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federal register

TUESDAY, OCTOBER 8, 1974

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Volume 39 ■ Number 196

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Title 3—The President

PROCLAMATION 4322

Child Health Day, 1974

By the President of the United States of America

A Proclamation

For more than four decades, America has set aside a special day each year to emphasize the importance of child health.

In these decades, we have written a story of significant progress in child health, as the national infant mortality rate has been sharply cut and many childhood diseases have been conquered or diminished in their severity. For many handicapped children, in particular, advances in surgical techniques and treatment have created new hope for happy, productive lives.

We can be proud of this progress. Yet, as every parent knows, the threat of serious disease still hangs over the lives of our children, striking fear in the hearts of those who love and cherish them. Our challenge—and the one to which this Administration will be committed—is to continue steadfastly in reducing the health hazards to children through adequate programs which will assure their continued good health throughout childhood.

The Congress has, by the Joint Resolution of May 18, 1928 (36 U.S.C. 143), requested that the President of the United States annually issue a proclamation declaring the first Monday in October as Child Health Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Monday, October 7, 1974, as Child Health Day.

I invite all agencies and organizations concerned with child health to unite upon that day in the observance of such activities as will accelerate our progress towards the promotion and protection of child health.

In addition, Child Health Day is an appropriate time to salute the work which the United Nations, through its specialized agencies and the

United Nations Children's Fund, is doing to improve the health of the children around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-23602 Filed 10-7-74;9:50 am]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Staff Assistant for Special Projects to the Assistant Secretary for Education is excepted under Schedule C.

Effective on October 8, 1974, § 213.3316 (r)(6) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(6) One Staff Assistant for Special Projects to the Assistant Secretary.

(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.74–23386 Filed 10–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Private Secretary to the President, Government National Mortgage Association, is excepted under Schedule C.

Effective on October 8, 1974, § 213.3384 (b)(14) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Administration Commissioner.* * * *

(14) One Private Secretary to the President, Government National Mortgage Association.

(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 Commissioner.

[FR Doc.74–23382 Filed 10–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to reflect the following title change from: Management Assistant to the Administrator, Wage and Hour and Public Contracts Divisions to Private Secretary to the Administrator, Wage and Hour and Public Contracts Divisions.

Effective on October 8, 1974, § 213.3315 (h)(1) is amended as set out below.

§ 213.3315 Department of Labor.

* * * * *

(h) *Wage and Hour and Public Contracts Divisions.*

(1) One Private Secretary to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 105773 3 CFR 1954–58 comp. p. 218)

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

[FR Doc.74–23384 Filed 10–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Confidential Secretary to the Administrator, Office of Federal Procurement Policy, is excepted under Schedule C.

Effective on October 8, 1974, § 213.3303 (a)(16) is added as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

(16) One Confidential Secretary to the Administrator, Office of Federal Procurement Policy.

* * * * *

(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.74–23387 Filed 10–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388(f) is amended to show the change in the headnote and title from Staff Assistant to the Assistant Administrator for Intergovernmental and Regional Relations to Staff Assistant to the Director, Office of Intergovernmental, Regional and Special Programs.

Effective on October 8, 1974, § 213.3388 (f) is amended as set out below.

§ 213.3388 Federal Energy Administration.

* * * * *

(f) *Office of Intergovernmental, Regional and Special Programs.*

(1) One Staff Assistant to the Director.

(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.74–23385 Filed 10–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132 is amended to clarify the definition of the circumstances under which the authority may be used.

Effective on October 7, 1974, § 213.3132(a) is amended to read as set out below.

§ 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 2 years and no employee may serve under this authority for longer than 2 years without the Commission's prior approval.

* * * * *

(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.74–23383 Filed 10–7–74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 59]

PART 401—FEDERAL CROP INSURANCE

Sugar Beets; Regulations for the 1969 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

In § 401.149, subsection 2(b) the first sentence of the second paragraph in subsection 6(c), the second paragraph in subsection 7, and subsection 9b are revised to read as follows:

§ 401.149 The sugar beet endorsement applicable only in California) for 1974 and succeeding crop years.

* * * * *

2. * * *

(b) The per acre production guarantees shall be the applicable percentages shown on the county actuarial table of the normal yield (commercially recoverable sugar) established for the acreage for the crop year in accordance with the regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended: *Provided, however,* That, if the Sugar Act of 1948, as amended, is not in effect for the crop year, the normal yield used for this purpose shall be the normal yield that the Corporation determines would have been established if the Sugar Act had remained in effect or the production guarantee established for the acreage by the Corporation on the county actuarial table or by agreement with the insured, whichever the Corporation shall elect.

* * * * *

6. * * *

(c) * * *

The hundredweight of commercially recoverable sugar shall be determined by multiplying the net weight of sugar beets in tons at the time of delivery to the processor by the applicable rate of commercially recoverable sugar prescribed for the crop year under regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended: *Provided, however,* That, if the Sugar Act of 1948, as amended, is not in effect for the crop year, the applicable rate of commercially recoverable sugar per ton shall be determined by multiplying the sugar content of the beets, as shown by individual tests at the time of delivery to the processor, by the factor of 0.1658: *Provided, further,* That, if individual tests are not available, the rate of commercially recoverable sugar shall be either the rate the Corporation determines was or would have been established for the 1974 crop year for the area under the Sugar Act of 1948, as amended, or 2.75 hundredweight per ton, whichever the Corporation shall elect.

* * * * *

7. * * *

The cancellation date shall be the June 30 for Imperial County and the July 31 for all other counties preceding the beginning of the crop year for which such cancellation is to become effective, except that, if the Sugar Act of 1948, as amended, is in effect for the crop year, the cancellation date shall be October 31 for all counties other than Imperial County.

* * * * *

9. * * *

(b) "Crop Year," notwithstanding section 19(c) of the policy, shall be the period from planting until the applicable date for the end of the insurance period and shall be designated by reference to the calendar year designation applicable to such acreage under the Sugar Act of 1948, as amended, or if said act is not in effect, by reference to the calendar year in which the crop becomes or normally would become mature enough for harvest.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment provides for a number of contractual changes in the Sugar Beet Endorsement (applicable only in California) which are necessary due to the possibility that the Sugar Act of 1948, as amended, may not be in effect for the 1975 crop year. These contractual changes will permit continuation of sugar beet crop insurance for 1975 using the normal yields that would have been established under the Sugar Act to establish guarantees, but thereafter guarantees may be established on a different basis without the necessity of amending the endorsement for the succeeding crop year.

It is imperative that the amendment become effective in 1975. Notice of changes must be given the California sugar beet insureds by October 15, 1974, and applications for insurance will be taken in the near future. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on September 25, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on October 3, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-23408 Filed 10-7-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.4]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart C—Farm Labor Housing Loan Policies, Procedures and Authorizations

AMENDMENT TO INCLUDE FISH AND OYSTER FARM LABORERS AS DOMESTIC FARM LABORERS

Subpart C of Part 1822, 7 CFR (31 FR 14148), is amended to correct the title of this Subpart from "Farm Labor Housing Loan Policies, Procedures and Delegations of Authority" to read "Farm Labor Housing Loan Policies, Procedures and Authorizations;" and to amend the last sentence of § 1822.63, paragraph (a), to read as follows:

§ 1822.63 Definitions.

* * * * *

(a) * * * Laborers on "fish farms" and "oyster farms," as such farms are defined in §§ 1832.16 and 1832.17 of this chapter, are considered "domestic farm laborers".

* * * * *

This amendment enables the FmHA to make loans to provide decent, safe, and sanitary housing and related facilities for laborers working on "fish farms" and "oyster farms."

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. 533 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. This 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 this 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 November 7, 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.

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

Effective date. This amendment is effective on October 8, 1974.

Dated: September 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-23355 Filed 10-7-74;8:45 am]

[FmHA Instruction 444.6]

PART 1822—RURAL HOUSING LOANS AND GRANTS

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

AMENDMENT TO INCLUDE FISH AND OYSTER FARM LABORERS AS DOMESTIC FARM LABORERS

In Subpart E of Part 1822, 7 CFR (35 FR 14437), the last sentence of § 1822.203, paragraph (a), is amended to read as follows:

§ 1822.203 **Definitions.**

* * * * *

(a) * * * Laborers on "fish farms" and "oyster farms," as such farms are defined in § 1832.16 and § 1832.17 of this chapter, are considered "domestic farm laborers".

* * * * *

This amendment enables the FmHA to make grants to provide decent, safe, and sanitary, housing and related facilities for laborers working on "fish farms" and "oyster farms."

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. 533 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 November 7, 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.

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

Effective date. This amendment is effective on October 8, 1974.

Dated: September 25, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-23356 Filed 10-7-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-AL-22]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

North Slope Airways and Jet Routes

On January 4, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 1059) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter several VOR Federal airways, jet routes, and reporting points in Alaska.

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

Technical difficulty has caused an indefinite delay in the installation of the Barrow, Alaska, VORTAC. For this reason, the proposed amendments to Parts 71 and 75 that are pertinent to the Barrow VORTAC are not included, however, they may be made at a later date in a supplement to this docket.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 g.m.t., January 2, 1975, as hereinafter set forth.

Section 71.125 (39 FR 340) is amended as follows:

1. In V-436, "Chandalar Lake, Alaska RBN" is deleted and "Chandalar Lake, Alaska, RBN; to Deadhorse, Alaska." is substituted therefor.

2. In V-438, "to Fort Yukon and a west alternate." is deleted and "to Fort Yukon and a west alternate; 89 miles, 52 miles 95 MSL, 27 miles 75 MSL to Deadhorse, Alaska." is substituted therefor.

3. V-504 is amended to read as follows: "From Nenana, Alaska; via Bettles, Alaska NDB; to Deadhorse, Alaska."

4. V-481 is amended to read as follows: "From Johnstone Point, Alaska, via Gulkana, Alaska, including an E alternate; Big Delta, Alaska; to Fort Yukon, Alaska."

5. V-515 is added to read as follows: "From Gulkana, Alaska, via INT of Gulkana 011° and Big Delta, Alaska 161° radials; to Big Delta."

Section 75.100 (39 FR 699) is amended as follows:

1. In Jet Route No. 115, "to Put River, Alaska RBN." is deleted and "to Deadhorse, Alaska." is substituted therefor.

2. In Jet Route No. 125, "Nenana, Alaska; Chandalar Lake, Alaska, RBN.," is deleted, and "to Nenana, Alaska." is sustituted therefor.

3. Jet Route No. 139 is amended to read as follows: "From Bettles, Alaska, to Deadhorse, Alaska."

4. In Jet Route No. 155, "to the Oliktok, Alaska, RBN." is deleted and "to Nenana, Alaska." is substituted therefor.

5. In Jet Route No. 167, "INT Big Delta 356° and Fairbanks, AK., 122° radials; to Fairbanks." is deleted and to Fort Yukon, Alaska." is substituted therefor.

6. Jet Route No. 507 is amended to read as follows: "From Browerville, Alaska, NDB via Oliktok, Alaska, NDB; Deadhorse, Alaska; Fort Yukon, Alaska; Northway, Alaska; to Yakutat, Alaska, excluding the portion within Canada."

7. Jet Route No. 541 is added to read as follows: "From Yakutat, Alaska, to Sisters Island, Alaska."

Section 71.211 (39 FR 632) is amended as follows: "Deadhorse, Alaska." is added.

Section 71.213 (39 FR 634) is amended as follows: "Deadhorse, Alaska." is added.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on October 1, 1974.

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

[FR Doc.74-23337 Filed 10-7-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Method of Licensing Exports of Petroleum Products in the Fourth Quarter 1974

The licensing system adopted for previous calendar quarters of 1974 for the export of petroleum products other than crude oil is generally continued on the same basis for the fourth quarter 1974. The country quotas for each Petroleum Commodity Group that will be available in the fourth quarter are announced in Supplement No. 2 to Part 377 of the Export Administration Regulations and contained herein. As previously, 5 percent of the overall quota for each Commodity Group will be reserved for contingencies. Announced quotas represent 95 percent of the overall authorized exports.

The base period for determining exporters' shares of the country quotas for the export of products in Petroleum Commodity Group I (butane, propane, and natural gas liquids) is changed to the period October 1, 1972–December 31, 1972 in order to conform to the same

base period pattern as used in the mandatory allocation program of the Federal Energy Administration.

In addition, all licenses issued during the fourth quarter 1974 will expire 30 days after the end of the calendar quarter, instead of 60 days after issuance, if earlier, as under the previous rule. Requests for extension of the validity period of such licenses will not normally be entertained.

The policy on the export of crude oil will remain the same as announced in the FEDERAL REGISTER for May 1, 1974.

Notice to Exporters. Exporters are advised that petroleum and petroleum products to which these regulations apply have been placed under quantitative restrictions to preserve for the domestic economy an adequate supply of such commodities and to carry out the objectives of the Emergency Petroleum Allocation Act of 1973 and the Mineral Leasing Act of 1920, as amended. Applicants requesting hardship consideration should be prepared to establish that they have fully complied with the regulations of the Federal Energy Administration (Title 10 CFR).

Accordingly, the Export Administration regulations (15 CFR Part 377) are revised as follows:

1. By altering § 377.6(g) to read:

§ 377.6 Petroleum and petroleum products.

* * * * *

(g) Any license issued pursuant to this section will expire no later than 30 days from the end of the calendar quarter in which it is issued. Requests for extension of the validity period of such licenses will not normally be entertained.

* * * * *

2. By revising Supplement No. 2 to Part 377 to read:

SUPPLEMENT No. 2—Petroleum and petroleum products subject to short supply licensing controls

Schedule B number	*Commodity description*
	GROUP A
331.0100	Crude petroleum.
331.0200	Petroleum partly refined for further refining.
	GROUP B
332.1015	Aviation gasoline.
	GROUP C
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
	GROUP D
332.2010	Kerosene, except kerosene-type jet fuel.
	GROUP E
332.2020	Jet fuel.
	GROUP F
332.3000	Distillate fuel oils.
	GROUP G
332.4000	Residual fuel oils.
	GROUP H
332.9160	Carbon black feedstock oil.
	GROUP I
341.1025	Butane.
341.1030	Propane.
341.1040	Natural gas liquids, including LPG, n.e.o.

Quantities: Report the above commodities in barrels of 42 gallons.

Shipping tollerance: 10 percent.

Submission dates: Not prior to the beginning of the applicable quarter, and not later than:

	4th quarter 1974
Historical exporters of petroleum commodities other than crude oils.	December 20, 1974.
Hardships and crude oil exporters.	At any time.

County quotas: Fourth quarter 1974.

COUNTRY QUOTAS FOR GROUP B

(Schedule B No. 332.1015, aviation gasoline)

Country:	*Quota (barrels)*
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	10,509
Singapore	14,783
All other countries	165

COUNTRY QUOTAS FOR GROUP C

(Schedule B No. 332.1030, Gasoline, n.e.c.)

(Schedule B No. 332.1050, Gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	*Quota (barrels)*
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	18,523
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward and Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP D

(Schedule B No. 332.2010, Kerosene, except kerosene-type jet fuel)

Country:	*Quota (barrel)*
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,046
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP E

(Schedule B No. 332.2020, Jet Fuel)

Country:	*Quota (barrel)*
Bahamas	31
Canada	42,797
Mexico	48,794

COUNTRY QUOTAS FOR GROUP F

(Schedule B No. 332.3000, Distillate fuel oils)

Country:	*Quota (barrel)*
Bahamas	3,125
Canada	98,156
Colombia	36,385
Denmark	22,413
French Pacific Islands	10,086
Holland	58,895
Japan	11,636
Mexico	190,448
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, Residual fuel oils)

Country:	*Quota (barrel)*
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,862
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Holland	50,108
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	266,105
Leeward and Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Poland	2,070
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTAS FOR GROUP H

(Schedule B No. 332.9160, Carbon black feedstock oil)

Country:	*Quota (barrel)*
Australia	157,544
Brazil	96,087
Canada	134,550
France	156,186

Country:	Quota (barrel)
Holland	199,258
Israel	1,727
Italy	271,906
Philippines	28,899
South Africa	72,727
Spain	139,862
Sweden	39,813
United Kingdom	308,355
West Germany	12,905

COUNTRY QUOTAS FOR GROUP I

(Schedule B No. 341.1025, Butane)

(Schedule B No. 341.1030, Propane)

(Schedule B No. 341.1040, Natural gas liquids)

Country:	Quotas (barrel)
Bahamas	10,046
Brazil	18,055
Canada	45,050
Japan	622,447
Mexico	2,500,400
All other countries	5,611

Base period: The base period for determining historical quota shares for Group I commodities in the fourth quarter 1974 is the period from October 1, 1972 to December 31, 1972.

Effective date of action. October 3, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-23352 Filed 10-7-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart H—Food Additives Permitted in Food for Human Consumption or in Contact With Food on an Interim Basis Pending Additional Study

BROMINATED VEGETABLE OIL

In the FEDERAL REGISTER of April 25, 1974 (39 FR 14611), the Commissioner proposed that the food additive regulation, § 121.4004 *Brominated vegetable oil* (21 CFR 121.4004), be amended to permit continued interim use of the additive while ongoing toxicological studies are carried to completion. The Commissioner had concluded that the studies thus far did not indicate a reasonable likelihood that a health hazard exists in the continued interim use of brominated vegetable oil in accordance with the limitations set forth in § 121.4004 and that, therefore, the studies may be continued to completion.

No comments were received in response to the proposal. Accordingly, the Commissioner concludes that the proposed revision of § 121.4004 should be adopted without change.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701, 52 Stat. 1041–1042, 1055–1056 as amended, 72 Stat. 1785–1788 as amended (21 U.S.C. 321, 348, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart H by revising § 121.4004(b) to read as follows:

§ 121.4004 Brominated vegetable oil.

* * * * *

(b) The additive is used on an interim basis as a stabilizer for flavoring oils used in fruit-flavored beverages, for which any applicable standards of identity do not preclude such use, in an amount not to exceed 15 parts per million in the finished beverage, pending the outcome of additional toxicological studies on which periodic reports at 6-month intervals are to be furnished and final results submitted to the Food and Drug Administration promptly after completion of the studies.

Any person who will be adversely affected by the foregoing order may at any time on or before November 7, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 8, 1974.

(Secs. 201, 409, 701, 52 Stat. 1041–1042, 72 Stat. 1055–1056 as amended, 1785–1788 as amended (21 U.S.C. 321, 348, 371))

Dated: October 1, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-23360 Filed 10-7-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Cambendazole Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (94-642V) filed by Merck & Co., Inc., Rahway, NJ 07065, proposing safe and effective use of cambendazole suspension, veterinary in the control of gastrointestinal roundworms in horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(b)(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.136 Cambendazole suspension, veterinary.

(a) *Specifications.* Each fluid ounce contains 0.9 gram of cambendazole.

(b) *Sponsor.* Code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in horses for the control of large strongyles (*Strongylus vulgaris, S. edentatus, S. equinus*); small strongyles (*Trichonema, Poteriostomum, Cylicobrachytus, Craterostomum, Oesophagodontus*); roundworms (*Parascaris*); *pinworms* (*Oxyuris*); and threadworms (*Strongyloides*).

(2) It is administered by stomach tube or as a drench at a dose of 0.9 gram of cambendazole per 100 pounds of body weight (20 milligrams per kilogram).

(3) For animals maintain on premises where reinfection is likely to occur, re-treatments may be necessary. For most effective results, re-treat in 6 to 8 weeks.

(4) not for use in horses intended for food.

(5) Caution: Do not administer to pregnant mares or to stallions at stud.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on October 8, 1974.

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

Dated: October 2, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-23361 Filed 10-7-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Reg. 108.705]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Supporting Documents

Correction

In FR Doc. 74-22859, appearing on page 35573 in the issue for Wednesday, October 2, 1974, in the fifth paragraph of the preamble, in the 15th line, the word "of" should be changed to read "or".

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

Limitation on Holding

Sections 341.5 of Department of the Treasury Circular, Public Debt Series No. 1–63, dated January 10, 1963, as amended (31 CFR Part 341), is hereby further amended to prescribe a higher limitation

on holdings. As so amended it reads as follows:

§ 341.5 Limitation on holdings.

The limit on the amount of any Retirement Plan Bonds issued during 1974, or in any one calendar year thereafter, that may be purchased in the name of any one person as registered owner is $10,000 (face value).

* * * * *

(Sections 1 and 20, Second Liberty Bond Act, as amended, 40 Stat. 288, 48 Stat. 343, both as amended (31 U.S.C. 752, 754b); (5 U.S.C. 301))

The foregoing amendment was effected for the purpose of increasing the limitation on holdings of United States Retirement Plan Bonds. Notice and public procedures thereon are unnecessary as the fiscal and tax policies of the United States are involved.

Dated: October 2, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-23401 Filed 10-7-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

COMPREHENSIVE STANDARDS FOR PERMISSIBLE PRIVATE CARRIAGE

Carriage of Letters and Enforcement and Suspension of the Private Express Statutes; Correction

In FR Doc. 74-21301, appearing at page 33209 in the issue for Monday, September 16, 1974, in § 310.1(a)(7)(vii), in the second line, the word "or" should be inserted after the word "destruction".

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-23336 Filed 10-7-74;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program

Correction

In FR Doc. 74-21136, appearing at page 33216 in the issue for Monday, September 16, 1974, make the following corrections:

1. In the 11th line of the first paragraph, the word "inclue" should be changed to read "include".

2. In § 18.13(d), the 18th line beginning "recreation facilities * * *" should be moved to precede the 17th line which begins "waiver is requested * * *".

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

GRANTS TO STATES FOR SERVICES TO AGED, BLIND, OR DISABLED

Title VI Modifications

Correction

In FR Doc. 22418, appearing at page 34542 of the issue of Thursday, September 26, 1974, between the third and fourth Roman numerals in paragraph (h) of § 201.1, insert the Roman numeral "X".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1199]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of September, 1974.

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Los Angeles, California; that the operation of these trains require the use of employees, tracks and other facilities of The Atchison, Topeka and Santa Fe Railway Company (ATSF); that a portion of ATSF's tracks between Barstow, California, and San Bernardino, California, are temporarily out of service due to a freight train derailment; that an alternate route is available between Barstow and Mojave, California, on the ATSF, thence via the Southern Pacific Transportation Company from Mojave to Los Angeles, California; that its use is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein 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:

§ 1033.1199 Service Order No. 1199.

(a) *Southern Pacific Transportation Company ordered to operate trains of National Railroad Passenger Corporation (AMTRAK).* The Southern Pacific Transportation Company (SP) be, and it is hereby, ordered to operate trains of the National Railroad Passenger Corporation (AMTRAK) between a connection with The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Mojave, California, and Los Angeles, California, including the use of any of its employees, tracks and other facilities as may be required.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, that which is voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers, in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective at 5 a.m., P.s.t., September 30, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., P.s.t., October 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(45 U.S.C. (562))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 shall 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.74-23419 Filed 10-7-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain Wildlife Refuges in New Mexico

The following special regulations are issued and are effective on October 7, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of quail and rabbit on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from November 26, 1974, through January 26, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 44,200 acres, includes all refuge lands east of the Bureau of Reclamation Channelization Project and all refuge lands west of the A.T. & S.F. Railroad right-of-way. These areas are delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbit subject to the following special conditions:

(1) Hunting with rifles and handguns is prohibited.

(2) Access is from Highway 85, Bureau of Reclamation east channel road and through the refuge main entrance at headquarters Vehicles are permitted only on established roads.

(3) No more than two dogs may be used by a hunter.

(4) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 26, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Bosque del Apache National Wildlife Refuge, New Mexico, is permited only on the area designated by signs as open to hunting. This open area, comprising 20,200 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from November 9 through November 17, 1974, inclusive.

(2) The limit shall be one buck deer, possessing an antler at least 2 inches long.

(3) All hunters must pick up a permit (issued free of charge) at refuge headquarters prior to hunting on the refuge. Permits may be picked up only from 8 a.m. through 6 p.m. during the period November 4 through November 17, 1974.

(4) One-half of the permit must be prominently displayed on the vehicle's dashboard while hunter is in the field. The other half must be carried on the hunter's person.

(5) All hunters must check out through the refuge headquarters no later than one hour after the official sunset, following each day's hunt.

(6) Vehicular travel is restricted to established roads only.

(7) Hunting and retrieval of kills must be primarily by foot. Horses are strictly prohibited.

(8) The refuge is closed to all camping.

(9) Fires are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from November 30 through December 1, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 278, San Antonio, New Mexico 87832, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State, Federal and military regulations subject to the following special conditions:

(1) Hunters must check in and out in person at the check station located on the Jornada road near U.S .70. The check station will be open 24 hours a day. Hunters may check in during the afternoon of November 29, 1974. Time of entry into the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m., December 1, 1974.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of the officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1974.

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 5 through October 13, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 278, San Antonio, New Mexico 87832, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1974.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

OCTOBER 1, 1974.

[FR Doc.74-23339 Filed 10-7-74;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b) (6) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of October 1974.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than October 8, 1974. All documents filed should be in quadruplicate. The period for filing views is being limited to the above mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during October. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 40 percent set forth in § 1030.7(b) (4) that is applicable during the month of October, and (2) in § 1030.7 (b) (7) (iii), the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants (as defined in § 1030.7(b) (7)) during the month of October.

Pursuant to the provisions of § 1030.7 (b) (6) the supply plant shipping percentages set forth in § 1030.7(b) (4) and § 1030.7(b) (7) (iii) shall be increased or decreased by up to 10 percentage points during the months of August-March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Central Milk Producers Cooperative representing a majority of producers supplying the Chicago Regional market, requests that during October 1974 the supply plant shipping percentage be reduced 5 percentage points and the shipping percentage applicable to each plant within a unit be reduced 5 percentage points. This cooperative states that the 40 percent shipping requirement in October would cause uneconomic shipments of milk.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In August, for instance, Class I sales were down more than 7 million pounds compared to August 1973. Moreover, receipts of producer milk on the market increased by 48 million pounds in August 1974 compared to August 1973.

There is a reduced demand for Class I milk and an increase in the milk supply on the market. Thus there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during October would allow greater flexibilty in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage for the month of October 1974 to prevent uneconomic shipments.

Signed at Washington, D.C., on: October 4, 1974.

H. L. JONES,
Director, Dairy Division.

[FR Doc.74–28550 Filed 10–7–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket Nos. 20121, RM–2252, RM–2339, RM–2301, RM–2352, RM–2309, RM–2355, RM–2310, RM–2366, RM–2311, RM–2367, RM–2321, RM–2373]

FM BROADCAST STATIONS; VARIOUS STATES

Table of Assignments; Order Extending Time for Filing Reply Comments, RM–2367 Only

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairfield, La.; Mayville, N. Dak.; Eldon, Mo.; Crete, Nebr.; Hurricane, W. Va.; Patterson, N.Y.; Sauk Centre, Minn.; Appomattox, Va.; Warren, Ark.; Gatesville, Tex.; Batesville, Ind.; and Otsego, Mich.

1. On July 24, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on August 8, 1974, 39 FR 28444. The date for filing comments has expired and the date for filing reply comments is presently September 30, 1974.

2. On September 26, 1974, counsel for Batesville Broadcasting Company, requested that the time for filing reply comments be extended to and including October 15, 1974. Counsel states that the counterproposal filed by Station WXTV proposing a different channel for Batesville requires a thorough study and reply comments cannot be prepared within the time allowed.

3. 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 time for filing reply comments in RM–2367 only, is extended to and including October 15, 1974.

4. 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 § 0.281 of the Commission's rules.

Adopted: September 30, 1974.

Released: October 2, 1974.

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

[FR Doc.74–28368 Filed 10–7–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19622; FCC 74–1044]

PRIME TIME ACCESS RULE

Commission Extends Reply Date

OCTOBER 2, 1974.

The time for filing reply comments in the prime time access rule proceeding (39 FR 30497) has been extended by the Commission until October 10. All material must be received at the Commission by the close of business on that date.

Reply comments were due October 7. On September 27, the Commission received a "Motion for Extension of Time" filed by Sandy Frank Program Sales, Inc., asking that the time be extended to and including October 21.

The Commission found that while some extension of time is warranted, the requested two week extension would substantially delay staff preparation of a summary of the material to be submitted to the Commission for its early consideration.

Action by the Commission October 2, 1974. Commissioners Wiley (Chairman), Reid, Hooks, Quello, Washburn, and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-23366 Filed 10-7-74;8:45 am]

[47 CFR Part 76]

[Docket No. 19995]

NETWORK PROGRAM EXCLUSIVITY PROTECTION BY CABLE TV SYSTEMS

Order Extending Time

SEPTEMBER 30, 1974.

In the matter of amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. On August 27, 1974 (39 FR 32036), the Commission released an order extending the time for filing comments in Docket 19995 for 35 days, to and including October 1, 1974. This extension was granted in response to a petition filed by the National Association of Broadcasters (hereinafter NAB) and supported by several other parties. NAB's original petition requested that the time for filing replies be extended to October 28, 1974. However, the Commission determined that a 35 day extension would provide sufficient time, and therefore, granted the petition only in part.

2. On August 29, 1974, NAB filed a petion seeking Commission reconsideration of the August 27th ORDER, asking once again that the deadline for filing reply comments be extended to October 28, 1974. In support of its petition NAB cites the time consuming preparations which are necessary in order to permit the preparation of substantive comments, both for Docket No. 19995 and Docket No. 19554, which is still pending. In addition, the proximity of the filing deadlines for reply comments in these two proceedings is such that more time is needed to prepare replies for Docket 19995.

3. We recognize the difficulties involved in preparing extensive comments and replies for the two proceedings mentioned above. Many parties have a substantial interest in the outcome of both of these proceedings, and are therefore anxious to present their positions as fully and persuasively as possible. We also recognize that a relative small number of people must prepare the comments in both of these proceedings, and have limited time in which to do so. It appearing that the public interest will be served, thereby, we will grant NAB's Petition for Reconsideration and extend the time for filing reply comments in Docket 19995 for an additional 27 days, as requested.

4. *Accordingly, it is ordered*, That the time for filing reply comments in Docket No. 19995 is extended to and including October 28, 1974.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's Rules.

Adopted: September 30, 1974.

Released: September 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74-23367 Filed 10-7-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 217]

PRIORITY DELIVERY OF COAL

Department of Defense Contracts; Public Hearing

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to establish Part 217, Chapter II, Title 10 of the Code of Federal Regulations to provide a procedure for instituting priority coal supply contracts or priority treatment of coal supply contracts for the Department of Defense ("DOD"), if such course of action becomes necessary. The FEA will receive written comments and hold a public hearing with respect to this proposal.

Section 101(a) of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2071(a) (1970)) ("Act") authorizes the President "to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance * * *." Section 4 of Executive Order No. 11790, dated June 25, 1974 (39 FR 23185) delegates to the Administrator of the FEA the President's authority under the Act, "as it relates to the production, conservation, use, control, distribution, and allocation of energy * * *."

On July 20, 1974, the Administrator of FEA received notification from the Assistant Secretary of Defense, Installations and Logistics, that DOD was having serious difficulties in obtaining sufficient coal to meet its needs. The Assistant Secretary stated that despite intensive procurement efforts, DOD had been relatively unsuccessful in obtaining necessary coal supplies and that the prospects for improvement in the situation in the immediate future were not encouraging. DOD, therefore, requested that the FEA "initiate action under authority of the Defense Production Act of 1950, as amended, to provide the Department of Defense with priority supply of coal products to meet essential military requirements in the interest of national defense."

In order that FEA might better evaluate the extent of DOD's unfulfilled coal requirements, DOD has been requested to supply FEA with detailed information concerning its existing stockpiles of coal and other fuels, facilities available to transport coal from one military installation to another to meet emergency needs, the capability of various military installations to burn alternative types of fuels, attempts made to secure coal for oversea bases from foreign sources, and other possible alternatives for meeting essential military requirements.

DOD's request comes at a time when serious national coal shortages, and particularly anthracite shortages, are being forecast in many quarters. FEA is currently in the process of assessing the likelihood that coal shortages will occur this fall and winter, and is working with the Federal Power Commission, and the Bureau of Mines to develop a data collection system designed to identify, on a timely basis, the types and quantities of coal produced by various suppliers, existing coal supply contracts and the present and prospective coal requirements of various classes of end-users. FEA's analysis of the overall fuel situation will significantly affect any decision to afford DOD supplies of coal on a priority basis.

Information available to FEA from the Bureau of Mines indicates, for example, that 42 percent of our total anthracite production is used for space heating, 22 percent by electrical utilities, and 11 percent by the steel industry. Twenty-five percent is available for other purposes. Thus, were substantial amounts of anthracite awarded to DOD on a priority basis, dislocations and hardships could result in the civilian sector of our economy. Similar results could occur were DOD awarded a substantial portion of any type of coal produced in any one locale or by any one coal producer. The coal requirements of the rest of the economy will therefore have to be carefully balanced against DOD's needs before any priorities are awarded.

Under section 7 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), FEA has a general responsibility to insure that special hardships, inequities, or unfair distribution of burdens do not result from its regulatory activities. In order to meet this responsibility, FEA intends to make a case-by-case determination that the specific military requirement to be met is of sufficient importance to outweigh the possible dislocations or hardships that might occur in the civilian sector as a result of a DOD coal priority order.

The proposed regulations are designed to establish procedures to enable the Department of Defense to obtain priority status in the purchase of coal, where necessary to meet essential military needs. Under § 217.3 of the proposed regulations, the Administrator of FEA or his delegate would be authorized to issue written orders to suppliers requiring them to provide coal to DOD. These di-

rectives would take priority over other existing contracts and would specify the duration of the obligation and the types and quantities of coal to be supplied.

Section 217.4 would protect suppliers from damages or penalties resulting from their inability to fulfill other contractual obligations as a result of a FEA order.

Section 217.5 would permit any supplier which believes it will be unduly prejudiced by a directive to file an appeal with FEA.

Section 217.6 would set forth procedures for applying for stays, conferences and hearings.

Section 217.7 would require recipients of directives to prepare and maintain accurate records of all deliveries made pursuant to FEA orders. Such records would be subject to FEA inspection and audit.

Section 217.8 would direct that all communications concerning Part 217 be addressed to FEA's Assistant Administrator for Resource Development.

Section 217.9 would provide criminal penalties for those failing to comply with authorized directives or for those willfully furnishing false information.

Interested persons are invited to participate in this rulemaking by submitting written comments and other data with respect to the proposed regulations to Executive Communications, Room 3309, Federal Energy Administration, Box BD, Washington, D.C., 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Proposed Coal Priorities Under DOD Contracts Regulations." Fifteen copies should be submitted. All comments received by 4:30 p.m., October 21, 1974, and all other relevant information will be considered by the FEA before final action is taken on the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing according to the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing in the proceeding will be held beginning at 9:30 a.m., on Tuesday, October 22, and will be continued on Wednesday, October 23, 1974, if necessary, at the Federal Building, Room 3000, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., October 15, 1974. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 18, 1974. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.d.s.t., October 18, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., October 21, 1974.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, Room 3309, FEA, before 4:30 p.m., e.d.s.t., October 18, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator's comments follow:

Section 217.3 provides that FEA should state, among other things, "* * * the type of coal to be delivered * * *" under any orders issued pursuant to this Part. We suggest that FEA similarly state the sulfur and ash content of any coal which is to be provided to DOD. In addition, should an FEA order result in the diversion of supply away from a contract source to DOD, we recommend that FEA, insofar as practicable, not divert coal with a specified sulfur content that such source requires to meet its environmental obligations under the Clean Air Act.

(Defense Production Act of 1950, as amended, 50 U.S.C., App. 2071 et seq; Federal Energy Administration Act of 1974, Pub. L. 93-275, 88 Stat. 96; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to establish Part 217 of Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., October 4, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

Part 217 is added to Chapter II to read as follows:

PART 217—PRIORITY DELIVERY OF COAL UNDER DEPARTMENT OF DEFENSE CONTRACTS

§ 217.1 Purpose.
§ 217.2 Definitions.
§ 217.3 Order.
§ 217.4 Defense against claims for damages.
§ 217.5 Appeal.
§ 217.6 Other procedures.
§ 217.7 Records and reports.
§ 217.8 Address.
§ 217.9 Violations and sanctions.

AUTHORITY: Defense Production Act of 1950, as amended, 50 U.S.C., App. 2071 et seq.; Federal Energy Administration Act of 1974, Pub. L. 93-275, 88 Stat. 96; E.O. 11790, 39 F.R. 23185.

§ 217.1 Purpose.

This part establishes the procedures to be utilized by the Federal Energy Administration to implement the provisions of the Defense Production Act of 1950 (50 U.S.C. App. 2071 et seq.) whenever the interests of national defense require the priority delivery of coal under Department of Defense contracts. The regulation provides that the Federal Energy Administration may require that, upon issuance of an order directing priority treatment, persons shall supply coal to the Department of Defense on a priority basis above all other contractual or other obligations.

§ 217.2 Definitions.

"DOD" means the Department of Defense, including military Departments and Defense Agencies.

"FEA" means the Federal Energy Administration.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the Administrator of FEA or his delegate.

"Person" means any individual, firm, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, governmental unit or instrumentality thereof, or a charitable, education or other institution, and includes any officer, director, owner or duly authorized representative thereof.

§ 217.3 Order.

Upon receipt of written notification from DOD that a serious disruption will occur in the supply of coal necessary to meet an essential military need, the Administrator of FEA, or his delegate, may order a person, regardless of other existing contracts and orders, to perform fully its contractual obligations to provide DOD with coal meeting its specifications, or to enter into agreements to provide coal in excess of such requirements, or to enter into contracts to provide DOD with a specified quality and quantity of coal. Such order shall state the type of coal to be delivered, the maximum quantity of coal that the person is obligated to deliver, the delivery schedule, and any other terms necessary to insure the timely receipt of the specified supply of coal. Each person to whom an order is issued pursuant to this part shall deliver the specified supply of coal to DOD in accordance with the terms of the order.

§ 217.4 Defense against claims for damages.

No person shall be liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with the provisons of any authorized order issued in accordance with this part.

§ 217.5 Appeal.

Any person to whom an order is issued in accordance with this part may file an appeal of such order with the Administrator or his delegate. The procedures that control the filing and the evaluation of such appeal are those stated in Subpart H of Part 205 of this chapter.

§ 217.6 Other procedures.

(a) *Stay.* An application for stay of an order issued in accordance with this part may be filed in accordance with Subpart I of Part 205 of this chapter.

(b) *Conferences or hearings.* A request for a conference or hearing regarding an order issued in accordance with this part may be filed in accordance with Subpart M of Part 205 of this chapter.

