collection.
4-5 pm—Recommendations.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than March 20, 1974, to the Chairman, Separated Isotopes Subcommittee, USNDC (Dr. F. Perey), Oak Ridge Na-

tional Laboratory, Oak Ridge, Tennessee, 37831. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 4 p.m. and 5 p.m. on March 25, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of this Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Separated Isotopes Subcommittee (Dr. Perey), telephone: 615–483–6224.

(e) Questions may be asked only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after May 6, 1974, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–5695 Filed 3–11–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26479]

DELTA AIR LINES, INC./TRANS WORLD AIRLINES, INC.

Route Transfer Agreement; Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 3, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Harry H. Schneider.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 22, 1974, and the other parties on or before March 29, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 6, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–5665 Filed 3–11–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary and Director, Office of Revenue Sharing.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–5631 Filed 3–11–74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, March 20, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–5654 Filed 3–11–74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. EU–D–71–167]

GILBERT GENERATING STATION

Availability of Draft Environmental Statement

In the matter of proposed addition to Gilbert Generating Station, Holland Township, New Jersey, Docket No. EU–D–71–167.

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (Article IV), notice is hereby given of the availability of the Draft environmental impact statement as of March 12, 1974, which discusses the environmental impact of the project.

The proposed project consists of a 130 MW steam turbo-generator utilizing the waste heat from four existing combustion turbines having a combined capacity of 190 MW through the use of four heat recovery steam generators. This potential combined cycle operation is a combination of combustion turbine and steam turbine generators whereby 70 percent of the waste heat from each combustion turbine exhaust is utilized to generate steam for the steam turbine. The proposed project also includes a mechanical draft wet cooling tower, waste water treatment facilities, expansion of the existing electric switchyard, and a steam turbine building containing a generator, condenser, control room, offices and other auxiliary equipment. Existing on-site oil tank storage will be utilized for the fuel oil.

Copies of the Draft, the applicants' environmental report and related supplement material may be examined in the library of the headquarters of the Delaware River Basin Commission. Copies of the Draft may be examined in the library of the Water Resources Association of the Delaware River Basin, 215 12th Street in Philadelphia. Limited additional copies of the Draft are available from the Commission upon request.

Comments on the subject Draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than April 26, 1974. Comments should be directed to Robert L. Mann, Head, Environmental Unit.

W. BRINTON WHITALL,
Secretary.

MARCH 4, 1974.

[FR Doc.74–5614 Filed 3–11–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a meeting of the Effluent Standards and Water Quality Informaton Advisory Committee, established under Section 515 of the Federal Water Pollution Control Act ("The Act") 33 U.S.C. 1374, P.L. 92–500, to be held in Room 1112 (Conference Room) Building #2, Crystal Mall, Arlington, Virginia, March 26, 1974 at 9 a.m. This is a regularly scheduled meeting of the Committee.

The agenda for this meeting will include: Administrative Matters, 9–10:30 a.m.; Petroleum Effluent Guidelines Discussions, 10:30 a.m.–12 p.m.; Discussions of Intramural EPA Studies of Transportation, Paving and Roofing Materials, and Auto and Other Laundries Industries, 2–4:30 p.m.

The meeting will be open to the public and under the direction of the Committee Chairman. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, Crystal Mall, Bldg. #2, Washington, D.C. 20460 (Tel: A.C. 703–557–7390)

MARTHA SAGER,
Chairman, Effluent Standards and Water Quality Information Advisory Committee.

[FR Doc.74–5594 Filed 3–11–74;8:45 am]

[OPP–32000/22]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must, on or before May 13, 1974, notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 960–ROE. Balcom Chemicals, Inc., P.O. Box 667, Greeley, Colorado 80631. *Clean Crop Polystrep Potato Seed Treater.* Active Ingredients: A mixture of 5.2 parts by weight (83.9%) of ammoniates of ethylenebis (dithiocarbamato) zinc with 1 part by weight (16.1%) ethylenebisdithiocarbamic acid bimolecular and trimolecular cyclic anhydrosulfides and disulfides 7.00%; Streptomycin (Streptomycin from streptomycin sulfate, Agricultural Grade) 0.01%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9046–EU. Consan Pacific, Inc., P.O. Box 208, 11745 E. Washington Blvd., Whittier, California 90608. *Control III Disinfectant/Germicide.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18, 5% C12) dimethyl benzyl ammonium chloride 10%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl benezyl ammonium chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–2032. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Polyram 80 Wettable Powder.* Active Ingredients: A mixture of 5.2 parts by weight (83.9%) of ammonitates of (ethylenebis (dithiocarbamato))-zinc with 1 part by weight (16.1%) ethylenebis-(dithiocarbamic acid) bimolecular and trimolecular cyclic anhydrosulfides and disulfides 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3286–UE. Ford Staffel Company, P.O. Box 2380, San Antonio, Texas 78298. *Staffel's Fire Ant Granules.* Active Ingredients: Heptschler 5.00%; Related Compounds 1.94%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7364–EA. Great Lakes Biochemical Co., Inc., 6120 West Douglas Avenue, Milwaukee, Wisconsin 53218. *Slow Release Algimycin PLL–C.* Active Ingredients: Copper as elemental 5.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 1706–RGT. Halco Chemical Company, 6216 West 65th Place, Chicago, Illinois 60638. *Halco 4PC109 Deposit Control Chemical.* Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20% Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4822–RON. B. C. Johnson & Son, Inc., 1525 Rowe Street, Racine, Wisconsin 53403. *Raid Vapor Strip Insecticide.* Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 32.55%; Related compounds 2.45%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–UI. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *1-Stroke Environ J.* Active Ingredients: Sodium o-phenylphenate 11.3%; sodium o-benzyl-p-chlorophenate 9.4%; sodium p-tertiary-amylphonate 2.3%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LR. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Environ-J.* Active Ingredients: o-phenylphenol 3.9%; o-benzyl-p-chlorophenol 3.3%; p-tertiary amylphenol 0.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LN. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *LpH-J.* Active Ingredients: Glycolic Acid 12.6%; o-benzyl-p-chlorophenol 6.4%; p-tertiary-amylphenol 3.0%; o-phenylphenol 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 499–HIN. Whitmire Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis, Missouri 63122. *Whitmire Prescription Treatment No. 1200 Aerosol Generator.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.000%; Related compounds 0.136%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of Applications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 10183–RO. Haviland Products Company, 421 Ann St., N.W., Grand Rapids, Michigan 49504. *Durachlor 56 Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Correction: Originally published incorrectly as Sodium-dichloro-s-trianzinetrione dihydrate in the FEDERAL REGISTER of March 4, 1974 (39 FR 8182).

EPA File Symbol 33722–E. Texas-Ag Company, Inc., P.O. Box 633, Mission, Texas 78572. Correction: Originally published incorrectly as P.O. Box 638 in the FEDERAL REGISTER of March 4, 1974 (39 FR 8182).

Dated: March 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–5683 Filed 3–11–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660; RM–690]

RCA GLOBAL COMMUNICATIONS, INC.

Order Extending Time

In the matter of International Record Carrier's Scope of Operations in the Continental United States, Including Possible Revisions to the Formula prescribed under section 222 of the Communications Act.

1. By Memorandum Opinion and Order in the above-captioned matter released November 26, 1973, 43 F.C.C. 2d 1174, we instituted an investigation into the international formula. That order directed the parties to submit statements of fact and memorandums of law with respect to the issues designated for investigation. By orders released January 28, 1974 and February 15, 1974, the Chief, Common Carrier Bureau extended the time for the parties to submit their comments until February 15, 1974 and March 4, 1974 respectively.

2. We have received from RCA Global Communications, Inc. (RCA) a request for further extension of time in which to file the required comments. The parties are scheduled to meet again with the Bureau staff on March 5, 1974 in an effort to develop factual data on the dis-

tribution of outbound international message traffic. RCA states that the requested extension of time is needed to allow the parties to develop the method of deriving the information and to allow time to formulate comments.

3. Since RCA has shown good cause for its request and all parties agree to the extension and it will not seriously delay the proceeding, we will grant a further extension of two weeks.

Accordingly, it is ordered, Pursuant to § 0.303(c) of the Commission's rules, that the time for the parties to submit their comments in this proceeding is extended until March 18, 1974.

Adopted: March 4, 1974.

Released: March 6, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-5652 Filed 3-11-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1135]

CRESCENT TRANSPORT CO., INC.

Order of Revocation

On February 22, 1974, the Federal Maritime Commission received notification that Crescent Transport Co., Inc., 1200 Eighteenth Street, NW., Washington, D.C. 20036 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1135 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 1135 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Crescent Transport Co., Inc. be and is hereby revoked effective February 22, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Crescent Transport Co., Inc.

AARON W. REESE.

[FR Doc.74-5662 Filed 3-11-74;8:45 am]

HAPAG-LLOYD AG

Notice of Issuance of Certificate

Notice is hereby given that the following have been issued a certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

HAPAG-LLOYD AG
c/o NORTH GERMAN LLOYD
PASSENGER AGENCY, INC.
277 PARK AVENUE
NEW YORK, NEW YORK 10017

Dated: March 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-5659 Filed 3-11-74; 8:45 am]

HAPAG-LLOYD AG

Notice of Issuance of Certificate

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

HAPAG-LLOYD AG
c/o NORTH GERMAN LLOYD PASSENGER AGENCY, INC.
277 PARK AVENUE
NEW YORK, NEW YORK 10017

Dated: March 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-5656 Filed 3-11-74;8:45 am]

NORTH EUROPE-UNITED STATES PACIFIC FREIGHT CONFERENCE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 1, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

NORTH EUROPE-UNITED STATES PACIFIC FREIGHT CONFERENCE
SEA-LAND SERVICE, INC.
SEATRAIN INTERNATIONAL, S.A.
UNITED STATES LINES, INC.
VAASA LINE OY

Notice of Agreement filed by:
H. G. Brandt, Secretary
North Europe Pacific Coast Rate Agreement
P. O. Box 341
Diergaardesingel 73-A
Rotterdam -3, Holland

Agreement No. 10023-2 modifies the basic agreement by stipulating that any and all business conducted under the agreement is to be treated as strictly private and confidential, and that disclosure of any such business by a member to a third party shall be deemed a serious breach of the agreement and subject to fines.

By order of the Federal Maritime Commission.

Dated: March 6, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-5660 Filed 3-11-74;8:45 am]

FEDERAL POWER COMMISSION

[Doc. Nos. RI74-104, *et al.*]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 1, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-104	Gulf Oil Corp.	138	[1] 1 to 14	West Texas Gathering Co. (Kermit South Devonian, Emperor Devonian, and Emperor Wolfcamp Fields, Winkler County, Tex.) (Permian Basin).	$3,706	1-31-74		[2] 6-3-74	[2] 29.6508	30.7097	RI73-180.
RI74-104	do		[4] 2 to 14	do	203,762	[5] 1-31-74		[3] 6-3-74	[2] 29.6508	[7] 42.0	RI73-180.
RI74-93	Mobile Oil Corp.	201	[6] 1 to 14	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	160,890	[8] 1-31-74		[3] 6-1-74	27.89	[9] 42.1575	RI73-198.

*Unless otherwise stated, the pressure base is 14.65 lb/in [2].
[1] Amends prior increase to 30.7097 cents per M ft [3] suspended in Docket No. RI74-104 to cover only production from the Kermit South Devonian field on acreage not covered by Supplement No. 6.
[2] Previously reported as 30.0724 cents per M ft [3].
[3] Date prior increase becomes ESR.
[4] Substitute increase for prior increase to 30.7097 cents per M ft [3] suspended in Docket No. RI74-104.
[5] Amended by letter dated Feb. 13, 1974.
[6] Substitute increase for prior increase to 28.89 cents per M ft [3] suspended in Docket No. RI74-93.
[7] Not applicable to acreage covered by Supplement No. 6.
[8] Amended by letter dated Feb. 15, 1974.
[9] Amended by filing of Feb. 13, 1974.

The proposed rate increases of 42.0¢ and 42.1575¢ filed by Gulf Oil Corporation and Mobil Oil Corporation, respectively, represent favored nations increases which they propose to substitute for periodic increases that were suspended until June 3, 1974, in Docket No. RI74-104 and June 1, 1974, in Docket No. RI74-93, respectively.

All of the proposed increased rates exceed the applicable area ceiling established in Opinion No. 662.

[FR Doc.74-5483 Filed 3-11-74;8:45 am]

[Docket No. E-8624]

ARIZONA PUBLIC SERVICE CO.

Fuel Adjustment Clause

FEBRUARY 27, 1974.

Take notice that on February 12, 1974, Arizona Public Service Company (Arizona) tendered for filing a new fuel adjustment clause intended to supersede the fuel clause presently on file. According to Arizona, all increases pursuant to the provisions of the presently filed fuel clause have been held in suspension since a Commission Order dated June 12, 1972, which suspended all increases in rates which reflect upward adjustments in fuel costs. Arizona requests that the new fuel adjustment clause take effect immediately.

In the event that the proposed new fuel adjustment clause is not accepted. Arizona proposes the implementation of its existing fuel adjustment clause in the interim period until a new fuel adjustment clause can be filed and accepted. Arizona requests an effective date of April 1, 1974, for its alternative proposal.

Arizona states that the proposed fuel adjustment clause is essential in tracking basic power and fuel costs as such costs are incurred. The proposed fuel adjustment clause allegedly would permit a 100 percent flow through of the economics involved with the purchased power and fuel costs per kwh sold.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-5577 Filed 3-11-74;8:45 am]

[Docket Nos. E-8250, E8071, E-8142]

ARKANSAS POWER AND LIGHT CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

FEBRUARY 28, 1974.

On February 19, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued January 11, 1974, in the above-designated matter. The motion states all interested parties have been contacted and there is no opposition to the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Evidence by Staff, April 8, 1974.
Service of Evidence by Intervenors, April 29, 1974.
Service of Rebuttal Evidence, May 20, 1974.
Prehearing Conference, June 4, 1974 (10:00 a.m. EDT).
Hearing, June 18, 1974 (10:00 a.m. EDT).

MARY B. KIDD,
Assistant Secretary.

[FR Doc.74-5578 Filed 3-11-74;8:45 am]

[Docket No. CP74-204]

COLUMBIA GULF TRANSMISSION CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 6, 1974.

Take notice that on February 11, 1974, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange capacity in existing and proposed pipeline systems for the exchange and transportation of natural gas and to construct and operate certain facilities related thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Columbia Gulf and Natural plan to conduct a long-term project for the exchange of natural gas from the West Cameron and Eugene Island areas, offshore Louisiana. To effect this planned exchange Applicants have entered into a two-phase arrangement pursuant to a letter agreement between Applicants dated October 12, 1973.

Under the first phase of this plan Applicants propose to connect gas reserves in Eugene Island Block 314 (the Exxon reserves) dedicated to Columbia Gas Transmission Company (Columbia Gas), Columbia Gulf's affiliate, and Natural's reserves in Eugene Island Block 331 (the Shell reserves) to an existing 26-inch pipeline, jointly owned by Columbia Gulf and Texas Gas Transmission Corporation (Texas Gas) for transportation of said gas volumes from Eugene Island Block 309 to Eugene Island Block 250. At this point Columbia Gas' volumes will be delivered to Columbia Gulf's existing pipeline system for transportation and delivery onshore and Natural's volumes

will be delivered into Michigan Wisconsin Pipe Line Company's (Mich Wisc) existing offshore pipeline system for Natural's account for transportation and delivery onshore Louisiana.

The application states that to implement this first phase of the plan Columbia Gulf has constructed 8-, 12-, and 20-inch lines under certificate authorization issued in Docket No. CP73–104 and is currently transporting initial quantities of gas from the Exxon reserves. The application states further that Natural has filed in Docket No. CP74–101 an application for a certificate of public convenience and necessity authorizing it to construct and operate a short segment of 20-inch pipeline to receive deliveries of gas purchased from Shell Oil Company (Shell) in Eugene Island Block 331 and deliver such gas into Columbia Gulf's existing segment of 20-inch pipeline for delivery by Columbia Gulf to Mich Wisc's pipeline in Eugene Island Block 250.