(c) *Computation of time; effective date of orders.* The computation of time with respect to any order issued in accordance with this part and the effective date of any such order shall be as stated in §§ 205.5 and 205.10, respectively, of Part 205 of this chapter.

(d) *Service.* The service of any order issued in accordance with this part shall be in accordance with § 205.7 of Part 205 of this chapter.

(e) *Subpoenas, Witness fees.* The issuance of subpoenas and the payment of witness fees shall be in accordance with § 205.8 of Part 205 of this chapter.

§ 217.7 Records and reports.

(a) Each person to whom an order is issued in accordance with this part shall make and preserve for at least two years thereafter accurate and complete records of deliveries in accordance with such order. Such records may be retained in the form of microfilm or photographic copies instead of the original by those persons who, at the time such microfilm or other photographic records are made, maintain such records in the regular and usual course of business.

(b) All records required by this regulation shall be made available upon request for inspection and audit by duly authorized representatives of the FEA.

(c) Persons to whom orders are issued in accordance with this part shall make such records and submit such reports to the Administrator, FEA, or his delegatee, as he or his delegatee may require.

§ 217.8 Address.

All written communication concerning this part shall be addressed to the Assistant Administrator for Resource Development, Federal Energy Administration, Washington, D.C. 20461.

§ 217.9 Violations and sanctions.

(a) Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of this part or any order issued pursuant thereto is a violation of the regulations provided in this part.

(b) *Criminal Penalties.* Any person who willfully violates any provision of this part, either by commission or omission, or any order issued pursuant thereto shall be subject to a fine of not more than $10,000 or imprisoned for not more than one year, or both.

[FR Doc.74-23561 Filed 10-4-74;3:03 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 263-3]

KANSAS

Approval of Compliance Schedules

Correction

In FR Doc. 74-21238, appearing at page 33236 in the issue for Monday, September 16, 1974, in the table in § 52.876 (c) (1), make the following changes:

1. Under the heading "U.S.D. No. 479-Kincaid:", in the entry "Kincaid Attendance Center incinerator", the final compliance date now listed as "July 31, 1977", should be changed to read "July 31, 1975".

2. Under the heading "U.S.D. No. 482-Dighton:", in the entry "Alamota Grade School open burning", the final compliance date now listed as "Sept. 1, 1954", should be changed to read "Sept. 1, 1974".

[40 CFR Part 409]

[FRL 274-8]

BEET SUGAR PROCESSING SUBCATEGORY OF THE SUGAR PROCESSING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 409—Sugar Processing Point Source Category, Beet Sugar Processing Subcategory, § 409.13 (a) as set forth below. 40 CFR Part 409 was promulgated on January 31, 1974 pursuant to sections 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et. seq.; and Pub. L. 92-500) (the Act) (39 FR 4034).

The proposed amendment is intended to clarify the circumstances under which an exemption from the "no discharge" standard for 1983 is available to plants where the soil filtration rate is less than or equal to 0.159 cm (1/16 in.) per day. A question has been raised with respect to whether the term "soil filtration rate" as used in § 409.13(a) refers to the "natural" soil filtration rate or the "actual" soil filtration rate, which may be less than 0.159 cm (1/16 in.) per day because natural soil percolation characteristics have been altered by sealing, soil amendments, or structural measures. The proposed amendment will clarify that "soil filtration rate" refers to the actual filtration rate in the waste water treatment or retention basins associated with the point source, whether that soil filtration rate is natural or induced by man through sealing, soil amendments, or structural measures.

All the data and information developed by EPA, and comments submitted to EPA supporting the proposed amendment, are on file for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C.

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 amendment are solicited. In the event comments are in the nature of criticism 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. All comments received on or before November 7, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response with-

in this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

In consideration of the foregoing, it is proposed to amend Part 409 in the manner set forth below:

Dated: October 2, 1974.

RUSSELL E. TRAIN,
Administrator.

1. Section 409.13, paragraph (a) is amended to read as follows:

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

* * * * *

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source where the sugar beet processing capacity of the point source does not exceed 1090 kkg (2300 tons) per day of beets sliced or where the soil filtration rate, whether natural or induced, within the boundaries of all waste water treatment or retention facilities associated with the point source is less than or equal to 0.159 cm ($\frac{1}{16}$ in.) per day; provided however, that a discharge by a point source may be made in accordance with the limitations set forth in either paragraph (a)(1) exclusively, or paragraph (a)(2) of this section exclusively.

* * * * *

[FR Doc.74-23402 Filed 10-7-74;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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

LABELING REGULATIONS PROMULGATED UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a memorandum of understanding between the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Food and Drug Administration (FDA) regarding the promulgation and enforcement of the labeling regulations promulgated under the Federal Alcohol Administration Act, see FR Doc. 74-23358 appearing at page 36127 of this issue.

[FR Doc.74-23359 Filed 10-7-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE PANEL ON INTELLIGENCE

Notice of Closed Meeting

The First meeting of the Defense Panel on Intelligence will be held 29 October 1974 in the Pentagon, Office of the Secretary of Defense, and in the interest of national security the meeting shall be closed to the public under the provisions of section 552(b)(1) of Title 5, United States Code, since clasified material will be discussed at all sessions of the meetings. Subject matter is to assess the cumulative effects of actions which have been taken to improve intelligence within the Department of Defense in response to recommendations of the Elue Ribbon Defense Panel and to the President's memorandum of 5 November 1971.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 3, 1974.

[FR Doc.74-23351 Filed 10-7-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA STATE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that the California State Multiple-Use Advisory Board to the Bureau of Land Management will hold a tour and meeting on the California Desert October 26 and 27, 1974. The subject of the tour will be ecology and use of the national resource lands of the California Desert. The field review will include scientific instruction by academic authorities on desert ecology and an overflight of recreational use areas of the California Desert on a major holiday weekend. The meeting will be at 8 a.m., October 26, at Holiday Inn in Barstow, California.

The business meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. G. N. Rostvold. Written statements and requests for time to make oral statements should be submitted to Dr. Rostvold c/o State Director (C-912), Bureau of Land Management, 2800 Cottage Way, Sacramento, CA 95825.

JERRY A. O'CALLAGHAN,
Acting State Director.

[FR Doc.74-23372 Filed 10-7-74;8:45 am]

Office of the Secretary

HERBERT H. HUNT, JR.

Appointee's Statement of Financial Interests

AUGUST 29, 1974.

Pursuant to section 302(a) of Executive Order No. 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

NAME OF APPOINTEE

Herbert H. Hunt, Jr.

NAME OF EMPLOYING AGENCY

Department of the Interior.
Defense Electric Power Administration.

THE TITLE OF THE APPOINTEE'S POSITION

Deputy Director—Area 13.

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Eugene Water and Electric Board.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 29, 1974, as Deputy Director, DEPA Area 13, Defense Electric Power Admin., an officer or director.

Northwest Public Power Association

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Reserve Oil & Gas	100 shares
Viport Chemical	100 shares
Viport Mining	800 shares
KRM	
Fidelity Mort. Investors	100 shares

Small Amount:
Investment Club—Boise Cascade, Colt, Safeguard, Apeco, G.A.F., Reserve Oil & Gas.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None

HEBERT H. HUNT, JR.

SEPTEMBER 23, 1974.

[FR Doc.74-23377 Filed 10-7-74;8:45 am]

ROBERT E. KERGER

Appointee's Statement of Financial Interests

AUGUST 29, 1974.

Pursuant to section 302(a) of Executive Order No. 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

NAME OF APPOINTEE

Robert E. Kerger.

NAME OF EMPLOYING AGENCY

Department of the Interior.
Defense Electric Power Administration.

THE TITLE OF THE APPOINTEE'S POSITION

Regional Power Liaison Representative.

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Commonwealth Edison.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 29, 1974, as Regional Power Liaison Representative, Area 8, DEPA, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Airlines.
Braniff International Corp.
Ozark Airlines.
Bethlehem Steel Corp.
Boise Cascade Corp.
Commonwealth Edison Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT E. KERGER.

SEPTEMBER 20, 1974.

[FR Doc.74-23376 Filed 10-7-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 89]

CITRUS, ARIZONA—DESERT VALLEY

Extension of the Closing Date for Filing of Applications for the 1974 Crop Year

Pursuant to the authority contained in § 409.32 of Title 7 of the Code of Federal Regulations, the time for filing applications for citrus crop insurance for the 1974 crop year in Maricopa and Yuma Counties, Arizona, and Riverside and Imperial Counties, California, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 31, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74-23407 Filed 10-7-74;8:45 am]

[Notice 88]

ORANGES, CALIF.

Extension of Filing Time for Applications

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for orange crop insurance for the 1974 crop year in all counties in California where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 31, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74-23406 Filed 10-7-74;8:45 am]

Forest Service

OREGON DUNES NATIONAL RECREATION AREA WILDERNESS SUITABILITY

Draft Environmental Statement; Availability

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Oregon Dunes National Recreation Area Wilderness Suitability.

The environmental statement concerns a review of the lands within the Oregon Dunes National Recreation Area and recommendation relative to its suitability for inclusion in the National Wilderness Preservation System, within Lane, Douglas and Coos Counties, State of Oregon, Siuslaw National Forest. USDA-FS-DES(Adm) 75-05.

This draft environmental statement was filed with CEQ on October 2, 1974.

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

USDA, Forest Service
South Agriculture Bldg. Room 3231
12th St. & Independence Ave. SW
Washington, D.C. 20250

U.S. Forest Service
Pacific Northwest Region
319 S.W. Pine
Portland, Oregon 97208

Siuslaw National Forest
545 S.W. Second Street
Corvallis, Oregon 97330

Willamette National Forest
210 E. 11th Street
Eugene, Oregon 97402

Oregon Dunes
National Recreation Area
855 Highway Avenue
Reedsport, Oregon 97467

A limited number of single copies are available upon request to Theodore A. Schlapfer, Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Theodore A. Schlapfer, Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by December 15, 1974, in order to be considered in the preparation of the final environmental statement.

GENE S. BERGOFFEN,
Acting Deputy Chief, Forest Service.

OCTOBER 2, 1974.

[FR Doc.74-23410 Filed 10-7-74;8:45 am]

Office of the Secretary

MEMPHIS BOARD OF TRADE CLEARING ASSOCIATION

Order Vacating Designations as a Contract Market Under the Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the Memphis Board of Trade Clearing Association of Memphis, Tennessee, as a contract market for soybeans, soybean meal, and cottonseed meal effective December 31, 1974. The said exchange, which was designated as a contract market for soybeans on August 20, 1953, and for soybean meal and cottonseed meal on December 7, 1940, has requested that such designations be vacated.

Issued this 3rd day of October, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-23354 Filed 10-7-74;8:45 am]

PUBLIC ADVISORY COMMITTEE ON SOIL AND WATER CONSERVATION

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name. Public Advisory Committee on Soil and Water Conservation.

Date. October 30, 31 and November 1, 1974.

Place. United States Department of Agriculture, Room 218 Administration Building, 13th and Jefferson Drive, SW, Washington, D.C. 20250.

Time. Wednesday and Thursday: 9 a.m. to 4:30 p.m.; Friday: 9 a.m. to 12 noon.

Proposed Agenda. The agenda for the meeting will include a review of the progress current programs of soil and water conservation have made toward maintaining and improving the nation's soil, water and related resources, consideration of alternative methods to enhance program effectiveness and to better solve the problems associated with man's use and treatment of land, and development of recommendations to the Secretary of Agriculture.

Purpose of Meeting. The Committee

will consider and recommend changes in soil and water conservation program policies and program emphasis, and will assess the need for new soil and water conservation legislation.

The meeting of the Public Advisory Committee on Soil and Water Conservation is open to the public. Public attendance, depending upon available space, may be limited to those persons who have notified the Administrator, Soil Conservation Service, in writing at least five days prior to the first day of the meeting, of their intention to attend.

Any member of the public may file a written statement with the Committee before, during, or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to Kenneth E. Grant, Administrator, Soil Conservation Service, South Building, 12th and Independence Avenue, Washington, D.C. 20250.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

OCTOBER 3, 1974.

[FR Doc.74-23409 Filed 10-7-74;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Corrections and Additions to Policies and Directives

USDA guidelines for the preparation of environmental impact statements were published as a notice in the FEDERAL REGISTER, Volume 39, No. 104, Wednesday, May 29, 1974. Inadvertently several errors and omissions occurred.

The following changes in the May 29 document should be made to provide correct USDA guidelines:

PAGE 18679

3(b)(2) Decision, preparation and record. Change the last four lines in the first paragraph to read "USDA, as appropriate. All agencies will respond promptly to requests from other USDA agencies for information or other assistance needed for developing statements."

3(b)(3) Consultation and review. Insert "and the public" between "agencies" and "should" in the ninth line of the first paragraph.

PAGE 18681

.5 Review of other agencies environmental statements. Subject areas 5 and 6: Send to: Attach addresses as in this notice.

Large paragraph lower left column. Change "is" to "as" in line 14.

Done in Washington, D.C., this 3rd day of October, 1974.

J. PHIL CAMPBELL,
Under Secretary.

Forest Service and Soil Conservation Service Addresses for Receiving Environmental Impact Statements of Other Federal Agencies Involving Major Federal Actions that are Regional, State or Local in Scope (See .6 of USDA Guidelines Printed in the FEDERAL REGISTER Volume 39, No. 104—Wednesday, May 29, 1974).

FOREST SERVICE

Chief, Forest Service
US Department of Agriculture
Washington, DC 20250

Region 1, Northern Region (Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota).

Regional Forester
Northern Region
US Forest Service
Federal Building
Missoula, Montana 59801

Region 2, Rocky Mountain Region (Colorado, Kansas, Nebraska, South Dakota and Wyoming).

Regional Forester
Rocky Mountain Region
US Forest Service
Denver Federal Center, Bldg., 85
Denver, Colorado 80225

Region 3, Southwestern Region (Arizona and New Mexico).

Regional Forester
Southwestern Region
US Forest Service
Federal Building
517 Gold Ave., SW
Albuquerque, New Mexico 87101

Region 4, Intermountain Region (Utah, S. Idaho, W. Wyoming and Nevada).

Regional Forester
Intermountain Region
US Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

Region 5, California Region (California and Hawaii).

Regional Forester
California Region
US Forest Service
630 Sansome Street
San Francisco, California 94111

Region 6, Pacific Northwest Region (Washington and Oregon).

Regional Forester
Pacific Northwest Region
US Forest Service
319 SW Pine Street
P.O. Box 3623
Portland, Oregon 97208

Region 8, Southern Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia).

Regional Forester
Southern Region
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

Region 9, Eastern Region (Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin).

Regional Forester
Eastern Region
US Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Region 10, Alaska Region (Alaska).

Regional Forester
Alaska Region
US Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801

Northeastern Area State and Private Forestry (Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin).

Director
Northeastern Area, S&PF
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Southeastern Area State and Private Forestry (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia).

Director
Southeastern Area, S&PF
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

NOTE: State and Private Forestry offices are located in the Regional Headquarters with the exception of the two Areas above.

SOIL CONSERVATION SERVICE

Administrator
Soil Conservation Service
Washington, D.C. 20250

ALABAMA

State Conservationist
Soil Conservation Service
Wright Building
138 South Gay Street
P.O. Box 311
Auburn, Alabama 36830

ALASKA

State Conservationist
Soil Conservation Service
204 East Fifth Avenue
Room 217
Anchorage, Alaska 99501

ARIZONA

State Conservationist
Soil Conservation Service
230 N. 1st Avenue
6029 Federal Building
Phoenix, Arizona 85025

ARKANSAS

State Conservationist
Soil Conservation Service
Federal Building, Room 5029
700 West Capitol Street
P.O. Box 2323
Little Rock, Arkansas 72203

CALIFORNIA

State Conservationist
Soil Conservation Service
2828 Chiles Road
P.O. Box 1019
Davis, California 95616

COLORADO

State Conservationist
Soil Conservation Service
2490 West 26th Avenue
Room 313
P.O. Box 17107
Denver, Colorado 80217

CONNECTICUT

State Conservationist
Soil Conservation Service
Mansfield Professional Park

Route 44A
Storrs, Connecticut 06268

DELAWARE

State Conservationist
Soil Conservation Service
Treadway Towers, Suite 2-4
9 East Loockerman Street
Dover, Delaware 19901

FLORIDA

State Conservationist
Soil Conservation Service
Federal Building
P.O. Box 1208
Gainesville, Florida 32601

GEORGIA

State Conservationist
Soil Conservation Service
Heritage Building
468 North Milledge Avenue
P.O. Box 832
Athens, Georgia 30601

HAWAII

State Conservationist
Soil Conservation Service
440 Alexander Young Bldg.
Honolulu, Hawaii 96813

IDAHO

State Conservationist
Soil Conservation Service
Room 345
304 North 8th Street
Boise, Idaho 83702

ILLINOIS

State Conservationist
Soil Conservation Service
Federal Building
200 W. Church Street
P.O. Box 678
Champaign, Illinois 61820

INDIANA

State Conservationist
Soil Conservation Service
Atkinson Square-West
Suite 2200
5610 Crawfordsville Road
Indianapolis, Indiana 46224

IOWA

State Conservationist
Soil Conservation Service
823 Federal Building
210 Walnut Street
Des Moines, Iowa 50309

KANSAS

State Conservationist
Soil Conservation Service
760 South Broadway
P.O. Box 600
Salina, Kansas 67401

KENTUCKY

State Conservationist
Soil Conservation Service
333 Waller Avenue
Lexington, Kentucky 40504

LOUISIANA

State Conservationist
Soil Conservation Service
3737 Government Street
P.O. Box 1630
Alexandria, Louisiana 71301

MAINE

State Conservationist
Soil Conseravtion Service
USDA Building
University of Maine
Orono, Maine 04473

MARYLAND

State Conservationist
Soil Conservation Service
Room 522, Hartwick Building
4321 Hartwick Road
College Park, Maryland 20740

MASSACHUSETTS

State Conservationist
Soil Conservation Service
27-29 Cottage Street
Amherst, Massachusetts 01002

MICHIGAN

State Conservationist
Soil Conservation Service
1405 Harrison Road
East Lansing, Michigan 48823

MINNESOTA

State Conservationist
Soil Conservation Service
200 Federal Bldg. and
U.S. Courthouse
316 North Robert Street
St. Paul, Minnesota 55101

MISSISSIPPI

State Conservationist
Soil Conservation Service
Milner Building, Room 490
P.O. Box 610
Jackson, Mississippi 39205

MISSOURI

State Conservationist
Soil Conservation Service
Parkade Plaza Shopping Center
(Terrace Level)
P.O. Box 459
Columbia, Missouri 65201

MONTANA

State Conservationist
Soil Conservation Service
Federal Building
P.O. Box 970
Bozeman, Montana 59715

NEBRASKA

State Conservationist
Soil Conservation Service
134 South 12th Street
Lincoln, Nebraska 68508

NEVADA

State Conservationist
Soil Conservation Service
U.S. Post Office Building
P.O. Box 4850
Reno, Nevada 89505

NEW HAMPSHIRE

State Conservationist
Soil Conservation Service
Federal Building
Durham, New Hampshire 03824

NEW JERSEY

State Conservationist
Soil Conservation Service
1370 Hamilton Street
P.O. Box 219
Somerset, New Jersey 08873

NEW MEXICO

State Conservationist
Soil Conservation Service
517 Gold Avenue, SW
P.O. Box 2007
Albuquerque, New Mexico 87103

NEW YORK

State Conservationist
Soil Conservation Service
Midtown Plaza—Room 400
700 East Water Street
Syracuse, New York 13210

NORTH CAROLINA

State Conservationist
Soil Conservation Service
Federal Office Building
310 New Bern Avenue
Fifth Floor—P.O. Box 27307
Raleigh, North Carolina 27611

NORTH DAKOTA

State Conservationist
Soil Conservation Service
Federal Building
P.O. Box 1458
Bismarck, North Dakota 58501

OHIO

State Conservationist
Soil Conservation Service
311 Old Federal Building
3rd & State Streets
Columbus, Ohio 43215

OKLAHOMA

State Conservationist
Soil Conservation Service
Agriculture Building
Farm Road & Brumley Street
Stillwater, Oklahoma 74074

OREGON

State Conservationist
Soil Conservation Service
Washington Building
1218 S.W. Washington Street
Portland, Oregon 97205

PENNSYLVANIA

State Conservationist
Soil Conservation Service
Federal Bldg. & Court House
Box 985 Federal Square Station
Harrisburg, Pennsylvania 17108

PUERTO RICO

Director, Caribbean Area
Soil Conservation Service
1409 Ponce de Leon Avenue
Stop 20
Santurce, Puerto Rico 00908

RHODE ISLAND

State Conservationist
Soil Conservation Service
222 Quaker Lane
West Warwick, Rhode Island 02893

SOUTH CAROLINA

State Conservationist
Soil Conservation Service
Federal Building
901 Sumter Street
Columbia, South Carolina 29201

SOUTH DAKOTA

State Conservationist
Soil Conservation Service
239 Wisconsin Avenue, SW
P.O. Box 1357
Huron, South Dakota 57350

TENNESSEE

State Conservationist
Soil Conservation Service
561 U.S. Court House
Nashville, Tennessee 37203

TEXAS

State Conservationist
Soil Conservation Service
16-20 South Main Street
P.O. Box 648
Temple, Texas 76501

UTAH

State Conservationist
Soil Conservation Service
4012 Federal Building
125 South State Street
Salt Lake City, Utah 84111

VERMONT

State Conservationist
Soil Conservation Service
69 College Street
Burlington, Vermont 05401

VIRGINIA

State Conservationist
Soil Conservation Service
Federal Bldg., Room 7408
400 N. 8th Street
P.O. Box 10026
Richmond, Virginia 23240

WASHINGTON

State Conservationist
Soil Conservation Service
360 U.S. Courthouse
W 920 Riverside Avenue
Spokane, Washington 99201

WEST VIRGINIA

State Conservationist
Soil Conservation Service
75 High Street
P.O. Box 865
Morgantown, West Virginia 26505

WISCONSIN

State Conservationist
Soil Conservation Service
4601 Hammersley Road
P.O. Box 4248
Madison, Wisconsin 53711

WYOMING

State Conservationist
Soil Conservation Service
Federal Office Building
P.O. Box 2440
Casper, Wyoming 82601

[FR Doc.74-23405 Filed 10-7-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF SOUTH CAROLINA, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended 37 FR 3892 et seq.). (See especially § 701.11(e).).

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

Docket Number: 74-00486-99-46040. Applicant: University of South Carolina, Columbia, South Carolina 29208. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the training of undergraduate students in biology and health science in elemental electron microscopy during the course entitled "Cell Biology" (Course #Bio. 340; 340L) to be taught every fall semester. The course is designed to give students higher level concepts of chemical organization, structure and ultrastructure of the cell in living organisms. Application received by Commissioner or Customs: May 20, 1974. Advice submitted by the Department or Health, Education, and Welfare on: August 7, 1974. Article ordered: May 15, 1974.

Docket Number 74-00490-99-46040. Applicant: Middle Tennessee State University, Department of Biology, Murfreesboro, Tennessee 37130. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use or article: The foreign article is intended to be used in teaching courses entitled, "Cell Physiology, Advanced Bacteriology, Virology and Electron Microscopy and Biology." The article will be used in the "Cell Physiology" course to study the effects of various poisons, such as, insecticides on cellular organelles and to determine the purity of homogenized samples following centrifugation. The article will also be used in the "Advanced Bacteriology" and "Virology" courses to study viruses, in the "Cell Physiology" course to teach the interpretation of electron micrographs and in the course "Electron Microscopy and Biology" to teach electron microscopy. Application received by Commissioner of Customs: May 22, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 7, 1974. Article ordered: May 18, 1974.

Docket Number: 74-00506-99-46040. Applicant: Montefiore Hospital & Medical Center, 111 East 210th Street, Bronx, New York 10467. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for teaching purposes in a basic science course in the Department of Ophthalmology. Ocular tissues, primarily retna, but including lens, cornea, ciliary body and all other ophthalmic structures will be studied. Individual ophthalmology residents are taught ocular pathology by examination of material in the department's files, discussions with the ocular pathologist, and reading of ophthalmological literature, much of which is based on electron microscopy. Application received by Commissioner of Customs: May 31, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 23, 1974. Article ordered: March 7, 1973.

Docket Number: 74-00511-33-46040. Applicant: University of Cincinnati Medical Center, Department of Pathology, Medical Science building Cincinnati General Hospital, Cincinnati, Ohio 45229. Article: Electron Microscope, Model FM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following courses and other educational activities: 26-955-971-Research in pathology to provide an opportunity for actual research work by graduate students under the guidance of a senior faculty member; 26-955-972-Electron Microscopy Technique providing the basic introduction to the various skills employed in electron microscopy. It is intended primarily for graduate students and consists of lectures and laboratory work. Small Biopsy Service—Involving teaching residents the basics of fixing and processing surgical specimens for electron miscroscopy as well as the elementary aspects of operating the microscope. Application received by Commissioner of customs: June 4, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 23, 1974. Article ordered: June 20, 1974. Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by students untrained in the basic principles of electron microscopy with a minimum of detailed programming. In addition, each article provides low distortion magnifications of 140x to 60,000x with 140x to 1000x in the normal light microscopy range, which is useful for montage preparation and for orientation with images produced by the optical microscope. At the time the foreign article was ordered two domestic electron microscopes were available, the Model EMU-4C and the Model ETEM 101 supplied by the Adam David Company and Elektros Incorporated respectively. The EMU-4C was a relatively complex instrument designed primarily for research and operation by a skilled electron microscopist with low distortion low magnification in the range of 500 to 70,000x. The ETEM 101 was a relatively simple instrument which provides magnification from 600 to 38,000x. We are advised by the Department of Health, Education, and Welfare (HEW) in its respectively cited memoranda that the relative simplicity of design and ease of operation of the foreign articles described above as well as their low distortion low magnification capabilities are pertinent to the applicant's intended purposes. HEW further advised that the EMU-4C is too complex to be used for the applicant's intended purposes and that the ETEM 101 does not have equivalent low distortion low magnification capabilities. We, therefore, find that neither the EMU-4C nor the ETEM 101 was of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the

foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were 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.74-23349 Filed 10-7-74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I and section 8(b)(3) of Office of Management and Budget Circular No. A-63 (March 27, 1974), notice is hereby given of the meeting of the Marine Petroleum and Minerals Advisory Committee (the "Committee") on Tuesday and Wednesday, October 22, and 23, 1974. The meeting will commence at 8:45 a.m. on each day in Room 6802 of the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C.

Interested persons are invited to attend and to submit written statements relevant to matters on the agenda before or after the meeting or by mailing such statements within five days after the date of the meeting to: Executive Secretary, Marine Petroleum and Minerals Advisory Committee, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

OCTOBER 22, 1974

8:45 a.m.—Welcome and Opening Ceremonies.
9:30 a.m.—Recess.
9:40 a.m.—An Overview of Department of Commerce Marine Petroleum and Minerals Activities.
Marine Hard Minerals Activities of the Department of Commerce.
Domestic and International Business Administration (DIBA) Programs and Plans.
National Oceanic and Atmospheric Administration (NOAA) Research and Development Programs and Plans.
Discussions of NOAA and DIBA Programs and Plans and the Identification of Topics which Require More Detailed Future Discussion.
Law of the Sea (LOS) in Marine Hard Minerals.
Government Overview (Debriefing on LOS Conference).
Industrial View of Law of the Sea.
Discussion.
12 noon —Recess.
2 p.m. —Marine Petroleum Activities of the Department of Commerce.
National Oceanic and Atmospheric Administration Programs and Plans.
National Bureau of Standards Programs and Plans.
Maritime Administration Programs and Plans.
Domestic and International Business Administration Programs and Plans.
Discussion of Research and Development, Deepwater Ports, and Domestic and International Commerce Programs and Plans and the Identification of Topics which require more detailed future discussion.
3:15 p.m.—Recess.
3:30 p.m.—Law of the Sea (LOS) in Marine Petroleum Activities.
Government Overview (Debriefing on LOS Conference).
Industrial View.
Discussion.
4:30 p.m.—Adjourn for the Day.

OCTOBER 23, 1974

8:45 a.m.—Call to Order and Announcements.
9 a.m. —Marine Petroleum Related Activities as Viewed by the National Advisory Committee on the Ocean and Atmosphere.
10 a.m. —Recess.
10:15 a.m.—Discussion of Subjects Suggested by Members, Advisory Actions (if any), Review and Development of Topics to be Discussed in Greater Detail at Future Meetings, and Future Meeting Plans.
11:30 a.m.—Closing Remarks.
12 noon —Adjourn.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.74-23549 Filed 10-7-74;8:45 am]

Office of the Secretary

[Administrative Order 208-2; Amdt. 3]

DIRECTOR, PERSONNEL OFFICE

Procurement Authority

SEPTEMBER 23, 1974.

This order, effective September 23, 1974, further amends the material appearing at 39 FR 6750 of February 22, 1974; and 39 FR 35195 of September 30, 1974.

Department Administrative Order 208-2, dated January 2, 1974 is hereby further amended as follows:

1. SECTION 4. *Procurement authority of operating units.* The title of this section is revised to read:

SEC. 4. *Procurement authority of operating units and departmental offices.*

2. SEC. 4. *Procurement authority of operating units and departmental offices.* Add paragraph .06 as follows:

.06 a. Subject to applicable provisions of law, regulations, policies, and such other instructions, as may be prescribed, the Director, Office of Personnel, Office of the Secretary is delegated authority to:

Sign and place advertising orders, for personnel recruitment purposes not to exceed $2500 per transaction; and

Use Standard Form 1143, Advertising Order, for this purpose.

b. Orders involving less than $100 each to be paid within a month and before the end of a fiscal year should not be prevalidated or reported as obligations or accruals. Transactions beyond these limits will require an extra copy of the Standard Form 1143 for accounts records.

c. The Director, Office of Personnel, Office of the Secretary may redelegate this authority to personnel officers within the Department. A copy of each such redelegation will be furnished to the Procurement Policy Staff, Office of Administrative Services and Procurement, Office of the Secretary.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.74-23350 Filed 10-7-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLOR ADDITIVES

Submission of Petitions for Provisionally Listed Additives

In a letter dated November 27, 1963, the Toilet Goods Association, Inc. (TGA), now the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), requested that the Commissioner of Food and Drugs permanently list on his own initiative some 43 "noncoal-tar" color additives provisionally listed for use in cosmetics at that time. In a response dated July 13, 1964, former Deputy Commissioner Harvey stated that the Food and Drug Administration was in a position to list the following color additives on the Commissioner's own initiative:

1. Aluminum powder.
2. Aluminum hydroxide.
3. Annatto.
4. Barium sulfate.
5. Bismuth oxychloride.
6. Calcium carbonate.
7. Calcium sulfate.
8. Caramel.
9. β-carotene.
10. Copper (metallic powder).
11. Corn starch.
12. Gold.
13. Magnesium carbonate.
14. Magnesium oxide.
15. Magnesium trisilicate.
16. Silicic acid.
17. Silicon dioxide.
18. Talc.
19. Tin oxide (tin doxide).
20. Zinc carbonate.
21. Zinc oxide.

The response stated that the color additives numbered 3, 12, 16, and 20 were not included in the TGA request but were provisionally listed for cosmetic use at that time.

Deputy Commissioner Harvey's letter also stated that the Food and Drug Administration did not have enough information about the other color additives included in the TGA request to warrant listing on the Commissioner's initiative.

In a letter dated March 23, 1966, former Commissioner Goddard advised TGA that the "Harvey list" of 21 color

additives could not be listed without information on the formulations in which the color additives were to be used. Further consideration of these color additives was therefore held in abeyance pending litigation on the question of whether the Food and Drug Administration has the legal authority to require pre-marking clearance of finished cosmetic products. In 1969, the United States Court of Appeals for the Second Circuit held that the provisions of the color additive regulations requiring premarketing clearance of finished cosmetic products are not authorized by section 706 of the Federal Food, Drug, and Cosmetic Act. *Toilet Goods Association, Inc. v. Finch*, 419 F. 2d. 21 (2d Cir. 1969). The Food and Drug Administration did not appeal this decision.

In a letter dated November 29, 1972, CTFA renewed its request that the Commissioner list these 21 color additives on his own initiative. In a reply dated December 15, 1972, the Associate Commissioner for Compliance stated that FDA was reviewing the available chemical and toxicological data to determine if there was sufficient information to list these color additives on the Commissioner's initiative.

Copies of the previous correspondence with CTFA on this matter are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Since 1964, these 21 color additives have been retained on the provisional list for cosmetic use on the initiative of the Commissioner. No testing or progress reports have been required by the Commissioner or submitted by the industry.

The Commissioner has now reviewed this matter and concludes that, in view of changed conditions since 1964, it will be necessary for color additive petitions to be filed by the industry to support the safe use of these 21 substances in cosmetics. Since 1964, there have been advances in knowledge about the safety of ingredients which require more extensive information on the chemistry and toxicology of a substance prior to its listing as a color additive for cosmetic use. The Commissioner concludes that the 21 substances on the "Harvey list" should be subject to the same depth of review that is presently required for other color additives before listing.

The Food and Drug Administration has conducted a preliminary review of chemical data for each of these 21 color additives and of toxicological data for aluminum powder, aluminum hydroxide, and gold. It is evident from this review that there are insufficient data readily available to permit the listing of these color additives as safe and suitable for general use in cosmetics. Chemical data such as manufacturing processes, analytical procedures, appropriate specifications, and stability data are not available for many of these color additives. It is necessary to conduct a complete literature search to determine if there are adequate safety data to support the use of these colors in cosmetics. Data from chronic eye-area studies are needed to support use of any of these colors intended for use in the area of the eye.

A list of the data sources reviewed is on display in the office of the Hearing Clerk.

Additionally, the Food and Drug Administration does not know which of these 21 color additives may still be of interest to the industry. The CTFA recently submitted the results of a survey of its members indicating that 13 of the substances on the "Harvey list" are not used in cosmetics as color additives (i.e. aluminum hydroxide, barium sulfate, calcium carbonate, calcium sulfate, corn starch, magnesium carbonate, magnesium oxide, magnesium trisilicate, silicic acid, silicon dioxide, talc, tin oxide, and zinc carbonate). This submission is on display in the office of the Hearing Clerk. The Commissioner concludes from the review of the data contained in the correspondence that the CTFA no longer intends to pursue the listing of the 13 substances above as color additives. Therefore, the Commissioner is considering deleting each of these substances from the provisional listing. Any person interested in the continued use of any of these 13 substances as a color additive in cosmetics must so advise the Commissioner through the submission of a color additive petition or a progress report.

The Commissioner recognizes that some of these 21 color additives are used throughout the cosmetic industry in a wide variety of cosmetics. Because the industry has properly relied upon the 1964 letter stating that the Food and Drug Administration would list these color additives on its own initiative, the Commissioner intends to provide time for industry to obtain the necessary information to support color additive petitions.

Provisional listing will be retained for each of these color additives for which a color additive petition or a progress report, as provided under § 8.501 (21 CFR 8.501), has been submitted by December 31, 1974.

Dated: October 1, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–23362 Filed 10–7–74;8:45 am]

LABELING REGULATIONS PROMULGATED UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Memorandum of Understanding With the Bureau of Alcohol, Tobacco and Firearms

The Bureau of Alcohol, Tobacco and Firearms and the Food and Drug Administration, in the interest of economy and efficiency and to avoid duplication of effort, have drawn up a memorandum of understanding regarding the promulgation and enforcement of the labeling regulations promulgated under the Federal Alcohol Administration Act. The memorandum of understanding reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AND THE FOOD AND DRUG ADMINISTRATION REGARDING THE PROMULGATION AND ENFORCEMENT OF THE LABELING REGULATIONS PROMULGATED UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Whereas, The Federal Alcohol Administration Act (27 U.S.C., Chapter 8, section 201–212) was enacted in 1935 to further protect the revenue derived from distilled spirits, wine and malt beverages, to regulate interstate and foreign commerce and enforce the twenty-first amendment; and

Whereas, The Federal Alcohol Administration Act pursuant to section 205(e) makes it unlawful for any person engaged in the business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine and malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits directly or indirectly or through an affiliate, to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with regulations prescribed by the Secretary of the Treasury; and

Whereas, The Bureau of Alcohol, Tobacco and Firearms is charged with the administration and enforcement of the Federal Alcohol Administration Act through the employment of a large field force including the:

(1) Issuance of permits to persons engaged in the business of (a) distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling distilled spirits; (b) importing into the United States distilled spirits, wine or malt beverages; and (c) purchasing for resale at wholesale distilled spirits, wine or malt beverages; and

(2) procedures which require the prior approval of all labels to insure compliance with standards of identity and the requirement of showing proof, quantity and the name and address of the importer, producer or bottler; and

Whereas, The Bureau of Alcohol, Tobacco and Firearms is also charged with the administration and enforcement of Title 26 of the United States Code, Chapter 51, relating to Distilled Spirits, Wines and Beer, which establishes a comprehensive system of controls over these products; including on-site inspections and procedures which require the advance approval of statements of process and of formulas showing each ingredient to be used in the product; and

Whereas, Under the Federal Food, Drug, and Cosmetic Act of 1938, as amended, administered by the Food and Drug Administration, alcoholic beverages are included within the specified articles, and, therefore, such agency has authority to prescribe regulations for ingredient labeling of distilled spirits, wine and malt beverages; and

Whereas, The Bureau of Alcohol, Tobacco and Firearms in consultation with the Food and Drug Administration is developing comprehensive ingredient labeling regulations with respect to distilled spirits, wine and malt beverages pursuant to the Federal Alcohol Administration Act which regulations will be in consonance with the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder; and

Whereas, In the interest of economy and efficiency, it is deemed desirable to avoid unnecessary duplication of effort;

Now therefore, It is understood and agreed between the Bureau of Alcohol, Tobacco and Firearms and the Food and Drug Administration as follows:

1. The Bureau of Alcohol, Tobacco and Firearms will be the primary agency responsible for the promulgation and enforcement of labeling regulations of distilled spirits, wine and malt beverages pursuant to the Federal Alcohol Administration Act.

2. Regulations promulgated by the Bureau of Alcohol, Tobacco and Firearms under the Federal Alcohol Administration Act, will be consistent with the food labeling requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder.

3. The Food and Drug Administration will defer to the Bureau of Alcohol, Tobacco and Firearms for primary regulation of the labeling of alcoholic beverages under the conditions of this agreement.

4. The Bureau of Alcohol, Tobacco and Firearms will continue to consult with FDA and regulations promulgated by ATF will be consistent with the Food and Drug Administration's directives and interpretations regarding any ingredient in distilled spirits, wine and malt beverages, which the Food and Drug Administration may find in violation of section 402(a)(1) or (a)(2) of the Federal Food, Drug, and Cosmetic Act.

5. This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

6. The Liaison Officers for this Memorandum of Understanding are as follows:

Mr. James O. Pasco, Jr.
Regulatory Enforcement Liaison Officer
Office of the Assistant Director for Regulatory Enforcement
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226
Telephone Number: 202-961-7557

Mr. Taylor Quinn, Director,
Division of Regulatory Guidance (HFF-310)
Bureau of Foods
Food and Drug Administration
Washington, DC 20240
Telephone Number: 202-245-1567

For the Bureau of Alcohol, Tobacco and Firearms.
Dated: September 16, 1974.
Approved:

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

For the Food and Drug Administration.
Dated: September 12, 1974.
Approved:

ALEXANDER M. SCHMIDT,
Commissioner of Food and Drugs.

Effective date. This memorandum of understanding becomes effective on October 8, 1974.

Dated: October 2, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-23358 Filed 10-7-74;8:45 am]

National Institutes of Health

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Notice of Establishment

Pursuant to section 3(a) of Pub. L. 93-354, signed into law July 23, 1974, the National Institutes of Health announces the establishment on September 17, 1974, of the following Public Advisory Committee:

Designation: National Commission on Diabetes.

Purpose: The National Commission on Diabetes shall develop a long-range plan to combat diabetes mellitus with specific recommendations for the utilization and organization of national resources for that purpose and shall advise the Secretary, the Director of the National Institutes of Health and the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases concerning this plan. The plan shall be based on a comprehensive survey investigating the magnitude of diabetes mellitus, its epidemiology, and its economic and social consequences and on an evaluation of available scientific information and the national resources capable of dealing with the problem. The plan shall include recommendations for a coordinated research program encompassing programs of the Institutes as listed in Public Law 93-354.

This Commission shall submit its recommended plan in a report not later than nine months after the date funds are first appropriated for the implementation of section 3 of Pub. L. 93-354. The Commission shall then cease to exist 30 days following the date of submission of its final report.

R. W. LAMONT-HAVERS, M.D.,
Acting Director, National Institutes of Health.

OCTOBER 1, 1974.

[FR Doc.74-23353 Filed 10-7-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-74-251]

HOUSING ASSISTANCE PAYMENTS PROGRAM

Processing Procedures for New Construction and Substantial Rehabilitation Projects in Effect Pending Issuance of Revised Regulations

1. *Background.* The President of the United States, on August 22, 1974, signed the Housing and Community Development Act of 1974 ("HCD Act"). Section 201(a) of that Act contains a substantially revised United States Housing Act of 1937 ("USH Act"). Section 8 of the revised USH Act provides for a housing assistance payments program, which when section 8 is made effective, will supplant the housing assistance program set forth in 24 CFR Parts 1272 and 1276 issued pursuant to section 23 of the old USH Act.

Section 201(b) requires that section 8 of the revised USH Act be made effective not later than January 1, 1975. This notice provides the rules under which HUD will enter into legally binding commitments for new construction and substantial rehabilitation projects under Parts 1272 and 1276 prior to January 1, 1975.

2. *Purpose.* The purpose of this notice is to establish the conditions pursuant to which the Department of Housing and Urban Development will enter into legally binding commitments to fund housing assistance payments for projects under section 23 of the United States Housing Act of 1937.

3. *Processing procedures.* Applications from local housing authorities ("LHAs") for the section 23 New Construction and Substantial Rehabilitation Programs may be processed in accordance with the procedures set forth in 24 CFR Parts 1272 and 1276 in the following circumstances:

a. Where notification of application approval has been issued and the LHA has advertised for proposals (or commenced negotiations in the case of a 20 percent project) prior to August 22, 1974, HUD will issue a revised notification of application approval, committing itself to fund the project by entering into a contract for annual contributions for the reserved number of units, subject to the fulfillment of all administrative and statutory requirements, provided that the LHA submits an approvable proposal to HUD no later than December 31, 1974.

b. Where notification of application approval has been issued and the LHA has not advertised for proposals (or commenced negotiations in the case of a 20 percent project) prior to August 22, 1974, HUD will issue a revised notification of application approval, committing itself to fund the project by entering into a contract for annual contributions for the reserved number of units, subject to the fulfillment of all administrative and statutory requirements, provided that the LHA advertises for proposals with a deadline not later than December 31, 1974, for receipt of proposals in response to any such advertisement (or receipt of the proposal by the LHA in the case of negotiation of a 20 percent project).

c. Where notification of application approval has not been issued, HUD will issue a notification of application approval, committing itself to fund the project by entering into a contract for annual contributions for the reserved number of units, subject to the fulfillment of all administrative and statutory requirements, provided the LHA advertises for proposals with a deadline not later than December 31, 1974, for receipt of proposals in response to any such advertisement (or receipt of the proposal by the LHA in the case of negotiation of a 20 percent project); however, HUD will not issue a notice of application approval under section 23 if there is not sufficient time to meet the December 31, 1974, deadline.

d. With respect to any application received on or after August 22, 1974, the provisions of section 213 of the Housing and Community Development Act must be complied with.

Effective date. Because of the urgent need for the provisions of this notice, and the short time remaining until January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit/Federal Housing Administration Commissioner, has determined that it is necessary and in the public interest to

make the procedures established in this notice effective as of September 30, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74-23340 Filed 10-7-74;8:45 am]

[Docket No. N-74-252]

CARPET STANDARDS AND CARPET CERTIFICATION PROGRAM

Revision of Standards and Adoption of Program

Notice is hereby given that the Department of Housing and Urban Development has revised its standards for carpet and has adopted a carpet certification program. The revised carpet standards are set forth in the revised HUD Use of Materials Bulletin No. 44c (UM-44c). (Recent modifications are noted hereinbelow.) Subject to good workmanship and compliance with local codes, the materials and methods described in UM-44c may be considered suitable for use in construction under HUD mortgage insurance and low-rent public housing programs.

In order to assure compliance with the revised carpet standards, HUD has adopted a carpet certification program. Carpet manufacturers that desire to participate in the carpet certification program must enter into an agreement with an HUD-approved independent Administrator for administrative services in connection with certification testing. Under that program, there are two permissible methods of certifying carpet as meeting HUD standards.

Under the first method, carpets will generally be tested by independent laboratories approved by independent Administrators. Carpets that meet the standards set forth in UM-44c will be certified by the Administrator. The manufacturers will be authorized to label certified carpets with certification imprints approved by the Administrator.

The other permissible method of certifying carpet as meeting HUD standards is similar to the first with the principal difference being that a carpet manufacturer with a qualified laboratory can do its own testing and certify to an independent Administrator and to HUD that its carpet meets HUD standards set forth in UM-44c. Under this method, however, independent Administrators must conduct a substantially greater number of spot-checks on carpet certified by a manufacturer.

Regardless of the method of certification, all spot-check tests will be performed by independent laboratories. In addition, all participating manufacturers will have to meet strict quality control requirements.

The Administrators will publish directories listing certified carpets, and their expenses for administrative services and spot-check testing will be financed by fees paid by the participating carpet manufacturers.

On December 12, 1972, a notice appeared in the FEDERAL REGISTER (37 FR 26,457) inviting all interested parties to comment on the "Proposed Revision of Standards and Proposed Adoption of Program." Various changes to the carpet certification program, as originally proposed, are noted below. Copies of the revised program procedures and standards are presently available at all HUD offices. The standards and certification program become mandatory March 1, 1975.

The following represents an analysis of the comments received and the actions taken to complete the HUD Standard for Carpet under HUD Use of Materials Bulletin No. 44c and the Carpet Certification Program.

PART I. HUD STANDARD FOR CARPET—"HUD USE OF MATERIALS BULLETIN No. 44c"

(1) *Colorfastness to Ozone Testing.* HUD received comments urging that the proposed test of a carpet's resistance to fading, when exposed to ozone in the air at high humidities (AATCC Test Method 129) be dropped for the following reasons:

(a) Neither the test method nor the equipment has been fully developed or standardized. AATCC 129 was not meant to be used as a standard; it was designed to offer some comparative guidance on ozone resistance when tests were conducted in only one laboratory and only as a screening test for dyes.

(b) The most significant concentrations of ozone and relative humidity have not been determined or agreed upon. Those ultimately selected as most meaningful need not correspond to those specified in AATCC 129.

(c) Ozone, being unstable, will be found to be lower in concentration in the home than in the surrounding atmosphere at any given time and place.

(d) Dyes such as disperse blue 3, now known to be sensitive to ozone, are no longer recommended and have fallen into disuse. This being so, the need for a special ozone test has lessened.

(e) Several nylon producers have agreed to study test techniques and limits in order to provide HUD with a recommendation for a different type of ozone test.

(f) The present test discriminates unfairly against nylon 6 as against nylon 6.6.

Taking these arguments into consideration and the fact that a better test than AATCC 129 is not available, HUD has changed its requirements to read:

> Colorfastness to ozone. Adequate colorfastness to ozone in the atmosphere at high humidities is expected for all colors of any given line. Test methods are unspecified. Dye/fiber combinations known to be unduly sensitive to ozone fading shall not be used. Prohibited dye/fiber combinations shall include those specified by yarn producers as being non-recommended for use with their specifications.

Industry is presently studying various test procedures and the expectation is that within a year a satisfactory and reproducible test will have been devised. When such a test is devised, HUD will amend the requirement on colorfastness to ozone and include such a test, together with limits.

(2) *Colorfastness to light.* HUD received comments making the following points about the testing and standards with respect to a carpet's colorfastness to light:

(a) The test using standard fading hours (SFH) is inaccurate and difficult to reproduce.

(b) Wool should be tested with the same severity as synthetic fibers.

(c) The test for synthetic fibers is too severe, and its number of SFH's should be reduced.

(d) Although the xenon-arc may be a superior light source, the carbon-arc should be permitted since some laboratories are not yet equipped with xenon-arc sources. The xenon-arc is not a sufficiently superior light source to justify investment therein by such laboratories.

(e) This additional color fading test is not needed since a colorfastness-to-water test is already in the standard.

In response to these comments, HUD has modified the test method by substituting "L-4" breaks for SFH values as the measure of light. This will lead to greater interlaboratory reproducibility and more accuracy in the test procedure. While SFH values cannot be equated to L-4 breaks, there is a reasonable correlation between the two.

HUD has determined that experience should be considered in setting limits and that the AATCC 16E test (a colorfastness to light test based on water cooled xenon-arc lamp continuous light) should not be the sole criterion for evaluating lightfastness because its accelerated test conditions do not fully reflect fading characteristics over a long period of time under normal conditions of exposure. For those reasons, the values for the synthetics have been lowered only slightly and the values for wool are approximately the same.

In addition, xenon-arc shall be used as the light source, following the procedure in AATCC 16E. Colors that are deeper or equivalent in hue to Row 2 of the AATCC color transference chart shall be considered dark colors; those lighter shall be considered light colors. Colors for synthetic yarns shall show a grey scale rating of at least 4 for light shades after the equivalent of two L-4 breaks and at least 4 for dark shades after the equivalent of at least three L-4 breaks. Woolen yarns shall show a grey scale rating of at least 4 for light shades after the equivalent of one L-4 break and at least 4 for dark shades after the equivalent of two L-4 breaks. (Classification is based on the AATCC Blue Wool Lightfastness Standards L-2 to L-9.) All colors of any given line shall be tested.

If the Xenon-Arm Fade-ometer has a built-in continuous monitor and control device made by the manufacturer, then the blue wool standards referenced in AATCC 16E need not be used to judge

the L–4 breaks, providing instructions by the manufacturer are diligently followed.

(3) *Staple nylon weight, type I, class 3.* HUD received comments criticizing its prohibition of the use of Staple Nylon Weight, Type I, Class 3 carpet for the reasons listed below:

(a) Adequate performance can be expected for carpet falling into this category if HUD specifies a 7½ inch staple length rather than the more common 6-inch staple length for nylon, and also specifies a higher twist multiplier for the yarn than is commonly used in today's lines.

(b) This fiber should be acceptable if HUD is willing to specify a rather high staple weight and a reasonably high density. A weight of 32 oz. for nylon, for example, might be a good starting point.

In reviewing these areas of disagreement, HUD feels that the case for changing its position is neither strong enough nor adequately supported by the opinions of other qualified carpet experts. Further, HUD considers that its position can readily be changed in the future should the carpet industry generally indicate its desire to have this fiber accepted and is willing to produce carpets using this fiber which will perform acceptably. HUD has no preconceived bias against accepting the fiber if the specifications are high enough.

(4) *Twist and twist multiplier limits.* HUD received comments stating that the use of the twist multiplier concept is superior to the twist per inch concept for certain types of fabrics. (The former takes into consideration the thickness of the yarn whereas the latter does not.) As a result of analyzing all pertinent comment, HUD has changed its standard to embody twist multiplier, with suitable limits, instead of turns per inch. To simplify interrelating the two and our minimum requirements, we have prepared a linear correlation of the two on logarithmic paper for singles yarns. It covers level loop fabrics which are to be made from synthetic spun yarns having high ultimate tenacity, i.e., staple nylon, staple polyester, and staple propylene.

(5) *Solvent extractibles in yarn.* HUD received comments claiming that on the basis of recent studies, there should be some modification in test ASTM D 2257, using a more selective solvent for the polyesters in order not to extract the lower weight polymers from the yarn. It was also noted that carbon tetrachloride is too toxic a solvent and should be avoided if other alternatives are available.

These recommendations have been accepted. We have altered our extraction technique for polyesters by specifying the use of an azeotrope composed of 96.2 percent 1,2,2-trifluoro-1,2,2-trichloroethane and 3.8 percent ethanol. We have also dropped carbon tetrachloride as an acceptable solvent in testing the extractibles in all of the yarns. ASTM D 2257 continues to be the basic test method.

(6) *Number of classes.* HUD received comments on the number of classes of carpet. In response to those comments, HUD has adopted a two class system. The former classes have been rearranged as follows: Class 1 of the UM–44c draft is being dropped. Class 2 of the draft now becomes Class 1, and Class 3 of the draft becomes Class 2. The values remain mostly as they were in the draft.

(7) *Carpet installation instructions.* HUD received comments concerning carpet installation instructions, and pursuant to those comments, reference to a textbook on carpet installation has been dropped and additional details relating to installation limitations have been added.

(8) *Flammability limits.* HUD received comments suggesting changes in the requirements on flammability. It was proposed: that single family dwellings be afforded the same degree of protection against excessive flammability of their carpet as is afforded to hospitals and multifamily units; that reference to the ASTM E 84 tunnel be dropped; and that written certification by the manufacturer be available to any consumer on demand.

Flammability standards for carpeting are set forth in the Minimum Property Standards with due consideration given to its use in the various building types or classifications. In addition, the requirements for Multifamily Public Spaces, Housing for Elderly and Nursing Homes, call for testing in accordance with ASTM E–84 or UL Standard 992 because of the building type involved. Finally, we expect that individuals desiring information relating to the certification program will be assisted by the manufacturers and Administrators, but, in any event, the Department will provide them with information pursuant to Part 15 of Title 24 of the Code of Federal Regulations.

(9) *Carpet need for stairs.* HUD received comments arguing that a 1¼" maximum height was unreasonably low and that West Coast experience has demonstrated that the higher tuft height of 1½" is satisfactory. However, HUD does not consider that the arguments in favor of changing its position on shag height are sufficiently valid.

HUD received comments asserting that Class 1 carpet of the UM–44c draft was adequate for stairs and that current practice and customer preference clearly indicated the need for having the same carpet on the stairs as in the rest of the house. With the Class 1 of the draft being dropped, this problem will no longer exist. The new Class 1 will be suitable for stairs, subject to any limitations otherwise imposed.

(10) *Construction details.* HUD received comments criticizing a few of the specific values in the tables as being unrealistic—especially certain combinations of density and tuft height. In addition, HUD received comments suggesting the incorporation of new textures into the tables. Most of these suggestions were rejected as inappropriate. Terminology in the standard was modified so that some "forgotten" constructions could be included into existing textures.

(11) *Carpet weights.* HUD received comments proposing changes in the carpet weight tables. While a number of minor adjustments in some of the values were made, no major realignments were made, nor did HUD revise the tables downward which would have reduced quality requirements.

(12) *Additional tests.* HUD received comments relating to the number of tests of the adequacy of certain physical and chemical characteristics. Specifically, there was a proposal that we include a Wyzenbeck Precision Wear Test for abrasion. It was also proposed that we include tests for pilling and fuzzing.

We do not consider that either of these test areas has been sufficiently researched to warrant acceptance. We will reconsider tests for these characteristics when there is more unanimity of opinion as to the validity and accuracy of any specific test for them. Meanwhile, we have drafted UM–44c in such a way as to emphasize abrasion resistance characteristics for all lines and have redrafted part of UM–44c to minimize pilling and fuzzing by placing rather high twist multiplier values on the yarns going into the finished carpet.

(13) *Laboratory approaches.* HUD received comments suggesting changes involving the conditioning of the test samples, alternative approaches in selecting suitable samples, an improved method of measuring yarn weight, and the availability of qualified laboratories. With respect to these comments, HUD has assured itself that there will be sufficient laboratory facilities throughout the country and that the planned laboratory methods are sound.

(14) *Static electricity.* HUD received comments on the mandatory need to have the test for determining the degree of static control built into a carpet. It was decided to keep the test optional but to impose more controls in the selection of suitable samples for testing.

(15) *Dry breaking strength.* HUD received comments on the need for the test for dry-breaking strength. Upon review of the question, HUD has determined that such a test is necessary and has incorporated it in the testing requirements.

PART II. CARPET CERTIFICATION PROGRAM

(1) *Legal authority for carpet certification.* HUD received comments questioning HUD's legal authority to establish a carpet certification program. HUD's authority is found in section 15(5) of the United States Housing Act of 1937 and in section 521 of the National Housing Act, which directs HUD to establish and implement a program for the acceptance of materials and methods to be used in structures approved for mortgages and loans insured under the National Housing Act.

In view of the increased number of firms that could qualify as Administrators, the carpet certification program as initially proposed has been revised to recognize any Administrator whose pro-

cedures meet HUD requirements. HUD will not have contracts with the Administrators, nor will HUD be a party to the resolution of such matters as fee schedules and the approval or disapproval of laboratories or manufacturers by Administrators. HUD's principal concern is that the carpet installed in HUD project meets the standards of UM–44c.

(2) *Carpet "seconds."* HUD received comments relating to carpet "seconds." Carpet "seconds" may not be certified as meeting HUD standards. Manufacturers will obliterate the label imprint on "seconds" and other defective carpeting if inspected after imprinting.

(3) *Program costs.* HUD received comments maintaining that the program costs were too high. In response to these criticisms, the method of financing the program is similar to that used in other HUD certification programs and is estimated to involve less than 2 cents per square yard cost to the manufacturers. HUD considers this cost reasonable to provide necessary protection of consumers.

(4) *Enforcement.* HUD received comments proposing that determinations of compliance of carpets with HUD standards should be made by HUD employees rather than an outside organization. However, HUD does not hire a complete staff to administer other certification and labeling programs, the cost of those programs being borne by the manufacturer. HUD does not consider that any basis exists for making an exception for the carpet industry by shifting the cost of compliance testing from the manufacturers to the Government.

(5) *Self-certification.* HUD received comments recommending that manufacturers be allowed to certify that their own carpets meet HUD standards. In response to these comments, HUD has revised the carpet certification program to allow manufacturers which have qualified laboratories to do their own testing and to certify to an independent Administrator and to HUD that their carpets meet HUD standards. Under this method of certification, the Administrators must conduct twice as many spot-checks on carpet certified by the manufacturers than they would be required to conduct on carpet they certify pursuant to independent laboratory tests. However, all testing in connection with spot-checks, regardless of the method of initial certification, will be performed by independent laboratories.

(6) *Labeling details.* HUD received comments favoring labels that identified only the manufacturer. However, the labeling for the carpet certification program contains the minimum information necessary for meaningful identification. (It will identify the manufacturer and the carpet product quality either by name or by code as it will appear in the Certified Products Directory.)

(7) *Cost of labeled carpet not going to HUD projects.* HUD received comments complaining that the manufacturer pays to label carpets not going to HUD projects. While this is true, the manufacturer often has no way of knowing where his product may finally be sold. In order to eliminate confusion and the possibility of unlabeled carpet being installed in HUD-assisted projects, the program requires that all production of carpet listed in the Certified Products Directories as complying with HUD standards be so labeled. It should also be noted that this is a voluntary program for manufacturers who wish to participate.

(8) *Effect on innovation and new styling concepts.* HUD received comments asserting that the carpet certification program would discourage innovation and new styling concepts. While the carpet certification program does require the manufacturer to test and qualify the products he wishes to list in the Certified Products Directory as meeting the HUD prescribed standard, there are no controls over any other phases of the manufacturers' production. Furthermore, participation in the program is voluntary. New styles and innovations can be qualified under the program procedures at the manufacturers request.

(9) *Certified products listing.* HUD received comments pointing out that there was no way of retaining a carpet product listing on the Certified Products List when the carpet line was discontinued. Accordingly, we have modified the program so that the listing in the Certified Products Directory will be continued until inventories are consumed.

(10) *Certification approval and directory listing.* HUD received comments concerning proof of certification until the next edition of an Administrator's Directory is published. An Administrator will, in addition to the regular publication of its Certified Products Directory, send supplement sheets showing carpet products that have received certification approval. This will result in immediate notification to Directory holders and may be used for temporary proof of certification until the product is listed in the Directory.

(11) *Frequency of tests.* HUD received comments claiming that the tests are too frequent. In this regard, the number of testing checks planned may or may not be sufficient, and only experience with the program will reveal this. The testing of field selected samples will help verify the effectiveness of the testing program.

(12) *Stigma on non-labeled carpet.* HUD received comments maintaining that the labeling requirements would cast a stigma on non-labeled carpet. HUD does not find this criticism well-founded in that the label imprint will identify the carpet products that have been tested, found to be in compliance with the HUD carpet standards, and listed in the Certified Products Directories. HUD has no requirements for other carpet products.

(13) *Testing laboratory disqualifications.* HUD received comments suggesting that if a Carpet Certification Program Administrator disqualifies an Independent Testing Laboratory, the products tested by that laboratory be retested by another Administrator-approved laboratory to protect all program participants. We agree with the above suggestion and have made provisions in the program to cover this point should it arise.

Issued at Washington, D.C., September 30, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74–23411 Filed 10–7–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–255]

CONSUMERS POWER CO.

Memorandum and Order

Consumers Power Co. has previously been granted an extension of time until October 21, 1974, to submit the ECCS performance evaluation required for its Palisades Plant and to bring the reactor's operation into conformity with the requirements of 10 CFR 50.46. Consumers has now requested "an exemption from the end of the extension period until such time as the plant modification required to meet the operating requirements of 10 CFR 50.46(a)(2)(iv) can be made, or other disposition of this matter is completed."

Consumers has failed to provide the justification required for such an exemption, explaining the omission in the following terms:

> In accordance with 10 CFR 50.46(a)(2)(vi), Consumers Power Company must request an exemption from 50.46(a)(2)(iv) not less than 45 days prior to the date upon which the plant would otherwise be required to operate in accordance with that subsection. This date (September 6, 1974 precedes the completion date of the analysis and evaluation for the Palisades Plant and we find that it is not possible to provide justification for not complying with as yet unknown operational restrictions, if any. Letter, Consumers Power Co. to Directorate of Licensing, September 6, 1974.

We have previously observed that the 45-day early filing requirement rested on the optimistic "assumption that sufficient information would be available to permit the filing of detailed and documented showings of good cause [for exemptions] in time for the Commission to rule on such requests before operating restrictions might otherwise be imposed." In the Matter of Certain Requests for Exemption From Emergency Core Cooling System Criteria, CLI–74–__; RAI–74–8–__. The reasoning in that decision is applicable here. While inability to produce required documentation cannot warrant an open-ended exemption, it clearly justifies the grant of additional time, without penalty, for submission of a specific and detailed exemption request, fully complying with § 50.46(a)(2)(vi). Treating Consumers' letter of September 6, 1974, as a request for such additional time,[1] the request is hereby granted.

[1] In view of our treatment of the request as one for an extension of time rather than for an exemption, the notice and comment provisions of § 50.46(a)(2)(vi) are inapplicable.

Consumers Power Co. may file an appropriate exemption request together with the final ECCS evaluation for the Palisades Plant on or before the deadline established by the Director of Regulation for the submission of that evaluation. Such a request, if submitted, will be acted upon expeditiously. In the absence of a further specific order of the Commission, compliance with the operating requirements of § 50.46 will not be required during the pendency of such request.

It is so Ordered.

Dated at Germantown, Maryland this 1st day of October, 1974.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-23341 Filed 10-7-74;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Memorandum and Order

Omaha Public Power District has previously been granted an extension of time until October 4, 1974, to submit the ECCS performance evaluation required for its Fort Calhoun Station, Unit No. 1 and to bring the reactor's operation into conformity with the requirements of 10 CFR 50.46. The District has now requested an exemption from any operating restrictions which may result from the ECCS performance evaluation until November 1, 1974, or "until a burn-up of 8,000 MWD/MTU has been achieved."

The request for exemption was docketed August 21, 1974, in accordance with the 45-day advance filing requirement of § 50.46(a)(2)(vi). Through inadvertence, notice of receipt of the District's exemption request was not promptly published in the FEDERAL REGISTER as required by § 50.46(a)(2)(vi). This omission, though unfortunate, need not bar our interim disposition of the request as one for additional time.

The District's request plainly does not contain the detailed and particularized justification for an exemption required by § 50.46(a)(2)(vii). See our Memorandum and Order, In the Matter of Certain Requests for Exemption From Emergency Core Cooling System Criteria, CLI-74-__; RAI-74-8-__. On the basis of our experience with several other exemption requests submitted in accordance with the 45-day advance filing requirement, we must assume that the inadequacies of the instant request are due, at least in part, to the fact that the ECCS performance evaluation for the Fort Calhoun plant had not been completed when the exemption request was prepared. Indeed, the request seeks an exemption from operating restrictions which "may be" required, without describing the nature of those restrictions. We have observed that "[w]hile inability to produce required documentation cannot warrant an open-ended exemption, it clearly justifies the grant of additional time, without penalty, for submission of a specific and detailed exemption request, fully complying with § 50.46(a)(2)(vi)." In the Matter of Consumers Power Co. (Palisades Plant), CLI-74-__, RAI-74-10-__. Accordingly, while we will not now grant an exemption "until a burn-up of 8,000 MWD/MTU has been achieved," we have decided to treat the District's "Exemption Request" as a request for additional time and hereby grant that request.

Omaha Public Power District may file an appropriate exemption request on or before November 1, 1974. Such a request, if submitted, will be acted upon expeditiously. In the absence of a further specific order of the Commission, compliance with the operating requirements of § 50.46 will not be required before November 1, 1974, nor during the pendency of any exemption request received by that date.

It is so ordered.

Dated at Germantown, Maryland this 1st day of October, 1974.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-23342 Filed 10-7-74;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station Unit No. 1. The amendment is effective as of its date of issuance.

The amendment permits modification of the Technical Specifications with regard to operability and testing of suppression chamber to drywell vacuum breaker valves, and their associated position indication and alarm system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, (2) Amendment No. 6 to License No. DPR-16, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 27th day of September, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-23343 Filed 10-7-74;8:45 am]

[Docket No. 115-1]

UNITED POWER ASSOCIATION

Operating Authorization Termination Order

The Atomic Energy Commission ("the Commission") has found that the Elk River Reactor has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public.

Accordingly, pursuant to the application dated August 2, 1974, Operating Authorization No. DPRA-3 is hereby terminated as of the date of this order.

Dated at Bethesda, Maryland this 30th day of September, 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.74-23345 Filed 10-7-74;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Atomic Energy Commission has issued a guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delinate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory guide § 1.70.8, "Additional Information—Nearby Industrial, Transportation, and Military Facilities", identifies information related to nearby industrial, transportation, and military facilities that is needed in safety analysis reports at the construction permit and operating license stages of review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed

below) or (2) improvements in all published guides are encouraged at any time. Public comments on regulatory guide § 1.70.8 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of this guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electric Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test, and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Interim Guide on Tornado Missiles.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 27th day of September, 1974.

For the At[illegible]ic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-23346 Filed 10-7-74;8:45 am]

[Docket No. 50-396]

UNIVERSITY OF VIRGINIA

Issuance of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 24, 1974 (39 FR 22448), the Atomic Energy Commission ("the Commission") has issued Facility License No. R-123 to the University of Virginia. The license authorizes the University to possess, use and operate the Cooperatively Assembled Virginia Low-Intensity Educational Reactor (CAVALIER) located in Charlottesville, Virginia, at steady state power levels not in excess of 100 watts (thermal).

The Commission has found that the application for license, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this action, see the license and the technical specifications incorporated therein, and the safety evaluation which are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C., or a copy may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 24th day of September, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-23348 Filed 10-7-74;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits operation of Point Beach Unit No. 2 Core Cycle 1 for 14000 Effective Full Power Hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1974, (2) Amendment No. 5 to License No. DPR-27 with any attachments, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin 54220.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 30th day of September, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-23344 FHed 10-7-74;8:45 am]

[Docket Nos. 50-514A and 50-515A]

PORTLAND GENERAL ELECTRIC CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954 as amended, a letter of advice from the Attorney General of the United States, dated September 26, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by November 7, 1974 (1) by delivery to the AEC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545 Attn: Docketing and Service Section.

For the Atomic Energy Commission.

JEROME D. SALTZMAN,
Acting Chief, Office of Antitrust & Indemnity Directorate of Licensing.

APPENDIX A

PEBBLE SPRINGS NUCLEAR PLANT, PORTLAND GENERAL ELECTRIC COMPANY, AEC DOCKET NOS. 50-514A AND 50-515A, DEPARTMENT OF JUSTICE FILE 60-415-108

SEPTEMBER 26, 1974.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned facility, which will be located at Portland General Electric's (PGE's) site at Pebble Springs, Morrow County, Oregon. The plant will have an approximate net electrical capacity of 1,260 megawatts.

Applicant. PGE is a privately-owned utility which supplies electric power service in the northwest portion of the State of Oregon, including the City of Portland, Oregon.

For the year ended December 31, 1973, PGE had total electric sales of 11,560,313 megawatt hours. The peak load during this period was 2,492,000 kilowatts. As of December 31, 1973, it had 380,949 electric power customers of which 338,188 were residential.

PGE has one nuclear power station under construction. This facility is known as the Trojan Nuclear Power Plant. It will have a 1,130 megawatt electrical capacity when fully operational. The Trojan Nuclear Power Plant is co-owned by PGE (67.5 percent), Eugene Water and Electric Board (30 percent) and Pacific Power and Light Company (2.5 percent). These systems are entitled to energy from the units in proportion to their ownership interest. On July 8, 1971, we advised the Commission that it need not conduct an antitrust hearing with respect to the Trojan Nuclear Power facility.

PGE will also have an ownership interest in an additional nuclear project which is now being planned by the Washington Public Power Supply System (WPPSS). This facility will be known as WPPSS Nuclear Project No. 3. It will be co-owned by WPPSS (70 percent), PGE (10 percent), Pacific Power and Light Company (10 percent), Puget Sound Power and Light Company (5 percent), and the Washington Water Power Company (5 percent). These companies will be entitled to energy from these units in proportion to their ownership interest. Application to the AEC for a license for WPPSS Nuclear Project No. 3 was made on August 2, 1974.

Interconnections and coordination with other systems. PGE is one of 24 members of the Pacific Northwest Utilities Conference Committee (PNUCC). Membership consists of six municipal systems, four private companies, 13 public utility districts, and the Washington Public Power Supply System. All members are located in the States of Washington or Oregon. Although PNUCC is a volunteer planning group which attempts to coordinate future facilities planning among its members, it does not function as a pool. The Bonneville Power Administration (BPA) and the Army Corps of Engineers, while not members, do participate in PNUCC planning.

PGE has an agreement with BPA for the exchange of excess energy and assistance between the two systems in emergencies. PGE is one of sixteen members (including BPA) of the Pacific Northwest Coordination Agreement which provides for generation planning for present facilities but does not provide for the planning of new facilities.

On August 25, 1972, PGE entered into a sales and exchange agreement with the Pacific Gas and Electric Company (Pacific). This agreement deals with the construction and operation of an extra-high voltage electric transmission system and provides for various interchanges of power between the two companies. Supplements to this agreement enable Pacific to assign up to 50 per cent of the power it is to receive from PGE to Southern California Edison Company and San Diego Gas and Electric Company. Pacific has assigned a portion of the power it is to receive under the agreement to Southern California Edison.

PGE has a contract with Southern California Edison whereby PGE can buy excess power, if its needs require, from Southern California Edison.

PGE has contracts with three Public Utility Districts in the State of Washington which operate hydroelectric projects on the Columbia River. Under these contracts, PGE may purchase part of the output of these projects. This power is wheeled to PGE by BPA.

PGE, along with the Washington Public Power Supply System, Montana Power Company, Pacific Power and Light Company, and the Washington Water Power Company, has applied to the Federal Power Commission for a license to construct a hydroelectric project on the Snake River. This license has not yet been granted.

Results of antitrust review. Our study of this application did not indicate the preesnce of any antitrust problems.

Conclusion. Since it does not appear that activities under the license applied for would create or maintain a situation contrary to the antitrust laws, we conclude that an antitrust hearing will not be necessary with respect to this application.

[FR Doc.74-23211 Filed 10-7-74;8:45 am]

[Docket Nos. 50-452 and 50-453]

DETROIT EDISON CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

In the matter of Greenwood Energy Center, Units 2 and 3.

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Richard S. Salzman, Member

Dated: October 1, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-23347 Filed 10-7-74;8:45 am]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-19 to the Commonwealth Edison Company (the licensee). The license authorizes operation of the Dresden Nuclear Power Station Unit 2 (the facility) located in Grundy County, Illinois.

The amendment authorizes the licensee to repair a crack in the recirculation bypass line in the "A" loop of the facility in the manner described in a report entitled "Commonwealth Edison Company Dresden Station 2A Recirculation Pump 4" Equalizing Line Repair Program" transmitted by letter dated September 23, 1974. The amendment is effective as of its date of issuance.

The filing dated September 23, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment.

For further details with respect to this action, see (1) the licensee's filing dated September 23, 1974, (2) Amendment No. 3 to License No. DPR-19, and (3) the concurrently issued related Safety Evaluation by the Regulatory staff of the Commission. All of these items are available for public inspection at the Commission's public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library at 604

Liberty Street in Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 27th day of September, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-23375 Filed 10-7-74;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.

Revision to Notice of Hearing on Application for Construction Permit

In the Matter of Rochester Gas and Electric Corporation (Sterling Power Project Nuclear Unit 1).

In FR Doc. 74-1990, appearing on pages 31686-31688, in the issue for August 30, 1974, the following change should be made:

On page 31688, second column, the sentence on line 22 through line 30 should read:

A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545; and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts & Trowbridge, 910 17th Street, NW., Washington, D.C. 20006, and Lex K. Larson, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, attorneys for the applicant.

Dated at Germantown, Md. this 2d day of October, 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-23374 Filed 10-7-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26057 and 26075; Agreement CAB 24656; Order 74-10-6]

NATIONAL AIRLINES, INC., AND BRITISH AIRWAYS

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of October, 1974.

By application dated September 13, 1974, National Airlines, Inc. (National) and British Airways request prior Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) and Subpart P of the Board's rules of practice, 14 CFR 302.1601, of an agreement between them which would establish maximum scheduled weekly nonstop frequency levels in the Miami-London market. The discussions which led to the adoption of this agreement were held in Washington, D.C. on August 28, 1974, pursuant to authority granted in Order 73-11-34, November 8, 1973 as extended and expanded by Order 74-4-29, April 4, 1974, and Order 74-7-33, July 8, 1974.

The agreement will be implemented, subject to prior Board approval, on November 1, 1974 and it shall continue in effect until April 30, 1975. The agreement permits maximum weekly scheduled frequencies between Miami and London for each party as follows:

British Airways: Four round trips with B-747 aircraft, operating Monday, Thursday, Friday and Saturday in both directions.

National: Five round trips with DC-10 aircraft, operating eastbound on Sunday, Tuesday, Wednesday, Friday and Saturday; and westbound on Sunday, Monday, Wednesday, Thursday and Saturday.[1]

Provision is also made for the temporary suspension of the above limitations during a period of cessation or curtailment of service by either party resulting from a labor dispute or other cause beyond the control of the affected party. Additionally, allowance is made for the use of unpublished extra sections to meet short periods of excessive demand. Either party may terminate the agreement on 15 days' notice.

In support of the application the applicants assert that the agreement will result in a substantial savings of available fuel supplies and is therefore in complete accordance with the current U.S. policy to encourage the conservation of valuable energy supplies as stated by the Administrator of the Federal Energy Administration (FEA).[2] In this connection, the carriers estimate that the amount of fuel saved during the term of the agreement will approximate 8,382,400 gallons.[3]

Furthermore, the applicants note that in extending the authority originally granted by Order 73-11-34, the Board, in Order 74-7-33, broadened the basis for international capacity reduction discussions to include the radical price increase in, as well as the availability of, international aviation fuel.[4] Both carriers state that their per-gallon costs for the fuel used in the Miami-London market have more than doubled in the last year. Thus, the agreement will also result in substantial fuel-cost savings for both parties.[5]

However, the applicants emphasize that achieving these fuel and fuel-cost savings will not unwarrantedly reduce the level of services offered to the public. British Airways forecasts no growth in traffic for the Miami-London market between November 1974, and April 1975, over the comparable period last year. National foresees a ten percent traffic growth but under either assumption the passenger load factors will be only 50.7 or 55.8 percent, respectively. Thus, the parties conclude that capacity in the Miami-London market will be adequate to meet the service needs of the public during the term of the agreement.

The applicants also request that the requirement of allowing 21 days for answers to this application, pursuant to 14 CFR 302.1608 (PR-138, September 28, 1973), be waived to permit Board action early enough to enable the carriers to reflect the proposed service in their November 1 schedules. National also requests an exemption from section 405(b) of the Act and the regulations thereunder to the extent necessary to permit implementation of the proposed schedules without ten days' prior notice to the Postmaster General should approval not be forthcoming until less than ten days prior to the date of implementation of the agreement.