Applicants state that the transportation arrangements under the first phase of the plan are to continue until construction of the facilities proposed in this application under the second phase of the plan, at which time Natural will transport such gas through its capacity in such facilities.

Applicants seek authorization in this application solely in regard to the second phase of the subject plan. For this phase Applicants have entered into a long-term agreement dated October 12, 1973, in which Natural agrees to make available to Columbia Gulf up to 75,000 Mcf per day of pipeline delivery capacity out of its entitlement in the proposed pipeline system of Stingray Pipeline Company (Stingray) and Columbia Gulf agrees to make available to Natural up to 75,000 Mcf per day of pipeline delivery capacity out of its entitlement in the Blue Water Project.

The application states that the proposed Stingray system will traverse the East and West Cameron areas, offshore Louisiana, in which Columbia Gas has the preferential right to purchase natural gas reserves in a number of lease blocks which are being explored and/or developed.[1] The application states further that late in 1974 Columbia Gas will have substantial quantities of gas available for purchase in West Cameron Blocks 485 and 531, for which it has requested Columbia Gulf to arrange transportation.

The Blue Water Project pipeline system is located in the Vermilion, South Marsh Island, Eugene Island and Ship Shoal areas, offshore Louisiana, in which Natural has a prior call on a portion of gas reserves that may be developed in certain South Marsh Island and Eugene Island blocks.[2] The application states that in 1974 Natural will have substantial quantities of gas available to it for purchase and transportation from Eugene Island Block 331.

Under the proposed long-term exchange arrangement Columbia Gulf will deliver exchange gas volumes into the Stingray system in West Cameron Blocks 509 and 510 and Natural will deliver exchange volumes into the Blue Water Project in Eugene Island Block 241. Applicants state that any differences in exchange volumes received in the offshore systems will be balanced onshore, using existing facilities at the tailgate of Mobil Oil Corporation's Cameron Meadows Plant in Cameron Parish, Louisiana, and Texaco Inc.'s Henry Plant in Vermilion Parish, Louisiana, or through a third party.

The application states further that Columbia Gas has acquired purchase rights from Exxon to natural gas in Eugene Island Block 314. Applicants estimate that approximately 50,000 Mcf per day of such gas will be available for transportation by Columbia Gulf on or before November 1, 1974.

In order to connect to the Blue Water Project pipeline quantities of gas available to Natural from Eugene Island Block 331, as well as the Exxon Eugene Island Block 314 reserves. Applicants propose to construct a 20-inch pipeline (the Columbia-Natural pipeline) extending from Columbia Gulf's existing facilities in Eugene Island Block 309 to a point of connection with the Blue Water Project pipeline in Eugene Island Block 241. Applicants state that this construction will consist of approximately 16.4 miles of 20-inch pipeline extending from a connection with Columbia Gulf's existing pipeline in Eugene Island Block 309 to a point in Eugene Island Block 250; a platform at that location on which Applicants propose to install a 1,100 horsepower compressor; and 4.9 miles of 20-inch pipeline connecting said platform with the Offshore Header of the Blue Water Project Pipeline in Eugene Island Block 241. Applicants request authorization to construct these facilities with Columbia Gulf as operator to supervise the construction of and operate and maintain said facilities.

Columbia Gulf further proposes to construct and operate approximately 5.4 miles of 12-inch pipeline connecting gas reserves located in West Cameron Block 485 to the proposed Stingray pipeline in West Cameron Block 509 and approximately 1.0 mile of 10-inch pipeline connecting reserves in West Cameron Block 531 to the subject pipeline in West Cameron Block 510.

Applicants state that the total cost of the proposed pipeline facilities is estimated to be $11,632,400 for the proposed Eugene Island facilities and $3,549,900 for the proposed West Cameron facilities. The application states that the cost to Applicants is estimated to be $9,366,100 to Columbia Gulf and $5,816,200 to Natural, which costs will be financed at least initially, from funds on hand.

Under the terms of the letter agreement between Applicants, dated October 12, 1973, each Applicant is to bear initially all the costs of the 20-inch facilities which it installed for the interim arrangement in Eugene Island Blocks 331, 314, and 309, while all joint construction costs, including the cost of the 8-inch pipeline in Block 309, shall be initially borne equally by the Applicants. Upon completion of the Columbia-Natural proposed herein, the total cost of constructing said pipeline, including design work, shall be adjusted to reflect credit to each Applicant for the cost which each paid for separate construction of 20-inch pipeline segments in Eugene Island Blocks 331, 314, and 309.

The agreement states further that Columbia and Natural will each be entitled to 50 percent of the delivery capacity of the Columbia-Natural pipeline. Immediately following completion of construction of said pipeline Applicants' respective shares of total construction costs shall be adjusted by a payment by one Applicant to the other to conform the equal delivery capacity entitlement, at which time each Applicant shall own an undivided one-half interest in the Columbia-Natural pipeline.

Applicants state that the proposed long-term exchange arrangement is required in order to transport additional volumes of gas needed during the winter of 1974–75 to help meet the same level of requirements of Columbia Gas as for the winter of 1973–74. Applicants state further that the present facilities under the proposed long-term arrangement consist of 28 miles of pipeline, whereas the only alternative would require a total of 94 miles of offshore pipeline.

Columbia Gulf states that it will not increase its mainline deliveries to Columbia Gas as a result of this filing.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

[1] These blocks include East Cameron Blocks 313, 320, 370, and 371 and West Cameron Blocks 479, 485, 531, 594, and 642.

[2] These blocks include South Marsh Blocks 171 and 178 and Eugene Island Blocks 298, 305, 333 and 381.

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5579 Filed 3-11-74;8:45 am]

[Docket Nos. RP72-155, RP73-104]

EL PASO NATURAL GAS CO.

Proposed Change in Rate

MARCH 5, 1974.

Take notice that El Paso Natural Gas Company (El Paso), on February 14, 1974, tendered for filing a notice of change in rates with respect to certain special rate schedules contained in its FPC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A. Such change in rates is proposed to become effective as of April 1, 1974, and is in an amount of 2.71¢ per Mcf to be uniformly applied to each affected rate schedule. El Paso States that the proposed rate change is submitted to maintain parity of treatment among similar purchasers and to give effect to the keyed nature of the pricing provisions in the affected rate schedules.

El Paso filed concurrently with the instant tender a notice of change in rates respecting its Volume No. 1 tariff based upon the Purchased Gas Cost Adjustment Provision (PGAC) in said Volume No. 1 tariff. The proposed effective date of such notice of change in rates is April 1, 1974. El Paso states that the rate change is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas occurring in its interstate system operations which will become effective on or before March 31, 1974. The net increases in rates proposed by such concurrent notice of change is 2.71¢ per Mcf. El Paso claims that the pricing provisions contained in all of the special rate schedules affected by the instant notice of change in rates provide that the applicable rate thereunder shall be keyed to, and identical with, the rate in effect from time to time under a designated rate schedule contained in Original Volume No. 1 of El Paso's FPC Gas Tariff. Accordingly, El Paso states that the instant tender is being filed in order to adjust the rates applicable to special Rate Schedules X-7, X-14, X-25 and X-30 of Third Revised Volume No. 2 and special Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-29, FS-30, FS-34, FS-35 and FS-45 of Original Volume No. 2A in order that such rates may be consistent with the applicable rates to which they are keyed to in El Paso's Original Volume No. 1 tariff.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, El Paso's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5580 Filed 3-11-74;8:45 am]

[Docket No. CP74-98]

EL PASO NATURAL GAS CO.

Order Granting Interventions and Temporary Certificate, Establishing Procedural Dates and Fixing Hearing Date

MARCH 5, 1974.

On October 12, 1973, El Paso Natural Gas Company (El Paso), filed in Docket No. CP74-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 8.0 miles of 6⅝" pipeline looping a portion of El Paso's Alamogordo Lateral in Dona Ana and Otero Counties, New Mexico. Notice of the application was issued on October 26, 1973, and was duly published in the FEDERAL REGISTER on November 2, 1973 (38 FR 30299).

In its filing El Paso avers that it is presently providing natural gas by means of its existing Alamogordo Lateral to Southern Union Gas Company (Southern Union) for resale and distribution to customers in the communities of Alamogordo and Tularosa and for resale to United States Government installations at White Sands Missile Range and Hollman Air Force Base. It is alleged that based on anticipated increased gas requirements by Southern Union in meeting priority 1 and 2 service during the 1973-74 heating season and estimated residential and small commercial growth in the subject service area, existing lateral facilities will be inadequate to deliver these anticipated volumes of natural gas. El Paso further states that the proposed construction will increase the transmission capacity of the existing Alamogordo Lateral to the extent necessary for the protection of Priority 1 and 2 requirements. El Paso estimates the total cost of the proposed facilities to be $211,461.

El Paso's application also requests the issuance of a temporary certificate, pursuant to section 7(c) of the Natural Gas Act and § 157.17 of the Commission's regulations. In support of this request El Paso avers that the loop pipeline facilities are required to maintain priority 1 and 2 requirements in the Alamogordo service area during the 1973-74 heating season.

Timely petitions to intervene in this proceeding were filed by the Pacific Gas and Electric Company (PG and E) and Southern Union. As a firm service customer of El Paso, PG and E avers in its petition that, "The Commission's eventual disposition of this proceeding will have an effect upon the availability and cost of natural gas to PG and E and its customers." (Petition p. 3). PG and E also requests that a formal hearing be convened in this proceeding. Since Southern Union is the natural gas distribution company which services the Alamogordo area, it follows that Southern Union has a substantial interest in this proceeding. Southern Union's petition so states.

A Notice of Intervention, pursuant to our Rules of Practice and Procedure, was timely filed by the People of the State of California and the Public Utilities Commission of the State of California (California).

We are of the view that sufficient interest has been shown to the extent that we shall grant all interventions sought herein.

By letter filed November 26, 1973, El Paso advised the Commission that pursuant to § 157.22(a) of the Commission's regulations, construction of the proposed facilities had been commenced on November 16, 1973, and that it was anticipated that completion thereof would be accomplished in 30 days. Based on this we must conclude that the construction has been completed and that the facilities are now in operation, without prior certificate authorization from this Commission. While the possibility exists that the facilities are required by the public convenience and necessity, the possibility also exists that they are not so required. Therefore, we believe that the issues raised by El Paso's application in this proceeding warrant the development of an evidentiary record at formal public hearing. In view of the circumstances we believe that the public interest also warrants the granting of El Paso's request for temporary certification. However, we are of the view that El Paso's direct case in support of its application should include the basis and justification for its actions in constructing and operating the subject facilities pursuant to § 157.22(a) of our regulations, without prior certificate approval.

The Commission finds:

(1) It is desirable and in the public interest to allow Pacific Gas and Electric Company, Southern Union Gas Company and the People of the State of California and the Public Utilities Commission of the State of California, who have formally petitioned for intervention in Docket No. CP74-98 to so intervene.

(2) It is necessary and appropriate that the proceedings in Docket No. CP 74-98 be set for formal public hearing.

(3) It is desirable and in the public interest to grant the request of El Paso Natural Gas Company for temporary certification of the facilities which are

the subject of the application filed in Docket No. CP74–98.

The Commission orders:

(A) The above-named petitioners, who have petitioned to intervene in the proceedings in Docket No. CP74–98, are permitted to intervene in such proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) El Paso Natural Gas Company is hereby issued a temporary certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act and § 157.17 of the Commission's regulations thereunder, for the construction and operation of the facilities which are the subject of the application filed in Docket No. CP74–98. The issuance of this temporary certificate is without prejudice to the final disposition of the application pending in Docket No. CP74–98.

(C) A formal hearing shall be convened in the proceedings in Docket No. CP74–98 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on April 9, 1974, at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The direct case of El Paso Natural Gas Company as to all issues raised by its filing in Docket No. CP74–98 as well as issues raised by this order and all intervenors in support thereof shall be filed and served on all parties of record including the Commission Staff on or before March 22, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–5573 Filed 3–11–74;8:45 am]

[Docket No. RP74–11]

KANSAS-NEBRASKA NATURAL GAS CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 5, 1974.

On February 12, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by notice issued February 12, 1974.

On February 22, 1974, the Kansas-Colorado Group of interveners[1] filed a two-part motion concerning the time schedule. The motion requests an adjustment of certain dates if the above motion by Staff is granted or in the alternative that the procedural dates be deferred pending disposition of the issues by the Commission in Docket No. RP72–32.

On February 28, 1974, Kansas-Nebraska Natural Gas Company, Inc. filed an answer. The answer states that the Company does not oppose the motion but does request an adjustment in the dates. The Company opposes the deferral of the procedural dates pending disposition of the issues in Docket No. RP72–32.

On March 4, 1974, Staff Counsel filed an answer to the motion of the interveners concerning the time schedule. Staff does not object to the proposed service dates. Staff Counsel does oppose the indefinite postponement of the procedural dates.

Upon consideration, notice is hereby given that the motion to defer the procedural dates pending disposition of the issues in Docket No. RP72–32 is denied. The procedural dates in the above matter are further modified as follows:

Staff's Evidence, April 9, 1974.
Prehearing Conference, April 18, 1974 (10 a.m., EDT).
Intervener's Evidence, May 28, 1974.
Rebuttal Evidence, July 9, 1974.
Hearing, July 23, 1974 (10 a.m., EDT).

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–5581 Filed 3–11–74;8:45 am]

[Docket No. E–8642]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 6, 1974.

Take notice that on February 27, 1974, Montana-Dakota Utilities Co. filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing an increase in the par value of its common stock by an amendment to its Certificate of Incorporation. Applicant proposes to increase its common stock par value from $15 per share to $20 per share on 2,354,738 shares outstanding and transfer $1,773,690 out of the retained earnings account, thereby increasing the common stock account in the total amount of $11,773,690 or $5 per share.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Bismarck, North Dakota, and is engaged in the gas and electric untility business in the States of Montana, North Dakota, South Dakota, Wyoming and Minnesota.

According to the Applicant, the proposed change will provide the Applicant with a more balanced capital structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–5582 Filed 3–11–74;8:45 am]

[Docket Nos. E–8251, E–8169, E–8476]

NEW ENGLAND POWER CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 5, 1974.

On February 26, 1974, New England Power Company filed a motion for an extension of the procedural dates fixed by notice issued November 23, 1973 in the above-designated matter. By letters received February 26, 1974, and March 1, 1974, New England Power Company advised that Congressman Harrington, the Staff, the Consumers Council of Rhode Island and the Massachusetts Municipal Customers, and the Consumer Protection Division of the Office of the Attorney General of Massachusetts have consented to the above request.

Upon consideration notice is hereby given that the procedural dates are further modified as follows:

Service of NEPCO's Rebuttal evidence and service of Staff's evidence on cost adjustment clauses, April 2, 1974.
Prehearing conference; hearing and service of NEPCO's rebuttal evidence on cost adjustment clauses, April 16, 1974 (10 a.m. e.d.t.).
Prehearing conference and hearing on cost adjustment clauses, April 23, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–5583 Filed 3–11–74;8:45 am]

[Docket No. RP73–8]

NORTH PENN GAS CO.

Proposed Change in Rates

MARCH 6, 1974.

Take notice that North Penn Gas Company (North Penn), on February 25, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes would reflect an increase to the rates of 0.444¢ per Mcf.

North Penn asserts that the filing is made pursuant to the provisions of section 14 (PGA Clause) of its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the increase is based on supplier rate increases and requests an effective date for the increase of April 6, 1974.

[1] The Group consists of Central Telephone and Utilities Corporation, City of Alma (Nebraska), City of Central City (Nebraska), City of Hastings (Nebraska), Iea Electric Light and Power Company, Natural Gas Distributing Company of Nebraska, Nebraska Natural Gas Company and Northwestern Public Service Company.

North Penn states that copies of this filing have been served on each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, or 1.10). All such petitions or protests should be filed on or before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The above filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5584 Filed 3-11-74;8:45 am]

[Docket No. RP74-44]

OKLAHOMA NATURAL GAS GATHERING CORP.

Order Vacating Suspension and Terminating Proceeding

MARCH 1, 1974.