No comments in opposition to the application have been received to date.[6]

In consideration of the foregoing, the Board notes that to the extent that the applicants have justified the proposed Miami-London capacity agreement on a fuel conservation and fuel-cost savings basis, the application appears to raise issues which are currently being considered in the Capacity Reductions Agreements Case, Docket No. 22908. However, the agreement is for a relatively short term and the proposed service appears adequate to meet the needs of the traveling public. The nation's carriers are still encouraged to eliminate wasteful practices in the interest of conserving valuable energy resources[7] and, in any event, the Board shall retain jurisdiction over the agreement for the purpose of requiring modification or termination at any time that such action is deemed to be in the public interest. In these circumstances, we have decided to approve the agreement. Our decision herein, however, should not be construed so as to prejudge in any manner the Board's final decision with respect to any of the issues currently being considered in the Capacity Reduction Agreements Case.

In order to give the carriers as much time as possible to publicize these schedule changes and thereby minimize any public confusion surrounding their implementation, the request for a waiver of 14 CFR 302.1608 (which regulation would otherwise permit 21 days for answers to the application to be filed) will be granted. However, the Board will receive any comments hereafter filed in this docket as part of its continuing evaluation of the impact of the agreement.

Also, in light of our action above, the request for exemption from section 405(b) of the Act and the regulations thereunder will be dismissed as moot.

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[1] It is noted that the service proposed in this agreement represents a reduction of one round trip per week for each of the carriers below the frequency agreed to in a similar agreement for last winter which agreement was approved by the Board in Order 74-2-93, February 22, 1974.

[2] See letter from FEA Administrator, John Sawhill, dated May 19, 1974, filed in Dockets Nos. 25989, 26014, 26076, and 26333.

[3] National estimates its fuel savings at approximately 2,704,000 gallons and British Airways estimates its fuel savings at approximately 5,678,400 gallons during the term of the agreement.

[4] See Order 74-7-33, July 8, 1974; second full paragraph on page 3, therein, and ordering paragraph 1.

[5] National's fuel-cost savings will approximate $593,258, while British Airways will save approximately $1,731,912.

[6] Copies of this application were served upon all persons upon whom copies of Order 73-11-34 were served in accordance with 14 CFR 302.1605.

[7] See Footnote 2, supra, and Order 74-9-22, September 6, 1974.

The Board has repeatedly stated that the transfer of released aircraft to nonagreement markets will not be tolerated.[8] Also, as indicated above, the Board will retain jurisdiction for the purpose of modifying, amending, or revoking approval of this agreement at any future date[9] and other reporting requirements, similar to those imposed on other agreements, will be imposed herein.

Finally, the Board has considered the potential impact of the agreement on National's employees. Based on the limited amount of information before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted, however, the Board will retain the jurisdiction to, inter alia, impose such a condition should a showing be made that the public interest so requires.

Accordingly, *it is ordered*, That:

1. Agreement CAB 24656 be and it hereby is approved, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend, or revoke approval at any time, or to take whatever action may be appropriate in the public interest;

(b) All schedule changes resulting from this agreement shall be reported to the Board within 15 days after the end of each month, in accordance with the format of Appendix A, hereto;[10] copies of such reports shall be provided to all carriers requesting them;

(c) Within 28 days of the date of service of this order, the carriers shall file with the Board's Docket Section a report containing the following additional data for the Miami–London market:

a. Seats operated in 1973/1974 (November through April).

b. Passengers carried in 1974 to date.

c. Forecast passengers in 1974/1975 (November through April).

d. Projected seats in 1974/1975 (November through April).

e. Fuel use by month for the system of each carrier in 1974 to date.

f. Fuel use by month in this agreement market in 1974 to date;

2. The request of the applicants for waiver of the 21-day waiting period for the filing of answers herein (14 CFR 302.1608) be and it hereby is granted;

3. The request by National for an exemption from section 405(b) of the Act and the regulations thereunder be and it hereby is dismissed; and

4. Copies of this order shall be served on the United States Departments of Defense, Justice, and Transportation, the United States Postal Service, the Dade County Port Authority, and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

	Type of Equipment				
	2-Engine	3-Engine narrow body	4-Engine narrow body	3-Engine wide body	4-Engine wide body
Agreement markets					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					
Nonagreement markets					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					

[FR Doc.74-23308 Filed 10-7-74;8:45 am]

CIVIL SERVICE COMMISSION

CIVIL AERONAUTICS BOARD

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Chairman, Office of the Members.

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

[FR Doc.74-23339 Filed 10-7-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Rural Development, Office of the Assistant Secretary for Rural Development.

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

[FR Doc.74-23381 Filed 10-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of September 22, 1970, FR Doc. 70-12648 the Civil Service Commission authorized the Department of Transportation to make a change in title for the position of Deputy Assistant Secretary for Policy and International Affairs, Office of the Assistant Secretary for Policy and International Affairs, Office of the Secretary, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Policy, Plans, and International Affairs, Assistant Secretary for Policy, Plans, and International Affairs, Office of the Secretary.

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

[FR Doc.74-23380 Filed 10-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Research,

[8] See, for example, Orders 73-10-110, note 8a; 74-1-111 (January 23, 1974), at page 4; and 74-2-93 (February 22, 1974), at page 4.

[9] Section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, that it finds to be adverse to the public interest or in violation of the Act.

[10] In addition, National shall file with the Board's Docket Section a report stating, on a systemwide basis, average seat-miles operated per gallon of fuel used, by type of equipment; and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations).

Office of Research, Urban Mass Transportation Administration.

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

[FR Doc.74-23388 Filed 10-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Federal Aviation Administration.

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

[FR Doc.74-23391 Filed 10-7-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator (Internal Affairs), Office of the Administrator.

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

[FR Doc.74-23390 Filed 10-7-74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, State and Local Government Division, Office of Operations.

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

[FR Doc.74-23392 Filed 10-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20196, File No. BPH-8711; Docket No. 20197, File No. BPH-8725]

A. C. ELLIOTT, JR. AND MELVIN PULLEY

Order Designating Applications for Consolidated Hearing on Stated Issues

SEPTEMBER 30, 1974.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in Quitman, Mississippi.

2. A. C. Elliott, Jr. (Elliott) will require a total of $31,461 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on equipment	$5,118
Fourteen months' principal payments on equipment	5,971
Fourteen months' interest payments on principal balance at 7 percent	1,672
Loan interests	3,150
Miscellaneous	10,050
Working capital	5,5000
Total	31,461

To meet this requirement Elliott relies on $5,000 of existing capital, a bank loan of $35,000, and $5,000 profits from existing operations. However, since the applicant failed to segregate current from long-term liabilities on his balance sheet, all liabilities must be considered current. As a result, the data show no liquid assets in excess of current liabilities, and thus no funds are available from existing capital. In addition, the letter evidencing the bank loan fails to state the collateral involved. Thus, the loan as documented is unacceptable. However, current financial information for Elliott's existing operation indicates a cash flow of more than $19,000, and the applicant may therefore rely on $5,000 from that source. Thus, Elliott's financial data show $5,000 available to meet a $31,461 requirement. Accordingly, a financial issue will be specified.

3. Elliott's ascertainment of the needs and problems of his proposed service area does not include in its list of community leaders surveyed any representatives of manufacturing, labor, or student interests. Further, only four Blacks are included. In addition, the date of the general public survey is not indicated in the application, and the Commission is unable to determine whether his surveys were conducted within six months of the filing of his application. In view of the requirements of questions and answers 13(a) and 15 of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

4. Melvin Pulley has failed to indicate the dates of both his community leader and general public surveys, and the Commission is unable to determine whether his ascertainment efforts were timely. In view of the requirement of question and answer 15 of the Primer, an appropriate issue will be included.

5. Since no determination has yet been reached on whether the antenna proposed by Melvin Pulley would constitute a menace to air navigation, an issue regarding this matter is required.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of A. C. Elliott, Jr.:

(a) Whether the applicant has $5,000 in current assets in excess of current liabilities;

(b) Whether the bank loan relied on by the applicant includes any collateral arrangements, and, if so, what the nature of those arrangements is; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified to construct and operate as proposed.

2. To determine the efforts made by A. C. Elliott, Jr., to ascertain the community problems of the arta to be served and the means by which the applicant proposes to meet those problems.

3. To determine the efforts made by Melvin Pulley to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Melvin Pulley would constitute a menace to air navigation.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the

hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

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

[FR Doc.74-23370 Filed 10-7-74;8:45 am]

[Docket No. 20008, File No. BRCT-509; Docket No. 20009, File No. BPCT-4581; FCC 74R-365]

POST-NEWSWEEK STATIONS, FLORIDA, INC. (WPLG-TV), TROPICAL FLORIDA BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

OCTOBER 2, 1974.

By the Review Board: Board Member Kessler concuring in result. Board Member Berkemeyer dissenting in part and voting to add a Section 1.514 issue regarding Bronstein.

1. The Commission designated the above-captioned mutually exclusive applications for hearing by Order published May 1, 1974, 39 FR 15160.[1] Now before the Review Board is a motion to enlarge issues, filed on May 16, 1974, by Post-Newsweek Stations, Florida, Inc. (WPLG-TV) (hereinafter WPLG-TV),[2] requesting a news staffing issue, character issues, and issues related to alleged violations of §§ 1.514[3] and 1.65[4] of the Commission's rules and regulations, against Tropical Florida Broadcasting Company (hereinafter Tropical).

2. § 1.514 issues. In its application filed January 2, 1973, Tropical reported that Michael Weintraub, a director and 10.81 percent stockholder of the applicant, was an officer and stockholder of Atico Financial Corp. and Pan American Bancshares, Inc. WPLG-TV alleges that Tropical failed to disclose, however, as required by FCC application form 301, Section II, Table II[5] Mr. Weintraub's additional business relationships with Atico Advisory Corp. (Atico Advisory), Construction Supervisory Services, Inc. (Construction Supervisory), Republic Mortgage Corp. (Republic), and Vanguard Mortgage Company (Vanguard). In an affidavit attached to Tropical's opposition, Mr. Weintraub discloses that Republic and Vanguard, before their dissolution in July, 1973, were third-tier subsidiaries of Pan American Bancshares, Inc., and that Atico Financial Corp. was the parent of Atico Advisory and Construction Supervisory. Tropical maintains that the failure to disclose Mr. Weintraub's interests in these subsidiary companies was an inadvertent error, without decisional significance, and, therefore, inclusion of a § 1.514 issue would be totally unwarranted. The Broadcast Bureau supports addition of the requested § 1.514 issue, arguing that the decisional significance of the failure to report these business interests may be inferred in light of the antitrust suit filed against one of these undisclosed interests.[6]

3. WPLG-TV also requests a § 1.514 issue against Tropical stemming from the alleged failure to report the business interests of Sanford Bronstein, also a director and 10.81 percent stockholder of the applicant, in the Sun Bank of Midtown and the Pace Corporation of Miami Lakes.[7] In opposition, Tropical alleges that the failure to report these interests was also inadvertent and "stemmed entirely from Tropical Florida's lack of control over the actions and conduct of Mr. Bronstein." The Bureau supports addition of a § 1.514 issue on this basis, alleging that the failure to report Mr. Bronstein's interest in the Sun Bank of Midtown could be of decisional significance, citing the Commission's report and order on the Multiple Ownership Rules, 34 FCC 2d 889 (1972).

4. Although the omitted business interests of Mr. Weintraub and Mr. Bronstein should have been reported in compliance with the requirements of application form 301, the Board fails to perceive how such omissions were of decisional significance. We do not agree with the Bureau's speculation that the decisional significance of failing to report Mr. Weintraub's interests may be inferred in light of a subsequently filed anti trust lawsuit against one of the undisclosed subsidiaries. We also fail to see, under the factual circumstances presented here, how the Commission's multiple ownership rules relate to Mr. Bronstein's failure to report his interest in the Sun Bank of Midtown. Where violations of the reporting requirements of the Commission's rules and regulations have been unintentional and not so numerous as to indicate a pattern of nondisclosure, and the information not reported is of questionable significance, the Board has consistently denied requests for issues predicated on the violations. See, e.g., Western Connecticut Broadcasting Co., FCC 74R-202, 47 FCC 2d 142 (1974); Gilroy Broadcasting Co., Inc., 42 FCC 2d 730, 28 RR 2d 428 (1973); Auburn Publishing Co., 34 FCC 2d 134, 24 RR 2d 29 (1972); and Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970). We are of the view that this rationale is applicable here.[8] The Board will therefore deny the requested § 1.514 issues.

5. § 1.65 issues. In support of a request for a § 1.65 issue, WPLG-TV alleges that Tropical failed to report two lawsuits initiated against companies with which Mr. Weintraub is associated, and that one of the lawsuits includes alleged violations of the Federal anti-trust

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[1] In its designation Order, the Commission included, in addition to the standard comparative issue, Suburban, misrepresentation and financial issues against Tropical Florida Broadcasting Company.

[2] Also before the Review Board for consideration are the following related pleadings: (a) motion for leave to file supplement, filed on June 26, 1974, by WPLG-TV; (b) supplement to motion to enlarge issues, filed on June 17, 1974, by WPLG-TV; (c) comments, filed on June 20, 1974, by the Broadcast Bureau; (d) opposition, filed on June 21, 1974, by Tropical Florida Broadcasting Company; and (d) reply, filed on July 3, 1974, by WPLG-TV. Since WPLG-TV's supplement was filed prior to the Bureau's comments and Tropical Florida Broadcasting Company's opposition, and in light of the fact that no opposition has been raised to consideration of the supplement, the Board will grant WPLG-TV's motion for leave to file supplement and accept the supplement for consideration on its merits.

[3] § 1.514(a) of the Commission's rules and regulations states that:

* * * [e]ach application shall include all information called for by the particular form on which the application is required to be filed, unless the information called for is inapplicable, in which case this fact shall be indicated.

[4] § 1.65 of the Commission's rules and regulations states, in part, that:

* * * [w]henever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall * * * within 30 days * * * amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall * * * within 30 days * * * submit a statement furnishing such additional or corrected information as may be appropriate * * *.

[5] The above section requires that the party to an applicant "* * * state any other business or financial enterprise in which such party has now or within the past five years has had either a 25 percent or greater interest or any official relationship."

[6] The substance of this lawsuit is discussed in paragraph 5, infra.

[7] In this connection, WPLG-TV's motion to enlarge issues, when read in conjunction with its reply pleading, is somewhat confusing as to whether petitioner is requesting a 1.514 and/or a 1.65 issue as a result of the failure to disclose Mr. Bronstein's interests. In light of our disposition, infra, we have treated the request under the 1.514 issue.

[8] The cases relied upon by petitioner are not controlling. In Southern Broadcasting Co., 38 FCC 2d 461; 25 RR 2d 1138 (1972), the applicant failed to report twelve (12) business interests held by seven of the applicant's principals. Of significance was the failure to report the interests of two stockholders in a bank which was named in an anti-trust suit. In the situation before us, however, Tropical did report Mr. Weintraub's interest in the parent companies of the undisclosed subsidiaries and there was no pending litigation at the time the application was filed. In Charles W. Holt, 38 FCC 2d 538, 25 RR 2d 1180 (1972), the applicant failed to report several business interests which may have had decisional significance under the standard comparative issue. In light of Tropical's disclosure of the parent companies, we find the possible motivation for concealing the subsidiary interests to be far less apparent. Absent specific allegations to the contrary, we have no reason to doubt Weintraub's sworn assertion that he considered the reporting of the parent companies to sufficiently comply with the requirements of FCC application form 301.

laws. The second lawsuit, petitioner notes, was a stockholder's derivative action alleging breach of fiduciary obligations,[9] which was subsequently dismissed. Petitioner also contends that Tropical failed to report Mr. Bronstein's potential tax liability in connection with withholding taxes overdue and unpaid by the Cedars of Lebanon Hospital, with which Mr. Bronstein was associated. In opposition, Tropical concedes that it violated § 1.65, but again maintains that its failure to do so was simply inadvertent. In the affidavit attached to Tropical's opposition, Mr. Weintraub contends that the pending anti-trust lawsuit against Atico Advisory is totally without merit. Tropical additionally contends that there have been no allegations demonstrating that Mr. Weintraub was involved in the challenged conduct.

6. Application form 301, section II, question 10(e), requires an applicant to report any pending court or administrative proceeding against the applicant or a party to the applicant involving, inter alia, violations of antitrust laws. Thus, it is clear that Tropical should have amended its application to reflect the pending anti-trust lawsuit and that it should have also reported the stockholder's derivative action. The fact that a principal is not named personally as a defendant is of no consequence. See Southern Broadcasting Co., 33 FCC 2d 1044, 23 RR 2d 1197 (1972). In addition, a party may not rely on his belief that there is no merit to the lawsuit. "* * * [A]ny lawsuit alleging misconduct must be considered a substantial and significant matter without regard to the validity of the allegations." Lorain Community Broadcasting Co., 18 FCC 2d 686, 687, 16 RR 2d 946, 948 (1969). The ultimate resolution of whether the facts required to be reported are of decisional significance is irrelevant to the applicant's duty under Section 1.65. See Southern Broadcasting Co., supra; Lorain Community Broadcasting Co., supra. We have stated in the past that the effects of pending legal actions against an applicant may have a direct bearing on that applicant's qualifications to hold a license. See Southern Broadcasting Co., 38 FCC 2d 461, 25 RR 2d 1138 (1972). Therefore, in light of Tropical's failure to report and/or amend its application to reflect the above lawsuits, the Board will add a § 1.65 issue.[10]

7. Character issues. WPLG–TV also requests the addition of issues inquiring into the facts and circumstances of the two lawsuits filed against Mr. Weintraub and the effect they might have on Tropical's qualifications to be a broadcast licensee. In addition, based upon newspaper reports and transcripts from a bankruptcy hearing involving the Cedars of Lebanon Hospital in Miami, Florida, of which Mr. Bronstein served as president and chief administrative officer, WPLG–TV, in its original motion to enlarge issues, requests the Board to specify issues inquiring into Mr. Bronstein's possible involvement in alleged misconduct including misappropriation of funds, conflict of interest, and the potential personal liability for withholding taxes overdue and unpaid by the hospital, discussed supra at paragraphs 5–6. These allegations are not supported by affidavits since, as conceded by petitioner, the matters were in their preliminary stages and still under investigation. In WPLG–TV's supplement to petition to enlarge issues, however, petitioner attaches a multicount information filed by the Dade County State Attorney's office charging Mr. Bronstein with, inter alia, grand larceny and forgery.

8. In regard to the allegations against Mr. Bronstein contained in the original petition, the Board is of the view that they are inadequately supported to warrant issues inquiring into Mr. Bronstein's conduct. We have consistently held that issues will not be added when they are based upon speculation and presumption and fall short of the specificity mandated by Section 1.229 of the Commission's rules and regulations. See, e.g., Northeast Oklahoma Broadcasting, Inc., 40 FCC 2d 543, 27 RR 2d 144 (1973); WIOO, Inc., 40 FCC 2d 217, 26 RR 2d 1611 (1973). Although the bankruptcy proceeding transcripts hint at improper conduct by Mr. Bronstein, the testimony therein is clearly too speculative to warrant the addition of the requested character issues. We have also stated that newspaper articles reporting possible improprieties are hearsay and, therefore, insufficient to support enlargement of the issues pursuant to Section 1.229(c). See Jimmie H. Howell, 46 FCC 2d 50, 29 RR 2d 1317 (1974). We again agree with the Bureau that Bronstein's potential tax liability does not merit exploration in a hearing. See our discussion at footnote 10, supra.

9. The Board does believe it appropriate to take into account the pending litigation against both Mr. Weintraub and Mr. Bronstein.[11] We are of the view, however, that, based upon the allegations contained in petitioner's motion now before us, addition of issues inquiring into the conduct underlying the pending litigation is not warranted at this time. In similar situations, where the petitioner has failed to comply with the support requirements of § 1.229(c) of the Commission's rules and regulations,[12] the Board has conditioned a grant of an application upon whatever action the Commission may deem appropriate after a final decision is reached in the pending litigation. See, e.g., RKO General, Inc., 8 FCC 2d 632, 10 RR 2d 282 (1972); and Chapman Radio and Television Co., 7 FCC 2d 461, 9 RR 2d 727 (1960). In the situations presented here, we will order that if Tropical is determined to be the preferable applicant, it will be without prejudice to any action the Commission might deem appropriate in view of the final disposition of the pending litigation involving Mr. Weintraub and the information filed against Mr. Bronstein. See CBS, Inc., FCC 74R–304, — FCC 2d —, released August 23, 1974.[13] In this regard, both Tropical and WPLG–TV address themselves to the recent decision in Mid-Florida Television Corp., 33 FCC 2d 1, 23 RR 2d 521 (1972), rev'd sub nom. TV 9, Inc., v. FCC, 28 RR 2d 1115 (D.C. Cir. 1973). In its opinion, the court stated that even though the Commission had permitted a principal of an applicant to withdraw after he was indicted by a federal grand jury, the necessity to consider the charges surrounding the indictment under the public interest standard was not necessarily obviated by their dismissal due to the defendant's poor health. We are of the view, however, that the court's decision did "* * * not mandate that the Commission inquire into the facts and circumstances surrounding every criminal proceeding involving a prospective broadcast license, especially where * * * the defendant is subsequently found innocent of wrongdoing by a jury." Jimmie H. Howell, FCC 74R–168, 46 FCC 2d 960, 965. Moreover, the court's statements appear to have been in light of the long and unusual history of that case. It is also our view that the court did not intend for the Commission to completely abandon the support requirements of § 1.229(c) of the Commission's rules. Jimmie H. Howell, supra. We recognize that unlike the situation in Howell, the charges against Mr. Bronstein and Mr. Weintraub are still pending. Neverthe-

[9] Although Michael Weintraub was not specifically named in either of the lawsuits, WPLG–TV contends that there were allegations in the derivative action that those responsible include "Joseph Weintraub [Michael's father] and members of his family."

[10] We agree with the Bureau, however, that Bronstein's potential tax liability is too speculative to have obligated Tropical to report this possible liability to the Commission. In this regard, we note that WPLG–TV's allegation that the Internal Revenue Service has attached a lien against Mr. Bronstein's personal property is based on a newspaper report. See paragraph 8, infra.

[11] Although Tropical alleges that Mr. Bronstein has withdrawn from the applicant and that the charges against him in no way relate to conduct connected with his position with Tropical, Tropical's amendment reflecting his withdrawal was denied by the Administrative Law Judge by Memorandum Opinion and Order released June 24, 1974, FCC 74M–732, and therefore the Board is bound by the present composition of the applicant which still includes Mr. Bronstein as a director and stockholder.

[12] § 1.229(c) of the Commission's rules and regulations requires, in part, that petitions to enlarge issues "contain specific allegations of fact supported by affidavits of a person or persons having knowledge thereof."

[13] With respect to the stockholder's derivative action, we see no reason to permit inquiry into this matter in light of its dismissal. See Lorain Community Broadcasting Co., supra; and Jimmie H. Howell, FCC 74R–168, 46 FCC 2d 960 (1974), in which the Board denied a requested enlargement of the issues based on a criminal indictment against the applicant who was subsequently acquitted of the charges. Compare Jimmie H. Howell, supra, with TV 9, Inc. v. FCC, — F. 2d —, 28 RR 2d 1115 (D.C. Cir. 1973); also see our discussion, infra in paragraph 9.

less, since it is possible that further inquiry would be unwarranted if Mr. Bronstein and Mr. Weintraub were exonerated, no useful purpose would be served by specifying issues at this time.[14] Therefore, we will deny the requested issues.

10. News staffing issue. WPLG–TV alleges that Tropical's proposal to broadcast 17¼ hours of weekly news with a staff of 26 full-time employees, plus stringers, "appears impossible of realization." Petitioner supports its allegations by comparing Tropical's proposal with the current news operation of four existing Miami stations—*e.g.*, WTUJ, 12 hours, 3 minutes of weekly news with 41 employees plus 4 stringers; WCKT, 14 hours, 22 minutes weekly news with 40 employees plus stringers. Both the Bureau and Tropical oppose addition to the issues, alleging that WPLG–TV has not shown that Tropical's proposal, on its face, is impossible of effectuation.

11. WPLG–TV's allegations in this regard totally fail to meet the requisite standard of specificity. The comparison contained in the petition does not, on its face, suggest, much less demonstrate, that Tropical's proposal is incapable of effectuation. Although WPLG–TV alleges that Tropical's proposal contemplates "many 'from the scene' reports", a review of Tropical's application indicates that the applicant only represented that whenever possible it would broadcast "from-the-scene" reports. In light of petitioner's failure to demonstrate that Tropical's proposal is incapable of effectuation, the Board will deny the requested staff adequacy issue. See Great Southwest Media Corporation, FCC 74R–182, 46 FCC 2d 1142; Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (1973). Compare Great Southwest Media, Corporation, supra, and Radio Geneva, supra, with Regal Broadcasting Corp., FCC 68R–386, 14 RR 2d 287, where a staffing issue was added based on a proposal to operate 126 hours per week with a staff of five employees.

12. *Accordingly, it is ordered,* That the motion for leave to file supplement, filed on June 26, 1974, by Post-Newsweek Stations, Florida, Inc. (WPLG–TV), is granted, and the supplement to motion to enlarge issues, filed on June 17, 1974, by Post-Newsweek Stations, Florida, Inc. (WPLG–TV), is accepted; and

13. *It is further ordered,* That the motion to enlarge issues, filed on May 16, 1974, by Post-Newsweek Stations, Florida, Inc. (WPLG–TV), is granted to the extent indicated herein, and is denied in all other respects; and

14. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Tropical Florida Broadcasting Company has failed to comply with the provisions of § 1.65 of the Commission's rules and regulations by not reporting lawsuits against one of its principals and, if so, the effect of such non-compliance on the basic and/or comparative qualifications of the applicant to be a broadcast licensee.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Post-Newsweek Stations, Florida, Inc. (WPLG–TV), and the burden of proof shall be on Tropical Florida Broadcasting Company; and

16. *It is further ordered,* That, any grant of Tropical Broadcasting Company's application for a construction permit for a new television broadcast station (File No. BPCT–4581) is without prejudice to any action the Commission might deem appropriate as a result of the final disposition of Case No. 73–1445 in the District Court of the United States in and for the Southern District of Florida-Miami Division and the final outcome of the information filed against S. K. Bronstein in the Circuit Court of the Eleventh Judicial Cirucit of Florida, in and for Dade County.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–23365 Filed 10–7–74;8:45 am]

[Docket No. 20200; File No. BR–1945; FCC 74–1038]

STORZ BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

OCTOBER 3, 1974.

1. The Commission has before it for consideration: (1) The above-captioned application for renewal of license for Station WTIX, New Orleans, Louisiana; (2) a petition to deny that application filed by Johnny Jackson, Jr., and Bill Rouselle, individually and on behalf of the Southern Media Coalition; and (3) various responsive and related pleadings.[1]

2. Petitioners allege that on the afternoon of January 7, 1973, Station WTIX and possibly other New Orleans radio stations broadcast an announcement requesting citizens to aid the New Orleans Police Department in its attempt to apprehend a sniper who was located on the roof of the Howard Johnson Motel in downtown New Orleans. To substantiate their allegation, petitioners submit an affidavit of Linda G. Rouselle who avers that she heard Station WTIX broadcast the following announcement:

We've gotten word that the New Orleans Police Department are in need of help from private citizens to catch the sniper. Private citizens with guns will be allowed to pass behind the line or barricade to assist the police in their efforts.

The petitioners maintain that the above announcement was not authorized by the New Orleans Police Department and, in support thereof, they supply excerpts from the April 10, 1973, testimony of the Superintendent of Police of the City of New Orleans before the Select Committee on Crime, House of Representatives, which indicate that an unauthorized and unsolicited request for civilian assistance was broadcast by an unidentified New Orleans radio station. Finally, petitioners submit that the broadcast of this unauthorized announcement not only endangered the public, but also nearly incited a riot, and that such irresponsible conduct is unbecoming of a Commission licensee.

3. Storz Broadcasting Co. (Storz), the licensee of Station WTIX, opposes the instant petition to deny. Storz submits that it conducted an investigation concerning this matter and to this end, it questioned at length Station WTIX's management and all persons who were active in the station's programming or news operation and who could have been involved in the writing or broadcasting of newscasts, news bulletins, or news announcements about the sniper incident of January 7, 1973. According to the licensee, its investigation did not uncover any factual basis for the charges directed by petitioners against Station WTIX. Through affidavits submitted with Storz's opposition pleading, the announcers and news department personnel who were on duty at the station on January 7, 1973, denied that they or anyone else within their knowledge cause an announcement of the nature alleged in the petition to be broadcast over Station WTIX. As pointed out by the licensee, Station WTIX's news and program directors and two of the station's on-the-air personnel aver that they made announcements warning the public to stay out of the area of the disturbance and stating that any rumor to the effect that the police needed assistance from armed private citizens was false. Further, the licensee suggests that Ms. Rouselle may have either misinterpreted one of Station WTIX's announcements concerning the sniper incident or mistakenly thought that it was Station WTIX she was listening to when she heard the alleged announcement.

4. In their reply pleading, petitioners renew their arguments concerning the announcement in question and submit, in further support thereof, an affidavit of Ms. Emelda Hodges which is substantially similar to the affidavit supplied in conjunction with the instant petition

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[14] Although we are not adding issues at this time, we should point out that the situations presented in Rockland Broadcasting Co., FCC 63R–179, 45 FCC 738, and Community Broadcasting Corp. v. FCC, 363 F. 2d 717 (D.C. Cir. 1969), relied upon by Tropical, are clearly not applicable here. In these cases, the principal against whom charges were brought was no longer associated with the applicant. As noted above, Mr. Bronstein is still a director and stockholder of Tropical and therefore the pending lawsuit may directly reflect upon Tropical's qualifications to be a broadcast licensee.

[1] The petition to deny was also directed to the license renewal applications of several other radio broadcast stations in the New Orleans area. The matter of those applications is dealt with in a separate Order.

to deny.' According to petitioners, Station WTIX's broadcast of the unauthorized announcement demonstrates a callous disregard for the veracity of its news presentations and reflects adversely upon Storz's qualifications to remain a Commission licensee. Further, the petitioners maintain that the licensee's opposition is largely unresponsive to the matters raised in the petition to deny. In petitioners' opinion, the petition was not limited to the broadcast of the unauthorized announcement concerning the Howard Johnson sniper incident. Rather, the petition is alleged to have also dealt with various other matters, including the equal employment practices and policies of Station WTIX and the other radio stations in the New Orleans area.[3]

5. The Commission believes that the willful broadcast of an unauthorized announcement of this type is a serious matter reflecting upon the basic qualifications of the licensee involved. Petitioners have supplied affidavits from two persons who unequivocally aver that they heard the announcement in question broadcast over the facilities of Station WTIX. On the other hand, the licensee denies that such an announcement was aired by its station and, in support of its position, it submits affidavits from various WTIX personnel who were on duty at the station during the day and time in question. The affidavits submitted by petitioners and the licensee are unambiguous and in direct conflict. The factual inconsistencies between the affiants' sworn statements are not reconcilable on the basis of the pleadings before us. It therefore appears to the Commission that the only appropriate resolution of the conflict is by recourse to an evidentiary hearing wherein the affiants' recollection can be tested, their demeanor observed, and their credibility established. Accordingly, appropriate issues will be specified.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application, is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Storz Broadcasting Co. willfully broadcast over the facilities of Station WTIX, New Orleans, Louisiana, an unauthorized and unsolicited request for armed citizens to assist the New Orleans Police Department in its attempt to apprehend a sniper who was located on the roof of the Howard Johnson Motel and, if so, the effect thereof upon Storz Broadcasting Co.'s qualifications to be a Commission licensee.

(2) To determine whether, in light of the evidence adduced pursuant to Issue (1), Storz Broadcasting Co., its principals or its employees misrepresented to the Commission material facts concerning the alleged broadcast and, if so, the effect thereof, upon Storz Broadcasting Co.'s qualifications to be a Commission licensee.

(3) To determine whether, in light of all of the evidence adduced pursuant to the foregoing issues, a grant of the application for renewal of license for Station WTIX would serve the public interest, convenience and necessity.

7. *It is further ordered,* That the petition to deny the above-captioned license renewal application, filed by Johnny Jackson, Jr. and Bill Rouselle, individually and on behalf of the Southern Media Coalition, is granted to the extent indicated above.

8. *It is further ordered,* That Johnny Jackson, Jr., Bill Rouselle, and the Southern Media Coalition are made parties to the hearing ordered herein.

9. *It is further ordered,* That, in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence shall be on the parties respondent as to Issues (1) and (2). The burden of proceeding with respect to Issue (3) and the burden of proof with respect to all of the issues herein shall be upon Storz Broadcasting Co.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, Storz Broadcasting Co. and the parties respondent, pursuant to §1.221 (c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

11. *It is further ordered,* That, Storz Broadcasting Co. shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the Rules.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-23364 Filed 10-7-74;8:45 am]

[Docket No. 20192; File No. BPH-8690, Docket No. 20193; File No. BPH-8830]

THOMS BROADCASTING COMPANIES, INC., BRUNSWICK BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

SEPTEMBER 25, 1974.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, § 0.281 of the rules, has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Southport, North Carolina.

2. Thoms Broadcasting Companies, Inc. [Thoms] has failed to include in its community leader survey representatives of local industrial or agricultural interests, both of which are included in its demographic analysis. Further, Thoms' community leader interviewers are identified as the general manager of WCOG (AM), and the general manager, assistant manager/program director, public affairs director, and program director of WKLM(AM). Thoms is the licensee of WCOG, licensed to Greensboro, North Carolina (approximately 125 miles from Southport). Thoms is also the parent corporation of the licensee of WKLM, licensed to Wilmington, North Carolina (approximately 21 miles from Southport). On the basis of this description the Commission is unable to determine whether the requirements of question and answer 11(a) of the Primer on Ascertainment of Community Problems by Broadcast Applicants, have been met. In addition, Thoms states that its general public survey was conducted by a prospective employee. However, there is no indication that the interviewer was a prospective management-level employee, or, alternatively, that he was under the supervision of principals, management-level employees, or prospective management-level employees, as required by question and answer 11(b). In addition, Thoms has failed to indicate the date of its general public survey. In view of the requirements of questions and answers 11, 13(a), and 15 of the Primer, and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Thoms Broadcasting Companies, Inc. to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an in-

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[3] According to Ms. Hodges, the WTIX announcer also stated that "I hope they kill [the sniper]." Petitioners submit that this statement violated the fairness doctrine. This accusation lacks the specificity necessary to sustain a fairness doctrine complaint. Petitioners have neither established that the subject was a matter of public importance, that the alleged statement treated one side of the issue, nor that the licensee had not provided balanced programming on the subject. See, Fairness Report, 39 FR 26372 (1974); Healey v. F.C.C., 148 U.S. App. D.C. 383, 460 F. 2d 917 (1972).

[4] The Commission's views concerning the scope of the instant petition to deny and the matters properly placed in issue are set forth in paragraph 8 of the previously noted Order. See note 1, supra. Accordingly, the Commission will limit its consideration of the instant petition to deny to the broadcast of the unauthorized announcement concerning the Howard Johnson sniper incident.

tention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advice the Commission of the publication of such notice as required by § 1.594(g) of the rules.

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

[FR Doc.74-23369 Filed 10-7-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND EVANS PRODUCTS CO.

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 Old 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 October 29, 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 particularily the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leonard Putnam, City Attorney
City of Long Beach
Suite 600-City Hall
Long Beach, California 90802

Agreement No. T-1985-4, between the City of Long Beach (City) and Evans Products Company (Evans), modifies the parties' basic agreement, which provides for the lease to Evans of certain marine terminal properties at Long Beach, California. The purpose of the modification is twofold: (1) To provide for changes in Evans' Minimum Obligation for the use of the premises, as well as reductions in the amount of revenue that Evans shares with City on a 50 percent basis after Evans' Minimum Obligation has been met, such that for the period commencing September 6, 1974, and ending December 31, 1974, Evans shall pay City a Minimum Obligation of $80,000 plus additional revenue shared on a 50 percent basis up to $40,000, and for the period commencing January 1, 1977, and ending September 5, 1977, Evans shall pay City a Minimum Obligation of $170,000 plus additional revenue shared on a 50 percent basis up to $85,000, and (2) to exclude from the computation of Evans' Minimum Obligation, all accrued charges for pilotage, water, electricity, utility service charges and wharfage on bunkers.

By Order of the Federal Maritime Commission.

Dated: October 3, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-23398 Filed 10-7-74;8:45 am]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 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 Old 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 October 29, 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.

Notice of Agreement Filed by:

John Cunningham, Esq.
Kominers, Fort, Schlefer & Boyer
1776 F Street, Northwest
Washington, D.C. 20006

Agreement No. T-2373-2, between the State of Connecticut and Connecticut Terminal Company, Inc. amends the basic agreement which provides for the lease and operation of State Pier No. 1, New London, Connecticut. The purpose of the amendment is to extend the lease and operating agreement to an expiration date of June 30, 1975.

By Order of the Federal Maritime Commission.

Dated: October 3, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-23396 Filed 10-7-74;8:45 am]

STATE OF HAWAII AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 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 Old 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 October 29, 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.

Notice of Agreement Filed by:

Mr. E. Alvey Wright, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Agreement No. T-2812-1, between the State of Hawaii (State) and United States Lines, Inc. (USL), modifies the parties' basic agreement, which provides for the lease to USL of certain terminal facilities at Sand Island, Honolulu, Hawaii, for use as a container facility and purposes related thereto. The purpose of the modification is to increase the size of the leased premises by adding an area for a maintenance and repair facil-

ity, and to increase the rental by $8,610 per annum.

By Order of the Federal Maritime Commission.

Dated: October 3, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-23397 Filed 10-7-74;8:45 am]

MED-GULF CONFERENCE

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 Old 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 October 29, 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.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 9522-22 among the members of the Med-Gulf Conference modifies the organic agreement by authorizing substituted service by land from the port of Cadiz to the port of Seville.

By Order of the Federal Maritime Commission.

Dated: October 3, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-23395 Filed 10-7-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 458]

GORMAN-ANDERSON CORP.

Order of Revocation

On September 10, 1974, Gorman-Anderson Corporation, 7 Five Acre Court, Smithtown LI, New York 11787 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 458 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) section 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 458 be and is hereby revoked effective September 10, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Gorman-Anderson Corporation.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.74-23393 Filed 10-7-74;8:45 am]

[Docket No. 74-45]

NEW YORK TERMINAL CONFERENCE (NYTC)

Order of Investigation and Hearing

Agreement No. 8005-7 was filed for section 15 approval on December 3, 1973; notice of filing appeared in the FEDERAL REGISTER on January 3, and February 21, 1974. The agreement modifies the basic New York Terminal Conference (NYTC) Agreement which provides for the established and maintenance of rates, rules and regulations applicable to truck, lighter, barge and railcar loading and unloading, as well as free time and demurrage at members' terminals in the Port of New York. The modification deletes a provision which prohibits the application of NYTC free time and demurrage provisions on cargo which moves under carrier tariffs containing free time and demurrage provisions. In other words, the modification would authorize NYTC to establish uniform free time and demurrage on all cargo moving through members' terminals thus terminating NYTC subservience to carrier tariffs with respect to free time and demurrage.

According to the NYTC, the modification is justified because the establishment of uniform free time and demurrage practices is necessary to avoid disparate treatment of shippers and importers; to provide similar terms and conditions with respect to the interchange of cargo between inland carriers and ocean carriers at New York; and to stabilize one of the costs incurred by merchants moving cargo through the Port of New York.

Comments on Agreement 8005-7 were filed on behalf of the New York Committee of Inward Far East Lines, Thailand/U.S. Atlantic and Gulf Conference, and the New York Freight Bureau, Hong Kong. In addition, protests were filed against the Agreement's approval by Australia-Eastern U.S.A. Shipping Conference, Iberian/U.S. North Atlantic Westbound Freight Conference, Marseilles/North Atlantic U.S.A. Freight Conference, North Atlantic Mediterranean Freight Conference, U.S. Atlantic and Gulf/Australia-New Zealand Conference, West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, North Atlantic United Kingdom Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Baltic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic Westbound Freight Association, Continental North Atlantic Westbound Freight Conference, Scandinavia Baltic/U.S. North Atlantic Westbound Conference and Sea-Land Service, Inc.

These protesting carriers (carriers) argued generally that Agreement 8005-7 raises new and important policy considerations in the area of free time and demurrage practices and therefore requires a full evidentiary hearing to determine whether the agreement is unjustly discriminatory and unfair as between carriers, shippers, exporters, importers, and ports, detrimental to the commerce of the United States and contrary to the public interest, or otherwise in violation of the Shipping Act and therefore unapprovable. These carriers generally protest for the following reasons. First, the degree of uniformity of free time considered desirable by the Commission has already been attained by General Order 8, applicable to all carriers calling at the Port of New York, and, the carriers argue, Agreement 8005-7 would not result in uniformity in free time and demurrage practices because separate rules applicable to the same cargo would concurrently prevail, *to wit,* New York Terminal Conference rules on the one hand, and carrier and non-New York Terminal Conference member rules on the other.

Second, since carriers have developed what they consider to be successful methods and procedures for dealing with demurrage and free time, and have sufficiently and effectively fulfilled their responsibilities in this area in accordance with Commission guidelines, it is doubtful that these responsibilities could be better handled by NYTC.

Third, the carriers urge that control over free time and demurrage practices fall squarely within the province of the carriers rather than the terminal conference because these practices constitute an integral part of their overall relationship with shipper/consignee customers.

Fourth, the carriers submit that Agreement 8005-7 would result in free

time being established in an across-the-board manner ignoring essential factors of competing ports and waterways, varying needs of different trade routes, and the compelling need for carrier flexibility to accommodate the exacting requirements of foreign commerce. Finally, the carriers question the conference's ability to carry out an adequate system of policing and enforcement with respect to free time and demurrage practices, and argue that Agreement No. 8005–7 falls far short of providing the machinery necessary to operate such a system which should be an absolute prerequisite to the agreement's approval.

In summary, the carriers argue in their protests, that the implementation of the conference's proposal, as embodied in Agreement 8005–7 would undermine the well-established system of carrier regulation of free time and demurrage. Instead of furthering rate stability, the carriers believe the agreement will cause confusion, instability, discrimination and competitive imbalance between the carriers, and will encourage the use of free time and demurrage as instruments of competition between carriers.

In reply to these allegations, the NYTC filed a statement to justify approval of Agreement 8005–7. According to NYTC:

1. Its members, rather than carriers, should control free time and demurrage practices at member facilities, as is the case in almost all other United States ports;

2. The interest of the shipping public would be best served by one conference tariff rather than more than 60 carrier and carrier conference tariffs which currently govern free time and demurrage practices at New York Terminal Conference member facilities; and

3. Carriers are now utilizing the collection or non-collection of demurrage as a competitive device.

The NYTC argues further that uniform free time and demurrage at members' terminals will prevent congestion resulting from cargo storage at terminals, and will result in better service being offered to shippers and carriers. As matters now stand, conference members and shippers must consult many conference tariffs to determine what rule applies to which cargo. The conference believes that under Agreement 8005–7, no person, shipper, or carrier can be unduly preferred over another since everyone would be subject to the same rules. According to the NYTC, a unit of cargo, regardless of which carrier receives or delivers it, and irrespective of its origin or destination, occupies the same amount of terminal space, requires employment of the same labor and equipment, and presents the same obstruction to movement at a terminal facility. Such cargo, should therefore be subject to the same free time and demurrage rules and practices.

According to the terminal conference, the terminal operator rather than the vessel operator has the superior right to establish practices governing the movement of cargo across the marine terminal.

The Commission is of the opinion that these matters should be made the subject of a formal investigation to determine whether Agreement 8005–7 should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

Now, therefore it is ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement 8005–7 between the members of the New York Terminal Conference is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers or ports, or operates to the detriment of the commerce of the United States, or is contrary to the public interest or otherwise in violation of the Shipping Act, and whether Agreement 8005–7 should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That in the event there is any modification of this Agreement, such modification shall be filed with the Commission and shall be made subject to this investigation for approval, disapproval or modification, under the standards of section 15, Shipping Act, 1916;

It is further ordered, That in the event there is any modification of this Agreement, such modification shall be filed with the Commission and shall be made subject to this investigation for approval, disapproval or modification, under the standards of section 15, Shipping Act, 1916;

It is further ordered, That the New York Terminal Conference and its members be named as Respondents herein;

It is further ordered, That the following persons be named petitioner herein:

Australia-Eastern U.S.A. Shipping Conference.
Iberian/U.S. North Atlantic Westbound Freight Conference.
Marseilles/North Atlantic U.S.A. Freight Conference.
North Atlantic Mediterranean Freight Conference.
U.S. Atlantic and Gulf/Australia-New Zealand Conference.
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference.
North Atlantic United Kingdom Freight Conference.
North Atlantic French Atlantic Freight Conference.
North Atlantic Baltic Freight Conference.
North Atlantic Continental Freight Conference.
North Atlantic Westbound Freight Association.
Continental North Atlantic Westbound Freight Conference.
Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference.
Sea-Land Service, Inc.
New York Committee of Inward Far East Lines, Thailand/U.S. Atlantic and Gulf Conference and the New York Freight Bureau, Hong Kong.

It is further ordered, That a public hearing be held in this proceeding to commence on or before April 1, 1975 and that this matter be assigned for such hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges.

It is further ordered, That (1) a copy of this order be forthwith served upon respondents and petitioners herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the respondents, petitioners and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than respondents, petitioners, and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures on or before November 7, 1974, and any intervener desiring to utilize the discovery procedures prescribed by Subpart L thereof must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than November 7, 1974, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30 day period.

(46 CFR 502.72(b))

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-23394 Filed 10-7-74;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 382, et al.]

SOUTHERN CALIFORNIA EDISON

Notice of Expiration

OCTOBER 4, 1974.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the Licensees for the projects and others may have adequate notice and opportunity to file timely application for new licenses under section 15 of the Act, as amended (16 U.S.C. 808), public notice is hereby given that the license issued for the designated and described projects on the appended list will expire on the dates specified.

KENNETH F. PLUMB, *Secretary.*

TABLE 6.—*Projects for which licenses will expire between Jan. 1, 1975, and Dec. 31, 1980, inclusive, which are subject to relicensing or takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Feb. 27, 1975	Southern California Edison Co.	382	California	Kern	Kern	9,200	Diversion dam, conduit, powerhouse, and transmission line.	50
Apr. 29, 1975	Pacific Gas & Electric Co.	178	do	do	do	10,600	do	50
Nov. 6, 1975	Alabama Power Co.	618	Alabama	Elmore, Chilton, and Coosa.	Coosa	100,000	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 10, 1975	Louisville Gas & Electric Co.	289	Kentucky	Jefferson	Ohio	76,800	Powerhouse and appurtenant facilities.	50
Nov. 23, 1975	Pacific Gas & Electric Co.	137	California	Amador and Calaveras.	North Fork and Mokelumne.	190,800	6 dams and storage reservoirs, forebays, diversion facilities, water conduits, 5 powerhouses and transmission lines.	50
Dec. 31, 1975	The Montana Power Co.	1869	Montana	Sanders	Clark Fork	30,000	Dam, powerhouse, reservoir, and transmission lines.	38
Do	Public Service Co. of New Hampshire.	2140	New Hampshire	Merrimack	Merrimack	7,200	Dam, reservoir, and powerhouse.	38
Feb. 19, 1976	The Susquehanna Power Co. and Philadelphia Electric Power Co.	405	Maryland and Pennsylvania.	Cecil, Harford, Md., York, Lancaster, Pa.	Susquehanna	474,480	Dam, reservoir, powerhouse, and transmission line.	50
Feb. 24, 1976	Union Electric Co.	459	Missouri	Miller, Morgan, and Camden.	Osage	172,000	do	50
June 3, 1976	Crown Zellerbach Corp.	588	Washington	Clallam	Elwha	12,000	do	50
Aug. 18, 1976	Kentucky Utilities Co.	539	Kentucky	Mercer	Kentucky	2,040	Powerhouse and transmission line.	50
Nov. 22, 1976	Carolina Power & Light Co.	432	North Carolina	Haywood	Big Pigeon	108,000	Dam, reservoir and powerhouse.	50
Aug. 4, 1977	South Carolina Electric & Gas Co:	516	South Carolina	Lexington, Richland, Newberry, and Saluda Counties.	Saluda River	208,750	do	50
July 10, 1977	Wisconsin Power & Light Co.	710	Wisconsin	Shawno County	Wolf River	640	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 7, 1977	San Juan Fishing & Packing Co.	2251	Alaska	Evans Island	San Juan Lake and stream.	100	3 dams, reservoir	20
Aug. 31, 1979	Utah Power & Light Co.	814	Utah	Beaver	Beaver River and tributaries.	3,000	Dam, reservoir, powerhouse	50
Dec. 11, 1979	Pacific Power & Light Co.	935	Washington	Clark and Cowlitz.	Lewis River	135,000	do	50
Apr. 10, 1980	Consumers Power Co.	785	Michigan	Allegan	Kalamazoo River	2,550	Dam, reservoir, powerhouse, and transmission line.	50
Apr. 21, 1980	Safe Harbor Water Power Corp.	1025	Pennsylvania	York and Lancaster Counties.	Susquehanna River.	196,000	Dam and powerhouse	50
May 22, 1980	The Montana Power Co.	5	Montana	Flathead and Lake Counties.	Flathead Lake and River.	168,000	Dam, reservoir, 2 penstocks, powerhouse, and transmission lines.	50
June 30, 1980	Moon Lake Electric Association.	190	Utah	Duchesne County	Polecreek and Uinta River.	1,200	Dam, canal, diversion dam, powerhouse, and a transmission line.	50

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807), reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) to the act (16 U.S.C. 803(i)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to act of Aug. 15, 1953 (67 Stat. 587).

TABLE 7.—*Projects for which licenses will expire between January 1, 1975 and December 31, 1980, inclusive, which are not subject to takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Oct. 4, 1975	Alaska Packers Association	620	Alaska	3rd Judiciary Division Chignik Recording District.	Indian Creek	[2] 50	Dam, reservoir, water conduit powerhouse, and transmission lines.	25
Feb. 15, 1976	Monroe City, Utah	632	Utah	Sevier	Monroe Creek	[2] 100	Diversion dam, pipeline, powerhouse, and transmission line.	50
Apr. 1, 1976	South Carolina Public Service Authority.	199	South Carolina	Orangeburg, Barkley, and Charleston.	Santee and Cooper Rivers.	134,520	Dams, reservoirs, 2 powerhouses, and transmission lines.	50
May 7, 1976	Public Utility District No. 1 of Chelan County.	637	Washington	Chelan	Chelan River	48,000	Dam, reservoir, tunnel, powerhouse.	50
July 15, 1976	Town of Highlands	693	North Carolina	Macon	Cullasaja Creek	[2] 200	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 27, 1977	The city of Seattle	553	Washington	Whatcom Co.	Skagit River	623,100	3 dams, 3 reservoirs, 3 powerhouses, transmission lines.	50
Aug. 29, 1977	Community Utilities, Inc. (Alaska Power & Telephone Co).	1051	Alaska	Skagway Recording District.	Upper and lower Dewey Lake, Ice Lake, Reid Falls, and Synder Creek.	[2] 375	Dam, reservoir, and powerhouse.	47½
Aug. 9, 1978	Crisp County Power Commission.	659	Georgia	Crisp, Dooly, Lee Sumter, and Worth.	Flint River	15,700	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 6, 1978	Puerto Rico Water Resources Authority.	663	Puerto Rico	Naguabo municipality.	Blanco River and tributaries.	5,000	4 diversion dams, conduits, powerhouse, and transmission line.	50
Mar. 31, 1979	Citizens Utilities Co.	912	Idaho	Wallace, Shoshone County.	Placer Creek	[2] 298	Dam, reservoir, and powerhouse.	50
Nov. 26, 1979	Hyrum City Corp.	946	Utah	Cache	Blacksmith Fork	[2] 450	Dam, reservoir, powerhouse, and transmission line.	50
Jan. 30, 1980	Public Utility District No. 1 of Chelan County and Puget Sound Power & Light Co.	943	Washington	Chelan, Ephrata, Rock Island, Waterville, and Wenatchee, Chelan, and Douglas Counties.	Columbia River	195,000	Dam, reservoir, 2 powerhouses, and transmission lines.	50

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Apr. 19, 1980	City of Ottumwa	925	Iowa	Wapello County	Des Moines River	3,150	Dam and powerhouse	50
May 1, 1980	New England Fish Co.	1299	Alaska	Kodiak Island	One Mile Creek	[2,3] 53	Diversion dam, pipeline, and 2 turbines.	10

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(l) and the act (16 U.S.C. 803(l)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to act of Aug. 15, 1953 (67 Stat. 587).
[2] Minor license.
[3] Includes equivalent kilowatt for 60 horsepower (mechanical).

[FR Doc.74-23190 Filed 10-7-74;8:45 am]

[Docket Nos. RI75-38, et al]

TEXACO INC.

Order Providing for Hearing On and Suspension of Proposed Changes In Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 27, 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, Capter 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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75-38	Texaco, Inc.	503	2	Kansas-Nebraska Natural Gas Co., Inc. (Alkali Butte Field, Fremont County, Wyo.).	$286,051	8-16-74	6-21-74	(3)	[1 2] 23.4022	[1] 49.8884	
	do	183	19	El Paso Natural Gas Co., (Aneth Field, San Juan County, Utah, and Flodine Park Field, Montezuma County, Colo.).	159,900	8-28-74	6-21-74	(3)	[4] 29.8024 [5] 28.8870	[4 6] 57.8319 [5 6] 55.1324	RI74-94 RI74-94
	do	183	20	do	220 3,900	8-30-74		4-1-75	[4] 29.8024 [5] 28.8870	[4 7] 32.0216 [5 7] 30.5270	RI74-94 RI74-94
RI75-39	Terra Resources, Inc.	33	3	Montana-Dakota Utilities Co. (Poison Creek Field, Fremont County, Wyo.).	1,892	9- 4-74	6-21-74	(3)	28.6332	[6] 53.3617	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Pressure base is 14.65 lb/in²a.
[2] Increase to contract rate of 52.75 cents suspended until Nov. 24, 1974, in Docket No. RI74-257.
[3] Accepted effective as of date set forth in "Effective Date Unless Suspended" column in accordance with Opinion No. 699, as amended.
[4] Applicable to acreage added by Supplement No. 7 (Colorado sales).
[5] Applicable to all acreage except that added by Supplement No. 7 (Utah sales).
[6] Applies to sales from wells commenced on or after Jan. 1, 1973.
[7] Applies to gas from wells commenced prior to Jan. 1, 1973.

All of the proposed increases involved here include ad valorem taxes. The inclusion of such a tax is permissible under both Opinion Nos. 658 and 699 in determining the applicable ceiling. The subject sales, except for those relating to Supplement No. 20 to Texaco's FPC Gas Rate Schedule No. 183, are covered by Opinion No. 699, and since the proposed rates do not exceed the ceiling established in that opinion, they are accepted as of the date provided therein. Supplement No. 20 to Texaco's FPC Gas Rate Schedule No. 183, however, is suspended for five months because the proposed rate exceeds the applicable ceiling under Opinion No. 658.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-23206 Filed 10-7-74;8:45 am]

[Docket No. CI66-1047, et al.]

W. K. BYROM, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 19, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 16, 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI66-1047..... E 9-9-74	W. K. Byrom (successor to Aztec Oil & Gas Co.), P.O. Box 147, Hobbs, N. Mex. 88240.	El Paso Natural Gas Co., Eumont Gas Pool, Lea County, N. Mex.	12.5	14.65
CI74-471..... (G-2594) F 9-4-74 [1]	Devon Corp. (successor to Southwest Gas Producing Co., Inc.), 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Texas Eastern Transmission Corp., Hico-Knowles Field, Claiborne, Lincoln and Union Parishes, La.	25.875	15.025
CI75-70..... C 9-9-74	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	El Paso Natural Gas Co., East Carlsbad Area, Eddy County, N. Mex.	[2] 43.0	14.73
CI75-135..... A 8-30-74	Richard A. Campbell, P.O. Box 51733, Lafayette, La. 70501.	Texas Gas Transmission Corp., Church Point Field, Acadia Parish, La.	[2] 43.0	14.73
CI75-144..... A 9-5-74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Trunkline Gas Co., South Marsh Island Block 261, offshore Louisiana.	[3] 44.88	15.025
CI75-146..... A 9-5-74	LVO Corp., P.O. Box 2848, Tulsa, Okla. 74101.	Texas Eastern Transmission Corp., South Thornwell Field, Cameron Parish, La.	[4] 50.0	15.025
CI75-148..... (CI74-630) B 9-9-74	Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Depleted [5]	.....
CI75-149..... A 9-9-74	Sun Oil Co., P.O. Box 2880, Dallas Tex. 75221.	United Gas Pipe Line Co., North Bayou Fer Blanc Field, Lafourche Parish, La.	[6] 60.0	15.025
CI75-150..... (CI66-1275) B 9-11-74	Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027.	Panhandle Eastern Pipe Line Co., acreage in Cimarron County, Okla.	(7)	.....
CI75-151..... A 9-11-74	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Northern Natural Gas Co., Granite Wash Field, Hemphill County, Tex.	[8] 52.0	14.65
CI75-152..... A 9-12-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lake Raccourci Field, Lafourche Parish, La.	[9] 53.7	15.025

[1] Amendment to certificate issued on May 15, 1974, in this docket to correct original filing to show 25.875 cents per Mcf as the price in lieu of 21.475 cents per Mcf.
[2] Subject to upward and downward Btu adjustment.
[3] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[4] Subject to upward Btu adjustment; estimated initial adjustment is 4.80 cents per Mcf.
[5] The Dougherty No. 1 Unit, the only productive property, is depleted.
[6] Subject to upward and downward Btu adjustment; estimated initial adjustment is 13 cents per Mcf.
[7] Subject to downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-23315 Filed 10-7-74;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Pursuant to notice published in the FEDERAL REGISTER on August 22, 1974, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on October 18–19, 1974 in the Marine Science Center Auditorium, Rosenstell School of Marine and Atmospheric Sciences, 4600 Rickenbacker Causeway, Miami, Florida.

The Commission and Committee will meet together from 11 a.m. to 9:30 p.m. on October 18 and 8:30 a.m. to 12:15 p.m. on October 19 to discuss and consider the status of activities and problems affecting marine mammals including matters relating to:

(1) Status of the Commission, including staffing and budget.

(2) Policies governing the review and mechanisms of permit applications and research proposals.

(3) International cooperative efforts for the protection and conservation of marine mammals including the Convention for the Conservation of Antarctic Seals, the Interim Convention for the Conservation of North Pacific Fur Seals, the International Whaling Convention, and the US–USSR Cooperative Agreement.

(3) Applications for waivers of the moratorium including those by the State of Alaska, the State of California, and the Fouke Company.

(4) Applications for permits to take marine mammals for public display and scientific research.

(5) General permits.

(6) Protection of certain areas of marine mammal concentrations including San Miguel Island, Puget Sound, and the Walrus Islands.

(7) Incidental taking of marine mammals in the course of commercial fishing operations.

(8) Standards for holding and capturing marine mammals; and other matters.

These sessions of the meeting will be open to the public. Seating will be available to accommodate up to 200 observers.

The remaining sessions of the meeting will consist of a meeting of the Commission in executive session, a meeting of the Committee in executive session, and a consultative meeting of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal operations, personnel, policy, interagency liaison, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions involve matters which are within the exemptions of 5 U.S.C. 552(b)(2), (4), and (6) and will therefore not be open to the public.

For further information concerning these meetings, contact the Marine Mammal Commission, 1625 Eye Street, NW., Washington, D.C. 20006 (202/382–4475).

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

OCTOBER 1, 1974.

[FR Doc.74-23363 Filed 10-7-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463) notice is hereby given of a meeting of the Advisory Panel for Mathematical Sciences to be held at 9:15 on October 24–25, 1974, in Room 704, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and counsel concerning support for research in Mathematical Sciences. The agenda for this meeting includes:

OCTOBER 24—MORNING

Final Summary Report on FY 74 Activities—Head, Mathematical Sciences Section and Staff.

The FY 75 Budget—Division Director for Mathematical & Physical Sciences.

Problems in the Federal Support of Physics—Head, Physics Section.

AFTERNOON

Discussion of Research Institutes—Head, Mathematical Sciences Section and Staff.
Criteria for Conference Funding—Head, Mathematical Sciences Section and Staff.

OCTOBER 25—MORNING

General Problems of Support—Panel Members and Staff.
Suggestions for filling Program Director Position.

Persons wishing to attend should inform Ms. Clara Nutter, Administrative Assistant, by telephone (202–632–7377), or by mail (Room 302, National Science Foundation, Washington, D.C. 20550.

For further information about this Panel, please contact Dr. William H. Pell, Head, Mathematical Sciences Section at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 3, 1974.

[FR Doc.74–23373 Filed 10–7–74;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 October 3, 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), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Gallonage Sales of Gasoline, Forms SG01, SG–2, SG–3, Monthly, Weiner (395–4890), Retail gasoline service stations.
Accounts Receivable Feasibility Study, Form S–314, Single time, Weiner (395–4890), Business firms.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research:
Neighborhood Housing Services Participant Survey, Form 1, Single time, CVA (395–3532) Sunderhauf (395–4911), Neighborhood housing services loan recipients.
Neighborhood Housing Services Survey: Recent Property Buyers, Form 1, Single time, CVA (395–3532), Sunderhauf (395–4911), Recent property buyers in central No. Side & Garfield, Pittsburgh.

DEPARTMENT OF THE INTERIOR

Bureau of Fish and Wildlife: Hunter Questionnaire-Merced and San Luis Refuges, Form ——, Occasional, Planchon (395–3898), Waterfowl hunters.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Sugarcane Inquiries, Form ——, Occasional, Lowry (395–3772), Sugar mills.

DEPARTMENT OF COMMERCE

Bureau of the Census: Annual Confectionery Survey, Form MA 20D, Annual, Hulett (395–4730), Confectionery manufacturers.

NATIONAL SCIENCE FOUNDATION

Hazardous Substances Survey of Chemical Industry, Form ——, single time, Weiner (395–4890), Chemical manufacturers.

EXTENSIONS

VETERANS ADMINISTRATION

Report of Income from Property or Business, Form 21–4185, Occasional, Evinger (395–3648), Veteran's dependents.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–23562 Filed 10–7–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 605]

ASSIGNMENT OF HEARINGS

OCTOBER 3, 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 October 8, 1974.

MC 139503, Lee Eberly, dba Whitley Trailer Court and Sales, now assigned October 30, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

MC–C–8281, Tra-Mo Warehouse, Inc.—Investigation of Operations, now assigned November 5, 1974, at Portland, Oregon, is postponed indefinitely.

No. 35960, Sunkist Growers, Inc., Pure Gold, Inc., and Heggblade-Marguleas-Tenneco, Inc. v. The Akron, Canton & Youngstown Railroad Company, now assigned October 8, 1974, at Washington, D.C., is advanced to October 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136640 Sub 7, Robert L. Allen, dba R. Allen Transport, now assigned November 4, 1974, will be held in Room 3240, William J. Green Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa.

MC 139046 Sub 1, D. S. Trucking, Inc., now assigned November 6, 1974, will be held in Room 3240, William J. Green Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa.

I&S No. M–27944, Meats Hooks, Pallets or Racks, Transcontinental Territory, now being assigned hearing November 18, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35898, The Ohio Locomotive Crane Company, Et Al. v. Illinois Central Gulf Railroad, Et Al., now being assigned hearing December 3, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135007 Sub 41, American Transport, Inc., now being assigned continued hearing December 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 Sub 171, Superior Trucking Co., Inc., continued to November 18, 1974 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC–F–12070, F–B Truck Line Company—Purchase (Portion)—Salt Lake Transfer Company, MC–F–12071, Sammons Trucking—Purchaee (Portion)—Salt Lake Transfer Company, MC–F–12072, Northwest Transport Service, Inc.—Purchase (Portion)—Salt Lake Transfer Company, continued to October 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F–12100, Transervice Corp.—Purchase (Portion)—Miller's Motor Freight, Inc.; MC–FC–74937, Lobianco Trucking Co., Inc., York, Pennsylvania, Transferee, and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor; MC–FC–74948, Mid-Penn Transportation, Inc., York, Pennsylvania, Transferee, and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor; and MC–FC–74949, P–Y Transport, Inc., York, Pennsylvania, Transferee, and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor, continued to November 18, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8417, Rockland Coaches, Inc.—Investigation and Revocation of Certificates—now being assigned hearing December 3, 1974 (4 days), at New York, N.Y., in a hearing room to be later designated.

MC 2229 Sub 180, Red Ball Motor Freight, Inc., continued to January 14, 1975 (9 days), at the Queen Mary Hyatt Hotel, Pier J, P.O. Box 20396, Long Beach, Calif.,

and January 27, 1975 (1 week), at the Holiday Inn-Fisherman's Wharf, 1300 Columbus Avenue, San Francisco, Calif.

MC 134922 Sub 81, B. J. McAdams, Inc., now being assigned hearing November 12, 1974 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 52460 Sub 147, Ellex Transportation, Inc., now being assigned hearing November 13, 1974 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-23416 Filed 10-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 81, Amdt. No. 1]

ERIE LACKAWANNA RAILWAY CO., ET AL.

Exemption Under the Mandatory Car Service Rules

In the matter of Erie Lackawanna Railway Company, (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees), and Lehigh Valley Railroad Company, (John F. Nash and Robert C. Haldeman, Trustees).

Upon further consideration of Exemption No. 81 issued July 15, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 81 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1974.

This amendment shall become effective September 30, 1974.

Issued at Washington, D.C., September 27, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-23417 Filed 10-7-74;8:45 am]

[AB 5 (Sub-No. 142)]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Branch

SEPTEMBER 30, 1974.

In the matter of George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Company, Debtor, abandonment LE&P Branch, between East 71st Street, Cuyahoga Heights and Warner Road, Garfield Heights, Cuyahoga County, Ohio.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, August 23, 1974, notice was published in Cuyahoga County, Ohio, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 23, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-23420 Filed 10-7-74;8:45 am]

INDIANA [1]

Elimination of Gateways

OCTOBER 2, 1974.

ALL orders of the Interstate Commerce Commission, granting elimination of gateways (49 CFR 1065), or letter-notice requests by motor common carriers for the elimination of gateways which have become effective, or copies of FEDERAL REGISTER notices of the elimination of gateways which have become effective which authorize travel into or through the State of Indiana, should be sent to the Motor Carrier Department of the Public Service Commission of Indiana for filing; and the carrier will be required to carry a copy of the elimination of gateways order in the vehicle at all times while operating under that authorization, in accordance with P.S.C.I. Rule 12.

The carrier should forward 3 copies of the order or other requested material, one will be filed stamped and returned to the carrier, one will be forwarded to the Indiana State Police, and one copy will be maintained in P.S.C.I. files with the carrier's other registered authority.

No registration fees will be charged to file these orders, since the carrier is not granted additional authority, and the original sub must be registered in Indiana before the operation is authorized.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-23418 Filed 10-7-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 3, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 18, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 14702 (Sub-No. E7), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to its intersection with U.S. Highway 322, thence along U.S. Highway 322 to its intersection with U.S. Highway 350, thence along U.S. Highway 350 to its intersection with U.S. Highway 220, and thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, points in Maryland, New Jersey, the District of Columbia, and points in that part of New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Lercester, thence along New York Highway 36 to Mt. Morris, thence along New York Highway 408 to its intersection with New York Highway 16, near Hinsdale, thence along New York Highway 16 to Olean, and thence along New York Highway 16-A to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Ohio north and west of a line beginning at the Ohio River and extending along U.S. Highway 22 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Ohio Highway 78, thence along Ohio Highway 78 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 33, and thence along U.S. Highway 33 to the Ohio River. The purpose of this filing is to eliminate the gateways of Warren, Ohio, or Blaine, Ohio.

No. MC 29079 (Sub-No. E7) (correction), filed May 21, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th & H Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, dies, die parts, die checking fixtures, die models, hand jigs, tools, patterns, and templates*, when moving in connection with dies, from points in New

[1] This notice originated from the "State of Indiana Public Service Commission", by Robert M. Mowery, Administrative Assistant.

York on and west of U.S. Highway 62, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north of U.S. Highway 40 to points in Michigan on and south of a line beginning at Lugington, and extending along U.S. Highway 10 to junction business route U.S. Highway 10 to Midland, thence along Michigan Highway 20 to Saginaw River, thence along the Saginaw River to Saginaw Bay (except from (1) Silver Creek, N.Y., to Ann Arbor, Detroit, Sturgis, Willow Run, and Ypsilanti, Mich., (2) Westfield, N.Y., to Ann Arbor, Coldwater, Detroit, Jackson, Lansing, Pontiac, Sturgis, Willow Run, and Ypsilanti, Mich., and (3) Erie, Pa., to Ann Arbor, Battle Creek, Coldwater, Detroit, Grand Rapids, Jackson, Kalamazoo, Lansing, Pontiac, Port Huron, St. Joseph, Sturgis, Willow Run, and Ypsilanti, Mich.). The purpose of this filing is to eliminate the gateways of Toledo and Columbiana, Ohio. The purpose of this correction is to expand the commodity description.

No. MC 29079 (Sub-No. E8) (correction), filed May 21, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th & H Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and dies, and die parts, die checking fixtures, die models, hand jigs, tools patterns, and templates*, when moving in connection with dies, from (1) Alton, Ill., to Cleveland, Elyria, Jefferson, Maple Heights, Maumee, and Toledo, Ohio; (2) from Bradley, Ill., to Canton, Cleveland, and Toledo, Ohio; (3) from Crystal Lake, Ill., to Toledo, Ohio; (4) from Danville, Ill., to Bedford, Cleveland, Parma, and Valley View, Ohio; (5) from Granite City, Ill., to Amherst, Ohio; (6) from Kankakee, Ill., to Sandusky, Ohio; (7) from Madison, Ill., to Coshocton, Ohio; (8) from Pekin, Ill., to Lorain, Ohio; (9) from Peoria, Ill., to Cleveland, Elyria, Lorain, Toledo, Wooster, and Youngstown, Ohio; (10) from Peru, Ill., to Ashtabula, Cleveland, Elyria, and Wooster, Ohio; (11) from Rockford, Ill., to Mansfield and Marion, Ohio; (12) from St. Louis, Mo., to Akron, Cleveland, Jefferson, Lorain, Maple Heights, Miles, and Youngstown, Ohio; and (13) from Streator, Ill., to Cleveland, Massillon, and Milan, Ohio. The purpose of this filing is to eliminate the gateways of Portage, Ind., and Toledo, Ohio. The purpose of this correction is to expand the commodity description.

No. MC 29079 (Sub-No. E9) (correction), filed May 21, 1974, published in the FEDERAL REGISTER, July 23, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th & H Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron and steel products, and dies, and die parts, die checking fixtures, die models, hand jigs, tools, patterns, and templates*, when moving in connection with dies, (1) from Elyria, Ohio, to East Moline and Moline, Ill.; (2) from Martins Ferry, Ohio, to East Moline, Rockford, and Silvis, Ill.; (3) from Massillon, Ohio, to Rockford, Ill.; (4) from McDonald, Ohio, to Quincy, Ill.; (5) from Salem, Ohio, to East Moline, Ill.; (6) from Steubenville, Ohio, to Moline, Ill.; (7) from Warren, Ohio, to Clayton, Ill.; (8) from Yorkville, Ohio, to Freeport and Rockford, Ill.; and (9) from Youngstown, Ohio, to Freeport, Ill. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Portage and Kokomo, Ind. The purpose of this correction is to expand the commodity description.

No. MC 35890 (Sub-No. E8) (correction), filed May 3, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-sixth St. SE., Grand Rapids, Mich. Applicant's representative: John J. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, (a) from points in Connecticut, Massachusetts, and Rhode Island to points in Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah, (b) from the District of Columbia to points in Arizona, California, Colorado, Iowa, Kansas, Nevada, New Mexico, and Utah (c) from points in New Jersey to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, and Utah, (d) from points in New York to points in Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich. The purpose of this correction is to include those proposals inadvertently omitted from the previous publication.

No. MC 100666 (Sub-No. E149), filed May 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Craig, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the Flakeboard plant site of the Crossett Lumber Company at Crossett, Ark.

No. MC 100666 (Sub-No. E190), filed 5/19/74. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, Louisiana 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board* (except in bulk) from Fort Dodge, Iowa, to points in Arizona and Texas and points in California in and south of San Bernardino, Kern, Tulare, Fresno, San Benito, and Santa Cruz Counties. (Miami, Okla., and Pittsburg, Kans.)* (2) *Composition board* (except in bulk) from Fort Dodge, Iowa, to points in South Carolina. (Points in Henry County, Tenn.)* (3) Building, roofing, and insulating materials, and gypsum and gypsum products (except in bulk) from Fort Dodge, Iowa, to points in New Mexico on and south of Interstate Highway 40. (Duke, Okla.)* (4) *Gypsum wallboard, gypsum lath, gypsum wallboard products, metal lath, metal studs, clips, tape, joint cement, joint systems* (except in bulk) from Fort Dodge, Iowa, to points in Louisiana. (Briar, Ark., and points within 5 miles thereof)* (5) *Wallboard, fiberboard, particleboard, roofing, insulating, sheathing, gypsum plaster products, joint system compound, and building paper and tape* (except in bulk) from Fort Dodge, Iowa, to points in Alabama, Florida, Georgia, and Mississippi. (West Memphis, Ark.)* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E193), filed 5/19/74. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, fiberboard, plywood, particleboard, composition roofing board, composition insulating board, composition sheathing board, and composition gypsum board* from Irving, Tex., to points in California on and north of a line from the California Nevada State line along Interstate Highway 80 to the junction of Salano County and in and north of Salano, Napa, and Sonoma Counties, points in Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada (except points in and south of Mineral, Nye, and Lincoln Counties), New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, points in Utah in and north of Unitah, Duchesne, Utah, Juab, and Millard Counties, and points in Virginia, Vermont, Washington, West Virginia, Wisconsin, and the District of Columbia (Pittsburg, Kans.)* (2) *Gypsum wallboard, gypsum lath, gypsum wallboard products, tupe, joint system compounds* (except in bulk), and *materials* used in the installation of the foregoing commodities, when moving incidental to the foregoing commodities from Irving, Tex., to points in Georgia. (Briar, Ark.)* (3) *Gypsum products and wallboard, fiberboard, plywood, particleboard, roofing, and insulating sheathing* from Irving, Tex., to points in Florida, North Carolina, South Carolina, and Mobile, Ala. (the plant sites and storage facilities of the National Gypsum Company at New Orleans La.)* (4) *Roofing and insulat-*

ing materials and gypsum and gypsum products and wallboard, fiberboard, plywood, and particleboard from Irving Tex., to points in Colorado and New Mexico (except points south and east of a line from the Texas-New Mexico State line along U.S. Highway 70 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line). (Duke, Okla.) * The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E194), filed 5/19/74. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefinished wall panels, composition board, wallboard, plywood, and mouldings* from Florence, Ky., to points in Arizona, California, Idaho, Montana (except points in, north, and east of Fallow, Prairie, Garfield, Phillips, and Blaine Counties), Nevada, Oregon, Utah, and Washington, (Pittsburg, Kans.) * (2) *Composition Board* from Florence, Ky., to points in Colorado, New Mexico, and Wyoming. (points in Henry County, Tenn.) * The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E195), filed 5/19/74. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Miami, Okla., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC 100666 (Sub-No. E196), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefinished wall panels, composition board, wallboard, and plywood* (except commodities in bulk) from the plant sites and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington. (Pittsburg, Kans.) * (2) *Composition board* (except in bulk) from the plant sites and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia. (The warehouses and plant site of the International Paper Company in Stone County, Miss.) * and points in Wyoming (points in Henry County, Tenn.) * (3) *Gypsum plaster products and wallboard, fiberboard, particleboard, roofing, insulating, sheathing, joint system compound, and building paper and tape* from the plant site and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Illinois, Indiana, and Iowa. (West Memphis, Ark.) * The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E199), filed July 8, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, in bags, from Winnsboro, La., to points in Florida east of the Apalachicola River and points in North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Opelousas, La.

No. MC 100666 (Sub-No. E200), filed May 16, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, in bags, from Opelousas, La., to points in Tennessee on, west, and north of a line from the Mississippi-Tennessee State line along Interstate Highway 55 to the junction of Interstate Highway 40, thence along Interstate 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of West Helena, Ark.

No. MC 100666 (Sub-No. E201), filed May 16, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and points in Minnesota on and west of U.S. Highway 71. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC 100666 (Sub-No. E202), filed May 23, 1974. Applicant: MELTON TRUCKLINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, particleboard, roofing board, insulating board, sheathing board, and gypsum board and plywood*, from the plant site and warehouses of Westvaco Corporation at North Charleston, S.C., to points in Tennessee in and west of Weakley, Carroll, Henderson, and Hardin Counties. The purpose of this filing is to eliminate the gateways of West Memphis, Ark., and points in Arkansas.

No. MC 100666 (Sub-No. E204), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products* (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), the fittings, materials, and accessories, for the installation or transportation thereof (except in bulk), and plastic and pipe fittings, in mixed loads with cement asbestos products from Ragland, Ala., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Duke, Okla.