By its order issued December 28, 1973 in this docket, the Commission accepted for filing, suspended for one day and set for hearing a proposed rate increase tendered by Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) on December 3, 1973. In its filing Gathering Corporation proposed that the effective date of the tendered rate schedule be January 1, 1974.

Public notice of Gathering Corporation's filing was issued on December 21, 1973 which required that protests or petitions to intervene be filed on or before December 31, 1973. No such petitions or protests have been filed.

On January 30, 1974 Staff Counsel filed a motion to vacate the Commission's order of December 28, 1973, including its provision for one day's suspension of the proposed rates and terminate these proceedings. Staff Counsel stated that its motion is based upon further evaluation of the issues presented, particularly Gathering Corporation's reduction in its depreciation expense. No opposition to Staff Counsel's motion has been filed.

Upon further evaluation of Gathering Corporation's tendered filing, the Commission is now of the opinion that the proposed rates are just and reasonable. Specifically, we find that the company's proposed adjustment of a $41,104 depreciation expense reduction in its Cost of Service, made to reflect an increase in the remaining life of its gas reserves, is reasonable. All other issues presented by Gathering Corporation's December 3, 1973 filing were adequately supported based upon actual experience.

The Commission finds:

It is in the public interest that Staff Counsel's motion of January 30, 1974 be granted, and Oklahoma Natural Gas Gathering Corporation be permitted to use the lower depreciation rate proposed in its rate increase filing of December 3, 1973 in Docket No. RP74-44, that the one day suspension previously ordered in the docket be vacated and that the proceeding ordered in the docket be terminated.

The Commission orders:

(A) The Commission order of December 28, 1973 in Docket No. RP74-44 ordering a one-day suspension and hearing procedures is vacated.

(B) The proposed rate increase tendered by Gathering Corporation on December 3, 1973 and accepted for filing in our order of December 28, 1973, shall become effective as of January 1, 1974 without suspension.

(C) Docket No. RP74-44 is hereby terminated.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5574 Filed 3-11-74;8:45 am]

[Docket No. E-8640]

OTTER TAIL POWER CO.

Proposed Contract for Electric Service

MARCH 5, 1974.

Take notice that on February 25, 1974, Otter Tail Power Company (Otter Tail) tendered for filing proposed Contract For Electric Service Integrated Systems Supplement No. 7, dated November 21, 1973, and Amendment No. 1 to this contract dated December 19, 1973, between Central Power Electric Cooperative, Inc. (Central) and Otter Tail.

Otter Tail asserts that the filing is in accordance with Part 35 of the Commission's regulations. Otter Tail states that the proposed contract provides for termination of parts of existing rate schedules and that each party will ultimately own, operate and maintain transmission facilities in proportion to its load served from the Integrated Systems. The Company requested an effective date 30 days after the filing date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5585 Filed 3-11-74;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Order Clarifying Prior Order and Establishing Revised Procedural Dates

MARCH 5, 1974.

On February 11, 1974, Pacific Gas Transmission Company (PGT) filed a petition to clarify our order issued September 13, 1973, in Docket No. RP73-111 and to remove uncertainty. In the September 13, 1973 order we instituted a proceeding under section 5(a) of the Natural Gas Act to determine whether PGT's cost of service tariff should be modified to limit or redefine the costs which may be reflected as purchased gas costs in PGT's rates. In its petition, PGT requested that the issues be limited in this proceeding to exclude testimony submitted by the Commission Staff which proposes a tariff change which would require prior approval of the Commission before any change in the rates paid for purchased gas could be reflected in PGT's cost of service.

PGT stated in its petition that the September 13, 1973 order limited the scope of this proceeding to a consideration of voluntary amendments to PGT's gas purchase contracts which change the previously approved cost of service formula. PGT also alleged that there were several practical reasons which suggest that its cost of service tariff should not be severely restricted by imposition of Commission approval as a condition precedent to inclusion of increased purchased gas costs in the cost of service charge.

On February 14, 1974, Commission Staff filed an answer to PGT's petition. In its answer, Staff objected to a limitation of the issues in this proceeding as proposed by PGT. Staff stated that the testimony it has submitted, which PGT contends goes beyond the scope of this proceeding, recommends a modification in PGT's cost of service tariff which redefines the costs which may be reflected as purchased gas costs in PGT's rates. Staff argued that this testimony is within the scope of the September 13, 1973, order which instituted the section 5(a) investigation to determine if such a modification should be made. Staff also argued that the other reasons PGT gave in its petition to reject Staff's testimony go to the merits of the case and should more properly be considered in the section 5(a) investigation which has been instituted.

We find that the testimony of the Commission Staff, which has been objected to by PGT, is within the scope of the section 5(a) investigation which we instituted in our September 13, 1973 order. This testimony, which recommends a tariff change which would require prior approval of the Commission before any change in the rates paid for purchased gas could be reflected in PGT's cost of service, goes directly to the question of whether PGT's cost of service tariff should be modified to limit or redefine the costs which may be reflected as purchased gas costs in PGT's rates. The section 5(a) investigation was insti-

tuted to resolve this exact point, and therefore Staff's testimony is within the scope of this proceeding.

On February 4, 1974, PGT also filed a motion for continuance of the procedural dates in this proceeding. PGT requested that its testimony and exhibits be due not less than thirty days after issuance of the Commission order on PGT's petition and that the Prehearing Conference and Hearing be continued to a subsequent date convenient to the Commission and Staff. In the Commission Staff's answer to PGT's petition, it requested an expedited proceeding in this matter due to the uncertainty of future actions which may be taken by the National Energy Board of Canada.

We find that an expedited proceeding is necessary in view of the recent actions of the National Energy Board which have resulted in rapid increases in the price of natural gas exported by Canada to the United States and the current gas supply problems. As Commission Staff pointed out in its answer, PGT is presently allowed to automatically pass these price increases on to its jurisdictional customers without prior review by the Commission.

The Commission finds:

(1) The testimony submitted by Commission Staff is within the scope of the section 5(a) investigation which was instituted in our September 13, 1973 order.

(2) The procedural dates should be revised so that the Commission may investigate this matter without delay.

The Commission orders:

(3) PGT's request to limit the issues in this proceeding to exclude those issues raised in the Commission Staff's testimony is denied.

(B) PGT shall file testimony and exhibits on March 18, 1974. A public hearing shall be held for the purpose of cross examination of the evidence on March 26, 1974, before a Presiding Administrative Law Judge (see Delegation of Authority, 18 CFR 3.5(d)), beginning at 10 a.m., EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The procedural dates fixed by this order supersede the dates set forth in the notice issued January 11, 1974.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-5575 Filed 3-11-74;8:45 am]

[Docket No. CI74-443]

PETROLEUM CORP.

Notice of Application

MARCH 6, 1974.

Take notice that on February 15, 1974, The Petroleum Corporation (Applicant), 3303 Lee Parkway, Dallas, Texas 75219, filed in Docket No. CI74-443 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the Dublin-Ellenburger Gas Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to El Paso from the subject acreage up to 2,000 Mcf of gas per day for one year at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment with upward adjustment limited to 1,200 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-5586 Filed 3-11-74;8:45 am]

[Docket No. RP73-92]

RATON NATURAL GAS CO.

Proposed Filing Pursuant to Purchased Gas Adjustment Clause

FEBRUARY 27, 1974.

Take notice that on February 20, 1974, Raton Natural Gas Company (Raton) submitted for filing as a part of its FPC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 3a, proposing changes in commodity rates pursuant to Purchased Gas Adjustment Clause.

Such changes in rates are proposed to become effective on April 1, 1974, and are submitted for the purpose of compensating Raton for increases in its cost of gas purchased from Colorado Interstate Gas Company (CIG) which are now in effect or proposed to become effective on April 1, 1974.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate only for increases in its cost of purchased gas in amount of 4.95¢ per MCF, and a reduction in the surcharge to recover Deferred Gas Purchase Costs from 2.50¢ to a credit of 2.50¢ for the succeeding six months from effective date.

Raton states that copies of this filing have been served on Midwest Energies Corporation, the only jurisdictional customer, and Public Service Commission of New Mexico.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-5570 Filed 3-11-74;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Compliance Filing

MARCH 5, 1974.

Take notice that South Carolina Electric & Gas Company (Company) on February 26, 1974, tendered for filing an executed Service Agreement and Exhibit A, Delivery Point and Service Specifications, for wholesale electric power service from the Company to the City of Orangeburg, South Carolina, dated January 15, 1974. The Company enclosed with this filing the Resolution of the Mayor and City Councilmen of the City of Orangeburg authorizing the Mayor to enter into the agreement with the Company.

The Company requests that this service agreement be substituted for the unexecuted Service Agreement and Exhibit A for service to the City of Orangeburg filed in the above-referenced docket on April 17, 1973, in response to a letter from the Secretary of the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in

accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5587 Filed 3-11-74;8:45 am]

[Docket No. RP74-39-7]

TEXAS EASTERN TRANSMISSION CORP. AND PENN FUEL GAS INC.

Order Granting Temporary Emergency Relief, Permitting Interventions, Providing for Hearing and Establishing Procedures

MARCH 1, 1974.

On January 29, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for emergency relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (Texas Eastern) to supply it with a minimum of 9,985 Mcf per day for resale to Standard Steel (Division of Titanium Metals Corporation of America, Inc.) for use in the manufacture of steel products.

Penn Fuel requests that the Commission order Texas Eastern to deliver through Penn Fuel's distributor subsidiary, Lewistown Gas Company (Lewistown), 9,985 Mcf per day on a noncurtailable basis for the use of Standard Steel (Standard), a division of Titanium Metals Corporation of America. Penn Fuel is a public utility holding company with several affiliated gas distribution companies, among them being the Pottsville Gas Company, et al. Lewistown is one of the 14 companies listed under the Pottsville grouping. The Pottsville group has a daily contract demand and annual entitlement as follows:

[In thousand cubic feet]

	Annual entitlement	Annual contract demand
Rate schedule DCQ	8,484,258	24,262
Rate schedule GS	1,486,378	6,588
Rate schedule WS	217,791	5,185

Lewistown's entire natural gas supply comes out of the contract volume that the Pottsville group purchases from Texas Eastern. Lewistown in turn supplies Standard under a contract providing for a maximum daily demand of 14,300 Mcf per day. Recent curtailments of 50 percent have cut that demand to 7,150 Mcf per day. Standard's normal annual requirement is 4,733,367 Mcf based on 1973 levels of operation. Recent curtailments reduced actual usage to 4,091,709 Mcf during that period. It is now being requested that curtailments be limited to 9,985 Mcf per day which is approximately a 30 percent curtailment.

Penn Fuel states that because Lewistown is a relatively small distributor, primarily serving higher priority customers, Standard has incurred almost all of Texas Eastern's curtailments to Lewistown. Consequently, the needs of Standard are the reason for this petition. Penn Fuel's essential contention is that the energy crisis will be exacerbated by curtailments to this steel company because the company's production is focused upon making highly specialized parts for enterprises that either produce or save energy. It produces railroad and rapid transit wheels and axles, specialty steel components for nuclear, gas and steam power plants and pipe flanges for oil and gas production and transportation. This energy-related business, Penn Fuel states, accounts for 70 percent of Standard Steel's production, 45 percent being in the railroad and rapid transit area. In affidavits which accompanied this petition, eleven of Standard's customers responded to the announcement of delivery setbacks. They explained that they were depending on Standard's components for the manufacturing of products for the national defense, passenger and freight transportation and energy production. Supported by an affidavit of John O. White, Manager of Marketing of Standard Steel, it was also asserted that if scheduled January and February deliveries cannot be met, 750 new railroad cars will be prevented from reaching the market place, thus affecting every major railroad in the country.

Penn Fuel further states that approximately 35 employees of Standard have had their work weeks reduced by as much as 16 hours, and that if this trend is allowed to continue, it will harm the local economy already burdened with 7 percent unemployment rate. The current 46–50 percent curtailment, Penn Fuel states, has forced production cuts of railroad axles and other products and substantial setbacks in delivery dates for jet engine and nuclear parts.

Penn Fuel states that Standard has made and continues to make numerous efforts to conserve energy and by the 1972–73 heating season was equipped to absorb a 30 percent natural gas curtailment. In October, for example, its oil storage capacity was increased to 1,595,000 gallons by the installation of a 750,000 gallon oil storage tank. Penn Fuel states that Standard is working toward increasing efficiency in its combustion units and its newer furnaces have pressure controls, ratio control systems and low heat storage refractories to conserve fuel. Eleven of thirteen "beehive" heat treating furnaces have been rebuilt with automated pressure controls. Plans are being made to rebuild the remaining two furnaces. New Fiberfax insulation for furnace lids is being tested as a replacement for brick linings to attempt to conserve additional fuel.

Standard estimates that its minimum requirement for natural gas at this time is 9,985 Mcf per day. Standard plans to convert certain additional operations to oil which will reduce its requirement by another 400 Mcf by the end of February by another 250 Mcf by April and another 250 by May.

Public notice of Penn Fuel's petition was given on February 8, 1974, with protests and petitions to intervene due on February 19, 1974. Petitions to intervene have been filed by the following parties:

General Motors Corporation
Texas Eastern Transmission Corporation
Algonquin Gas Transmission Company
Arkansas-Missouri Power Company and Associated Natural Gas Company
Mississippi Valley Gas Company
Aluminum Company of America
Central Illinois Public Service Company
Boston Gas Co., et al.
Columbia Gas Transmission Corporation

Intervention by all of the above petitioners will be permitted. Only Columbia Gas Transmission Corporation requests a hearing.

Under these circumstances good cause has been shown to authorize and direct Texas Eastern to supply Penn Fuel with sufficient volumes of gas to allow Lewistown to deliver up to 9,985 Mcf per day to Standard which volumes shall be reduced by 400 Mcf on March 1, 1974, by an additional 250 Mcf on April 1, 1974, and by 250 Mcf more on May 1, 1974, pending further Commission action.

Penn Fuel will be required to file as part of its case in support of its petition evidence showing the distribution of daily volumes of gas among the members of the Pottsville Group and the end use of natural gas of those members of the Group who are interconnected with Lewistown. Penn Fuel will also be required to produce evidence showing the steps Standard has taken and will take to convert its operations to use alternate fuels.

The Commission finds:

(1) The grant as hereinafter ordered of Penn Fuel's petition filed January 29, 1974, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(2) Good cause exists to set the proceedings in Docket No. RP74-39-7 for formal hearing.

(3) The participation of each party which has petitioned to intervene in these proceedings may be in the public interest.

The Commission orders:

(A) The relief sought by Penn Fuel in its petition filed January 29, 1974, is hereby granted on a temporary basis pending hearing and decision on the merits of the petition. Texas Eastern is hereby ordered to supply to Penn Fuel sufficient volumes of gas to enable Lewistown to deliver up to 9,985 Mcf per day to Standard which volumes shall be reduced by 400 Mcf on March 1, 1974, by an additional 250 Mcf on April 1, 1974 and by 250 Mcf more on May 1, 1974.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and

the Regulations under the Natural Gas Act, a public hearing shall be held on March 27, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the Penn Fuel petition.

(C) On or before March 13, 1974, petitioners and all parties supporting petitioner's request shall serve with the Commission and upon all parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(D) As part of its case in support of its petition, Penn Fuel shall produce evidence showing the distribution of daily volumes of gas among the members of the Pottsville Group and the end use of natural gas of those members of the Group who are interconnected with Lewistown. Penn Fuel shall produce evidence showing the steps Standard has taken and will take to convert its operations to use alternate fuels.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Each party which has petitioned to intervene in this proceeding is hereby permitted to intervene, subject to the rules and regulations of the Commission; *provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5576 Filed 3-11-74;8:45 am]

[Docket No. E-8639]

UNITED ILLUMINATING CO.

Proposed Rate Schedule

MARCH 6, 1974.

Take notice that on February 25, 1974 United Illuminating Company (Company) tendered for filing Purchase Agreement Number 5 with respect to Bridgeport Harbor Unit Number 3, dated June 1, 1973, between the Company and New Bedford Gas and Edison Light Company.

The Company states that the filing is made pursuant to Part 35 of the Commission's regulations and that the Agreement provides for wholesale sales of electric energy. Service under the Agreement is proposed to commence on May 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before March 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5588 Filed 3-11-74;8:45 am]

[Docket No. ID-1724]

WILLIAMSON, JOHN P.

Notice of Application

MARCH 5, 1974.

Take notice that on February 25, 1974, John P. Williamson (Applicant), filed an initial application pursuant to Section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

President and Chief Executive Officer; Director, The Toledo Edison Company, Public Utility.

Director, Ohio Valley Electric Corporation, Public Utility.

The Toledo Edison Company, in Ohio, engages in generation, transmission and distribution; also qualified in Pennsylvania where it is engaged in joint ownership of generating facilities.

The Ohio Valley Electric Corporation engages in the generation, transmission and sale of electric energy to the Atomic Energy Commission and certain public utilities. It is qualified to do business in Kentucky where it engages in transmission of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-5589 Filed 3-11-74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent of the voting shares of the successor by merger to Coosa Valley Bank, Rainbow City, Alabama ("Rainbow City Bank" "Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama, controls seven banks with aggregate deposits of approximately $683 million, representing 9.65 percent of the total deposits in commercial banks in the State (as of June 30, 1973). The proposed acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among the State's banking organizations. Approval of the proposed acquisition would not significantly increase the concentration of banking resources in Alabama.

Bank, with $9.4 million in deposits (as of October 17, 1973), is the smallest of eight commercial banks in the relevant banking market, which is Etowah County in northeast Alabama, and has approximately six percent of the total market deposits. Applicant's closest subsidiary to Bank is located approximately 40 miles southeast of Bank. It appears that no meaningful competition would be eliminated if the acquisition were approved. Further, in light of the distances separating Bank and Applicant's subsidiaries and Alabama's branching laws, it does not appear that any potential competition would develop between Applicant and Bank.

The financial and managerial condition of Applicant, its subsidiaries, and Bank are considered generally satisfactory. Thus, banking factors are consistent with approval.

Bank is a relatively new bank in a rapidly expanding area of the market. Applicant would provide additional capital and expanded services. Therefore, considerations relating to the convenience and needs of the community lend

some weight to approval of the application.

It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 1, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-5611 Filed 3-11-74;8:45 am]

BANK OF EDINBURG, INC.

Order Approving Application for Merger of Banks

Bank of Edinburg, Inc., Edinburg, Virginia (Edinburg), an organizing State bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with The Farmers Bank of Edinburg, Incorporated, Edinburg, Virginia (Farmers), a member State bank of the Federal Reserve System, the resulting bank to operate under the charter of Edinburg and with the name of The Farmers Bank of Edinburg, Incorporated. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265).

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of Valley of Virginia Bankshares, Inc., to acquire the successor by merger to The Farmers Bank of Edinburg, Incorporated. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 1, 1974.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.74-5632 Filed 3-11-74;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of (1) The Bank of Naples, Naples, Florida ("Naples Bank") and (2) The Collier County Bank, Naples, Florida ("Collier Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 49 banks with aggregate deposits of $1.6 billion, representing about 8 percent of deposits in commercial banks in Florida.[1] Acquisition of Naples Bank (deposits of $73.6 million) and of Collier Bank (deposits of $9.6 million) would not significantly increase the concentration of banking resources in the State. Moreover, there is no evidence of record to indicate the development of a significant trend toward increased concentration of banking resources in Florida. Nor does Applicant's recent growth through acquisitions present a pattern of acquiring major banks in the primary or secondary SMSA's in the State.

Naples Bank and Collier Bank are both located in the same banking market and, together, control approximately 39 per cent of the deposits in commercial banks in the market.[2] The market is neither classified as an SMSA nor viewed as a significant market in terms of either population or deposits. No competition exists between Naples Bank and Collier Bank as both banks are closely affiliated with the leading directors of Naples Bank also being directors of Collier Bank. In addition, three families who control a majority of the shares of Naples Bank have a significantly influential ownership position in the Collier Bank. Moreover, the two banks share many common operating facilities, such as data processing and bookkeeping functions. Based on this and other facts of record, the Board concludes that the probability of disaffiliation occurring between Naples Bank and Collier Bank within the reasonably foreseeable future is slight.

There is little existing competition between any of Applicant's banking subsidiaries and either Naples Bank or Collier Bank. Moreover, it does not appear that future competition between any of Applicant's banking subsidiaries and either Collier Bank or Naples Bank is reasonably probable due to the distances between the banks and Florida's restrictive branching law. Applicant is not a likely de novo entrant into the Collier County banking market since the market is relatively unattractive as measured by its deposits and population per banking office ratios compared to statewide ratios. Moreover, there are no other significantly smaller banks in Naples, the commercial center of Collier County, which Applicant could acquire as an alternative means of entry to that of Naples Bank. Based on these facts and others of record, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicant, its subsidiary bank, and Naples Bank and Collier Bank are regarded as generally satisfactory particularly in light of Applicant's commitment to retire certain capital notes of Naples Bank. Retirement of the notes would improve Naples Bank's capital position and lend support for approval of the application to acquire Naples Bank. Considerations relating to the convenience and needs of the community to be served provide some support for approval of the applications since affiliation with Applicant should enable Naples Bank and Collier Bank to increase their services particularly in the fields of consumer lending and provision of trust services. The Board concludes that the proposed transactions are in the public interest and should be approved.

On the basis of the record,[3] the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 4, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-5607 Filed 3-11-74;8:45 am]

[1] All banking data are as of June 30, 1973 and represent bank holding company acquisitions approved by the Board through December 31, 1973.

[2] The relevant banking market is approximated by Collier County minus the town of Immokalee.

[3] Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Almeda-Genoa Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 5, 1974.

Board of Governors of the Federal Reserve System, March 5, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-5612 Filed 3-11-74;8:45 am]

GUARDIAN BANKSHARES OF FLORIDA, INC.

Formation of Bank Holding Company

Guardian Bankshares of Florida, Inc., Stuart, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Stuart National Bank, Stuart, Florida and Port Salerno National Bank, Port Salerno, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 21, 1974.

Board of Governors of the Federal Reserve System, March 4, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-5606 Filed 3-11-74;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens State Bank, McMinnville, Tennessee ("Bank").

The Bank into which Bank will merge has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Tennessee, controls 13 banks having deposits of $632.5 million or 5.9 percent of deposits in all commercial banks of the State. (Banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through January 1, 1974.) Acquisition of Bank, having deposits of $4.5 million, would increase Applicant's share of Tennessee commercial bank deposits by less than one percent, and would not change Applicant's rank in size. No undue concentration of banking resources in Tennessee would result.

In acquiring Bank, Applicant is seeking to make its initial entry into the Warren County banking market, located in the central portion of Tennessee. Bank is the third largest of four banks in the market with deposits representing 5.6 percent of total commercial bank deposits in the market. The two larger banks in this market each control over 40 percent of deposits therein. Applicant's closest subsidiary bank is at Decherd, Tennessee, 35 miles southwest of Bank in another market. Virtually no competition exists between Applicant's banking subsidiaries and Bank, and it is not likely that significant future competition would develop between them because of the distance involved and Tennessee's laws restricting branching to the county in which the main office is located. Further, the prospect of Applicant entering Bank's market de novo appears unlikely in view of the relatively low population per banking office ratio compared to the State average. From these facts, it appears that consummation of the transaction would not have an adverse effect on any bank in the market; rather, this acquisition would enable Bank to compete more effectively with the two larger banks in the relevant market. Accordingly, competitive considerations of the application are consistent with its approval.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are satisfactory in light of Applicant's program to increase equity capital in its other subsidiary banks; future prospects appear favorable. The proposed affiliation with Applicant will allow Bank to make trust services available to the public; Applicant will also assist Bank in its data processing, advertising and marketing functions. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 1, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-5610 Filed 3-11-74;8:45 am]

OHNWARD CORP.

Acquisition of Bank

Ohnward Corporation, Maquoketa, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50.08 per cent or more of the voting shares of First Central State Bank, DeWitt, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ohnward Corporation is also engaged in the following nonbank activities: conducting the business of a general insurance agency, auction business and acting as a loan broker. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 3, 1974.

Board of Governors of the Federal Reserve System, March 4, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-5608 Filed 3-11-74;8:45 am]

VALLEY OF VIRGINIA BANKSHARES, INC.

Order Approving Acquisition of Bank

Valley of Virginia Bankshares, Inc., Harrisonburg, Virginia (Applicant), a

bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Farmers Bank of Edinburg, Incorporated, Edinburg, Virginia (Bank). The bank into which Bank is to be merged is an organizing State bank and has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, was given in accordance with section 3(b) of the Act and the time for filing all comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the thirteenth largest banking organization in Virginia and controls two banks representing 1 percent of the State's commercial bank deposits.[1] (All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board or the Reserve Bank as of June 30, 1973.) Consummation of the proposal would increase Applicant's share of the commercial bank deposits in the State by an insignificant amount.

Bank (deposits of $8.6 million) operates two offices in Shenandoah County, Virginia, the relevant banking market, and is the smallest of five banking organizations in the market, controlling 10.3% of commercial bank deposits in this area. The largest bank in the market is a subsidiary of the sixth largest banking organization in the State and controls approximately 44% of the market's deposits. Applicant's closest bank subsidiary is 37 miles from Bank's Woodstock branch. Thus, it appears that there is no substantial existing competition between Applicant's banking subsidiaries and Bank; nor is there any reasonable probability of substantial future competition developing between them due to the distances involved, the mountainous terrain and the Virginia law which prohibits de novo branching beyond county lines. Accordingly, the Reserve Bank concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as satisfactory, particularly in view of Applicant's commitment to add capital to its present banks. These considerations are consistent with approval of the application. Consideration relating to the convenience and needs of the community to be served lends some weight in support of approval since Applicant's acquisition of Bank will give the latter needed depth in management and will enable it to expand its activities by offering trust services, computer services and larger loans through participations. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 1, 1974.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.74-5609 Filed 3-11-74;8:45 am]

[1] An application by Applicant to acquire Western Frederick Bank, Gore, Virginia (total deposits of $3.9 million), is currently pending before the Board of Governors.

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS

Notice is given that official agency views on an interagency Task Group proposal for an executive branch position relative to Commission on Government Procurement (COGP) Recommendations H-1, H-2 and H-3 have been obtained and are considered to constitute a consensus for adopting the general thrust of these COGP recommendations.

The three recommendations concern the following matters:

H-1: That the Government, with appropriate exception, act generally as a self-insurer for loss or damage to Government property resulting from defects in finally accepted, contractor-supplied items;

H-2: Apply the policy expressed in Recommendation H-1 to subcontractors; and

H-3: Limit the rights of third-party transferees of Government property to no greater rights than those granted to Government under original procurement contracts.

To implement the consensus, the Federal Procurement Regulations (FPR's) will be appropriately modified and coordinated with the Armed Services Procurement Regulations of the Department of Defense to ensure a Government-latory issuances. Such coordination on the regulatory expression of the foregoing policies shall be required relative to future changes in either of the regulations involved.

Agency coordination and private sector comments will be sought on the draft regulation implementing the subject policies.

Dated at Washington, D.C., on March 5, 1974.

WILLIAM W. THYBONY,
Acting Associate Administrator for Office of Federal Management Policy.

[FR Doc.74-5601 Filed 3-11-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Atmospheric Sciences to be held at 9 a.m. on March 20 and 21, 1974, in Room 338 at 1800 G Street, NW., Washington, D.C. 20550. (The 10:30 a.m. portion of the March 21 session will be convened in Rooms 338 and 621; this is indicated in the agenda below.)

The purpose of this Panel is to advise the Foundation of the impact of its research support program on the scientific community in atmospheric sciences.

The agenda for this meeting shall include:

MARCH 20

MORNING

9:00	Introductory Remarks — Panel Chairman.
9:15	NSF Highlights — Division Director, Division of Environmental Sciences.
9:30	Panel Comments on New Developments in Atmospheric Sciences—Panel.
11:30	Panel Reaction to AMS Cloud Physics Report—Program Director, Meteorology Program.
12:30	Recess for Lunch.

AFTERNOON

1:30	Discussion of Future Regional GARP Programs — NSF GARP Coordinator.
2:30	Review of NSF Involvement in Incoherent Scatter Radars—Program Director, Aeronomy Program.
3:30	Role of NSF in Climatology—Program Director, Meteorology Program and NSF GARP Coordinator.
4:30	International Magnetospheric Study (IMS) Prospects for NSF—Program Director, Solar Terrestrial Program/Program Director, Aeronomy Program.
5:00	Adjourn.

MARCH 21

MORNING

9:00	A Review of the NSF Energy Program Atmospheric Sciences and the Energy Issue: What can we do?—Panel.
10:00	A Review of Requirements for the NCAR Electra—Scientific Coordinator, National Center for Atmospheric Research.

10:30 Discussion Meeting of Panel and Staff:
a. Lower Atmosphere—Dr. Washington, Panel member (Room 338).
b. Upper Atmosphere—Dr. Hanson, Panel member (Room 621).
12:30 Recess for Lunch.

AFTERNOON

1:30 Reassembly of full Panel (Room 338); Items of Concern to be brought to the attention of the Foundation—Panel.
3:30 Adjourn.

This meeting shall be open to the public. Individuals who wish to attend should inform Dr. Fred D. White, Section Head, Atmospheric Sciences Section by telephone (202–632–4198) or by mail (Room 312, 1800 G Street NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. Fred D. White at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 21, 1974.

[FR Doc.74–5634 Filed 3–11–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 7, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

FEDERAL ENERGY ADMINISTRATION

Cement Industry Transmittal Letter; Telephone Checklist, Form ____, Single time, Weiner, Cement industry Presidents and officers.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Roper Survey: Subscription Public Opinion Research Service, Form ____, Occasional, Reese, Individuals.

DEPARTMENT OF TRANSPORTATION

National Highway Transportation Safety Administration, Highway Safety Literature Usage Survey, Form HS 306, Occasional, Foster, Subscribers to HSL.
Departmental, Railroad/Highway Grade Crossing Data Survey—States RR/Highway Grade Crossing Data Survey—RR Form ____, Single time, Foster, 50 State Govt. agen., 60 Class I RR.

REVISIONS

ACTION

ACTION Volunteer Application Form A–35, Occasional, Individuals.

FEDERAL RESERVE BOARD

Installment Loans for New Automobiles, by Maturity (Commercial Banks), Form FR 584a, Quarterly, Hulett, Commercial banks from each Federal Reserve District.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental, Final Invention Statement and Certification Form HEW OS–12–74, Single time, Lowry, Private & parochial educational institutions & hospitals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development, Application for Interim Assistance Grant (Under Section 118 of the Housing Act of 1949, as Amended, Form 6380, Occasional, Lowry, Individuals.
Application for Interim Assistance Grant—Area Data (Under Section 118 of the Housing Act of 1949, as Amended), Form 6380A, Occasional, Lowry, Individuals.
Summary of Project Data (Urban Renewal Program), Form 6120, Occasional, CVA/Evinger (x).
Summary of Project Data—Disaster (Urban Renewal Program), Form 6120C, Occasional CVA/Evinger (x).
Request for Concurrence in Acquisition Prices (Urban Renewal Program), Form 6144, Occasional, CVA/Evinger (x).
Continuation Sheet for 6144, Form 6144A, Occasional, CVA/Evinger (x).

DEPARTMENT OF THE INTERIOR—Bureau of Mines

Barite, Form 6–1227–A, Annual, Evinger (x).
Potash Survey, Form 6–1252–S, Semiannual, Evinger (x).

DEPARTMENT OF TRANSPORTATION—Federal Aviation Administration

Application for Dealer's Aircraft Certificate, Form AC 8050–5, Occasional, Evinger (x).
Safety Improvement Report, Form FAA 8000–7, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–5741 Filed 3–11–74;8:45 am]

POSTAL RATE COMMISSION

NEW YORK AND WASHINGTON, D.C.

Consultant Visits

MARCH 8, 1974.