No. MC 100666 (Sub-No. E205), filed May 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant and warehouse sites of Dierks Forests, Inc., at Broken Bow, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the Flakeboard plant site of the Crossett Lumber Company at Crossett, Ark.

No. MC 100666 (Sub-No. E206), filed May 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and gypsum lath*, from Briar, Ark. (located five miles east and seven miles north of Center Point in Howard County), to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Craig, Okla., and the Flakeboard plant site of the Crossett Lumber Company at Crossett, Ark.

No. MC 100666 (Sub-No. E207), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Craig, Okla., to points in California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and the District of Columbia (Pittsburg, Kans.) *, and points in Florida (the warehouses and plant site of the Interna-

tional Paper Company located in Stone County, Miss.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E209), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and gypsum lath*, from Briar, Ark. (located five miles east and seven miles north of Center Point in Howard County), to points in California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and the District of Columbia (Pittsburg, Kans.)*, and points in Florida (warehouses and plant site of the International Paper Company located in Stone County, Miss.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 103993 (Sub-No. E36), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel building*, and (2) *Prefabricated building sections, and panels and equipment, and materials* incidental to the erection and completion of such buildings when shipped therewith, from points in Arizona, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eleminate the gateways of Niles, Warren, or Youngstown, Ohio.

No. MC 103993 (Sub-No. E37), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhant, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings*, and (2) *Prefabricated building sections and panels, and equipment and materials*, incidental to the erection and completion of such buildings when shipped therewith, from points in Alabama and Mississippi to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Niles, Warren, or Youngstown, Ohio.

No. MC 107403 (Sub-No. E438) (correction), filed May 29, 1974, published in the FEDERAL REGISTER September 25, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Good Hope, La., to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Millsdale, Ill. The purpose of this correction is to correct the "E" number previously published as E437.

No. MC 109397 (Sub-No. E56), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and blasting supplies*, (1) between points in that part of Minnesota west of the Mississippi River and on and east of Minnesota Highway 15, on the one hand, and, on the other, points in Arizona, Idaho, California, Utah, Oregon, Nevada, and Washington, (2) between points in that part of Minnesota west of the Mississippi River, on and east of Minnesota Highway 22, and on and south of Minnesota Highway 23, on the one hand, and, on the other, points in New Mexico, (3) between those parts of Dakota, Hennepin and Ramsey Counties, Minn., located west of the Mississippi River, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, and Wyoming, (4) between points in that part of Iowa on and east of U.S. Highway 218 and on and south of Iowa Highway 92, on the one hand, and, on the other, points in Oregon, (5) between points in that part of North Dakota on and east of U.S. Highway 281, on the one hand, and, on the other, points in Arkansas, that part of Missouri on and east of U.S. Highway 65, and that part of Louisiana west of the Mississippi River, (6) between points in that part of North Dakota on and east of U.S. Highway 83, on the one hand, and on the other, that part of Texas on and east of U.S. Highway 81, and (7) between points in Des Moines County, Iowa, on the one hand, and, on the other, points in Montana, Pennington County, S. Dak., and that part of Wisconsin on and north of Wisconsin Highway 29 and on and west of Wisconsin Highway 53. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 110420 (Sub-No. E83), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Plesant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from Burlington, Wis., to Baltimore, Md., points in North Carolina, South Dakota, Indiana, Ohio, and Kentucky (Chicago, Ill.)*; (2) *Liquid chocolate* and *liquid cocoa butter*, in bulk, in tank vehicles, from Burlington, Wis., to Battle Creek and Detroit, Mich., St. Joseph and Joplin, Mo., Lincoln and Omaha, Nebr., Cincinnati and Cleveland, Ohio, Memphis, Tenn., and Waco, Tex. (Chicago, Ill.)*; (3) *Liquid chocolate* and *chocolate coating*, in bulk, in tank vehicles, from Burlington, Wis., to points in the Lower Peninsula of Michigan, Missouri, Texas, Louisiana, that part of Iowa south and west of Osceola, Clay, Pocahontas, Webster, Boone, Story, Jasper, Mahaska, Wapello, Van Buren, and Lee Counties, Iowa, Denver, Colo., and Grand Forks, N. Dak. (Chicago, Ill.)*; (4) *Chocolate, confectionery coating compounds, and cocoa butter* from Burlington, Wis., to Dallas, Tex., to points in the Kansas City, Kansas-Missouri, commercial zone (St. Louis, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1084), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Texas on and east of U.S. Highway 281, (1) to points in Delaware, New Jersey, and that part of Pennsylvania on and east of U.S. Highway 220, and the District of Columbia (Baltimore, Md.)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (Baltimore, Md., and Newark, N.J.)*, (3) to points in that part of New York on and east of New York Highway 14 (Baltimore, Md., and Carteret, N.J.)*, and (4) to points in Maine, New Hampshire, and Vermont (Baltimore Md., Carteret, N.J., and Syracuse, N.Y.)*, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen to points in Vermont. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1085), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Texas City, Tex., to points in North Carolina, South Carolina, and that part of Florida east of the Apalachicola and Chattahoochee Rivers (Vicksburg, Miss.)*; and (B) *Phosphoric acid* (except when derived from petroleum, fertilizer, fertilizer ingredients), in bulk, in tank vehicles, from Texas City, Tex., (1) to points in Kentucky (Vicksburg, Miss.)*, and (2) to points in Indiana and Michigan (Vicksburg, Miss., and Louisville, Ky.)*. The purpose of this filing is

to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1086), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Nashville, Tenn., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 110525 (Sub-No. E1087), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Formaldehyde*, in bulk, in tank vehicles, from Sterlington, La., (1) to points in Arizona and California (Houston, Tex.)*; and (2) to points in that part of New Mexico on and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 54 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Colorado State line (Beaumont, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1088), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetic acid*, in bulk, in tank vehicles, from Waynesboro, Va., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E1090), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in bulk, in tank vehicles, from Mobile, Ala., to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110525 (Sub-No. E1091), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Evans City, Ala., (1) to points in North Carolina, South Carolina, Virginia, that part of Tennessee on and north of Interstate Highway 40 and on and east of U.S. Highway 27, and that part of Georgia on, east, and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 114 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 140, thence along Georgia Highway 140 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Tennessee State line (Rome, Ga.)*; and (2) to points in that part of Florida east of the Apalachicola River (Rome and Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1092) filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston, 63 M.C.C. 677*, in bulk, in tank vehicles, (1) (except bituminous products and materials), from Jacksonville, Fla., to points in Virginia, West Virginia, and that part of Tennessee on and east of U.S. Highway 27 (points in Georgia)*, (2) (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), from Jacksonville, Fla., to points in Arkansas that part of Tennessee on and west of U.S. Highway 27, that part of Louisiana on and north of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, and points in Texas (except points in Orange and Jefferson Counties (Atlanta, Ga.)*, (3) from Jacksonville, Fla., to points in Mississippi (Vienna, Ga.)*, (4) (except liquefied petroleum gases, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), from Jacksonville, Fla., to points in Arizona and California (Atlanta, Ga., and Houston, Tex.)*, (5) (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), from Jacksonville, Fla., to points in New Mexico (Atlanta, Ga., and Pearland, Tex.)*, (6) (except bituminous products and materials), from Jacksonville, Fla., to points in Delaware, New York, and New Jersey, and the District of Columbia (points in Georgia and Hopewell, Va.)*, (7) from Jacksonville, Fla., to points in Maryland (Greensboro, N.C.)*, (8) (Except bituminous products and materials), from Jacksonville, Fla., to points in Indiana (points in Georgia, Copperhill, Tenn., and Louisville, Ky.)*, (9) (except bituminous products and materials), from Jacksonville, Fla., to points in Kentucky (points in Georgia and Copperhill, Tenn.)*, (10) (except bituminous products and materials), from Jacksonville, Fla., to points in Kansas and that part of Illinois on and north of Illinois Highway 15 (points in Georgia, Copperhill, Tenn., and Louisville, Ky.)*, and (11) (except bituminous products and materials), from Jacksonville, Fla., to points in Colorado, North Dakota, Utah, and Washington (points in Georgia, Copperhill, Tenn., and Addyston, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1093), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorinated camphere*, in bulk, in tank vehicles, from Brunswick, Ga., (1) to the District of Columbia (Rocky Mount, N.C., and Hopewell, Va.)*, (2) to points in Indiana and that part of Illinois on and north of Illinois Highway 15 (Copperhill, Tenn., and Louisville, Ky.)*; and (3) to points in Harris County, Tex. (Mobile, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1095), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from points in that part of South Carolina on and west of U.S. Highway 1 to points in that part of Florida on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 110525 (Sub-No. E1096), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil, soybean oil, and peanut oil*, in bulk, in tank vehicles, from points in that part of South Carolina on and east of U.S. Highway 1 to points in that part of Alabama on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 110988 (Sub-No. E3), filed May 17, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid*

paraffin wax, in bulk, in tank vehicles, from Oshkosh, Wis., to points in New Jersey, New York (South Beloit, Ill.)*, Pennsylvania, West Virginia, Alabama, Mississippi, Louisiana, Texas, Colorado, and points in that part of Wyoming on and south of U.S. Highway 26 (the plant site of Philadelphia Quartz Co., at Utica, Ill.)*. (2) *Paraffin wax*, in bulk, in tank vehicles, from Oshkosh, Wis., to points in West Virginia and Pennsylvania (Otsego, Mich.)*. (3) *Concentrated spent sulphite* (sulphur waste liquor), in bulk, in tank vehicles, (a) from Appleton, Wis. to points in Colorado, and points in that part of Wyoming on and south of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line (the plant site of Philadelphia Quartz Co., at Utica, Ill.)*; (b) from Rhinelander, Wis., to points in Pennsylvania, West Virginia, Kentucky, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Colorado, Kansas, points in that part of Tennessee east of U.S. Highway 27, points in that part of Wyoming on and south of a line beginning at the Idaho-Wyoming State line, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line, points in that part of Missouri on, south, and east of a line beginning at the Missouri-Nebraska State line, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Iowa-Missouri State line (the plant site of Philadelphia Quartz Co., at Utica, Ill.)*, points in Pennsylvania, West Virginia (Otsego, Mich.)*, New York, New Jersey (South Beloit, Ill.)*; and (c) from Green Bay, Wis., to points in Texas, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, Colorado, points in that part of Wyoming on and south of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line, and points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Nebraska-Iowa State line (the plant site of Philadelphia Quartz Co., at Utica, Ill.)*.

(4) *Sodium sulphite solution, lacquer solvent, liquid caustic soda, and sulphuric acid*, in bulk, in tank vehicles, (a) from Kimberly and Appleton, Wis., to points in that part of Michigan on and south of U.S. Highway 10 (South Beloit, Ill.)*; (b) from Wisconsin Rapids, Wis., to points in that part of Michigan on and south of Michigan Highway 55 (South Beloit, Ill.)*; (c) from Niagara and Rhinelander, Wis., to points in that part of Michigan on, south, and west of a line beginning at Muskegon, thence along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line (South Beloit, Ill.)*; and (d) from Niagara, Kimberly, Wisconsin Rapids, Appleton, and Rhinelander, Wis., to points in New York and New Jersey (South Beloit, Ill.)*. (5) *Liquid sulphite solution, liquid lacquer solvent, liquid caustic soda, and liquid sulphuric acid*, in bulk, in tank vehicles, (a) from Niagara, Appleton, and Kimberly, Wis., to points in Pennsylvania, and points in that part of West Virginia on and east of a line beginning at the West Virginia-Ohio State line, thence along Alternate U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to the West Virginia-Virginia State line, and points in that part of Ohio on and east of a line beginning at Sandusky, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line (South Beloit, Ill., and Ostego, Mich.)*; and (b) from Wisconsin Rapids and Rhinelander, Wis., to points in Pennsylvania, West Virginia, and points in that part of Ohio on and east of a line beginning at the Michigan-Ohio State line, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line (South Beloit, Ill., and Ostego, Mich.)*.

(6) *Sodium sulphite solution, lacquer solvent, liquid caustic soda, and sulphuric acid*, in bulk, in tank vehicles, (a) from Niagara, Kimberly, Wisconsin Rapids, Appleton, and Rhinelander, Wis., to points in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, Alabama, Kentucky, West Virginia, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Pennsylvania on, south, and east of U.S. Highway 62, points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line, points in that part of Indiana on and south of Indiana Highway 38, points in that part of Illinois on and south of a line beginning at Gullport, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, points in that part of Missouri on and south of U.S. Highway 24, points in that part of Kansas on and south of Interstate Highway 70, points in that part of Colorado on, south, and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, and points in that part of Wyoming on and south of a line beginning at the Utah-Colorado State line, thence along Interstate Highway 80 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Colorado State line (plant site of Philadelphia Quartz Co., at Utica, Ill.)*; and (b) from Niagara, Wis., to points in that part of Minnesota on and west of U.S. Highway 59 (Groos, Mich.)*, and points in Iowa (Groos, Mich., and Appleton, Wis.)*.

(7) *Sulphite waste liquor*, in bulk, in tank vehicles, (a) from Niagara, Kimberly, and Wisconsin Rapids, Wis., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Pennsylvania on, south, and east of U.S. Highway 62, points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line, points in that part of Indiana on and south of Indiana Highway 38, points in that part of Kansas on and south of Interstate Highway 70, points in that part of Colorado on, south, and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, points in that part of Wyoming on and south of a line beginning at the Utah-Colorado State line, thence along Interstate Highway 80 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Colorado State line (plant site of Philadelphia Quartz Co., at Utica, Ill.)*; and (b) from Niagara, Wis., to points in that part of Minnesota on and west of U.S. Highway 59 (Groos, Mich.)*, and points in Iowa (Groos, Mich., and Appleton, Wis.)*.

(8) *Liquid glue*, in bulk, in tank vehicles, from Forest Park, Ill., to points in that part of Wisconsin on and north of a line beginning at Prescott, thence along U.S. Highway 10 to junction U.S. Highway 57, thence along U.S. Highway 57 to Coreen Bay, and points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 16 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to the Minnesota-Wisconsin State line (Kimberly, Wis.)*. (9) (a) *Ice cream mix, condensed skim milk, and condensed whole milk*, in bulk, in tank vehicles, or in containers, and (b) *Sweet cream*, in containers, from points in the Upper Peninsula of Michigan, to Chicago, Ill. (Neenah, Wis.)*. (10) *Condensed skim milk and condensed whole milk*, in bulk, in tank vehicles, from points in the Upper Peninsula of Michigan, to points in Louisiana, Texas, Oklahoma, Missouri, points in that part of Georgia on, west,

and south of a line beginning at the Georgia-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Savannah, and points in that part of Illinois on, west, and south of a line beginning at Chicago, thence along U.S. Highway 66 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line (Neenah, Wis.) *.

(11) *Emulsion, paper coating*, in bulk, in tank vehicles, from Dayton, Ohio, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, points in that part of Kansas on, north, and west of a line beginning at the Kansas-Missouri State line, thence along Kansas Highway 4 to junction Kansas Turnpike, thence along the Kansas Turnpike to the Kansas-Oklahoma State line, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 81 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico (plant site of Philadelphia Quartz Co., at Utica, Ill.) *, and points in that part of Iowa on and north of a line beginning at Sioux City, thence along U.S. Highway 75 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 9, thence along U.S. Highway 9 to Lansing (Neenah, Wis.) *. (12) *Phosphoric acid and hydrofluosilicic acid*, in bulk, in tank vehicles, from Chicago Heights, Ill., to points in Minnesota (Portage, Wis.) *, North Dakota, and points in that part of South Dakota on and north of U.S. Highway 14 (Rothschild, Wis.) *. (13) *Sulphuric acid*, in bulk, in tank vehicles, from Joliet, Ill., to points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls.

(14) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant site of the Philadelphia Quartz Co., at Utica, Ill., to points in New York and New Jersey (South Beloit, Ill.) *.

(15) *Chemicals*, in bulk, in tank vehicles, from the plant site of Philadelphia Quartz Co., at Utica, Ill., to points in Minnesota (Portage, Wis.) *. (16) *Phosphoric acid*, in bulk, in tank vehicles, from points in Polk and Hillsborough Counties, Fla., to points in North Dakota, South Dakota, Wyoming, Nebraska, points in that part of Missouri on and north of U.S. Highway 36, and points in that part of Colorado on, north, and west of a line beginning at the Colorado-New Mexico State line, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (plant site of Philadelphia Quartz Co., at Utica, Ill.) *. (17) *Liquid phosphoric acid and liquid hydrofluosilicic acid*, in bulk, in tank or hopper type vehicles, from Chicago Heights, Ill., to points in Pennsylvania, and points in West Virginia on, north, and east of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line (Ostego, Mich.) *.

(18) *Fertilizer and fertilizer ingredients*, in bulk, in tank or hopper type vehicles, from the plant site of the Des Plaines Chemical Co., at or near Morris, Ill., to points in Pennsylvania, and points in that part of West Virginia on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line (Ostego, Mich.) *, points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line (Rothschild, Wis.) *. (19) *Liquid caustic soda*, in bulk, in tank vehicles, from the sites of the storage facilities of Wyandotte Chemicals Corporation at or near Lemont, Ill., to points in Minnesota (Portage, Wis.) *, North Dakota, points in that part of South Dakota on and north of U.S. Highway 16, points in that part of New York on and east of Interstate Highway 87, and points in that part of New Jersey on, east, and north of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to Atlantic City (that part of the South Beloit, Ill., commercial zone which lies in Wisconsin) *.

(20) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, having an immediate prior movement by rail or water; (a) from points in Wisconsin (except Superior), to points in New Jersey and New York (that part of the South Beloit, Ill., commercial zone which lies in Wisconsin) *; and (b) from points in that part of Wisconsin south of Wisconsin Highway 29, and north and west of a line beginning at Green Bay, thence along U.S. Highway 41 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, to points in that part of Michigan on and south of U.S. Highway 10 (that part of the South Beloit, Ill., commercial zone which lies in Wisconsin) *. (21) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, wood preservatives, and water repellants), in bulk, in tank or hopper type vehicles, from points in that part of Wisconsin on, north, and west of a line beginning at Green Bay, thence along U.S. Highway 151 to the Wisconsin-Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line (except Superior), to points in Pennsylvania, points in that part of West Virginia on and north of Interstate Highway 70, and points in that part of Ohio on and east of a line beginning at Cleveland, thence along Interstate Highway 77 to junction Ohio Highway 43, thence along Ohio Highway 43 to the Ohio-West Virginia State line (Otsego, Mich., and that part of the South Beloit, Ill., commercial zone which lies in Wisconsin) *.

(22) *Chemicals*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and north of a line beginning at LaCrosse, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan (except Superior), to points in Alabama, Mississippi, Louisiana, points in that part of Arkansas on, south, and east of U.S. Highway 67, and points in that part of Texas on and east of U.S. Highway 59 (Portage, Wis., and the plant site of Philadelphia Quartz Co., at Utica, Ill.) *.

(23) *Chemicals* (except lignin pitch and lignin liquor), in bulk, in tank or hopper vehicles, having an immediate prior movement by rail or water, (a) from points in that part of Wisconsin on, north, and east of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 41 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction U.S. Highway 10, thence along U.S. Highway 10 to Manitowac, to points in Iowa, Missouri, points in that part of Illinois on and south of Interstate Highway 74, points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 136 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 24, thence along Indiana Highway 24 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line (Appleton, Wis.) *; and (b) from points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 16 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction U.S. Highway 10, thence along U.S. Highway 10 to Manitowac, to points in that part of the Upper Peninsula of Michigan in and east of Menominee and Marquette Counties (Appleton, Wis.) *.

(24) *Chemicals*, in bulk, in tank or hopper vehicles, having an immediately prior movement by rail or water, from points in that part of Wisconsin on and east of a line beginning at Green Bay, thence along U.S. Highway 41 to junction Wisconsin Highway 26, thence along

Wisconsin Highway 26 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line, to points in that part of Minnesota on, south, and west of a line beginning at the Minnesota-North Dakota State line, thence along U.S. Highway 52 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line (Portage, Wis.)*. (25) *Chemicals*, in bulk, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, south, and east of a line beginning at Marinette, thence along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 83, thence along Wisconsin Highway 83 to the Wisconsin-Illinois State line, to points in North Dakota, and points in that part of South Dakota on, north, and west of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line (Rothschild, Wis.)*.

(26) *Condensed skim milk and condensed whole milk*, in bulk, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 125, thence along Wisconsin Highway 125 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, to points in the Upper Peninsula of Michigan (Neenah, Wis.)*. (27) *Liquid legume inoculation* (liquid cultures of nitrogen-fixing bacteria), in bulk, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, south, and west of a line beginning at Sheboygan, thence along U.S. Highway 141 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 83, thence along Wisconsin Highway 83 to the Illinois-Wisconsin State line, to Minneapolis, Minn. (Milwaukee, Wis.)*. (28) *Fertilizer and fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk, having an immediatte prior movement by rail or water, from points in that part of Wisconsin on, north, and east of a line beginning at Marinette, thence along U.S. Highway 41 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to Milwaukee, to points in that part of Iowa on and south of U.S. Highway 20, and points in that part of Illinois on, south, and west of a line beginning at the Iowa-Illinois State line, thence along Interstate Highway 74 to junction U.S. Highway 51, thence along U.S. Highway 51 to Cairo (Janesville, Wis.)*.

(29) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, south, and east of a line beginning at Sheboygan, thence along U.S. Highway 141 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 83, thence along Wisconsin Highway 83 to the Illinois-Wisconsin State line, to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 12 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line (the plant site of Hydrite Chemical Co., at Milwaukee, Wis.)*. (30) *Aqua ammonia*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, south, and east of a line beginning at Sheboygan, thence along U.S. Highway 141 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 83, thence along Wisconsin Highway 83 to the Illinois-Wisconsin State line, to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 12 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line (Milwaukee, Wis.)*.

(31) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of U.S. Highway 41, to points in Indiana, points in that part of Illinois on and south of U.S. Highway 6, and points in that part of Iowa on and south of U.S. Highway 6 (the plant site of Hydrite Chemical Co., at Milwaukee, Wis.)*. (32) *Aqua ammonia*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of U.S. Highway 41, to points in Indiana, points in that part of Illinois on and south of U.S. Highway 6, and points in that part of Iowa on and south of U.S. Highway 6 (Milwaukee, Wis.)*. (33) *Liquid dairy products*, in bulk, in tank vehicles, having an immediate prior movement by rail or water; (a) from points in that part of Wisconsin on and north of a line beginning at LaCrosse, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 151 to Manitowac (except Superior), to points in Tennessee, Ohio, and Pennsylvania (Neenah, Wis.)*; and (b) from points in that part of Wisconsin on and east of U.S. Highway 41, to points in that part of Minnesota on and north of U.S. Highway 12 (Neenah, Wis.)*.

(34) *Liquid phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of a line beginning at Green Bay, thence along U.S. Highway 41 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line, to points in Nebraska and Colorado (Milwaukee, Wis.)*. (35) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of U.S. Highway 41, to points in that part of Illinois on and south of a line beginning at Moline, thence along Illinois Highway 2 to junction Illinois Highway 38, thence along Illinois Highway 38 to Chicago (Milwaukee, Wis.)*; and (b) from points in that part of Wisconsin on and north of U.S. Highway 16, to points in Pennsylvania, Tennessee, Virginia, and West Virginia (Milwaukee, Wis.)*.

No. MC 113678 (Sub-No. E13) (Correction), filed May 5, 1974, published in the FEDERAL REGISTER September 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Idaho and Montana. The purpose of this filing is to eliminate the gateway of Hall County, Nebraska. (2) *Frozen dairy products, frozen bakery products, frozen fruits, frozen vegetables, frozen pizza and frozen pizza pie ingredients*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Denver, Colorado. (3) *Frozen dairy products and frozen vegetable food products*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Colorado east of the Continental Divide. Restriction: The service authorized in (1), (2), and (3), above, is restricted to the transportation of shipments originating at the above-described origin points. The purpose of this correction is to reflect Pennsylvania in the origin description in (1) and (2) above.

No. MC 113678 (Sub-No. E14) (Correction), filed May 5, 1974, published in the FEDERAL REGISTER September 23, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company, at or near Worthington and Makato, Minn. (a) To points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Denver, Colo. (b) To El Paso, Tex. The purpose of this filing is to eliminate the gateway of

Greeley, Colo. (c) To points in Washington, Oregon, and Idaho. The purpose of this filing is to eliminate the gateway of Hall County (Grand Island), Nebr. Restriction: The service authorized herein is restricted to shipments originating at said storage facilities at or near Worthington and Mankato, Minn. The purpose of this correction is to substitute Idaho for Utah in the destination territory in (c) above.

No. MC 113843 (Sub-No. E828), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to Ithica, N.Y., and points in that portion of New York on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E830), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, and Rhode Island to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E831), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., P.O. Box 200, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, and Rhode Island, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E832), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, and Rhode Island to points in Missouri. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E833), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, and frozen berries*, from points in Massachusetts to points in South Carolina. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E835), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts and Rhode Island to points in Kentucky. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E837), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in that part of Maine on and north of a line beginning at the Bay of Fundy and extending along U.S. Highway 1 to Topsfield, thence along Maine Highway 6 to junction U.S. Highway 201, thence along U.S. Highway 201 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E838), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in that part of Maine on and north of a line beginning at the Bay of Fundy and extending along U.S. Highway 1 to Topsfield, thence along Maine Highway 6 to junction U.S. Highway 201, thence along U.S. Highway 201 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E839), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Maysville, Pa., to points in that portion of Vermont on and north of a line beginning at the Vermont-New Hampshire State line and extending along Interstate Highway 89 to junction Vermont Highway 107, thence along Vermont Highway 107 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 73, thence along Vermont Highway 73 to junction Vermont Highway 73A, thence along Vermont Highway 73A to Lake Champlain. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E840), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Centre Hall, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and points in that part of Connecticut on, east, and north of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 7 to Canaan, thence along U.S. Highway 44 to Hartford, thence along U.S. Highway 5 to New Haven and the Long Island Sound. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E841), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Berrien County, Mich., to points in Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113843 (Sub-No. E842), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Berrien County, Mich., to Baltimore, Md., and points in that part of Maryland on, east, and south of a line beginning at the Delaware-Maryland State line and extending along U.S. Highway 13 to Salisbury, thence along Maryland Highway 349 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113843 (Sub-No. E843), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from North Brunswick, N.J., to points in Illinois, Indiana, Michigan, and Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-114552 (Sub-No. E4) (Correction), filed April 27, 1974, published in

the FEDERAL REGISTER September 10, 1974. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (J) from points in North Carolina, on, west, or south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70 thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in Pennsylvania; (K) from points in North Carolina on and west of a line beginning at the Wilmington, N.C., and extending along U.S. Highway 421 to Silver City, thence along U.S. Highway 64 to Mocksville, thence along U.S. Highway 601 to the North Carolina-Virginia State line (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County, on and east of U.S. Highway 301, points in Edgecombe and Lenoir Counties on and east of U.S. Highway 258, points in Pender County, on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C.), to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Tennessee. The purpose of this partial correction is to substitute Pennsylvania for Tennessee in the destination in (J) above, and to correct the spelling of Pender County in (K) above. The remainder of the letter-notice remains as previously published.

No. MC 115840 (Sub-No. E30), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, valves, hydrants, and gaskets* (except in bulk), used in agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries, from points on the Warrior-Tombigbee-Alabama River system, located in Alabama, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Pennsylvania (except Wellsboro and Bradford, Pa.). The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115840 (Sub-No. E31), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from Baldwin, La., to points in Florida, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Alabama on the Warrior-Tombigbee-Alabama River System.

No. MC 115840 (Sub-No. E33), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities which because of their size or weight require the use of special equipment, from the facilities of Republic Steel Corp., at Gadsden, Ala., to points in Mississippi, Georgia, Florida, Tennessee, restricted to the transportation of traffic originating at the named origin and destined to the named destination points. The purpose of this filing is to eliminate the gateway of Guntersville, Ala.

No. MC 115840 (Sub-No. E34), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from Anse La Butte, La., to points in Florida, South Carolina, and North Carolina. The purpose of this filing is to eliminate the gateway of points on the Warrior-Tombigbee-Alabama River System located in Alabama.

No. MC 115840 (Sub-No. E35), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap and fabricated and structural aluminum scrap* from points in Arkansas and Oklahoma to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 115840 (Sub-No. E36), filed May 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, overhead highway sign structures, highway breakaway posts, highway guardrails, and uprights*, as encompassed by iron and steel mill products, from points in Florida, Mississippi, and those in Louisiana east of the Mississippi River, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virgina, West Virginia, Pennsylvania (except Wellsboro and Bradford), and Kentucky (except those from points in Mississippi on and north of U.S. Highway 82 to points in Kentucky). The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 116254 (Sub-No. E4), filed June 4, 1974. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Birmingham, Ala., to (a) points in Missouri, Oklahoma, Illinois, Ohio, and points in Indiana on, west, and north of a line beginning at Evansville, and extending along Indiana Highway 57 to junction U.S. Highway 150, thence along U.S. Highway 150 to New Albany; (b) points in Iowa and Michigan; and (c) points in Wisconsin; and (2) *Liquid chemicals*, in bulk, in tank vehicles, from points within 10 miles of Birmingham, Ala., (except Birmingham and points in its commercial zone), to the destination areas specified in 1 (a), (b), and (c) above. The purpose of this filing is to eliminate the gateways of Waterloo, Ala., and points within 10 miles thereof, and Sheffield, Ala., in 1(a) and 2(a); Waterloo, Ala., and points within 10 miles thereof, Sheffield, Ala., and points in Maury County, Tenn., in 1(b) and 2(b); and Waterloo, Ala., and points within 10 miles thereof, Sheffield, Ala., and Barfield, Ark., in 1(c) and 2(c).

No. MC 116254 (Sub-No. E5), filed June 4, 1974. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Birmingham and Birmingport, Ala., to points in Kentucky, Indiana, Texas (except those in Harris County), points in Tennessee on and west of Interstate Highway 65, and those in North Carolina on and east of Interstate Highway 77, restricted to the transportation of shipments having an immediately prior or subsequent movement by rail or water. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 116254 (Sub-No. E8), filed June 4, 1974. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line, and in and west of Pickett,

Pentress, Putnam, White, Van Buren, Sequatchie, Grundy, and Franklin Counties, Tenn., to points in Kansas; (2) from points in the origin territory specified in (1) above to points in Arkansas, Louisiana, Illinois, Iowa, Missouri, Oklahoma, and Texas; and (3) from New Johnsonville, Tenn., to points in Illinois on and north of a line beginning at Chicago and extending along Interstate Highway 57 to Kankakee, thence along Illinois Highway 17 to junction Illinois Highway 29, thence along Illinois Highway 29 to Peoria, thence along Illinois Highway 116 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line; those in Indiana on and north of U.S. Highway 30; those in West Virginia on and east of a line beginning at Huntington and extending along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line; and those in Virginia and North Carolina on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateways of LaVergne, Tenn., or points in Maury County, Tenn., and Barfield, Ark., in (1); points in Maury County, Tenn., in (2) (or LaVergne, Tenn., on shipments destined to points in Arkansas, those in Illinois south of U.S. Highway 34, and those in Missouri south of U.S. Highway 24); and points in Maury County, Tenn., in (3) (or LaVergne, Tenn., on shipments destined to points in Indiana, Virginia, North Carolina, and that portion of the Illinois territory south of U.S. Highway 34).

No. MC 116254 (Sub-No. E9), filed 6/4/74. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from Waterloo, Ala., and points within 10 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, and Vermont. The purpose of this filing is to eliminate the gateway of points in Itawamba County, Miss.

No. MC 116254 (Sub-No. E10), filed 6/4/74. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Waterloo, Ala., and points within 10 miles thereof, to points in Arizona, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway of Amory, Miss.

No. MC 116254 (Sub-No. E11), filed 6/4/74. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and liquid caustic potash*, in bulk, in tank vehicles, (1) from Evans City, Ala., to points in Georgia, and (2) from Evans City, Ala., to points in Michigan, North Carolina, Ohio, Virginia, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateway of St. Joseph, Tenn., in (1) and points in Maury County, Tenn., in (2).

No. MC 116254 (Sub-No. E12), filed 6/4/74. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except caustic soda), in bulk, in tank vehicles, from McIntosh, Ala., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, and Wisconsin, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Barfield, Ark.

No. MC 116273 (Sub-No. E87), filed May 20, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Whiting and East Chicago, Ind., to points in Arkansas, Kansas, Missouri, Nebraska, and Iowa (except points in Clinton, Jackson, Dubuque, Delaware, Buchanan, Black, Bremer, Fayette, Layton, Allamahee, and Winneshiek Counties), restricted to the transportation of such dry plastics as are petroleum products. The purpose of this filing is to eliminate the gateway of Ottawa, Ill.

No. MC 116273 (Sub-No. E88), filed May 20, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and nitrogen solutions, in bulk, in tank vehicles, from Whiting and East Chicago, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin (except points in Portage, Waupaca, Outagamsie, Brown, Kewaunee, Adams, Waushasa, Winnebago, Calumet, Manitowoc, Green Lake, Marquette, Sauk, Columbia, Dodge, Fond du Lac, Sheboygan, Ozaukee, Washington, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Lafayette, Green, Rick, Walworth, Racine, and Kenosha Counties), restricted against the transportation of liquid chemicals derived from petroleum or petroleum products (except liquefied petroleum gases, including anhydrous ammonia and petroleum aromatic compounds as defined in *The Maxwell Co., Extension-Addyston, 63 M.C.C. 677*. The purpose of this filing is to eliminate the gateway of the plantsite of Amoco Chemicals Corporation located approximately 6 miles southwest of Joliet, Ill.

No. MC 116273 (Sub-No. E89), filed May 20, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Whiting and East Chicago, Ind., to points in Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Minnesota (except points in Houston, Fillmore, and Winona Counties). The purpose of this filing is to eliminate the gateway of Peru, Ill.

No. MC 119774 (Sub-No. E61), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other points in Nevada. The purpose of this filing is to eliminate the gateways of Points in Louisiana and points in New Mexico.

No. MC 119880 (Sub-No. E1), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (a) from Houston, Tex., to points in New York and New Jersey; and (b) from points in New York and New Jersey, to Houston, Tex., restricted in (b) above to the transportation of traffic in foreign commerce only. The purpose

of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E2), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in Delaware, Maryland, and Pennsylvania to Houston, Tex., restricted to the transportation of traffic in foreign commerce only. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E3), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Delaware to points in California, restricted to the transportation of traffic in foreign commerce only. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E4), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, between Chicago, Ill., and Toledo, Ohio, on the one hand, and, on the other, Houston, Tex., and New Orleans, La. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E5), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Detroit, Mich., to Houston, Tex., and New Orleans, La. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E6), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in California to Petersburg, Va., and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E7), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in California, to Toledo, Ohio. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E8), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in California, to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 119880 (Sub-No. E9), filed May 30, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 2231 Jefferson, Bellevue, Nebr. 68005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Detroit, Mich., and Toledo, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124078 (Sub-No. E39), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, liquid, in bulk, in tank vehicles, from Atlanta, Ga., and points within 15 miles thereof, to points in North Carolina in and east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, N.C., and points in South Carolina in and east of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties, S.C. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points in Richmond County, Ga.

No. MC 124078 (Sub-No. E41), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wisc. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals, liquid*, in bulk, in tank-type vehicles, from Atlanta, Ga. and points within 15 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New Jersey, Ohio, Rhode Island; Lee, Scott, Wise, Russell, Dickenson, Buchanon, Tazewell, Bland, Giles, Pulaski, Montgomery, Roanoke, Botetourt, Craig, Bath, and Highland Counties, Virginia; and Wisconsin. The purpose of this filing is to eliminate the gateway of Atlanta, Ga., and the plantsite of Velsicol Chemical Corp. at or near Chattanooga, Tenn.

No. MC 127834 (Sub-No. E1), filed 5/25/74. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Ave., Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs and parts and accessories thereof* (except commodities requiring special equipment), from the plant site of Plasti-Line, Inc., at Knoxville, Tenn., to points in New Mexico, Arizona, and California. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 128383 (Sub-No. E81), filed June 4, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick, Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, Richmond, Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, Hampton, Salem, and Roanoke, Va., and points in Hanover, Henrico, Chesterfield, Isle of Wight, Nansemond, York, Roanoke, Franklin, Montgomery, Craig, Bedford, Botetourt, Accomack, and Northampton Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement by air, and further restricted against the transportation of aircraft engines and parts, from John F. Kennedy Airport, LaGuardia Airport, and Newark Airport. The purpose of this filing is to eliminate the gateway of Friendship International Airport, Anne Arundel County, Md.

No. MC 128527 (Sub-No. E1), filed June 7, 1974. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Blaine F. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products, particle board, and hardboard and hardboard paneling*, (1) from Longview and Vancouver, Wash., and points in that part of Oregon west of the Cascade Mountain Range, to points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 287 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana County Highway 242, thence along Montana County Highway 242 to the United States-Canada International Boundary line near Port of Mogan; (2) from Salem, Oreg., to points in that part of Montana on and east of a line beginning at the

Montana-Idaho State line, thence along U.S. Highway 91 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana County Highway 242, thence along Montana County Highway 242 to the United States-Canada International Boundary line near Port of Mogan; and (3) from points in that part of Oregon which are west of the Cascade Mountains and south of Oregon Highway 126, to points in Montana. The purpose of this filing is to eliminate the gateway of points in Ada, Canyon, and Payette Counties, Idaho.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23421 Filed 10-7-74;8:45 am]

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TUESDAY, OCTOBER 8, 1974

WASHINGTON, D.C.

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

THERMAL DISCHARGES

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 274–7]

PART 122—THERMAL DISCHARGES

Notice was published in the FEDERAL REGISTER issue of March 28, 1974 (39 FR 11434), that the Environmental Protection Agency was proposing regulations to implement section 316(a) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, 1326(a) (the "Act"). The proposed regulations described the procedures for the imposition of alternative effluent limitations, with respect to the thermal component of discharges, authorized by section 316(a).

Section 316(a) authorizes the Administrator to impose alternative effluent component of a discharge if the owner or operator of a point source has demonstrated to the satisfaction of the Administrator that effluent limitations proposed with respect to the thermal component of the discharge are "more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made." This authority has been delegated to the Regional Administrator in EPA Order of Delegation 1270.4.

Section 316(a) requires that any such alternative effluent limitation imposed by the Administrator assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water into which the discharge is to be made.

Section 316(a) authorizes alternative effluent limitations to be imposed by a State (in those cases in which it is appropriate) upon an identical demonstration to the satisfaction of the State, and requires that any such alternative effluent limitation also assure the protection and propagation of a balanced, indigenous aquatic population.