The Postal Rate Commission has entered into a contract with an expert consultant to evaluate the feasibility of applying multiple regression analysis techniques to the problem of postal cost allocation. The consultant will visit with postal technical experts in the New York City area and in Washington, D.C. during the week of March 11. Follow-up visits may be scheduled during the contract period which will end on or about May 27, 1974.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74–5778 Filed 3–11–74;8:45 am]

TARIFF COMMISSION

[TEA–W–229]

DOLLY NOVELTY SHOE CO., INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Dolly Novelty Shoe Co., Inc., Clifton, New Jersey, the United States Tariff Commission, on March 5, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with slippers (of the types provided for in items 700.35, 700.43, 700.55, 700.70 and 700.80 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 22, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: March 6, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–5638 Filed 3–11–74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary of Labor

[Secretary of Labor's Order 7–74]

ASSISTANT SECRETARY FOR MANPOWER

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This Order delegates to the Assistant Secretary for Manpower the authority vested in the Secretary of

Labor by the Comprehensive Employment and Training Act of 1973, as specified herein.

2. *Background.* Secretary's Order 20–71 assigns responsibility for the manpower programs of the Department and lists the legislation which forms the basis for the performance of the Department's manpower programs. Secretary's Order 25–73 restates the existing delegation to the Assistant Secretary for Manpower of authority for economic opportunity programs to specifically include the provisions of the revised delegation from the Director of the Office of Economic Opportunity dated June 29, 1973, and approved by the President on July 6, 1973. This Order amplifies the specific and general delegations of authority contained in Secretary's Orders 20–71 and 25–73 to specifically include authority pursuant to the Comprehensive Employment and Training Act of 1973.

3. *Delegations of Authority and Assignment of Responsibilities.*

a. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the functions to be performed by the Secretary of Labor under the Comprehensive Employment and Training Act of 1973 (hereinafter referred to as "the Act").

b. The Solicitor of Labor shall have responsibility for providing legal advice and assistance to all officers of the Department relating to the delegations of authority referenced herein and applicable laws, Executive Orders, and regulations pertaining thereto.

4. *Reservations of Authority.* The following functions are reserved to the Secretary:

a. Submission of reports and recommendations to the President, the Congress, and the National Commission for Manpower Policy.

b. Entering into agreements with the Secretary of Health, Education, and Welfare with respect to certain arrangements for services of a health, education, or welfare character as provided in the Act.

c. Those functions required of the Secretary as a member of the National Commission for Manpower Policy.

5. *Redelegation of Authority.* The authority herein delegated to the Assistant Secretary for Manpower may be redelegated with or without authority for further redelegation.

6. *Directives Affected.* a. The authorities specifically delegated herein supplement those delegated by Secretary's Orders 20–71 and 25–73.

b. The authorities delegated herein are subject to the provisions of Secretary's Orders 3–73 and 27–73 pertaining to procurement and contracting authority.

7. *Effective Date.* This Order is effective immediately.

Signed at Washington, D.C., on the 6th day of March, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74–5658 Filed 3–11–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 462]

ASSIGNMENT OF HEARINGS

MARCH 7, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 97629 Sub-9, Hiller Truck Lines, Inc., now being assigned May 6, 1974 (2 weeks), at Montgomery, Ala., in a hearing room to be later designated.

MC–138876, James D. Carroll, DBA Rapid Express, now being assigned hearing May 20, 1974 (1 week), at Baton Rouge, La., in a hearing room to be later designated.

MC 138980, Robert P. Fuller, Dba Laurel Transit Lines, now being assigned hearing April 30, 1974 (3 days), at Scranton, Pa., in a hearing room to be later designated.

MC 2253 Sub 65, Carolina Freight Carriers Corp., now being assigned hearing May 20, 1974 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC 139090, Rubber City Express, Inc., now being assigned May 1, 1974 (3 days), at Akron, Ohio, in a hearing room to be later designated.

MC 113666 Sub-84, Freeport Transport, Inc., now being assigned May 6, 1974 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

MC 112520 Sub 273, McKenzie Tank Lines, Inc., now being assigned hearing June 3, 1974 (1 week), at Atlanta Ga., in a hearing room to be later designated.

MC–48958 Sub 116, Illinois-California Express, Inc., now being assigned hearing May 9, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC–107743 Sub 23, System Transport, Inc., now being assigned hearing May 13, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 228 Sub-73, Hudson Transit Lines, Inc., now assigned April 1, 1974 at New York City, N.Y., will be held in the Court Room A, Room 238, 26 Federal Plaza.

MC 89697 Sub-26, Krajack Tank Lines, Inc., now assigned April 3, 1974, at New York, N.Y., will be held in the Court Room A, Room 238, 26 Federal Plaza.

MC–117610 Sub 11, Derrico Trucking Corp., now assigned April 8, 1974, will be held in Court Room A, Room 238, 26 Federal Plaza, New York, N.Y.

MC–114755 Sub-2, Newburgh Beacon Bus Corp., now assigned April 10, 1974, will be held in Court Room A, Room 238, 26 Federal Plaza, New York, N.Y.

MC–77972 Sub 22, Merchants Truck Line, Inc., now being assigned hearing June 3, 1974 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

No. 35913, Louis Dreyfus Corporation, et al. v. The Atchison, Topeka and Santa Fe Railway Company et al., now assigned March 18, 1974, at Kansas City, Mo., is postponed indefinitely.

MC–C–8235, Smitty's Van & Storage, Inc., Julius Schmidt, DBA Jet Moving & Storage, Andrews Van Lines, Inc., Greyhound Van Lines, Inc., and King Van Lines—Investigation of Operations, now assigned April 1, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC–C–8191, Belger Cartage Service, Inc., Investigation Of Operations And Revocation Of Certificates, now assigned April 2, 1974, and MC 121567 Sub-4, Wichita Air Cargo Delivery, Inc., now assigned April 4, 1974, at Kansas City, Missouri, will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 115331 Sub-352, Truck Transport, Incorporated, now assigned April 8, 1974, and MC 139206, F. M. S. Transportation, Inc., now assigned April 10, 1974, at St. Louis, Mo., will be held in Courtroom No. 2, U.S. Courthouse & Customhouse, 1114 Market Street.

MC–134903 Sub-1, Kentucky Motor Freight, Inc., now being assigned hearing June 3, 1974 (1 week), at Lexington, Ky., in a hearing room to be later designated.

MC–F–11919, Morrison Motor Freight, Inc.—Purchase—All Industrial Cartage Company, and MC 59728 Sub-25, Morrison Motor Freight, Inc., now assigned March 11, 1974, at Columbus, Ohio, is cancelled and transfered to Modified Procedure.

MC 104656 Sub 12, Mandrell Motor Coach, Inc., now being assigned hearing May 14, 1974 (3 days), at Denton, Md., in a hearing room to be later designated.

MC–138677 Sub 2, Mr. Enterprizes, Inc., DBA Mason's Biological Medical Transportation Courier Service, now being assigned hearing April 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–124896 Sub 4, Williamson Truck Lines, Inc., now being assigned hearing May 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–135547 Sub 4, Timothy D. Shaw, now being assigned hearing May 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–124896 Sub 5, Williamson Truck Lines, Inc., now being assigned hearing May 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–128383 Sub 31, Pinto Trucking Service, Inc., now being assigned hearing May 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8225, American Truck Rentals, Inc., and Amdell Personnel, Inc.—Investigation of Operations, now assigned March 21, 1974, at Miami, Fla., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–5677 Filed 3–11–74;8:45 am]

[No. AB–1 (Sub-No. 1)]

CHICAGO AND NORTHWESTERN TRANSPORTATION CO.

Notice of Abandonment

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy

Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Mercer, Knox, and Warren Counties, Ill., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 1st day of March, 1974.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-1 (Sub-No. 1)]

CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN KEITHSBURG AND MIDDLE GROVE, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated March 1, 1974, it has been determined that the proposed abandonment of the line of Chicago and Northwestern Transportation Company between Keithsburg and Middle Grove, Ill., a distance of approximately 61.6 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over this line has not been substantial and has been decreasing. The abandonment is consistent with State and local land use plans in the involved area and alternate rail service for much of the involved traffic will be available from Burlington Northern. In addition, motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation scheme. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 27, 1974.

[FR Doc.74-5676 Filed 3-11-74;8:45 am]

[I.C.C. Order No. 119-A, Rev. S.O. 994]

ILLINOIS CENTRAL GULF RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 79 (Illinois Central Gulf Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 119 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 1, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-5680 Filed 3-11-74;8:45 am]

[Notice Finance Docket No. 27589]

RAILROAD CAR SERVICE POOLING APPLICATION

Notice of Filing and Proposed Special Rules of Procedure

An application, as summarized below, termed a "RAILBOX Pooling Application", has been filed by certain common carriers by railroad, the trustees of certain common carriers by railroad and Trailer Train Company under section 5(1) of the Interstate Commerce Act (a) for authority to enter and attached agreement for the pooling of car service with respect to box cars and the pooling and division of gross or net earnings as affected thereby and (b) for approval of said agreement. The railroads listed as applicants are:

The Atchison, Topeka and Santa Fe Railway Company
Baltimore and Ohio Railroad Company
Boston and Maine Corporation
Burlington Northern, Inc.
Central of Georgia Railroad
Chesapeake and Ohio Railway Company
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
The Denver and Rio Grande Western Railroad Company
Detroit, Toledo and Ironton Railroad Company
Erie Lackawanna Railway Company
Florida East Coast Railway Company
Illinois Central Gulf Railroad Company
The Kansas City Southern Railway Company
Louisville and Nashville Railroad Company
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad Company
Norfolk and Western Railway Company
Penn Central Transportation Company
Reading Company
Richmond, Fredericksburg and Potomac Railroad Company
St. Louis-San Francisco Railway Company
St. Louis Southwestern Railway Company
Seaboard Coast Line Railroad Company
Southern Pacific Transportation Company
Southern Railway Company
The Texas and Pacific Railway Company
Toledo, Peoria and Western Railroad Company
Union Pacific Railroad Company
Western Maryland Railway Company
The Western Pacific Railroad Company

The application and an appended "RAILBOX Pooling Agreement" propose the joint ownership and/or management of a pool of box cars of various designs through American Rail Box Car Company, a subsidiary of the Trailer Train Company. The latter, principally owned by the Railroad Applicants, it is stated, is now engaged in a similar activity, under individual agreements with its stockholder railroads. Under the plan proposed, the Railroad Applicants will agree with each other to act through Trailer Train Company (a) to pool experience and research and to develop and design standardized types of box cars for maximum utilization; (b) to pool information as to their box car needs to secure an evaluation of total needs; (c) to purchase needed box cars jointly so as to achieve early and consistent deliveries at low unit costs; (d) to secure favorable financing terms and to finance purchase of the cars; (e) to pool various aspects of utilization, maintenance and accounting; and (f) to pool joint ownership costs and expenses of operation and to provide an equitable sharing of costs and expenses associated with the pooling plan through the user charges to be paid by each. Applicants state that once newly purchased box cars, and those returned from repair facilities or storage have been added to the pool of box cars, they are to be free-running cars, available for loading as needed and not subject to car service rules.

Participation in the pool will not be limited to the railroads which have joined in the filing of the application, it is stated, but will be open to all other United States carriers of property by railroad who become signatories to the "RAILBOX Pooling Agreement" and comply with its provisions. Applicants have requested that the approving order in this proceeding provide a period of 120 days following the date thereof during which other railroads may join the pooling plan by filing with the Commission a request to that effect.

A copy of the application is on file, and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. In addition, applicants have offered to mail each interested party a copy of the application upon receiving a request therefor addressed to:

Mr. Robert J. Williams
General Counsel and Secretary
Trailer Train Company
300 South Wacker Drive
Chicago, Illinois—60606

Reference is made to a similar application seeking approval of a flat car pooling agreement, Finance Docket No. 27590, notice of which appears in this issue of the FEDERAL REGISTER.

Any person desiring to participate in the proceedings with respect to either or both applications may file a pleading, identifying the application or applications in which it is filed, and stating the nature of its interest and its position with respect thereof, within 30 days from the date of first publication in the FEDERAL REGISTER, with copies to applicants' counsel, Mr. Robert J. Williams, at the address stated above, and to Mr. David G. Macdonald, Macdonald & McInerny, 1000 16th Street, N.W., Washington, D.C.—20036.

In the opinion of the applicants, the requested Commission action will not significantly effect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 431, 461.

The Commission has adopted the following special rules of procedure for these proceedings:

1. This application and the application in Finance Docket No. 27590 are consolidated for further proceedings.

2. The hearings in these matters will be conducted under modified procedure in accordance with the following provisions:

(a) Applicants verified statements will be due ten days after the expiration of the date upon which notices of intention to participate in the proceedings shall be due;

(b) Verified statements by all other parties shall be due 20 days thereafter;

(c) Verified reply statements by all parties shall be due 10 days thereafter; and

(d) No oral hearing is contemplated.

3. A period of 120 days following the effective date of the Commission's order shall be provided during which other carriers of property by railroad shall be authorized to join in either of the two pooling agreements.

Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-5678 Filed 3-11-74;8:45 am]

[Notice F. D. No. 27590]

RAILROAD CAR SERVICE POOLING APPLICATIONS

Notice of Filing and Proposed Special Rules of Procedure

An application, as summarized below, termed a "Flat Car Pooling Application", has been filed by certain common carriers by railroad, the trustees of certain common carriers by railroad and Trailer Train Company under Section 5(1) of the Interstate Commerce Act (a) for authority to enter an attached agreement for the pooling of car service with respect to flat cars and the pooling and division of gross or net earnings as affected thereby and (b) for approval of said agreement. The railroads listed as applicants are:

The Atchison, Topeka and Santa Fe Railway Company
Baltimore and Ohio Railroad Company
Boston and Maine Corporation
Burlington Northern, Inc.
Chesapeake and Ohio Railway Company
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
The Denver and Rio Grande Western Railroad Company
Detroit, Toledo and Ironton Railroad Company
Erie Lackawanna Railway Company
Florida East Coast Railway Company
Illinois Central Gulf Railroad Company
Central of Georgia Railroad
The Kansas City Southern Railway Company
Louisville and Nashville Railroad Company
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad Company
Norfolk and Western Railway Company
Penn Central Transportation Company
Reading Company
Richmond, Fredericksburg and Potomac Railroad Company
St. Louis-San Francisco Railway Company
St. Louis Southwestern Railway Company
Seaboard Coast Line Railroad Company
Southern Pacific Transportation Company
Southern Railway Company
The Texas and Pacific Railway Company
Toledo, Peoria and Western Railroad Company
Union Pacific Railroad Company
Western Maryland Railway Company
The Western Pacific Railroad Company

The application and an appended "Flat Car Pooling Agreement" propose the joint ownership and/or management of a pool of flat cars of various designs through Trailer Train Company. The latter, principally owned by the Railroad Applicants, it is stated, is now engaged in a similar activity, under individual agreements with its stockholder railroads. Under the plan proposed, the Railroad Applicants will agree with each other to act through Trailer Train Company (a) to pool experience and research and to develop and design standardized types of flat cars for maximum utilization; (b) to pool information as to their flat car needs to secure an evaluation of total needs; (c) to purchase needed flat cars jointly so as to achieve early and consistent deliveries at low unit costs; (d) to secure favorable financing terms and to finance purchase of the cars; (e) to pool various aspects of utilization, maintenance and accounting; and (f) to pool joint ownership costs and expenses of operation and to provide an equitable sharing of costs and expenses associated with the pooling plan through the user charges to be paid by each. Applicants state once newly purchased flat cars, and those returned from repair facilities or storage have been added to the pool of flat cars used in piggy-back operations, they are to be freerunning cars, available for loading as needed and not subject to car service rules. Also, applicants state that some special purpose flat cars will be subject to term agreements.

Participation in the pool will not be limited to the railroads which have joined in the filing of the application, it is stated, but will be open to all other United States carriers of property by railroad who become signatories to the "Flat Car Pooling Agreement" and comply with its provisions. Applicants have requested that the approving order in this proceeding provide a period of 120 days following the date thereof during which other railroads may join the pooling plan by filing with the Commission a request to that effect.

A copy of the application is on file, and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. In addition, applicants have offered to mail to each interested party a copy of the application upon receiving a request therefor addressed to:

Mr. Robert J. Williams
General Counsel and Secretary
Trailer Train Company
300 South Wacker Drive
Chicago, Illinois 60606

Reference is made to a similar application seeking approval of a box car pooling agreement, F. D. No. 27589, notice of which appears in this issue of the FEDERAL REGISTER.

Any person desiring to participate in the procedings with respect to either or both applications may file a pleading, identifying the application or applications in which it is filed, and stating the nature of its interest and its position with respect thereto, within 30 days from the date of first publication in the FEDERAL REGISTER, with copies to applicants' counsel, Mr. Robert J. Williams, at the address stated above, and to Mr. David G. Macdonald, Macdonald & McInery, 1000 16th St., N.W., Washington, D.C. 20036.

In the opinion of the applicants, the requested Commission action will not significantly affect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4),

Implementation National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The Commission has adopted the following special rules of procedure for these proceedings:

1. This application and the application in F. D. No. 27589 are consolidated for further proceedings.

2. The hearing in these matters will be conducted under modified procedure in accordance with the following provisions:

(a) Applicants verified statements will be due ten days after the expiration of the date upon which notices of intention to participate in the proceedings shall be due:

(b) Verified statements by all other parties shall be due 20 days thereafter:

(c) Verified reply statements by all parties shall be due 10 days thereafter; and

(d) No oral hearing is contemplated.

3. A period of 120 days following the effective date of the Commission's order shall be provided during which other carriers of property by railroad shall be authorized to join in either of the two pooling agreements.

Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–5679 Filed 3–11–74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, March 14, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street, NM., Washington, D.C.

The agenda will consist of a discussion of policy, questions involving food industry wage matters, and if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on March 11, 1974.

HENRY H. PERRITT,
Executive Secretary,
Cost of Living Council.

[FR Doc.74–5876 Filed 3–11–74;11:33 am]

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TUESDAY, MARCH 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 49

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Proposed Guidelines for Existing Sources to Pretreatment Standards for Incompatable Pollutants

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

On October 11, 1973 notice was published in the FEDERAL REGISTER, (38 FR 28174), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the aluminum chloride production subcategory, aluminum sulfate production subcategory, calcium carbide production subcategory, calcium chloride production subcategory, calcium oxide and hydroxide production subcategory, chlorine and sodium or potassium hydroxide production subcategory, hydrochloric acid production subcategory, hydrofluoric acid production subcategory, hydrogen peroxide production subcategory, nitric acid production subcategory, potassium metal production subcategory, potassium dichromate production subcategory, potassium sulfate production subcategory, sodium bicarbonate production subcategory, sodium carbonate production subcategory, sodium chloride production subcategory, sodium dichromate and sodium sulfate production subcategory, sodium metal production subcategory, sodium silicate production subcategory, sodium sultite production subcategory, sulfuric acid production subcategory, and titanium dioxide production subcategory of the inorganic chemicals manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the inorganic chemicals manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 415. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the aluminum chloride production subcategory, aluminum sulfate production subcategory, calcium carbide production subcategory, calcium chloride production subcategory, calcium oxide and hydroxide production subcategory, chlorine and sodium or potassium hydroxide production subcategory, hydrochloric acid production subcategory, hydrofluoric acid production subcategory, hydrogen peroxide production subcategory, nitric acid production subcategory, potassium metal production subcategory, potassium dichromate production subcategory, potassium sulfate production subcategory, sodium bicarbonate production subcategory, sodium carbonate production subcategory, sodium chloride production subcategory, sodium dichromate and sodium sulfate production subcategory, sodium metal production subcategory, sodium silicate production subcategory, sodium sulfite production subcategory, sulfuric acid production subcategory, and titanium dioxide production subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the major inorganic products Segment of the Inorganic Chemicals Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Inorganic Chemicals, Alkali and Chlorine Industries (Major Products) (August, 1973). Both of these documents were made available to the public and circulated to interested persons at apprixmately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows. The regulation as promulgated contains some significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

SUMMARY OF MAJOR COMMENTS

The following responded to the request for written comments which was contained in the preamble to the proposed regulation: Airco Carbide, Allied Chemical Corporation, American Cyanamid Company, American Smelting & Refining Company, Atomic Energy Commission, BASF Wyandotte Corporation, B. F. Goodrich Chemical Company, California—State Water Resources Control Board, Chemetron Corporation, County Sanitation Districts of L.A. County, Detrex Chemical Industries, Diamond Shamrock Chemical Company, Dow Chemicals USA, E. I. DuPont de Nemours & Company, EPA Region VIII, Ferroallays Association, Georgia-Pacific Corporation, Great Salt Lake Minerals & Chemicals Corporation, Hooker-Industrial Chemical Division, Kaiser Aluminum & Chemical Corporation, Kerr-McGee Chemical Corporation, Leslie Salt Company, Lowry Associates, Manufacturing Chemists Association, Michigan Chemical Corporation, Midwest Carbide Corporation, Monsanto, National Paint & Coating Association, NL Industries, Titanium Pigments Operations, N.J. Zinc Company (Bethlehem, Pa.), N.J. Zinc Company (Gloucester, N.J.), Olin Chemicals, Pacific Carbide & Alloys Company, Pennwalt Corporation, Philadelphia Quartz Company, Pittsburgh Plate Glass Industries, Salt Institute, San Francisco Bay Conservation & Development Commission, SMC Glidden-Durkee, State of Michigan—Department of Natural Resources, State of N. Y. Department of Environmental Conservation, State of Utah—Attorney General, State of Utah—Department of Natural Resources, State of Utah—Department of Social Services, Stauffer Chemical Company, The Chlorine Institute, Inc., Texas Chemical; Union Carbide Corporation, U.S. Department of Commerce, U.S. Department of the Interior, Vulcan Materials Company, Water Pollution Control Federation and Western Salt Company. The following is a summary of the significant comments and the Agency's response to those comments.

(1) Because of wide variations in plant age and size, product mix, manufacturing processes, and raw materials, the guidelines should be expressed as ranges. Many commenters recommended adoption of ESWQIAC's proposed methodology.

The approach taken in developing effluent limitations guidelines and standards of performance for the inorganic chemicals manufacturing industry was to examine all variables and segment the industry into workable subcategories consistent with these variations. Twenty-two subcategories have been established based on the chemical product manufactured. In cases where two dissimilar processes are used to manufacture the same product, separate limitations have been established within the subcategory. Thus, ranges are provided for, as are other factors, by segmenting the inorganic chemicals manufacturing point source category into discrete subcategories, each with its own limitation. ESWQIAC's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient

evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(2) Many commenters stated that a guideline requiring "no discharge of process waste water pollutants" is ambiguous. Also, they stated that the definition of "pollutant" should clearly exclude innocuous dissolved solids, such as chlorides and sulfates.

The terms "process waste water", "process waste water pollutants", and "discharge of pollutant(s)" are clearly defined in 40 CFR Part 401. Reference to these definitions is included whenever these terms are used. "No" discharge of process waste water pollutants to navigable waters means that process waste water pollutants may not be discharged to navigable water in quantities greater than the detectable limits using the test methods presented in 40 CFR 136 "Guidelines establishing test procedures for the analysis of pollutants" published in the FEDERAL REGISTER, October 16, 1973. The term "pollutant(s)" as defined in 40 CFR Part 401 includes all dissolved materials, such as chlorides and sulfate. Where a discharge of process waste water pollutants has been allowed for chemical subcategories, it was concluded that only the selected pollutant parameters could be economically limited by technology-based standards. In some cases, however, where total recycle, sale, recovery, or reuse of process waste water is technically and economically feasible, the discharge of all process waste water pollutants has been limited.

(3) Some comments stated that the proposed pretreatment standards preclude industrial use of public treatment works.

The methodology for applying effluent limitation guidelines to discharges from point sources to municipal treatment systems has been given further consideration by the Agency. The pollutants present in the waste water generated by the manufacture of inorganic chemicals have been identified. Discharge of these pollutants to municipal treatment systems is allowed in limited quantities so as to ensure adequate treatment and to prevent interference with the performance of such a system. These pretreatment standards for existing point sources are being proposed as an amendment to 40 CFR Part 415.

(4) Many commenters stated that the cost estimates were low and did not include costs for auxiliary equipment, land acquisitions, sludge disposal, or research and development work. Additionally, it was said that the impact of these costs has been understated.

Cost information was obtained directly from industry during plant visits, from engineering firms and equipment suppliers, and from available literature. This data has been obtained from the best sources available to the Agency and is believed to be representative of actual capital and operating costs.

In cases where commenters have supplied additional cost data, satisfactorily documented and detailed, to indicate that the initial estimates are low, the figures have been revised and the proposed guidelines altered accordingly. Consideration has also been given to comments questioning the magnitude of the projected economic impact. Specific comments are summarized for the chemical subcategory to which they apply.

(5) Some commenters questioned the use of a factor of two to relate daily maximums to 30-day averages.

Extensive, long-term data is not available for each of the 22 chemical subcategories. It was necessary, therefore, to rely on data from other segments of the inorganic chemicals industry, as well as data from other industrial categories. Based on this information and using good engineering judgement on the performance reliability of recommended treatment systems, a factor of two appears generous.

(6) Many commenters said that limitations should be clearly defined as representing the net pollutant contributions as a result of the specific manufacturing process being limited. They question whether allowances should be made for pollutants present in the intake water.

If not otherwise specified, the effluent limitation numbers in this regulation will be applied as absolute discharge limitations. The use of such absolute limitations is generally appropriate since the concentration of a pollutant remaining after the application of a given treatment technology is relatively independent of minor variations in the pollutant concentration in the waste or the source of the pollutant. EPA intends to amend the NPDES regulations to take into account, when appropriate, pollutants already existing in the stream, so that in certain cases an effluent limitation may be adjusted to take into account pollutants entering with a discharger's supply providing the water is withdrawn from the same source into which it is discharged. If the source is other than the receiving waterbody, the effluent standards will be applied as absolute limitations without adjustment.

(7) Aluminum chloride. Some commenters said that a market may not exist for the scrubber water (a 28 percent aluminum chloride solution) and that costs to purify and concentrate the solution may be prohibitive. They recommend a discharge allowance be made for the scrubber waste water effluent.

Only "yellow grade" aluminum chloride, made with an excess of chlorine, requires wet scrubbing techniques on the gaseous waste stream. Two plants, representing approximately 40 percent of the total annual production of aluminum chloride, currently are able to sell their dilute scrubber solution. A re-evaluation of the costs to concentrate the dilute scrubber solution indicates that costs for concentration are approximately 0.4 percent of the selling price of aluminum chloride.

(8) Aluminum sulfate. Some commenters stated that recycle of leaks and spills may contaminate high purity grades of product. Also, aluminum clays may be used as the raw material in place of bauxite which significantly effects the raw waste load. The commenters said that area for ponds may not be available at all locations. Also, net rainfall will preclude the use of ponds. When a dry product is produced, some commenters questioned whether recycling water increases the evaporative load on equipment, increasing energy requirements.

The wastes generated in refining bauxite to produce on iron-free hydrated alumina material are not considered to be process waste water pollutants resulting from the manufacture of iron-free aluminum sulfate. Process waste water pollutants generated by the refinement of bauxite ore are subject to the effluent guidelines to be promulgated in 40 CFR 421. If these wastes are segregated from leaks and spills, contamination preventing recycle is not a problem. Other raw materials than bauxite, including clays and aluminum hydrate, generate greater quantities of raw waste because of impurities, but the waste water constituents are similar and the process is the same. Thus, although the use of different raw materials affects the raw waste load, it does not preclude the use of settling, clarification, and reuse of process waste water as recommended. The guidelines do not require plants to use large ponds to achieve no discharge of process waste water pollutants. Clarifiers may be used in locations where land is not available for funding. The costs for clarifiers are similar to the costs for ponding. A provision has been established to allow discharge from impoundments under some conditions of high rainfall.

(9) Calcium carbide. Calcium carbide manufacturers stated that it should be considered a ferroalloy because: (a) air standards consider it a ferroalloy; (b) all plants are members of Ferroalloy Assoc.; (c) it is usually made in complexes with ferroalloys; (d) it uses similar processes in similar ovens. Commentors also expressed concern that the only two plants achieving the proposed guidelines are unique, using an uncovered furnace. Other plants recover gaseous carbon monoxide and must scrub the gas to remove impurities. Because of high temperatures dry bag collection of dust is not feasible.

A portion of calcium carbide is produced in both the ferroalloy industry and the inorganic chemicals industry. The regulation presented herein is applicable to discharges from calcium carbide production in open furnaces. Plants employing this manufacturing process are not located in ferroalloy complexes. Effluent limitations for waste water discharges from calcium carbide production in covered furnaces will be established in a forthcoming regulation as part of the ferroalloy industry. This distinction will accommodate differences in process waste water from plants using open furnaces and those using covered furnaces.

(10) Calcium oxide and calcium hydroxide. Many commenters mentioned that costs for converting to a dry bag house from a wet scrubber system are economically unjustified. They also state

that reuse of the water is not possible because of impurities.

The guidelines do not require conversion to a dry air pollution abatement system. An alternate treatment system consists of settling suspended solids and total recycle of the supernatant to the scrubbing system. At least one lime plant currently employs this treatment system to achieve the guidelines.

(11) Chlorine. Some commenters pointed out the fact that the proposed mercury limit for the mercury cell process is not achievable using the best practicable technology and that the location of mercury monitoring should be clearly specified as leaving the mercury treatment facility. They further state that no discharge of process waste water pollutants is not demonstrated in plants using either the diaphragm or mercury cell process and appears to be technically impossible. It should definitely not be required of new sources. Some commenters said that the lead limitation appears to be unachievable. They state that there is no rationale for having a more stringent TSS limitation on diaphragm cell plants than mercury cell plants.

While three plants are currently meeting the proposed guidelines, supplied data indicates that the proposed mercury limitation is not being achieved in certain plants employing the best practicable control technology currently available. The standard has been revised, considering the effluent reduction achieved by a greater number of plants. The limitation is intended to indicate mercury levels in the waste stream from the mercury treatment facility because mercury residuals may not be controllable. This is clearly stated in 40 CFR 415.61. The presence of lead in the effluent from diaphragm cell plants results from the development of cracks around protective resin seals which encase underlying lead mountings. Currently, one-third of the industry is using anodes which do not require lead mountings. Industry representatives state that another one-third are seriously considering conversion. The lead limitation is the average value discharged from three plants which have not converted to lead-free anodes. The new source performance standards of no discharge of process waste water pollutants is not presently demonstrated, and research and development may require several years. Therefore, new sources will be required to meet the best performance demonstrated in exemplary plants. The suspended solids limitation has been reevaluated for discharges from the diaphragm cell process.

(12) Many commenters stated that a provision should be established to allow for the discharge of leaks, spills, and washdown waste waters.

Spills, leaks, and washdown waste waters may be minimized or eliminated by good housekeeping, operation, and maintenance. The process waste water should be segregated from other waste streams and may be collected and fed back into the manufacturing process.

(13) Sulfuric acid. Some commenters stated that single adsorption plants can not eliminate their scrubber effluent, leaks and spills, or start-up and shutdown waste waters.

Good housekeeping, operation and equipment maintenance will minimize the volume of waste waters to a point where reuse or sale of the recovered acid product is feasible.

(14) Hydrogen peroxide—organic process. Some commenters said that total process waste water recycle is not possible because of organic impurities present in the waste streams.

The technology to achieve no discharge of process waste water pollutants in considered to be best available and best demonstrated technology. Organic solvents of the type used in the manufacturing process can be removed by skimming and carbon adsorption treatment. Best practicable technology consists of oil separation and clarification, treatments presently used in the industry to attain the required pollutant reductions.

(15) Potassium dichromate. Some commenters mentioned that replacement of barometric condensers with noncontact heat exchangers has not been demonstrated and should not be required by 1977. They also questioned whether reuse of sodium dichromate is possible in all plants.