The proposed regulations established substantially identical procedures for the imposition of alternative effluent limitations by the Administrator, in those cases in which the Environmental Protection Agency is to make the determinations, or by the Director of the State water pollution control agency in those cases in which the determinations are to be made by a State participating in the National Pollution Discharge Elimination System pursuant to a State program approved by the Administrator.

Written comments on the proposed regulations were invited and received from interested parties. A number of oral comments were also received. A hearing was held by the House Public Works Subcommittee on Investigations and Review of the United States House of Representatives on June 25–26, 1974, to consider proposed effluent limitations and standards for the Steam Electric Power Generating Point Source Category, 40 CFR Part 423 (March 4, 1974), and these proposed regulations. In addition, the Environmental Protection Agency held a public hearing on July 11–12, 1974, on those proposed limitations and standards, the proposed section 316(a) regulations and a draft 316 (a) guidance document for use in connection with the regulations. The agency also participated in a Conference on the Proposed EPA Effluent Standards for Steam Electric Power Plants sponsored by the Atomic Industrial Forum and held July 24–25, 1974, which further considered the agency's proposals regarding the implementation of section 316(a).

The Environmental Protection Agency has carefully considered all comments. All written comments have been on file with the Agency's public information office. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to the regulations. The principal comments are discussed below.

1. The proposed regulations provided that the Regional Administrator or Director could include proposed alternative effluent limitations in the public notice of permit application if the owner or operator had made a demonstration satisfactory to the Regional Administrator (or Director). Numerous comments indicated concern that inclusion of proposed alternative effluent limitations in the initial notice would tend to shift the burden of proof from the applicant and would contravene the statutory requirement that demonstrations be made after opportunity for public hearing.

Subsequent to the publication of the proposed 316(a) regulations, regulations establishing procedures for the National Pollutant Discharge Elimination System (NPDES), 40 CFR Part 125, were amended (39 FR 27078; July 24, 1974). The requirement for public notice of each completed permit application had been changed to require public notice of the proposed issuance, denial or modification of a permit. The potential for an adjudicatory hearing prior to issuance of the permit has been eliminated.

In consideration of the concerns expressed above and in accordance with the revised NPDES regulations, the regulations being promulgated today provide that when an application for alternative effluent limitations pursuant to section 316(a) has been filed, the public notice of the proposed issuance, denial or modification of the permit must state that the thermal component of the discharge is subject to effluent limitations pursuant to section 301 or 306, but it must also state that a 316(a) application has been filed. It may include a description of proposed alternative effluent limitations, if any, included in the application, and it must indicate either that the applicant's evidence has been submitted and is being considered or that the applicant has submitted a plan of study and demonstration for review by the Regional Administrator (or Director). In either case, the notice must state that any person may comment in writing or request a public hearing on the alternative effluent limitations or the plan of study.

Thus, the effluent limitations proposed in the first public notice will be those required pursuant to sections 301 or 306. Where the time required for execution of an applicant's plan of study and demonstration results in separation of the 316 (a) determination from the hearing, if any, held to consider all other aspects of the permit, the deferred 316(a) determination will also be subject to public notice.

2. Section 316(a) allows establishment of alternative effluent limitations only if the applicant for such alternative effluent limitations is able to demonstrate that the effluent limitations proposed pursuant to section 301 or 306 are more stringent than necessary to assure the protection and propagation of the aquatic biota. The proposed regulations established three types of demonstrations by which an applicant could satisfy that burden of proof. Numerous comments addressed various aspects of each of these demonstration types, as discussed herein.

a. Prior Appreciable Harm. The proposed regulations provided that alternative effluent limitations could be imposed if the demonstration showed that an existing discharge had not caused prior appreciable harm to species of shellfish, fish and wildlife and therefore had not disturbed a balanced, indigenous population. Comments from representatives of diverse interests suggested that the statute requires the inquiry to focus on harm to the community rather than to species; that "disturbance" was a more rigorous test than called for by law; that the requirements of the demonstration were too vague to be of use; that past effects were not a safe indication of future assurance and, conversely, that the test should be expanded to permit new sources to base a demonstration on the past effects of other, comparable sources.

The regulations being promulgated today make it clear that the demonstration is concerned with the question of prior appreciable harm to—not "disturbance" of—the community. The information and data components for a demonstration may be developed by consultation with the Regional Administrator (or Director). Before undertaking any extended prior appreciable harm-based study, the applicant should consult with and seek the advice of the Regional Administrator (or Director), to evaluate whether a showing of prior effects is likely to result in adequate assurance of the existing source's future impacts. Generally, this demonstration is available for any existing plant except those plants which discharge to despoiled waters or which have been in operation for only a short period of time (one year or less). Continuing monitoring by existing sources will provide opportunity to review their impacts from time to time and to impose more stringent effluent limitations, if necessary, in subsequent permits. The showing of lack of prior appreciable harm at one site cannot be the sole means of demonstrating the impact of a source at another site, because

of the site specific and case specific variables involved.

b. Representative, Important Species. The proposed regulations provided that alternative effluent limitations could be imposed based on a demonstration of the assurance of protection and propagation of one or more representative, important species. Numerous comments warned that no single species could adequately represent the biological needs of a balanced, indigenous community, given the extreme and as yet not fully defined complexities of any aquatic ecosystem. It was further commented that even if the representative, important species approach were adequate for fish and shellfish, the concept fails when applied to species at lower trophic levels. On the other hand, comments were received that endorsed this means of narrowing and focusing the 316(a) inquiry and suggested that the use of representative, important species be extended to all types of demonstration.

The regulations have been revised to indicate that several different species should be selected. In addition, the Regional Administrator (or Director) will obtain supplementary information regarding community aspects to verify and support the species selection. For example, if the demonstration shows that the discharge will be consistent with the thermal requirements of the selected species but that excessive changes have occurred or may occur in the distribution of those or certain other species, that information would constitute grounds to question whether the selected species truly reflect community needs.

It is recognized that data and information may not be available with respect to selected species at lower trophic levels. Development of this information is desirable but specified community studies may be substituted or, if neither data nor community studies are presented, the applicant may provide a rationale for the omission.

While a carefully conducted and analyzed representative, important species demonstration, including certain community information, is considered sufficient to meet the statutory test, the concept has not been extended to the other demonstration methods. Applicants must have the opportunity to employ, or the Regional Administrator (or Director) to request, this or any other appropriate means to demonstrate that the statutory test has been met. The permitting authority must be free to object to the use of the selected species approach wherever it believes that the approach is not adequate to provide assurance of community protection.

c. Biological, Engineering and Other Data.—The proposed regulation provided for the submittal of any other new or historical biological data, physical monitoring data, engineering or diffusion models or other relevant evidence. Objections were raised that this description was too vague to be of any use and that it could only be used upon a failure to prove either absence of prior appreciable harm or assurance of the protection and propagation of selected species. The regulation is designed to accord substantial flexibility to this demonstration type, in order that the Regional Administrator (or Director) or applicant may employ any other relevant approach, without regard to any efforts that may or may not be undertaken as to the two alternative methods of proof described above.

3. Certain other demonstration types were suggested by the comments, as follows:

a. Compliance with Water Quality Standards Demonstration. In publishing the proposed regulations, the Agency noted that it had been urged that a demonstration of the discharge's compliance with approved water quality standards for fish and aquatic life uses should give rise to a presumption that the requirements of section 316(a) are satisfied. It was stated that the Agency was uncertain as to the effect of this alternative and therefore solicited views thereon. Responsive comments were received both favoring and opposing the proposal.

The regulations being promulgated today do not incorporate a showing of compliance with water quality standards as an independent demonstration type. Water quality standards are to be established taking into consideration a number of uses, of which "protection and propagation of fish and wildlife" is only one. (See section 303(a) and 303(c)(2) of the Act.) There is no reference in this section to a "balanced, indigenous population." Thus, its objectives are not necessarily identical to the objective of section 316(a). In addition, water quality standards are generally established for entire water bodies or water body segments and may fail to take into consideration the site specific requirements particularly relevant under section 316(a). Therefore, water quality standards compliance alone does not constitute a sufficient showing of entitlement to alternative effluent limitations under section 316(a). However, the regulations provide that such compliance is one element to be considered in the 316(a) proceeding, since such standards do represent a serious Federal/State effort to describe appropriate water quality limits.

b. Low Impact Demonstration. Some comments urged establishment of a demonstration type consisting of a showing that the source would have a low potential impact on the receiving waters. The determination would consider the relationship of the assimilative capacity of the water body to the discharge in question. The Agency agrees that when a source can be shown to have a low potential impact, a less comprehensive demonstration may be sufficient. This decision must be made on a case by case basis by the Regional Administrator (or Director), and he may then adjust the demonstration components for such sources accordingly.

c. Predictive Techniques. Some comments suggested inclusion of a provision for a demonstration based on the use of valid, reliable predictive techniques. Where predictive techniques are appropriate, they may be used as a component of or supplement to any demonstration.

d. Short Term Permit Based On No Irreparable Harm. Comments from industry representatives urged that the regulations include a provision which would allow issuance of a short term permit establishing alternative effluent limitations. This permit would be employed where data are insufficient to support a knowledgeable determination as to the assurance of community protection throughout the term of a five year period and where the applicant can demonstrate that (i) continuation of the discharge during the period will not result in substantial, irreversible harm to the existing aquatic biota and (ii) certain available hydrological and other data indicate a reasonable likelihood of success in the longer term 316(a) demonstration.

The provision for a short term permit has been suggested in order to avoid expenditures for design and construction measures addressed to compliance with cooling requirements which might ultimately be determined to be unnecessary at the conclusion of a 316(a) demonstration. The Agency proposes to address this problem by having 316(a) demonstrations made as promptly as possible, to preserve a maximum period for implementation of any measures which the determination concludes are necessary, and by developing compliance schedules which take into account the possibility of subsequent modifications after resolution of the 316(a) determinations.

e. An issue has been raised as to the status of AEC findings with respect to an existing or new power generating plant in an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA).

EPA and AEC recognize the need to maximize the coordination and, to the extent possible, consolidation of their complementary responsibilities in preventing adverse environmental effects. Regional Administrators (and Directors) are encouraged to consider the extent to which data and information compiled in connection with the preparation of the applicant's environmental impact report and the AEC's environmental impact statement may be employed as the basis for the 316(a) determination. With respect to new plants, the Agency and the AEC are presently developing a coordinated procedure whereby a determination under section 316(a) may be made at the outset, in conjunction with the AEC's construction approval and on the basis of information supplied to the AEC in the applicant's environmental impact report. Implementation of this procedure should help assure that a single environmental showing by the applicant will be all that will ordinarily be required.

In any case, information and conclusions developed through the AEC process should be considered and given due weight. The final determination of the Regional Administrator (or Director), however, must be his own, based on all of the facts and circumstances coming to his attention and on the statutory requirements of section 316(a).

4. The proposed regulations provided for the suspension of requirements as to State certification under section 401 of the Act until the final section 316(a) determination. It was pointed out that until the 316(a) determination is made, a State will be unable to certify that once-through cooling will comply with section 301 for purposes of non-NPDES permits and licenses, such as those issued by the AEC or the Corps of Engineers, and therefore that an applicant would be unable to commence certain projects which, because of long lead times, it might wish to undertake even at the peril of subsequently failing to secure the 316(a) alternative effluent limitations and resulting discharge permit on which the project may depend.

The regulations being promulgated reserve the non-EPA licensing aspect of the certification issue. It is contemplated that forthcoming interagency agreements should help resolve the problem.

5. Mixing Zones. A number of comments questioned the inclusion in the regulations of provision for mixing zones. The use of mixing zones is adequately supported in the legislative history of the Act, and such zones may be allowed where they are so limited as not to interfere with the assurance of the protection and propagation of a balanced, indigenous aquatic community in the receiving water body segment as a whole.

6. Concern has been expressed as to whether the demonstrations described by the regulations and accompanying guidance could be completed within a reasonable period of time. The materials have been carefully developed to ensure consistency with statutory and regulatory time limits. A low impact demonstration regarding prior appreciable harm should be completed with in a few months; under the representative, important species type, from 15 to 18 months should generally suffice, taking into consideration that where data representing the four seasons of the year is required, an applicant can collect data from the end of the first quarter (for example, winter) to the beginning of the fourth (fall) quarter. Further, major thermal dischargers are already conducting significant data collection programs. Demonstrations should easily be completed well in advance of July 1, 1977, so that alternative effluent limitations, if warranted, may be imposed in place of the limitations initially required by section 301(b) of the Act. Of course, the statutory limitations and deadlines do apply and must be met until and unless the applicant has demonstrated pursuant to the Act and these regulations that alternative limitations may be established.

7. Questions were raised as to the extent of coordination with the Departments of Commerce and the Interior in connection with 316(a) determinations. The regulations provide that representatives of these agencies must be consulted in any selection of representative, important species. In addition, special consideration should be given in any demonstration to any threatened or endangered species identified by either agency.

8. The proposed regulations employed the term "balanced, indigenous population," as contained in the statute. Numerous objections were raised to EPA's use of this phrase. Since the term "population" properly refers only to a single species, it is believed that the term "community" more accurately reflects the intent of the law. This term has therefore been substituted throughout the regulations. In addition, the definition has been modified to delete the suggestion that diversity must be present at all trophic levels.

Some comments asserted that the regulations should provide that the community to be protected should consist of those beneficial species which may reasonably be expected to be present during the permit term, taking as given all existing sources of pollutants and their respective schedules for abatement. These comments stated that EPA should not require protection of a community which could only exist under improved water quality conditions that cannot be expected to occur until some future time.

The regulations provide that in identifying the balanced, indigenous community, substantial, irreversible environmental modifications will be taken into account. However, a balanced, indigenous community normally must not be an altered community which has resulted from pollution that will be corrected by compliance by all sources with section 301(b), including any alternative limitations imposed pursuant to section 316(a).

9. The complexity of possible 316(a) demonstrations and the need for their expeditious completion suggest that applicants and the permit issuing authority should reach an understanding early in the proceedings as to the basic direction and parameters of the applicant's showing. The regulations therefore provide that in any case where a demonstration will not be completed promptly, the applicant will submit a written plan of study and demonstration. Early selection of representative, important species is also required. Prompt action is essential, recognizing that if the applicant is not successful in its demonstration, the discharge will remain subject to the effluent limitations, including compliance dates, provided by sections 301 and 306 of the Act.

10. Some disagreement has arisen concerning the question of whether section 316(a) can operate to affect effluent limitations based on water quality standards. These regulations are based on the conclusion that section 316(a) does operate to affect water quality standards relating to heat. The language of section 316(a) applies to "any effluent limitation proposed for the control of the thermal component of any discharge." This language clearly covers effluent limitations based on water quality standards, as well as effluent limitations based on guidelines or standards under sections 304(b) and section 306 of the Act. Moreover, section 316(a) covers dischargers "otherwise subject to the provisions of section 301"; and this would include dischargers subject to the provisions of section 301(b)(1)(C) of the Act, which requires compliance with water quality standards. The purpose of section 316(a)—to provide for site-specific analyses of the impact of thermal discharges—applies to effluent limitations based on water quality standards, as well as to technology-based effluent limitations. Accordingly, the Agency does not believe that it is required to impose an effluent limitation based on a water quality standard relating to heat, where the discharger can show that such limitation is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

11. Section 316(b) of the Act concerns technology requirements for cooling water intake structures. In many instances, the determination with respect to section 316(a) should be made in conjunction with the determination required by virtue of section 316(b). Accordingly, § 122.10(b) and § 122.16(b) authorize deferral of the determination under section 316(b) where the 316(a) determination has been similarly deferred.

Because of the importance of making known to potential applicants, States, other Federal agencies, environmentalists and other interested persons the content of these regulations, and because of the need for prompt 316(a) applications, demonstrations and determinations, the Administrator finds good cause to declare the regulations effective immediately upon publication. They shall not, however, apply to portions of currently pending proceedings that have already taken place, including public notices that have already been issued. Permits may be issued on the basis of such notices.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter D, is hereby amended by adding a new Part 122, Thermal Discharges, to read as set forth below.

Dated: October 2, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General

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AUTHORITY: Sections 316(a) and 501(a) of the Federal Water Pollution Control Act, as amended; 86 Stat. 816 et seq.; Pub. L. 92-500 (33 U.S.C. 1326(a) and 1361(a)).

Subpart A—General

§ 122.1 Definitions.

Except as otherwise specifically provided:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 3 U.S.C. 1251, et seq.

(b) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(c) The term "alternative effluent limitations" means all effluent limitations or standards of performance for the control of the thermal component of any discharge which are established pursuant to section 316(a) and these regulations and imposed pursuant to sections 301 or 306 of the Act, including section 301(b)(1)(C) in lieu of effluent limitations or standards of performance otherwise applicable under such sections.

(d) The term "Director" means the chief administrative officer of a State water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term "Director" means the administrative officer authorized to perform the particular procedure to which reference is made.

(e) The term "Environmental Protection Agency" means the U.S. Environmental Protection Agency.

(f) The term "Regional Administrator" means one of the Regional Administrators of the Environmental Protection Agency.

(g) The term "Certifying Agency" means a State or interstate agency empowered to issue certifications under section 401 of the Act.

(h) The term "representative, important species" means species which are representative, in terms of their biological needs, of a balanced, indigenous community of shellfish, fish and wildife in the body of water into which a discharge of heat is made.

(i) The term "balanced, indigenous community" is synonymous with the term "balanced, indigenous population" in the Act and means a biotic community typically characterized by diversity, the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species and non-domination of pollution tolerant species. Such a community may include historically non-native species introduced in connection with a program of wildlife management and species whose presence or abundance results from substantial, irreversible environmental modifications. Normally, however, such a community will not include species whose presence or abundance is attributable to the introduction of pollutants that will be eliminated by compliance by all sources with section 301(b)(2) of the Act, including alternative effluent limitations imposed pursuant to section 316(a).

(j) The term "water quality standards" means applicable water quality standards which have been (1) approved or permitted to remain by the Administrator pursuant to sections 303(a) or 303(c) of the Act, or (2) promulgated or proposed for promulgation by the Administrator pursuant to sections 303(b) or 303(c) of the Act, as of the date any notice is issued pursuant to §§ 122.6(a) or 122.12(a) of this part.

(k) The term "section 316(a)" shall mean section 316(a) of the Act.

(l) The definitions of the following terms contained in section 502 of the Act shall be applicable to such terms as used in this part: "State water pollution control agency," "interstate agency," "State," "person," "pollutant," "navigable waters," "territorial seas," "contiguous zone," "ocean," "effluent limitations," "discharge of a pollutant," "point source," "discharge," and "pollution."

§ 122.2 Scope and purpose.

(a) The regulations in this part prescribe the procedures to be followed in connection with the establishment of alternative effluent limitations pursuant to section 316(a), and the imposition thereof pursuant to section 301 or section 306, upon the thermal component of discharges from point sources in lieu of requirements otherwise applicable under section 301 or 306 of the Act.

(b) The regulations in this part prescribe the procedures for the establishment and imposition of such alternative effluent limitations in conjunction with applications both for permits which are issued by the Administrator pursuant to section 402(a) of the Act and Part 125 of this chapter and for permits which are issued by the Director of a State water pollution control agency or interstate agency which is authorized to issue permits pursuant to a program approved by the Administrator under section 402 of the Act and Part 124 of this chapter.

§ 122.3 Law authorizing alternative effluent limitations.

(a) Section 316(a) provides that:

"With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator or any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections or such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on that body of water."

§ 122.4 Delegation of authority.

(a) Subject to the appeal provisions of § 125.36(n) of this chapter and the national security responsibility provisions of § 125.37(d) of this chapter, the Regional Administrator is hereby delegated the authority, for the area which he administers, to establish and impose alternative effluent limitations to control the thermal component of discharges in accordance with the provisions of section 316(a) and these regulations.

(b) This authority may be redelegated to the Director, Enforcement Division, of each region.

Subpart B—EPA Determination of Alternative Effluent Limitations

§ 122.5 Application for determination under section 316(a).

(a)(1) The owner or operator of any point source who desires the Regional Administrator to impose alternative effluent limitations pursuant to section 316(a) shall so notify the Regional Administrator and the appropriate State or interstate certifying agency in writing upon the filing of an application for a permit pursuant to § 125.12 of this chapter. Such notice may include a description of the alternative effluent limitations desired by the applicant.

(2) Notice pursuant to paragraph (a)(1) of this section shall, in the case of any point source for which a discharge permit application has been filed prior to March 4, 1974, be given not later than 60 days after promulgation of these regulations or 60 days after promulgation of effluent limitations guidelines and standards under section 301 and 304 or standards of performance under section 306 applicable to that point source, whichever is later, except that such notice may be given at a later date, or required at an earlier date, if the Regional Administrator so determines.

(b) The owner or operator shall submit to the Regional Administrator:

(1) Within 90 days after the notification required by paragraph (a)(1) of this section, or within 90 days after being notified of the Regional Administrator's selection of representative, important species pursuant to § 122.9(b)(2)(ii)(A) of this part, or in either case within such longer or shorter time as the Regional Administrator may determine, such data and other information as it wishes to be considered in support of its application for alternative effluent limitations; and/or

(2) Within 60 days after such notification, or within 60 days after being advised of the Regional Administrator's identification of representative, important species pursuant to § 122.9(b)(2)(ii)(A) of this part, whichever is later, a written plan of study and demonstration pursuant of § 122.7 of this part.

(c) An applicant who desires to have the determination pursuant to section 316(a) deferred in accordance with the provisions of § 122.10(b) of this part shall so specify at the time the plan of study is submitted. The Regional Administrator may order such deferral where he determines it to be appropriate on the basis of the plan of study or other information.

(d) An applicant who desires to attempt a demonstration showing the absence of prior appreciable harm pursuant to § 122.9(b)(1) of this part and to limit the contents of its demonstration on the basis that its discharge has and will have a low impact on the receiving water body segment shall not undertake such demonstration without the prior concurrence of the Regional Administrator.

§ 122.6 Public notice.

(a) In addition to the information required by § 125.32(c) of this chapter, the public notice of the proposed issuance, denial or modification of a permit for a discharge which is subject, pursuant to sections 301 or 306 of the Act, to effluent limitations controlling its thermal component and as to which an application has been filed pursuant to § 122.5 of this part shall include:

(1) A statement that the thermal component of the discharge is subject to effluent limitations pursuant to sections 301 or 306 of the Act and a brief description (which shall include a quantitative statement) of the thermal effluent limitations proposed pursuant to section 301 or 306; and

(2) A statement that such an application has been filed and that alternative (and less stringent) effluent limitations may be imposed on the thermal component of the discharge pursuant to section 316(a) and a brief description (which shall include a quantitative statement) of the alternative effluent limitations, if any, included in the application.

(b)(1) If an application has been filed pursuant to § 122.5(a) of this part and the applicant has submitted its data and information pursuant to § 122.5(b)(1), the public notice of the proposed issuance, denial or modification of a permit shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant has submitted evidence in support of its request for alternative effluent limitations which warrants further consideration and that the Regional Administrator is considering imposition of such alternative limitations. The notice shall state that all data submitted by the applicant, including a summary thereof, are available at the office of the Regional Administrator for public inspection during office hours. The notice shall also state that any person may comment in writing upon the applicant's desired alternative effluent limitations in accordance with the provisions of § 125.32(b)(1) of this chapter and may also request a hearing pursuant to that section.

(2) If an application has been filed pursuant to § 122.5(a) of this part and the applicant has filed a written plan of study and demonstration pursuant to § 122.5(b)(2) of this part, the public notice of the proposed issuance, denial or modification of a permit shall include, in addition to the statement required by paragraph (a) of this section, a statement that the applicant has submitted such a plan.

(3) The notice shall include a summary of the applicant's proposed plan of study and demonstration and shall state that the plan is available at the office of the Regional Administrator for public inspection during office hours. The notice shall also state that any person may comment in writing upon the applicant's proposed plan of study in accordance with the provisions of § 125.32(b)(1) of this chapter and may also request a public hearing to consider such plan pursuant to that section.

(c) The public notice of any hearing held pursuant to § 122.10(a) of this part shall include the information required by § 125.32(d) of this chapter.

§ 122.7 Plan of study and demonstration.

(a) Any written plan of study and demonstration submitted pursuant to § 122.5(b)(2) of this part shall describe the alternative effluent limitations desired by the applicant and shall include an identification of the demonstration being contemplated, in accordance with § 122.9 of this part; a description of the data and information which the applicant proposes to submit; and a schedule for the completion and submittal of such demonstration. The Regional Administrator shall consult with the applicant as to the nature and contents of its plan of study and may advise the applicant of his concurrence in, recommended modification of or objection to such plan. No failure to adopt a recommended modification of a plan, and no objection to a plan, shall preclude the use of such plan nor prejudice any determination based on results of completing such plan, and neither shall the existence of any plan in any way suspend or negate the requirements of sections 301, 306 or 316(a) of the Act.

§ 122.8 State certification.

(a)(1) Notification pursuant to § 122.5(a) of this part to the appropriate certifying agency shall be deemed a withdrawal of any pending application for certification as to the compliance of the thermal component of the discharge with sections 301 and 306 of the Act. Such notification shall, as to the thermal component of the discharge, toll the running of the period of time within which the State or interstate certifying agency must act.

(2) [Reserved]

(b)(1) When the Regional Administrator (or the Administrator, acting pursuant to § 125.36(n) of this chapter) has made a final determination as to the effluent limitations to be imposed on the thermal component of the discharge, he shall within 10 days thereafter notify the certifying agency in writing of that determination. If any application for certification as to the thermal component of the discharge under section 401 of the Act is then pending before the certifying agency, such notification shall be deemed a resubmission of such application, and the running of the period of time within which the certifying agency must act shall resume upon receipt of such notification; except that in no case shall the requirements of section 401 of the Act be deemed waived until the date at least 30 days after the day when such notification is received by the certifying agency. For purposes of this subsection, a "final determination" includes a determination pursuant to § 122.10(b)(2) of this part to issue a permit prior to the deferred determination, if any, under section 316(a) and any subsequent determination that alternative effluent limitations may be imposed.

(2) [Reserved]

(c) Any alternative effluent limitations established pursuant to section 316(a) shall constitute the applicable thermal provisions of sections 301 and 306 of the Act for purposes of section 401 of the Act.

§ 122.9 Determination of alternative effluent limitations.

(a)(1) The Regional Administrator may not impose an alternative effluent limitation on the thermal component of any discharge which is less stringent than the effluent limitation otherwise required by sections 301 or 306 of the Act unless the owner or operator has demonstrated that the effluent limitations otherwise required are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made, and such demonstration has not been rebutted. Such demonstration may be accomplished by showing that the desired alternative effluent limitation (taking into account the interaction of such thermal component with other pollutants) will assure the protection and propagation of balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) The Regional Administrator may determine that the alternative effluent limitations desired by the applicant will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made if the owner or operator satisfies the requirements of paragraphs (b)(1), (b)(2) or (b)(3) of this section.

(b)(1) *Absence of prior appreciable harm.* (i) In the case of a point source

which has commenced operation and discharge prior to the filing of the notice required by § 122.5(a) of this part, alternative effluent limitations may be established if the owner or operator has demonstrated to the satisfaction of the Regional Administrator, during the period provided for public comment under § 125.32(b) of this chapter (including any information submitted prior to such period) or by evidence introduced at any hearing held to consider the permit:

(A) That no appreciable harm has resulted from the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources) to a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge has been made; or

(B) That despite the occurrence of such previous harm, the desired alternative effluent limitations (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made.

(ii) In determining whether or not appreciable harm has occurred, the Regional Administrator shall consider evidence as to the period of time of the applicant's prior operation, evidence demonstrating compliance or noncompliance during the period of operation and discharge with water quality standards designed to protect fish and aquatic life and any additional evidence submitted by the owner or operator or required by the Regional Administrator. Such additional evidence may include evidence that such standards are more stringent than necessary to assure protection and propagation of a balanced, indigenous community.

(2) *Protection of representative, important species.* (i) In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.5(a) of this part, alternative effluent limitations may be established if:

(A) The owner or operator has demonstrated to the satisfaction of the Regional Administrator, during the period provided for public comment under § 125.32(b) of this chapter (including any information submitted prior to such period) or by evidence introduced at any hearing held to consider the permit, that the discharge will assure the protection and propagation of representative, important species (selected in accordance with paragraph (b)(2)(ii) of this section) whose protection and propagation, if assured, will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water; unless

(B) Unrebutted information received during the period provided for public comment under § 125.34(b) of this chapter or evidence introduced at any hearing held to consider the permit indicates: (I) that the species selected by the Regional Administrator are not representative, in terms of biological needs, of a balanced, indigenous community in the receiving water body; or (II) that the temperature requirements employed in calculating the proposed alternative effluent limitations are not adequate to assure the protection and propagation of those species in and on the receiving water body; or (III) that the temporal or spatial (area, volume, location and configuration) distribution of the mixing zone is excessively large or otherwise inconsistent with the purposes of section 316(a)

(ii)(A) Whenever an applicant proposes to include a demonstration pursuant to this paragraph as an element of its support for an application for a determination pursuant to section 316(a), it shall so notify the Regional Administrator at the time the application is filed. The applicant may submit with the application such data and information as may be available to assist the Regional Administrator in selecting appropriate representative, important species. The Regional Administrator shall promptly seek the advice and recommendation of the Director as to the species whose protection and propagation in and on the receiving water body will, if assured, satisfy the requirements of paragraph (b)(2)(i) of this section. The Regional Administrator shall also promptly notify the Secretary of Commerce and the Secretary of the Interior, or their designees, that representative, important species will be identified and shall consider any timely recommendation of such Secretary or designee. Any species included in applicable State water quality standards shall be selected, together with such additional species as the Regional Administrator considers appropriate. The Regional Administrator shall advise the applicant of the species selected within 60 days after receipt of notification under this subparagraph.

(B) If the available information is insufficient to enable the Regional Administrator to select representative, important species, the applicant may, at the request of the Regional Administrator, conduct such studies and furnish such evidence as may be necessary to select appropriate species. In such case, the applicant shall have the burden of proving the appropriateness of the species as well as that its discharge will assure the protection and propagation of such species.

(iii)(A) In determining whether or not the protection and propagation of the representative, important species will be assured, the Regional Administrator may consider evidence demonstrating that the discharge will comply with any applicable temperature requirments for growth, reproduction and survival of such species as specified in any applicable water quality criteria and water quality information published by the Administrator pursuant to section 304(a) of the Act, and/or any additional information submitted by the owner or operator or required by the Regional Administrator.

(B) Compliance with the temperature levels referred to in subdivision (iii)(A) of this section shall be determined outside a mixing zone whose temporal and spatial (area, volume, configuration and location) distribution will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the receiving water body.

(3) *Biological, engineering and other data.* In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.5(a) of this part and whether or not it has attempted or is attempting to provide the demonstrations described in subparagraph (1) and (2) of this paragraph, alternative effluent limitations may be established if the Regional Administrator determines, on the basis of other evidence and data submitted by the applicant, that the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made. Such evidence may consist of evidence intended to satisfy the requirements of subparagraphs (1) or (2) of this paragraph, or any other new or historical biological data, physical monitoring data, engineering or diffusion models, or other relevant evidence.

§ 122.10 Public hearings.

(a) *Requests for hearings.* (1) If the public notice of the proposed issuance, denial or modification of a permit contains notice of an application for alternative effluent limitations and of the applicant's submittal of data and information pursuant to § 122.5(b)(1), any person may, within 30 days following the issuance of such notice, submit to the Regional Administrator a request for a hearing pursuant to § 125.34 of this chapter to consider whether the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If the public notice of the proposed issuance, denial or modification of a permit contains notice of an application for alternative effluent limitations and of the applicant's submittal of a proposed plan of study and demonstration pursuant to § 122.5(b)(2) of this part, any person may, within 30 days following the issuance of such notice, submit to the Regional Administrator a request for a hearing pursuant to § 125.34 of this chapter to consider whether such plan provides for the timely submittal of such information and data as may be necessary to determine whether the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(3) If a request for a hearing pursuant to subparagraph (1) of this paragraph is granted, the Regional Administrator

shall consolidate this issue with other issues, if any, relating to the proposed permit and its conditions raised by the owner or operator, or by any other person, and shall consider and resolve all such issues in a single hearing, unless he determines to defer the hearings on issues related to the effluent limitations or alternative effluent limitations on the thermal component pursuant to paragraph (b) of this section or deems such a procedure to be inappropriate for other reasons.

(4) The Regional Administrator may hold a hearing pursuant to § 125.34 of this chapter in any case or class of cases in which he deems it appropriate.

(b) *Deferral of determination.* (1) In any case in which the Regional Administrator determines, after having reviewed the evidence which the owner or operator proposes to present at the hearing or the plan of study submitted pursuant to § 122.5(b)(2) of this part, that sufficient information is likely not to be available upon which to base a knowledgeable determination of whether or not the proposed effluent limitations on the thermal component of the discharge are more stringent than necessary, he may order that the determination requested pursuant to section 316(a) and § 122.6 of this part be severed from the determination pursuant to section 402 of the Act and § 125.34 and be deferred until the owner or operator has completed such engineering and biological studies as the Regional Administrator may consider necessary.

(2) If the studies required under subparagraph (1) of this paragraph have not been completed at the conclusion of the hearing held pursuant to section 402 of the Act and Part 125 of this chapter, the Regional Administrator may issue a permit which is for a term of up to five years and which requires that the point source achieve the effluent limitations initialy proposed for the control of the thermal component of the discharge no later than the date specified in applicable effluent limitations guidelines and new source performance standards issued pursuant to sections 301(b) and 304(b) or 306 of the Act but which affords the permittee an opportunity to request a hearing under section 316(a) after having conducted biological and engineering studies in order to develop information sufficient for the Regional Administrator to make a knowledgeable determination as to whether alternative effluent limitations may be established pursuant to section 316(a).

(3) Any hearing scheduled under paragraph (b)(2) of this paragraph shall be publicized in accordance with the requirements of § 125.32(d) of this chapter and shall be held sufficiently in advance of the final compliance date specified in the permit to allow the permittee to take necessary measures to comply by that date in the event its request for modification of thermal limits is denied after the hearing is concluded.

(4) Whenever the Regional Administrator defers the determination under section 316(a), he may also defer any determination under section 316(b), in accordance with the procedures of paragraph (b) of § 122.10.

(c) *Appeal or review of decision of Regional Administrator.* (1) Any interested person shall have the right to request an adjudicatory hearing pursuant to § 125.36(b) of this chapter. The Administrator may, on his own motion, review any decision of a Regional Administrator. Such review shall be conducted in accordance with the provisions of § 125.36(n) of this chapter.

Subpart C—State Determination of Alternative Effluent Limitations

§ 122.11 Application for determination under section 316(a).

(a)(1) The owner or operator of any point source who desires the Director to impose alternative effluent limitations pursuant to section 316(a) shall so notify the Director and the appropriate State or interstate certifying agency (if certifications are not provided by the Director) in writing upon the filing of an application for an NPDES permit. Such notice may include a description of the alternative effluent limitations desired by the applicant.

(2) Notice pursuant to paragraph (a)(1) of this paragraph shall, in the case of any point source for which a discharge permit application has been filed prior to March 4, 1974, be given not later than 60 days after promulgation of these regulations or 60 days after promulgation of effluent limitations guidelines and standards under sections 301 and 304 or standards of performance under section 306 applicable to that point source, whichever is later, except that such notice may be given at a later date, or required at an earlier date, if the Director so determines.

(b) The owner or operator shall submit to the Director:

(1) Within 90 days after the notification required by paragraph (a)(1) of this section, or within 90 days after being notified of the Director's selection of representative, important species pursuant to § 122.15(b)(2)(ii)(A) of this part, or in either case within such longer or shorter time as the Director may determine, such data and other information as it wishes to be considered in support of its application for alternative effluent limitations; or

(2) Within 60 days after such notification, or within 60 days after being advised of the Director's identification of representative, important species pursuant to § 122.15(b)(2)(ii)(A) of this part, whichever is later, and after consultation with the Director, a written plan of study and demonstration pursuant to § 122.13 of this part.

(c) An applicant who desires to have the determination pursuant to section 316(a) deferred in accordance with the provisions of § 122.16(b) of this part shall so specify at the time the plan of study is submitted. The Director may order such deferral where he determines it to be appropriate on the basis of the plan of study or other information.

(d) An applicant who desires to attempt a demonstration showing the absence of prior appreciable harm pursuant to § 122.15(b)(1) of this part and to limit the contents of its demonstration on the basis that its discharge has and will have a low impact on the receiving water body segment shall not undertake such demonstrations without the prior written concurrence of the Director.

§ 122.12 Public notice.

(a) In addition to the information required by § 124.32(c) of this chapter, the public notice of the proposed issuance, denial or modification of a permit for a discharge which is subject, pursuant to sections 301 or 306 of the Act, to effluent limitations controlling its thermal component and as to which an application has been filed pursuant to § 122.11 of this part shall include:

(1) A statement that the thermal component of the discharge is subject to effluent limitations pursuant to sections 301 or 306 of the Act and a brief description (which shall include a quantitative statement) of the thermal effluent limitations proposed pursuant to Section 301 or 306; and

(2) A statement that such an application has been filed and that alternative (and less stringent) effluent limitations may be imposed on the thermal component of the discharge pursuant to section 316(a) and a brief description (which shall include a quantitative statement) of the alternative effluent limitations, if any, included in the application.

(b)(1) If an application has been filed pursuant to § 122.11(a) of this part and the applicant has submitted its data and information pursuant to § 122.11(b)(1), the public notice of the proposed issuance, denial or modification of a permit shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant has submitted evidence in support of its request for alternative effluent limitations which warrants further consideration and that the Director is considering imposition of such alternative limitations. The notice shall state that all data submitted by the applicant, including a summary thereof, are available at the office of the Director for public inspection during office hours. The notice shall also state that any person may comment in writing upon the applicant's desired alternative effluent limitations in accordance with the provisions of § 124.32(b) of this chapter and may request a hearing pursuant to § 124.36 of this chapter.

(2) If an application has been filed pursuant to § 122.11(a) of this part and the applicant has filed a written plan of study and demonstration pursuant to § 122.11(b)(2) of this part, the public notice of the proposed issuance, denial or modification of a permit shall include, in addition to the statement required by paragraph (a) of this section, a statement that the applicant has submitted such a plan. The notice shall include a summary of the applicant's proposed plan of study and demonstration and shall state that the plan is available at

the office of the Director for public inspection during office hours. The notice shall also state that any person may comment in writing upon the applicant's proposed plan of study in accordance with the provisions of § 124.32(b)(1) of this chapter and may request a public hearing to consider such plan pursuant to § 124.36 of this chapter.