Recycle of unreacted sodium dichromate is technically possible in all plants if segregation of waste streams and good housekeeping is practiced. Conversion to noncontact heat exchangers is being accomplished in the potassium dichromate industry. Noncontact heat exchangers are widely used and have been a proven technology in the chemical industry for many years.

(16) Sodium. Commenters stated that TSS removals to less than 50 mg/l have not been demonstrated in waste streams resulting from sodium manufacturing.

The technologies required to achieve the proposed TSS limitation are widely demonstrated. These alternatives include sedimentation, flocculation, and clarification. The suspended solids are primarily the decomposition products of the cells and alkaline salts.

(17) Sodium sulfite. Several comments stated that no discharge of process waste water pollutants is based upon recovery of sodium sulfate which is not possible because of a limited market. Also, wastes contain impurities other than sulfates. Returning these impurities to the process is not possible. Some commenters said that the COD limitation is confusing.

The COD limitation is in the units recommended in Standard Methods for Waste Water Analysis. The guidelines do not require the sale of sodium sulfate. Satisfactory land disposal of the unused sodium sulfate would cost approximately two percent of the selling price of sodium sulfite. The waste waters may be segregated, treated and recycled to the process.

(18) Sodium carbonate. Some commenters stated that gravity sedimentation will not reduce the suspended solids concentration to the recommended 25 mg/l concentration. They say particles are very fine and a filter precoat is required. A small suspended solids reduction is not justified by the cost. Various manufacturers recommend using a suspended solids concentration of 50 mg/l as it is compatible with actual settling pond performance and is a more "realistic and achievable level".

The treatment technologies required to attain the affluent pollutant reduction proposed are conventional and proven treatment systems. Treatment alternatives include sedimentation basins, flocculators and clarifiers.

(19) Sodium dichromate. Some commenters mentioned that technology has not been demonstrated to achieve no discharge of process waste water pollutants and that it is technically impossible. The 1977 standard is based on a plant which is only two years old. Commentors question whether existing plants can economically achieve its effluent quality.

The control technology used at the exemplary plant consists of leak and spill containment and pickle liquor treatment for chromium reduction followed by sedimentation to achieve the proposed guidelines. Another plant uses conventional sodium hydrosulfide treatment and lime to attain the proposed chromium levels. The proposed effluent limitations can be attained in existing facilities. The proposed new source performance standards were based on evaporation to attain no discharge of process waste water pollutants. Considering nonwater environmental aspects, the new source performance standards have been revised to require good water conservation and best practicable technology.

(20) Sodium chloride. Commentors stated that most plants return unused bitterns to the source. They feel that discharges do not threaten aquatic life or contribute to water pollution and that recovery of potassium and magnesium salts is not economical.

Although some plants may have ample land to store waste bitterns, this treatment is not universally applicable. Alternative means to achieve no discharge of process waste water pollutants are economically prohibitive. If no pollutants are added to the waste bitterns, return of the unused salts to the source is a reasonable limitation for technology-based standards.

(21) Sodium Silicate. Some comments stated that sodium hydroxide, sodium sulfate, and silica should not be considered pollutants. Because of their natural occurrence in most waters, costs to achieve no discharge of these compounds are not justified. They further state that recycle is not possible because of turbidity problems and evaporation ponds are not universally applicable.

A reexamination of initial data and consideration of substantial comments indicate that cost of treatment to achieve no discharge of process waste water pollutants may not be justified for

a 1977 standard. Best practicable technology has been redefined as a well-designed and operated settling basin.

(22) Titanium dioxide. Several commenters stated that the costs to achieve the proposed limitations place a greater financial burden on titanium dioxide producers using the sulfate process than those using the chloride process. They say that this economic inequity may force some sulfate process plants to close down because of their inability to recover treatment costs while maintaining competitive prices. It was stated that polishing filtration is necessary to achieve the suspended solids limitations for discharges from the sulfate process. The commenters said that some of the pollutant parameters selected as the subject of effluent guidelines should be eliminated. Industry further stated that the flow basis of 100,000 l/kkg for the sulfate process is not achievable. Several commenters question the use of "dissolved iron" as the means to limit iron. They feel "total iron" should be used so as to include the total quantities of iron being discharged regardless of its state.

(i) Chloride Process. A re-evaluation of the pollutant parameters selected indicates that effluent standards for metals other than iron are not necessary requirements to establish compliance with best practicable technology currently available. While monitoring aluminum, lead, etc., provides for stricter effluent control, these metals are present only in small quantities relative to the iron content. They are removed to acceptable levels if the iron limitation is maintained. The guidelines represent the quantities of pollutants which may be discharged based on treatment technology. The recommended treatment includes iron precipitation and clarification. They efficiency of this treatment may be best determined by measuring the total iron content of the effluent. Data from this type of treatment indicates that a effluent containing 4 mg/l total iron can be achieved.

(ii) Sulfate process. Inclusion of effluent limitations for suspended solids, pH, and iron are sufficient to ensure compliance with the effluent reduction attainable through the application of the required levels of treatment technology. Other waste water constituents appear in relatively minor quantities and are adequately removed when the iron limitation is achieved. The rationale presented above for using the parameter "total iron" is applicable to the sulfate process also. The process waste water flow basis of 100,000 l/kkg has been re-examined. Based on initial data and comments received this basis has been revised. A total process waste water flow of 210,000 l/kkg of product is achievable using recycle of scrubber water. Detailed data have been supplied subsequent to the publication of the proposed regulations. These data indicate the costs to reduce the TSS concentration to 25 mg/l are greater than initially estimated. Considering the nature of the solids and the expected performance from the recommended treatment system a concentration basis of 50 mg/l is reasonable for a 1977 standard.

(23) Some commenters said that provisions should be established to allow for discharges from treatment or holding ponds in the event of catastrophic rain storms.

For chemicals subcategories which have a limitation of no discharge of process waste water pollutants to navigable waters and for which ponds may be part of the treatment system, an allowance has been provided to permit a discharge of process waste water from a plant located in an area where rainfall exceeds the evaporation rate or in the event of a catastrophic rainfall.

Revision of the Proposed Regulation Prior to Promulgation

As a result of public comment and continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) The applicability of the proposed regulations for calcium carbide production has been amended to include only calcium carbide production in uncovered furnaces.

(2) The effluent limitation guidelines for sodium chloride production have been amended to allow for the return of unused salt wastes to the body of water from which the brine solution was initially obtained. No additional pollutants may be added to the waste salt solution prior to discharge.

(3) The effluent limitation for sodium silicate production based on the application of best practicable technology currently available has been revised to permit a discharge of small quantities of suspended solids.

(4) The new source performance standards for the sodium dichromate production subcategory and the sodium sulfite production subcategory have been revised to require good water conservation and implementation of the best practicable technology currently available.

(5) The new source performance standards for chlorine production have also been amended to allow for a waste water discharge from both diaphragm and mercury cell plants.

(6) The mercury limitation has been revised for mercury cell chlorine plants based on the effluent reduction attainable by the best practicable technology currently available.

(7) The effluent limitation of suspended solids has been revised for diaphragm cell chlorine plants.

(8) The effluent limitations for titanum dioxide production have been changed to exclude limitations on trace elements. The parameter "total dissolved iron" has been amended to "total iron" and the guideline has been altered accordingly.

(9) The effluent limitations for titanium dioxide production by the sulfate process have been changed. The flow basis has been increased resulting in less stringent limitations on iron and suspended solids.

(10) Minor adjustments have been made to reflect the fact that an increased number of definitions and analytical methods have been included in 40 CFR 401 and are incorporated by reference where applicable.

(11) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(12) An allowance has been provided to permit the discharge of process waste water pollutants from plants located in areas where precipitation exceeds evaporation. An allowance has also been provided for discharge in the event of a catastrophic rainfall. These allowances are applicable only to chemical subcategories which may utilize ponds to achieve no discharge of process waste water pollutants.

Economic Impact

The changes that were made to the proposed regulations for the inorganic chemicals manufacturing category do not substantially affect the initial economic analysis. The changes detailed above concern new sources and reflect a re-evaluation of the efficiency of various treatment systems. These revisions, however, do not affect the conclusions of the economic impact study.

Cost-Benefit Analysis

The detrimental effects of the constituents of waste waters now discharged by point sources within the major inorganic products segment of the inorganic chemicals manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the major inorganic products segment of the Inorganic Chemicals Manufacturing Point Source Category" (August 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging

impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Inorganic Chemicals, Alkali and Chlorine Industries (Major Products)" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the inorganic chemicals manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

PUBLICATION OF INFORMATION ON PROCESSES, PROCEDURES, OR OPERATING METHODS WHICH RESULT IN THE ELIMINATION OR REDUCTION OF THE DISCHARGE OF POLLUTANTS

In conformance with the requirements of Section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the MAJOR INORGANIC PRODUCTS Segment of the Inorganic Chemicals Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

FINAL RULEMAKING

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 415, Inorganic Chemicals Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective on May 13, 1974.

Dated: March 4, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Aluminum Chloride Production Subcategory

Sec.
415.10 Applicability; description of the aluminum chloride production subcategory.
415.11 Specialized definitions.
415.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.14 [Reserved]
415.15 Standards of performance for new sources.
415.16 Pretreatment standards for new sources.

Subpart B—Aluminum Sulfate Production Subcategory

415.20 Applicability; description of the aluminum sulfate production subcategory.
415.21 Specialized definitions.
415.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.24 [Reserved]
415.25 Standards of performance for new sources.
415.26 Pretreatment standards for new sources.

Subpart C—Calcium Carbide Production Subcategory

415.30 Applicability; description of the calcium carbide production subcategory.
415.31 Specialized definitions.
415.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.34 [Reserved]
415.35 Standards of performance for new sources.
415.36 Pretreatment standards for new sources.

Subpart D—Calcium Chloride Production Subcategory

415.40 Applicability; description of the calcium chloride production subcategory.
415.41 Specialized definitions.
415.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.44 [Reserved]
415.45 Standards of performance for new sources.
415.46 Pretreatment standards for new sources.

Subpart E—Calcium Oxide and Calcium Hydroxide Production Subcategory

415.50 Applicability; description of the calcium oxide and calcium hydroxide production subcategory.
415.51 Specialized definitions.
415.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.54 [Reserved]
415.55 Standards of performance for new sources.
415.56 Pretreatment standards for new sources.

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

415.60 Applicability; description of the chlorine and sodium or potassium hydroxide production subcategory.
415.61 Specialized definitions.
415.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.64 [Reserved]
415.65 Standards of performance for new sources.
415.66 Pretreatment standards for new sources.

Subpart G—Hydrochloric Acid Production Subcategory

415.70 Applicability; description of the hydrochloric acid production subcategory.
415.71 Specialized definitions.
415.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.74 [Reserved]
415.75 Standards of performance for new sources.
415.76 Pretreatment standards for new sources.

Subpart H—Hydrofluoric Acid Production Subcategory

415.80 Applicability; description of the hydrofluoric acid production subcategory.
415.81 Specialized definitions.
415.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.84 [Reserved]
415.85 Standards of performance for new sources.
415.86 Pretreatment standards for new sources.

Subpart I—Hydrogen Peroxide Production Subcategory

415.90 Applicability; description of the hydrogen peroxide production subcategory.
415.91 Specialized definitions.

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415.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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415.95 Standards of performance for new sources.
415.96 Pretreatment standards for new sources.

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415.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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415.105 Standards of performance for new sources.
415.106 Pretreatment standards for new sources.

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415.124 [Reserved]
415.125 Standards of performance for new sources.
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415.131 Specialized definitions.
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415.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.134 [Reserved]
415.135 Standards of performance for new sources.
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415.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.144 [Reserved]
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415.150 Applicability; description of the sodium carbonate production subcategory.
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415.154 [Reserved]
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415.160 Applicability; description of the Sodium chloride production subcategory.
415.161 Specialized definitions.
415.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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415.164 [Reserved]
415.165 Standards of performance for new sources.
415.166 Pretreatment standards for new sources.

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415.170 Applicability; description of the sodium dichromate and sodium sulfate production subcategory.
415.171 Specialized definitions.
415.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.174 [Reserved]
415.175 Standards of performance for new sources.
415.176 Pretreatment standards for new sources.

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415.180 Applicability; description of the sodium metal production subcategory.
415.181 Specialized definitions.
415.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.184 [Reserved]
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415.190 Applicability; description of the sodium silicate production subcategory.
415.191 Specialized definitions.
415.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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415.200 Applicability; description of the sodium sulfite production subcategory.
415.201 Specialized definitions.
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415.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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415.210 Applicability: description of the sulfuric acid production subcategory.
415.211 Specialized definitions.
415.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.214 [Reserved]
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415.220 Applicability: description of the titanium dioxide production subcategory.
415.221 Specialized definitions.
415.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.224 [Reserved]
415.225 Standards of performance for new sources.
415.226 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304(b) and (c), 306(b) and (c), 307(c), Pub. L. 92-500; 86 Stat. 816 et seq.; (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c), 1317(c)).

Subpart A—Aluminum Chloride Production Subcategory

§ 415.10 Applicability; description of the aluminum chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of aluminum chloride.

§ 415.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.14 [Reserved]

§ 415.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the aluminum chloride production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Aluminum Sulfate Production Subcategory

§ 415.20 Applicability; description of the aluminum sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of aluminum sulfate.

§ 415.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines.

On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings, to revise these regulations.

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

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation for that month, or, if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per liter)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	
	English units (parts per million)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.24 [Reserved]

§ 415.25 Standards of performance for new sources.

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the aluminum sulfate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Calcium Carbide Production Subcategory

§ 415.30 Applicability; description of the calcium carbide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium carbide in uncovered furnaces.

§ 415.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharge or other interested person may submit evidence to the Regional Administrator (or to the State, if the

State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharge are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.34 [Reserved]

§ 415.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the calcium carbide production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Calcium Chloride Production Subcategory

§ 415.40 Applicability; description of the calcium chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium chloride by the brine extraction process.

§ 415.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean calcium chloride.

§ 415.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.016	0.0082
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.016	0.0082
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.44 [Reserved]

§ 415.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the calcium chloride production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this

Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Calcium Oxide and Calcium Hydroxide Production Subcategory

§ 415.50 Applicability; description of the calcium oxide and calcium hydroxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium oxide and calcium hydroxide.

§ 415.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation for that month, or, if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per liter)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	
	English units (parts per million)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.54 [Reserved]

§ 415.55 Standards of performance for new sources.

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the calcium oxide and calcium hydroxide production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.55; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except

in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

§ 415.60 Applicability; description of the chlorine and sodium or potassium hydroxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of chlorine and sodium or potassium hydroxide by the diaphragm cell process and by the mercury cell process.

§ 415.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean chlorine.

(c) The term "mercury" shall mean the total mercury present in the process waste water stream exiting the mercury treatment system.

(d) The term "lead" shall mean total lead.

§ 415.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in this Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and potassium or sodium hydroxide manufacture by the mercury cell process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.64	0.32
Mercury	.00028	.00014
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of product)	
TSS	0.64	0.32
Mercury	.00028	.00014
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and sodium or potassium hydroxide manufacture by the diaphragm cell process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.64	0.32
Lead	.005	.0025
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.64	0.32
Lead	.005	.0025
pH	Within the range 6.0 to 9.0.	

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

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and sodium or potassium hydroxide manufacture by the mercury cell process:

(1) Subject to the provisions of paragraph (a)(2) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(2) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and sodium or potassium hydroxide manufacture by the diaphragm cell process: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.64 [Reserved]

§ 415.65 Standards of performance for new sources.

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

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and sodium or potassium hydroxide manufacture by the mercury cell process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.64	0.32
Mercury	.00014	.00007
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.64	0.32
Mercury	.00014	.00007
pH	Within the range 6.0 to 9.0.	

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from chlorine and sodium or potassium

hydroxide manufacture by the diaphragm cell process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.64	0.32
Lead	.00008	.00004
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.64	0.32
Lead	.00008	.00004
pH	Within the range 6.0 to 9.0.	

§ 415.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the chlorine and sodium or potassium hydroxide production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.65; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart G—Hydrochloric Acid Production Subcategory

§ 415.70 Applicability; description of the hydrochloric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrochloric acid by direct reaction of chlorine and hydrogen.

§ 415.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.74 [Reserved]

§ 415.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the hydrochloric acid production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.75; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart H—Hydrofluoric Acid Production Subcategory

§ 415.80 Applicability; description of the hydrofluoric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrofluoric acid.

§ 415.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharged or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger

effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation for that month, or, if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per liter)	
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	
	English units (parts per million)	
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.84 [Reserved]

§ 415.85 Standards of performance for new sources.

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the hydrofluoric acid production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.85; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart I—Hydrogen Peroxide Production Subcategory

§ 415.90 Applicability; description of the hydrogen peroxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrogen peroxide by the electrolytic process and by the oxidation of alkyl hydroanthraquinones.

§ 415.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean hydrogen peroxide as a one hundred percent hydrogen peroxide solution.

(c) The term "CyanideA" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

§ 415.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional

Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from hydrogen peroxide manufacture by the oxidation of alkyl hydroanthraquinones.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.8	0.4
TOC	.44	.22
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.8	0.4
TOC	.44	.22
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from hydrogen peroxide manufacture by the electrolytic process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.005	0.0025
Cyanide A	.0004	.0002
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.005	0.0025
Cyanide A	.0004	.0002
pH	Within the range 6.0 to 9.0.	

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

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from hydrogen peroxide manufacture by the oxidation of alkyl hydroanthraquinones: there shall be no discharge of process waste water pollutants to navigable waters.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from hydrogen peroxide manufacture by the electrolytic process:

(1) Subject to the provisions of paragraph (b)(2) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(2) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.94 [Reserved]

§ 415.95 Standards of performance for new sources.

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

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from hydrogen peroxide manufacture by the oxidation of alkyl hydroanthraquinones: there shall be no discharge of process waste water pollutants to navigable waters.

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharbed in process waste water from hydrogen peroxide manufacture by the electrolytic process:

(1) Subject to the provisions of paragraph (b)(2) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(2) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the hydrogen peroxide production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.95; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart J—Nitric Acid Production Subcategory

§ 415.100 Applicability; description of the nitric acid production subcategory.

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

§ 415.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equip-

ment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutants properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.104 [Reserved]

§ 415.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the nitric acid production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.105; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart K—Potassium Metal Production Subcategory

§ 415.110 Applicability; description of the potassium metal production subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the production of potassium metal.

§ 415.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.114 [Reserved]

§ 415.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the potassium metal production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.115: *Provided*, That, if the publicly owned treatment works which receives the pollutants is commited, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart L—Potassium Dichromate Production Subcategory

§ 415.120 Applicability; description of the potassium dichromate production subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the production of potassium dichromate.

§ 415.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.124 [Reserved]

§ 415.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the potassium dichromate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.125: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart M—Potassium Sulfate Production Subcategory

§ 415.130 Applicability; description of the potassium sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of potassium sulfate.

§ 415.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation for that month, or, if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per liter)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	
	English units (parts per million)	
TSS	50	25
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.134 [Reserved]

§ 415.135 Standards of performance for new sources.

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the potassium sulfate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitons set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.135; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart N—Sodium Bicarbonate Production Subcategory

§ 415.140 Applicability; description of the sodium bicarbonate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium bicarbonate.

§ 415.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.144 [Reserved]

§ 415.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium bicarbonate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.415; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart O—Sodium Carbonate Production Subcategory

§ 415.150 Applicability; description of the sodium carbonate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium carbonate by the Solvay Process.

§ 415.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium carbonate.

§ 415.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.20	0.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.20	0.10
pH	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.34	0.17
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.34	0.17
pH	Within the range 6.0 to 9.0.	

§ 415.154 [Reserved]

§ 415.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium carbonate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.155; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart P—Sodium Chloride Production Subcategory

§ 415.160 Applicability; description of the sodium chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium chloride by the solution brine-mining process and by the solar evaporation process.

§ 415.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium chloride.

(c) The term "bitterns" shall mean the saturated brine solution remaining after precipitation of sodium chloride in the solar evaporation process.

§ 415.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available,

energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solar evaporation process: there shall be no discharge or process waste water pollutants to navigable waters, except that unused bitterns may be returned to the body of water from which the process brine solution was originally withdrawn, provided no additional pollutants are added to the bitterns during the production of sodium chloride.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solution brine-mining process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.34	0.17
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.34	0.17
pH	Within the range 6.0 to 9.0.	

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

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solar evaporation process: there shall be no discharge of process waste water pollutants to navigable waters, except that unused bitterns may be returned to the body of water from which the process brine solution was originally withdrawn, provided no additional pollutants are added to the bitterns during the production of sodium chloride.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solution brine-mining process: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.164 [Reserved]

§ 415.165 Standards of performance for new sources.

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

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solar evaporation process: there shall be no discharge of process waste water pollutants to navigable waters, except that unused bitterns may be returned to the body of water from which the process brine solution was originally withdrawn, provided no additional pollutants are added to the bitterns during the production of sodium chloride.

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from sodium chloride manufacture by the solution brine-mining process: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium chloride production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.165; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory

§ 415.170 Applicability; description of the sodium dichromate and sodium sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium dichromate and by-product sodium sulfate.

§ 415.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium dichromate.

(c) The term "Cr(T)" shall mean total chromium.

(d) The term "Cr(+6)" shall mean hexavalent chromium.

§ 415.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available,

energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individaul discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.44	0.22
Cr (+6)	.009	.0005
Cr (T)	.0088	.0044
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.44	0.22
Cr(+6)	.009	.0005
Cr (T)	.0088	.0044
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.174 [Reserved]

§ 415.175 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kkg of product)	
TSS	0.30	0.15
Cr(+6)	0.009	0.0005
Cr(T)	0.0088	0.0044
pH	Within the range 6.0 to 9.0.	
	English units (lb/1000 lb of product)	
TSS	0.30	0.15
Cr(+6)	0.009	0.0005
Cr(T)	0.0088	0.0044
pH	Within the range 6.0 to 9.0.	

§ 415.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium dichromate and sodium sulfate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.175; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards provding for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart R—Sodium Metal Production Subcategory

§ 415.180 Applicability; description of the sodium metal production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium metal by the Downs cell process.

§ 415.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium metal.

§ 415.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.46	0.23
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.46	0.23
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.184 [Reserved]

§ 415.185 Standards of performance for new sources.

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium metal production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.185; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart S—Sodium Silicate Production Subcategory

§ 415.190 Applicability; description of the sodium silicate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium silicate.

§ 415.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium silicate.

§ 415.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.01	0.005
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.01	0.005
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 years, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.194 [Reserved]

§ 415.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be

discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.196 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium silicate production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.195; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart T—Sodium Sulfite Production Subcategory

§ 415.200 Applicability; description of the sodium sulfite production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium sulfite by reacting sulfur dioxide with sodium carbonate.

§ 415.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean sodium sulfite.

§ 415.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	0.032	0.016
COD	3.4	1.7
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	0.032	0.016
COD	3.4	1.7
pH	Within the range 6.0 to 9.0.	

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

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

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

§ 415.204 [Reserved]

§ 415.205 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.206 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium sulfite production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.205; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart U—Sulfuric Acid Production Subcategory

§ 415.210 Applicability; description of the sulfuric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sulfuric acid in single and double adsorption plants. The provisions are not applicable to discharges from plants recovering waste sulfuric acid.

§ 415.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and

methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 415.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.214 [Reserved]

§ 415.215 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.216 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sulfuric acid production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.215: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart V—Titanium Dioxide Production Subcategory

§ 415.220 Applicability; description of the titanium dioxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of titanium dioxide by the sulfate process and by the chloride process.

§ 415.221 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean titanium dioxide.

(c) The term "iron" shall mean total iron.

§ 415.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide manufacture by the chloride process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	4.6	2.3
Iron	.72	.36
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	4.6	2.3
Iron	.72	.36
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide manufactured by the sulfate process:

Effluent characteristic	Effluent limitations: Maximum for Any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	21.0	10.5
Iron	1.7	.84
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	21.0	10.5
Iron	1.7	.84
pH	Within the range 6.0 to 9.0.	

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

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide production by the chloride process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	2.6	1.3
Iron	.36	.18
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	2.6	1.3
Iron	.36	.18
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide manufacture by the sulfate process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	10.6	5.3
Iron	.84	.42
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	10.6	5.3
Iron	.84	.42
pH	Within the range 6.0 to 9.0.	

§ 415.224 [Reserved]

§ 415.225 Standards of performance for new sources.

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

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide manufacture by the chloride process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	2.6	1.3
Iron	.36	.18
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	2.6	1.3
Iron	.36	.18
pH	Within the range 6.0 to 9.0.	

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from titanium dioxide manufacture by the sulfate process:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
TSS	10.6	5.3
Iron	.84	.42
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of product)	
TSS	10.6	5.3
Iron	.84	.42
pH	Within the range 6.0 to 9.0.	

§ 415.226 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the titanium dioxide production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 415.225; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-5591 Filed 3-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 415]

APPLICATION OF EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES TO PRETREATMENT STANDARDS

Inorganic Chemicals Manufacturing Point Source Category

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 415—Inorganic Chemicals Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the aluminum chloride production subcategory, aluminum sulfate production subcategory, calcium carbide production subcategory, calcium chloride production subcategory, calcium oxide and hydroxide production subcategory, chlorine and sodium or potassium hydroxide production subcategory, hydrochloric acid production subcategory, hydrofluoric acid production subcategory, hydrogen peroxide production subcategory, nitric acid production subcategory, potassium metal production subcategory, potassium dichromate production subcategory, potassium sulfate production subcategory, sodium bicarbonate production subcategory, sodium carbonate production subcategory, sodium chloride production subcategory, sodium dichromate and sodium sulfate production subcategory, sodium metal production subcategory, sodium silicate production subcategory, sodium sulfite production subcategory, sulfuric acid production subcategory, and titanium dioxide production subcategory of the inorganic chemicals manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 415) promulgated simutaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works. Specifically, the Agency is seeking information pertaining to technical or economic problems associated with those subcategories of the inorganic chemicals manufacturing point source category for which the effluent limitation guidelines based on best practicable control technology currently available require no discharge of process waste water pollutants to navigable waters. In addition, information is solicited regarding detrimental effects of dissolved salts discharged into joint treatment systems.

The proposed regulation (October 11, 1973; 38 FR 21230) for point sources within § 415.15 of the aluminum chloride production subcategory, § 415.25 of the aluminum sulfate production subcategory, § 415.35 of the calcium carbide production subcategory, § 415.45 of the calcium chloride production subcategory, § 415.55 of the calcium oxide and hydroxide production subcategory, § 415.65 of the chlorine and sodium or potassium hydroxide production subcategory, § 415.75 of the hydrochloric acid production subcategory, § 415.85 of the hydrofluoric acid production subcategory, § 415.95 of the hydrogen peroxide production subcategory, § 415.105 of the nitric acid production subcategory, § 415.115 of the potassium metal production subcategory, § 415.125 of the potassium dichromate production subcategory, § 415.135 of the potassium sulfate production subcategory, § 415.145 of the sodium bicarbonate production subcategory, § 415.155 of the sodium carbonate production subcategory, § 415.165 of the sodium chloride production subcategory, § 415.175 of the sodium dichromate and sodium sulfate production subcategory, § 415.185 of the sodium metal production subcategory, § 415.195 of the sodium silicate production subcategory, § 415.205 of the sodium sulfite production subcategory, § 415.215 of the sulfuric acid production, subcategory, and § 415.225 of the titanium dioxide production subcategory, contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 415.16, 415.26, 415.36, 415.46, 415.56, 415.66, 415.76, 415.86, 415.96, 415.106, 415.116, 415.126, 415.136, 415.146, 415.156, 415.166, 415.176, 415.186, 415.196, 415.206, 415.216 and 415.226 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the MAJOR INORGANIC PRODUCTS Segment of the Inorganic Chemicals Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Inorganic Chemicals and Chlor-Alkali Industries (major products)", (August 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of

the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) the identification of pollutants present in waste waters resulting from the manufacture of aluminum chloride, aluminum sulfate, calcium carbide, calcium chloride, calcium oxide and hydroxide, chlorine and sodium or potassium hydroxide, hydrochloric acid, hydrofluoric acid, hydrogen peroxide, nitric acid, potassium metal, potassium dichromate, potassium sulfate, sodium bicarbonate, sodium carbonate, sodium chloride, sodium dichromate and sodium sulfate, sodium metal, sodium silicate, sodium sulfite, sulfuric acid, and titanium dioxide, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of aluminum chloride, aluminum sulfate, calcium carbide, calcium chloride, calcium oxide and hydroxide, chlorine and sodium or potassium hydroxide, hydrochloric acid, hydrofluoric acid, hydrogen peroxide, nitric acid, potassium metal, potassium dichromate, potassium sulfate, sodium bicarbonate, sodium carbonate, sodium chloride, sodium dichromate and sodium sulfate, sodium metal, sodium silicate, sodium sulfite, sulfuric acid and titanium dioxide. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the inorganic chemicals manufacturing category (38 FR 28174: October 11, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 415) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the aluminum chloride production subcategory, aluminum sulfate production subcategory, calcium carbide production subcategory, calcium chloride production subcategory, calcium oxide and hydroxide production subcategory, chlorine and sodium or potassium hydroxide production subcategory, hydrochloric acid production subcategory, hydrofluoric acid production subcategory, hydrogen peroxide production subcategory, nitric acid production subcategory, potassium metal production subcategory, potassium dichromate production subcategory, potassium sulfate production subcategory, sodium bicarbonate production subcategory, sodium carbonate production subcategory, sodium chloride production subcategory, sodium dichromate and sodium sulfate production subcategory, sodium metal production subcategory, sodium silicate production subcategory, sodium sulfite production subcategory, sulfuric acid production subcategory, and titanium dioxide production subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The first option, which would leave the introduction of incompatible pollutants unregulated by a national pretreatment standard, is inappropriate in view of the information available to the Agency concerning the effects of those pollutants generated by the inorganic chemicals manufacturing category and the available treatment technologies. The Agency believes that treatment levels required of plants utilizing municipal treatment systems should be comparable to those applicable to direct discharges, so that use of such systems does not result in higher levels of ultimate pollutant discharge to navigable waters or in any unjustified economic advantage.

The process waste waters in the inorganic chemicals industry generally contain high concentrations of dissolved solids. These solids could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated, or otherwise be incompatible with such treatment works. The information available to the Agency does not indicate differences between plants which discharge directly to navigable waters and those which use municipal treatment systems significant enough to warrant varying the effluent limitation guidelines. Accordingly, it is the opinion of the Agency that these incompatible process waste water constituents should be treated to the level required by the application of the best practicable control technology currently available before discharge of these waste water constituents to publicly owned treatment works. In those cases where the effluent limitation guidelines based on best practicable control technology currently available are not defined for an incompatible pollutant, such as dissolved solids, no pretreatment will be required for such incompatible pollutants unless, pursuant to 40 CFR 128, Section 128.131, the wastes interfere with the operation or performance of the publicly owned treatment works, or pretreatment is required by local or State law, as provided for in 307(b)(4) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event

comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 415 be amended to add §§ 415.14, 415.24, 415.34, 415.44, 415.54, 415.64, 415.74, 415.84, 415.94, 415.104, 415.114, 415.124, 415.134, 415.144, 415.154, 415.164, 415.174, 415.184, 415.194, 415.204, 415.214 and 415.224. All comments received on or before April 11, 1974 will be considered.

Dated: March 4, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to add the following sections, which are currently reserved, to 40 CFR Part 415:

§ 415.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.12 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.22 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.32 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.42 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.52 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in §415.62 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.62 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.82 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.92 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.102 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.112 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.122 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.134 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.132 shall apply and subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.144 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.142 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.154 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants

established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.152 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.164 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.62 shall apply, and subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.174 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.172 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.184 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.182 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.194 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.192 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.204 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.202 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.214 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.212 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 415.224 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in § 415.222 shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

[FR Doc.74-5592 Filed 3-11-74;8:45 am]

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