(c) The public notice of any hearing held pursuant to § 122.15(a) of this part shall include the information required by § 124.37(b) of this chapter.

§ 122.13 Plan of study and demonstration.

(a) Any written plan of study and demonstration submitted pursuant to § 122.11(b)(2) of this part shall describe the alternative effluent limitations desired by the applicant and shall include an identification of the demonstration being contemplated, in accordance with § 122.15 of this part; a description of the data and information which the applicant proposes to submit; and a schedule for the completion and submittal of such demonstration. The Director shall consult with the applicant as to the nature and contents of its plan of study and may advise the applicant of his concurrence in, recommended modification of or objection to, such plan. No failure to adopt a recommended modification of a plan, and no objection to a plan, shall preclude the use of such plan nor prejudice any determination based on the results of completing such plan, and neither shall the existence of any plan in any way suspend or negate the requirements of sections 301, 306 or 316(a) of the Act.

§ 122.14 State certification: [Reserved]

§ 122.15 Determination of alternative effluent limitations.

(a)(1) The Director may not impose an alternative effluent limitation on the thermal component of any discharge which is less stringent than the effluent limitation otherwise required by sections 301 or 306 of the Act unless the owner or operator has demonstrated that the effluent limitations otherwise required are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made, and such demonstration has not been rebutted. Such demonstration may be accomplished by showing that the desired alternative effluent limitation (taking into account the interaction of such thermal component with other pollutants) will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) The Director may determine that the alternative effluent limitations desired by the applicant will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made if the owner or operator satisfies the requirements of paragraphs (b)(1), (b)(2) or (b)(3) of this section.

(b)(1) *Absence of prior appreciable harm.* (i) In the case of a point source which has commenced operation and discharge prior to the filing of the notice required by § 122.11(a) of this part, alternative effluent limitations may be established if the owner or operator has demonstrated to the satisfaction of the Director, during the period provided for public comment under § 124.32(b) of this chapter (including any information submitted prior to such period) or by evidence introduced at any hearing held to consider the permit:

(A) That no appreciable harm has resulted from the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources) to a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge has been made; or

(B) That despite the occurrence of such previous harm, the desired alternative effluent limitations (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made.

(ii) In determining whether or not appreciable harm has occurred, the Director shall consider evidence as to the period of time of the applicant's prior operation, evidence demonstrating compliance or noncompliance during the period of operation and discharge with water quality standards designed to protect fish and aquatic life together with any additional evidence submitted by the owner or operator or required by the Director. Such additional evidence may include evidence that such standards are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community.

(2) *Protection of representative, important species.* (i) In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.11(a) of this part, alternative effluent limitations may be established if:

(A) The owner or operator has demonstrated to the satisfaction of the Director, during the period provided for public comment under § 124.32(b) of this chapter (including any information submitted prior to such period) or by evidence introduced at any hearing held to consider the permit, that the discharge will assure the protection and propagation of representative, important species (selected in accordance with paragraph (b)(2)(ii) of this section) whose protection and propagation, if assured, will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water; unless

(B) Unrebutted information received during the period provided for public comment under § 124.32(b) of this chapter or evidence introduced at any hearing held to consider the permit indicates: (I) that the species selected by the Director are not representative, in terms of biological needs, of a balanced, indigenous community in the receiving water body; or (II) that the temperature requirements employed in calculating the proposed alternative effluent limitations are not adequate to assure the protection and propagation of those species in and on the receiving water body; or (III) that the temporal or spatial (area, volume, location and configuration) distribution of the mixing zone is excessively large or otherwise inconsistent with the purposes of section 316(a).

(ii)(A) Whenever an applicant proposes to include a demonstration pursuant to this paragraph as an element of its support for an application for a determination pursuant to section 316(a), it shall so notify the Director at the time the application is filed. The applicant may submit with the application such data and information as may be available to assist the Director in selecting appropriate representative, important species. The Director shall promptly notify the Regional Administrator, the Secretary of Commerce and the Secretary of the Interior, or their designees, and the head of the State agency exercising administration over the wildlife resources of the State that representative, important species will be identified and shall consider any timely recommendation of the Regional Administrator, Secretary or designee, or head of agency. Any species included in applicable State water quality standards shall be selected, together with such additional species as the Director considers appropriate. The Director shall advise the applicant of the species selected within 60 days after receipt of notification under this subparagraph.

(B) If the available information is insufficient to enable the Director to to select representative, important species, the applicant may, at the request of the Director, conduct such studies and furnish such evidence as may be necessary to select appropriate species. In such case, the applicant shall have the burden of proving the appropriateness of the species as well as that its discharge will assure the protection and propagation of such species.

(iii) (A) In determining whether or not the protection and propagation of the representative, important species will be assured, the Director may consider evidence demonstrating that the discharge will comply with any applicable temperature requirements for growth, reproduction and survival of such species as specified in any applicable water quality criteria and water quality information published by the Administrator pursuant to section 304(a) of the Act, and/or any additional information submitted by the owner or operator or required by the Director.

(B) Compliance with the temperature levels referred to in paragraph (b)(2)

(iii)(A) of this section shall be determined outside a mixing zone whose temporal and spatial (area, volume, configuration and location) distribution will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the receiving water body.

(3) *Biological, engineering and other data.* In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.11(a) of this part and whether or not it has attempted or is attempting to provide the demonstrations described in paragraphs (b)(1) and (2) of this paragraph, alternative effluent limitations may be established if the Director determines, on the basis of other evidence and data submitted by the applicant, that the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made. Such evidence may consist of evidence intended to satisfy the requirements of paragraphs (b)(1) or (2) of this paragraph, or any other new or historical biological data, physical monitoring data, engineering or diffusion models, or other relevant evidence.

§ 122.16 Public hearings.

(a) *Requests for hearings.* (1) If the public notice of the proposed issuance, denial or modification of a permit contains notice of an application for alternative effluent limitations and of the applicant's submittal of data and information pursuant to § 122.11(b)(1), any person may, within 30 days following the issuance of such notice, submit to the Director a request for a hearing pursuant to § 124.36 of this chapter to consider whether the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If the public notice of the proposed issuance, denial or modification of a permit contains notice of an application for alternative effluent limitations and of the applicant's submittal of a proposed plan of study and demonstration pursuant to § 122.11(b)(2) of this part, any person may, within 30 days following the issuance of such notice, submit to the Director a request for a hearing pursuant to § 124.36 of this chapter to consider whether such plan provides for the timely submittal of such information and data as may be necessary to determine whether the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(3) If a request for a hearing pursuant to paragraph (a)(1) of this paragraph is granted, the Director shall consolidate this issue with other issues, if any, relating to the proposed permit and its conditions raised by the owner or operator, or by any other person, and shall consider and resolve all such issues in a single hearing, unless he determines to defer the hearings on issues related to the effluent limitations or alternative effluent limitations on the thermal component pursuant to paragraph (b) of this section or deems such a procedure to be inappropriate for other reasons.

(b) *Deferral of determination.* The provisions of § 122.10(b) of this part are applicable in any case in which the Director determines, after having reviewed the evidence which the owner or operator proposes to present at the hearing or the plan of study submitted pursuant to § 122.11(b)(2) of this part, that sufficient information is likely not to be available upon which to base a knowledgeable determination of whether or not the proposed effluent limitations on the thermal component of the discharge are more stringent than necessary. The Director may, in accordance with the provisions of § 122.10(b) of this part, order that the determination requested pursuant to section 402 of the Act and § 124.36 be deferred until the owner or operator has completed such engineering and biological studies as the Director may consider necessary.

§ 122.17 Transmission to regional administrator of proposed effluent limitations.

(a) Any State or interstate agency whose permit program has been approved pursuant to section 402 of the Act and Part 124 of this chapter which proposes to issue a permit containing effluent limitations on the thermal component of a discharge less stringent than those otherwise required by sections 301 or 306 shall, if transmitted of such permit to the Regional Administrator is required under the agreement provided for in § 124.47 of this part, indicate to the Regional Administrator that the proposed effluent limitations are less stringent and shall set forth the grounds upon which they were proposed.

(b) The Regional Administrator may comment upon, object to or make recommendations with respect to such proposed effluent limitations pursuant to any agreement entered into under § 124.46 and may request a public hearing to consider them pursuant to § 124.36.

§ 122.18 Transmission to regional administrator of issued effluent limitations.

Any State or interstate agency which has issued a permit containing effluent limitations with respect to the thermal component of a discharge shall, in transmitting a copy of the permit to the Regional Administrator pursuant to § 124.47 of this chapter indicate whether or not such effluent limitations are less stringent than would otherwise be required under sections 301 or 306 of the Act and, if they are less stringent, shall also transmit the evidence (including the record of any hearing) upon which they were determined.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 274–5]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

On March 4, 1974, the Environmental Protection Agency (EPA or Agency) published a notice of proposed rulemaking announcing its intention to establish limitations on the discharge of pollutants by existing and new point sources within the steam electric power generating category as well as pretreatment standards for new sources within that category. (39 FR 8294)

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the steam electric power generating category by amending 40 CFR Chapter I, Subchapter N to add a new Part 423. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 501(a) of the Federal Water Pollution Control Act, as amended, (the Act); 33 USC 1215, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c), and 1361(a), 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.

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 the notice of proposed rulemaking for the steam electric power generating point source category. In addition, the regulation as proposed was supported by two other documents; (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" (March 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines: Steam Electric Powerplants" (March 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

(a) Summary of public participation.

Prior to publication of the notice of proposed rulemaking an initial draft of the Development Document was distributed to several Federal agencies, all State and Territorial pollution control agencies, industrial trade associations and conservation organizations. Comments on that draft report were solicited and over a hundred organizations, utility companies and members of the public responded. The major comments received and the Agency's response were described in the notice of proposed rulemaking (38 FR 8301–8303).

Interested persons were again invited to participate in the rulemaking by submitting written comments within 90 days of the date of publication of the proposed regulation. In response to requests for additional time the period for public comment was extended for 23 more days (39 FR 17449).

Thereafter, in order to afford an opportunity for those who had submitted comments to explain the substance of their position in detail and to determine the Agency's interpretation of and basis for its proposals, the Agency convened a public hearing on July 11 and 12, 1974, (39 FR 24030). Agency officials, and members of its technical staff, participated in two days of discussion with representatives of the utility industry and environmentalist groups.

(b) Summary of comments.

The following responded to the request for written comments contained in the notice of proposed rulemaking: United States Department of Agriculture; United States Atomic Energy Commission; United States Department of Commerce; Federal Power Commission; United States Department of the Interior; Tennessee Valley Authority; State of California; State of Colorado; State of Illinois; State of Indiana; State of Iowa; State of Maryland; State of Michigan; State of Minnesota; State of Ohio; State of New York; Commonwealth of Puerto Rico; State of Texas; State of Wisconsin; Honorable David R. Bowen; Honorable Omar Burleson; Honorable Bob Casey; Honorable Harold T. Johnson; Honorable Edmund S. Muskie; Honorable Charles Wilson; Honorable Jim Wright; Omaha Public Power District; Pacific Gas and Electric Company; Texas Electric Service Company; Mississippi Power and Light Company; Arkansas Power and Light Company; West Associates; City of Colorado Springs; Nebraska Public Power District; American Electric Power Service Corporation; The Dayton Power and Light Company; International Ozone Institute, Inc.; Virginia Electric and Power Company; City Public Service Board of San Antonio, Texas; New York Power Pool; Resources Conservation Co.; The Toledo Edison Company; Ford Motor Company; Baltimore Gas and Electric Company; Jersey Central Power and Light Company; Metropolitan Edison Company; Pennsylvania Electric Company; National Electric Reliability Council; Public Service Company of New Mexico; United Illuminating; Copper Development Association, Inc.; The Cincinnati Gas and Electric Company; Illinois Power Company; Indianapolis Power and Light Company; Tri-State Generation and Transmission Association, Inc.; Western Illinois Power Cooperative, Inc.; Alabama Electric Cooperative, Inc.; Wisconsin Public Service Corporation; N.W. Electric Power Cooperative, Inc.; American Cyanamid Company; Carolina Power and Light Company; Foote Mineral Company; Cooperative Farm Chemicals Association; Pollution and Environmental Problems; Ebasco Services Incorporated; Brazos River Authority; Mid-Continent Area Power Pool; Dr. Charles C. Coutant; Mr. Basil A. Bonk; Diamond Shamrock Chemical Company; Offshore Power Systems; Hawaiian Electric Company, Inc.; United for Survival; Mr. James R. Haring; Nalco Chemical Company; Dow Chemical U.S.A.; Dairyland Power Cooperative; St. Joseph Light and Power Company; Burns and McDonnell Engineering Company; Bethlehem Steel Corporation; The Metropolitan Water District of Southern California.

Washington Public Power Supply System; Wright Chemical Corporation; Mr. James W. Errant, Jr.; Texas Water Conservation Association; Ms. Constance A. Partious, League of Women; Mr. David Allen; Mr. David B. Harvey; Mrs. Marvin Halye; Mr. Bruce Haflich; Mr. Samuel Labouisse, Jr.; Connie Economy; Mr. Christopher A. Libby; Mr. Zachary A. Smith; Mr. Marion L. Sanford; Mr. Henry Peck; American Association of University Women; Ms. Lea P. Tonkin; Illinois Paddling Council; Portland General Electric Company; League of Women Voters; Mr. Roger H. Miller; Rohm and Haas Company; Mr. M. David Burghardt; Calgon Corporation; Stone and Webster Engineering Corporation; The Michigan Riparian, Inc.; Olin Water Services; Florida Power and Light Company; Mrs. Martha K. Rudnicki; Don and Lynda Johnson; Mr. Lawrence D. Bahr; Mr. Harry L. Stout; Betz Laboratories, Inc.; Save the Dunes Council; Mr. and Mrs. John N. Lally; United Refining Company; Mr. J. C. Berghoff; Mr. Edward G. Talbot; Mr. Harlan Sandberg; Mr. Stephen C. Grado; Mr. Scott M. Bailey; Mr. David M. Peterson; Mr. David Levine; Mr. Don Puriton; A. T. Economy and Tenya Economy; County of Monroe, New York; Mr. Steve Kraatz; Burns and Roe, Inc.; Mr. R. Fenton Rood; Alaska Center for the Environment; Mrs. Marie B. Pettit; General Electric Company; Duke Power Company; Airco Alloys and Carbide; Johnson and Anderson, Inc.; Utah Power and Light Company; Minnesota Pollution Control Agency; Middle South Services, Inc.; Natural Resources Defense Council, Inc.; Lake Michigan Federation; Mead; ECAR; Salt River Project; Houston Lighting and Power Company; Kansas City Power and Light Company; Duquesene Light; Ohio Edison Company; Louisiana Power and Light; Arizona Public Service Company; Consolidated Edison Company of New York, Inc.; Wisconsin Electric Power Company; Toledo Edison; Arkansas Electric Cooperative Corporation; Northern States Power Company; Plains Electric Generation and Transmission Cooperative, Inc.; Houghton Cluck Coughlin and Riley; Consumers Power Company; Bechtel Power Corporation; Buckeye Power Incorporated; Public Service Company of Colorado; Association of California Water Agencies; New Orleans Public Service, Inc.; Minnkota Power Cooperative, Inc.; Associated Electric Cooperative; Continental Can Company, Inc.; Niagara Mohawk Power Corpora-

tion; Columbus and Southern Ohio Electric Company; Dolph Briscoe, Governor of Texas; San Diego Gas and Electric Company; Quirk, Lawler and Matusky Engineers; Department of Water and Power of the City of Los Angeles; Basin Electric Power Cooperative; Business and Professional People for the Public Interest; Commonwealth Edison; Gulf Power Company; Atlantic City Electric; Southern Services, Inc.; Union Electric Company; E.I. duPont deNemours and Company; Tucson Gas and Electric Company; California Farm Bureau Federation; Regional Planning Council; Mr. Mayne E. Bolling; University of Texas; Mr. & Mrs. William Morlock; Ms. Alice Thornycroft; Mr. & Mrs. Fred and Peggy McAllister; Mrs. Robert Burke; Ms. Catherine Benner; Mr. Frank Lahr; Mr. & Mrs. Robert Upton; Dr. & Mrs. Dean Assaselin; Dr. & Mrs. D. Steinberg; South Texas Electric Cooperative, Inc.; Olin Brass; Eastern Iowa Light and Power Cooperative, Shoreline Garden Club; Southern California Edison Company; Mr. Lawrence C. Frederick; Edison Electric Institute; The American Public Power Association; National Rural Electric Cooperative Association; The Utility Water Act Group.

The most significant comments received, and the Agency's responses to those comments, are summarized below. The factual basis for the Agency's conclusions will be set forth in substantially greater detail than is practicable here in the "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" which will be published as soon as possible.

(1) Commenters urged that the Agency make explicit in the regulations that the numerical limitations on the discharge of pollutants were merely advisory and that the States or Regional Administrators retain the discretion to impose either more or less stringent limitations in individual permits based on an independent reevaluation of the factors listed in section 304(b).

The Agency does not believe that Congress intended it to promulgate only advisory rules nor that the Act envisions a wide-ranging reassessment of all of the technical, economic and environmental considerations taken into account by the Agency during this extended rulemaking process.

In the Agency's view, the Act contemplates a careful analysis of the waste water discharges of each industry and the technology available to abate these discharges to the levels prescribed in sections 301 and 306. The Agency is obligated to consider, not only technical feasibility, but the cost of achieving specific effluent reductions, and the economic and environmental consequences of doing so. On the basis of this analysis, the Agency believes, Congress intended it to establish specific and objective allowances for pollutant discharge for various subcategories within each industry, the categories themselves being defined on the basis of differences in the production methods which influence the engineering feasibility of particular treatment methods as well as the relative significance as to that subcategory of the other factors enumerated in sections 304(b) and 306. Once these determinations have been made, however, the limitations are to be applied on a uniform basis to all plants within the subcategory.

The Agency, over the past year and a half, has assembled and considered extensive information on the electric utility industry and the water pollution problems associated with generation of electric power. On the basis of this information it has prescribed varying requirements for the control of thermal and chemical pollution from plants of differing ages, sizes, present cooling technologies, and locations. To the extent that information has not been available to the Agency which could affect these limitations as applied to individual units, the limitations may be modified as to that unit in accordance with the procedure established by 40 CFR 423.12, 423.22, 423.32 and 423.42. This provision represents, in the Agency's view, a responsible reconciliation between the statutory emphasis on uniformity and the diversity inherent in a large and complex industry. To expand the flexibility afforded by this provision to the degree recommended by some industry representatives would destroy the statutory scheme of uniform treatment of similar plants and impose an insuperable and redundant burden on the resources of the Agency's regional permitting offices and those of State pollution control agencies.

(2) An industry representative contended that the term "best" technology should be interpreted to mean that which is "most productive of social good".

Sections 304 and 306 direct the Administrator first to identify the most effective technologies in reducing water pollution and thereafter take into account specified factors e.g., nonwater quality environmental effects of a standard as well as costs to the industry. The Agency has identified closed cycle evaporative cooling as a technology which is clearly the most efficient means of virtually eliminating heated water discharges. It is certainly available, since it is in widespread use in the industry at present and for both economic and environmental reasons newer plants are increasingly employing one of several alternative modes of closed cycle evaporative cooling, i.e., mechanical draft towers, natural draft towers and cooling ponds.

The Agency has, however, also given careful attention to each of the factors which the statute directs it to consider. Thus, because of the time in years that it takes to design, construct and place into operation the various types of cooling towers and because of the necessity for ensuring the reliability of electrical generation over a limited time span for a very large generating capacity that would be affected by 1977, the Agency has concluded that no additional restraint on heat represents the best practicable control technology curently available.

Moreover, taking into account factors specified in 304(b)(2), the Agency has determined closed cycle cooling to represent the best available technology economically achievable for only specific subcategories of the electric utility industry.

(3) The most fundamental criticism of the Agency's approach was that it had not estimated the improvement in national water quality attendant on conversion to closed-cycle evaporative cooling and had not attempted to assign a monetary value to that improvement. A related contention frequently advanced was that had this been done, the economic benefits of requiring most existing units to retrofit closed-cycle cooling systems would be shown to be substantially less than the costs.

The law under which the Agency has promulgated this regulation (and has or will promulgate over 50 additional sets of regulations for other industries) does not require that the ultimate social benefits which reduction in industrial pollution of the Nation's waters will produce be quantified in economic terms. The Congress, in enacting that law, made the fundamental legislative judgment that the benefits of clean water justified increasingly stringent levels of control. The statutory task of the Agency is to identify the waste treatment measures which are technologically available and to impose limitations consistent with that technology and with the considerations of cost, economic achievability, energy consumption and other environmental concerns which are specified in the Act. While a "balancing" of these considerations against the reduction of water pollution is implicit in the statutory framework, the proper balance in any case may focus on the objective degree of effluent reduction and not on a projection of the associated improvement in the physical environment, to which dollar values have been assigned.

An industry group did conduct such an exercise, the results of which were submitted to the Agency as a portion of its comments. On the basis of those results, the group recommended that the Agency subcategorize the industry so as to exclude all units for which the cost of closed-cycle cooling exceeded 1 mill per kilowatt hour. This decisional rule, which would exclude virtually all existing units from thermal control while requiring most new plants to employ closed-cycle cooling, was derived from the industry's cost benefit analysis and represented what the commenters concluded was the maximum reasonable cost which was justified by its calculation of the benefits to the aquatic environment resulting from closed-cycle cooling. This analysis consisted of a biological modeling study purporting to estimate the environmental improvement associated with reduction of thermal pollution and a related effort to (1) assign monetary values

to the predicted increase in fish populations and (2) compare this value to an estimated cost of closed cycle cooling derived from a consulting engineering firm report and estimates supplied by specific utilities.

The Agency has not adopted the suggested 1 mill per kilowatt-hour cost basis as its principal analytical tool. Discussion of the biological model during the public hearing held on July 11 and 12, 1974, revealed serious deficiencies in the methodology by which it was developed and applied. Since that model served as a basis for calculation of economic benefits attributable to the abatement of waste heat discharges, inadequacies in that analysis cast sufficient doubt on the subsequent estimate of economic benefits that the Agency could not responsibly rely upon rules derived from it in promulgating national regulations of this significance.

Moreover, there appeared to be considerable controversy as to whether the quantification of the economic value of changes in aquatic community structure employed satisfactory methods of measuring economic value and whether it included values for social benefits not comprehended by the commercial market price or imputed recreational value of certain fish species at the highest trophic level. No account was taken in either the physical or the economic study of the damage to aquatic communities from entrainment in once-through cooling systems. While this regulation is directed to the control of effluent discharges, any complete analysis of the benefits of conversion to closed-cycle cooling systems should include an estimate of these benefits which are inseparably related to the direct benefits of lowered heat discharge. Finally, the national costs of installing and operating closed-cycle cooling systems employed in the commenters' analysis were not only higher than the Agency's initial estimates but higher than the Agency's present estimate of that cost.

However, while the Agency did not develop subcategories on the basis of this specific rule, it carefully considered the cost of thermal control in determining the portions of the industry to which it should apply. Whereas the regulation as proposed would have applied to nearly half the units now operating with once-through cooling or expected to be in line by 1978 with once-through systems, the promulgated regulation will apply to less than ten percent of such units. The Agency estimates that the capital cost of its original proposal would, without accounting for exemptions under section 316(a), have aggregated by 1983 $11.8 billion, expressed in constant 1974 dollars. The comparable cost of meeting the thermal controls required by the revised regulation is estimated to be $5.2 billion. And, while particular units may be required to incur costs in excess of 1 mill per kilowatt-hour, the Agency estimates that the capital and operating cost of installing closed-cycle cooling at all plants covered by the regulation (without taking exemptions under section 316(a) into account) will average considerably less than 1 mill per kilowatt hour by 1983, expressed in constant 1974 dollars.

The capital and operating costs of even the revised thermal limitations are large in absolute terms. The Agency nevertheless, has concluded that they are reasonable in light of the environmental risks of heat addition to aquatic systems, the recent dramatic increase in both size and waste heat rejection of individual generating units, and the projected expansion of national generating capacity.

(4) Some commenters observed that heat is a fundamental property of matter and should not be directly regulated. Instead, they suggested that the relevant concept is water temperature: specifically, the temperature of the receiving water body.

"Heat" is specifically defined as a pollutant by section 502(6) of the Act. While the effect of heat on aquatic systems is typically investigated in terms of alterations in the receiving water temperature, the cause of those alterations is the addition of water whose internal energy, or heat content, has been increased by its passage through condensers. The performance of technology in reducing the heat rejected to receiving waters is easily and uniformily measured in units which express the heat content, i.e., BTU's or Joules.

In any event, the regulations do not proscribe the discharge of heat in absolute terms, but rather in relation to the heat added by the powerplant. The significance of discharges of water at the specified temperature, in terms of impact on the aquatic community at any particular site, may of course be the subject of inquiry in proceedings under section 316(a) of the Act which, unlike this regulation, is designed to assess the environmental impact of the heated discharge in specific instances.

(5) Many of the comments asserted that the Agency's subcategorization of the industry was inadequate. In essence, the commenters asserted that the Agency had not taken into account a variety of factors which could, at specific locations, increase the cost of complying with the proposed thermal limitations or entail significant adverse effects on other aspects of the environment.

The Agency has reviewed the bases on which the thermal limitations were determined to be applicable to units with differing operating characteristics, climatic conditions, and site related features. Additional distinctions among units have been made as a result of this review. A very large number of factors were suggested as potential criteria for exemption from thermal control. To address them in an orderly manner requires that those which serve explicitly or implicitly as a basis for distinctions in the applicability of the requirement for closed-cycle evaporative cooling be discussed first.

(A) AGE

The cost, expressed in relation to power generated, is inversely related to the number of years of service life remaining for a particular generating units. That is, the shorter the remaining useful life over which the cost of the cooling system may be amortized, the greater will be the percentage of the capital cost charged against each unit of power generated. Moreover, the shorter the remaining useful life, the less heat will be rejected to the environment particularly since many older units traditionally operate only during periods of higher demand. Accordingly, the capital cost expressed as a function of units of heat removed will be greater for older plants.

In addition, however the absolute cost of retrofitting existing once-through units with closed-cycle cooling is substantially greater than is the cost of installing cooling equipment at new units. An exemption cast in terms of remaining service life accomodates this disparity but does so only in the most extreme cases.

In order to avoid the additional costs of conversion of older units to closed-cycle cooling to the maximum degree consistent with the protection of the environment, the Agency has expanded the exemption based on age. No unit placed into operation before January 1, 1970 will be required to meet the limitations on the discharge of heat. Of the units placed into operation between January 1, 1970 and January 1, 1974 only the largest baseload units (i.e., those of 500 megawatt capacity or greater) will be subject to control.

The Agency was urged to exempt all existing units from thermal control, requiring closed-cycle cooling only of new units. Because of the long lead times required for design and construction of powerplants, particularly nuclear units, and the definition of the terms "new source" and "construction" in section 306 of the Act, this would have resulted in confining applicability of the regulation to units which will not commence operation until the end of the decade. Moreover, the units placed into service since the start of this year and those scheduled for completion during the next several years are typically large units. Adopting a "new source" cutoff would exempt units exceeding 1000 megawatts, some of which will still be operating, and discharging heat, past the year 2000. In view of the extended periods of time during which these plants would be operating and discharging heat, the Agency concluded that they should remain subject to thermal control.

(B) SIZE

There are a very large number of small units (defined by the Federal Power Commission as units in plants of 25 megawatts or less and in systems of 150 megawatts total capacity or less). Yet these systems and units represent only a very small percentage of the total installed generating capacity in the United States. Moreover, the potential for higher costs due to site specific peculiarities at any given unit could be expected to be balanced by more favorably located units in a larger utility system. In very small systems, this expectation of counterbal-

ancing unit costs is less justifiable and the costs of meeting the thermal limits may not be economically achievable. On this basis the Agency proposed an exemption from the thermal limitations defining best practicable control technology currently available for existing small units and systems.

The exemption has been extended to apply to the thermal limits required by the best available technology economically achievable, in order to preclude the necessity of retrofitting such small units.

The promulgated regulation makes a second distinction based on rated capacity, or size. The effect of the revision to the regulation described above is to exempt from controls on thermal discharge all units operating before January 1, 1974, except for units of 500 megawatts or greater. In the case of such very large units, the regulation imposes control on those placed into operation on or after January 1, 1970. An analysis of a survey of 60 plants submitted by an industry representative during the comment period indicates that the capital cost of retrofitting units placed into service after January 1, 1970, is inversely correlated with size. That is, the cost on a per kilowatt basis of installing a mechanical draft cooling tower at a large unit, other factors being equal, is typically less than that incurred by smaller units.

A 500 megawatt capacity unit's costs are approximately the average costs of all units included in the survey; costs will decline below the average as the size of the unit increases.

Units of this size which are now less than five years old may be expected to be operating for another 30 years. In view of this extensive remaining service life, the relatively lower retrofitting costs, and the larger volumes of heated water discharged, the Agency has concluded that the largest units coming on line since 1970 should be included while smaller units, of comparable age, should not.

(C) Capacity Utilization

All generating units do not produce power at their full capacity at all times. There are three major classifications of powerplants based on the degree to which their rated capacity is utilized on an annual basis. Baseload units are designed to run at near full capacity almost continuously. Peaking units are operated to supply electricity during periods of maximum system demand. Units which are operated for intermediate service between the extremes of baseload and peaking are termed cycling units.

Generally accepted definitions term units generating 60 percent or more of their annual capacity as baseload, those generating less than 20 percent as peaking, and those between 20 and 60 percent as cycling.

Most large units (over 300 megawatts capacity) are baseload units. Baseload units provide approximately 80 to 90 percent of the Nation's electric power and, account, therefore, for approximately the same percentage of waste heat. Because of their large size and high level of utilization, uncontrolled heated discharges from these units are generally considered to pose the greatest environmental risk. And because of their greater power output, the costs of retrofitting cooling systems to baseload units is considerably lower in mills per kilowatt hour than costs for peaking or cycling units.

Peaking units account for less than one percent of total effluent heat from the industry. Moreover, the cost per unit of production for thermal control is three to four times that of baseload costs. On this basis, commenters urged the Agency to exclude existing peaking and cycling units from thermal control and the Agency essentially has done so in the regulation promulgated today.

Though there is no explicit exemption based on capacity utilization, the combined effect of the exemptions predicated on age and size will effectively exclude almost all existing units operating at substantially reduced capacity factors.

Capacity utilization is related to age. With few exceptions, units begin operation as baseload units. As they become older and relatively less efficient, they are replaced by newer more efficient baseload units and reduced to cycling service. As they near the end of their service life they are employed as peaking units. By confining the coverage of the thermal limitations to units less than nine months old (except for those of 500 megawatts capacity or greater), the Agency has, in effect, excluded low capacity utilization units. Virtually all units which have come on line since January 1, 1970 which are in excess of 500 megawatts capacity are intended to be operated as baseload units at the time the conversion to closed-cycle must be effected.

(D) Units With Existing Closed-Cycle Cooling Systems

Some commenters suggested that units with existing closed-cycle systems employing hot-side blowdown be exempted from the requirement of cold-side blowdown.

The Agency agrees that incremental costs of converting to cold-side blowdown for units which already have closed-cycle systems employing hot-side blowdown is not justified in light of the small reduction in thermal discharge that would ensue.

(E) Salt Drift

Although the environmental effects of saltwater cooling towers vary from case to case depending on the sensitivity of local environment and diverse local meteorological conditions, experience with existing saltwater cooling towers indicates that environmental problems would be confined to areas in close proximity to the cooling tower. One study showed that about 70 percent of all drift mass fell within 400 feet downwind of a typical saltwater mechanical draft tower, well within the boundaries of most powerplants. The same study showed that even under the most adverse conditions, all drift droplets that would reach the ground would do so within 1000 feet downwind. The subject of this study was an eight-cell crossflow mechanical draft tower designed to cool 134,000 gallons per minute of water with the same chemical composition and salinity as seawater. The plant was located on an estuary or bay, two miles from the ocean. The drift rate was 0.004 percent of the circulating water.

Airborne drift from this tower plus natural background salt nuclei from the sea exceeded conservative damage thresholds for foliar injury for distances up to 2200 feet downwind of the tower. The background salt nuclei contributed over 75 percent of the salt mass causing damage at this distance from the tower. Moreover, the fractional increase in airborne salt concentrations due to drift at 2200 feet was insignificant as compared with normal variations in the background level caused by changes in atmospheric wind conditions.

Obviously, local plant life in areas potentially affected by salt drift from towers must be capable of withstanding these natural airborne salt levels if they are to survive. Other possible recipients of incremental salt drift would likewise be affected by the natural ambient levels.

The additional cost of drift eliminators does not represent a significant increment to total cooling system cost and should be reflected in the cost estimates supplied by the industry for plants representing over 12 percent of the Nation's total generating capacity.

Potentially significant environmental damage over and above that from ambient conditions may be expected to be confined to areas in proximity to the tower and in the prevailing downwind direction. The regulation therefore provides an exemption where land not owned by the plant is located within 500 feet downwind of every practicable mechanical draft tower site using saline intake water and where no alternative closed cycle mode (such as natural draft towers which have significantly less drift loss) is practicable.

(F) Land Availability

Some comments urged that the Agency liberalize its exemption from thermal control for units which do not have sufficient land on which to construct the necessary evaporative cooling system, suggesting that where the costs of making land available raise the total cost of installing closed-cycle cooling above 1 mill per killowatt-hour the exemption should apply. Others recommended that, in order not to reward utilities for poor site planning, the determination of sufficient land include property within two miles of the unit whether owned by the utility or not, if it could be acquired.

The size of the evaporative cooling tower required is related to the generating capacity of the unit. Taking into account the other factors which can influence tower size (such as heat rate,

climatic conditions, etc.) the Agency has determined that 28 acres per 1000 megawatts generating capacity is ample land on which any existing plant can construct a mechanical draft cooling tower, the cooling system which is most universally applicable and which provides the basis for the Agency's cost estimates. This conservative area-to-capacity standard is based on Federal Power Commission estimates of mechanical draft cooling tower land requirements and the Agency's review of mechanical draft cooling tower land use requirements at nuclear units, including sufficient allowances for construction and spacing between towers.

In determining whether sufficient land is available at a particular site the regulations require consideration of reassignment of present land uses (parking areas, for example) as well as the practicability of alternate evaporative cooling systems. Natural draft towers, for example, require less than 40 percent of the land needed for mechanical draft towers. The judgment of whether or not the reassignment of existing land is practicable cannot be reduced to a single cost per unit of output figure as suggested.

Moreover, in many cases adjoining land may be purchased at reasonable cost as an alternative to reassignment of existing land uses. Nevertheless, adjacent land costs could, in some instances, materially increase the cost of installing closed cycle systems. Hence, the promulgated regulations do not predicate the exemption from thermal limitations on the acquisition of neighboring land. Instead it is based solely on land owned or controlled by the owner or operator of the plant as of the date of proposal of this regulation.

(G) AIRCRAFT SAFETY

Some comments urged the consideration of the possible hazard to aircraft of steam plumes issuing from cooling towers.

An examination of this potential hazard indicated that it is unlikely that an existing powerplant which will be required to install a recirculated cooling water system would pose a hazard to commercial aircraft during periods of takeoff and landing. However, the vulnerability of aircraft during this portion of the flight pattern requires special consideration of cases where a substantial hazard may be shown to exist. The promulgated regulation reflects this consideration.

(6) The proposed regulation was criticized for not indicating the relative priorities assigned to installing technology to comply with thermal limitations, and the land use requirements of other pollution control equipment such as chemical waste treatment and flue gas desulfurization systems.

The promulgated regulation predicates the obligation to comply with thermal limitations on the availability of sufficient land to construct and operate closed cycle cooling systems. No comparable potential exemption from chemical waste discharge requirements is needed or afforded. The Agency expects that power companies, confronted with this regulatory pattern, will construct or expand chemical treatment systems as a matter of first priority. The determination of sufficiency of land for thermal control systems will be made taking into account the land required for the chemical system, subject to the overall evaluation of the potential for land use reassignment.

(7) Some commenters urged that the Agency exempt units discharging into oceans or coastal waters. Two reasons were advanced. First, because of the greater dissipative capacity of oceans, heat discharges were said to be less likely to cause environmental damage. Second, the requirements of closed cycle cooling would exacerbate fresh water shortages which could be expected in certain coastal areas by the year 2000 during extreme low flow conditions.

No water shortage appears evident, or likely to ensue, by the end of the century in Washington, Oregon, Northern California, most Gulf Coast States, or the Atlantic Coast. Moreover, the projection of increased fresh water consumption was predicated on conversion of all existing coastal plants from once-through saline systems to fresh water evaporative towers and adoption of fresh water towers by all new ocean sited plants. Such an assumption is unrealistic, however, since salt water towers are presently in operation and available to coastal plants in arid areas. Use of saline water in evaporative towers would, of course, have no effect on the supply of fresh water.

On the other hand, there is evidence to suggest that the discharge of heat into marine waters at sufficient depth and distance from biologically sensitive shoreline zones may pose considerably less of a threat to the environment than do thermal discharges into rivers, lakes, and estuaries. But if the compatibility of thermal discharges with the environmental integrity of aquatic communities at particular sites can be demonstrated, a modification of the limitations on heat may be made through the procedures established by the Agency to implement section 316(a).

(8) Some commenters suggested that the Agency's jurisdiction under the Act does not extend to all artificially created lakes and ponds used as cooling water sources by powerplants and that the Agency should confine the regulation to those in which a significant vested public interest exists.

The Act applies to all "waters of the United States" and the legislative history indicates that the jurisdictional terms were to be given the broadest possible constitutional interpretation. Under controlling decisions of the United States Supreme Court, some man made cooling water bodies may constitute navigable waters for the purpose of water pollution control.

On the other hand, however, the Agency recognized in the proposed regulation that artificial ponds built for cooling and located on the property of the utility constitute an acceptable process technology for the control of heat. In response to criticisms of the lack of clarity of the proposal, the regulation has been revised to make clear that existing units otherwise subject to a "no discharge" limitation on heat may discharge heat into existing cooling lakes and ponds. Definitions of each term have also been provided which differentiate between "cooling ponds" (artificial water bodies constructed by means other than impounding the flow of navigable water) and "cooling lakes" (artificial water bodies whose construction does entail blockage of navigable water flows). While new units whose cooling system involves creation of an "on stream" cooling lake would remain subject to the limitations on heat discharge from the condenser into such a projected impoundment, the provisions of section 316(a) would be available to such units. Chemical discharge into artificial water bodies which constitute navigable waters under the Act must comply with the limitations on pollutants other than heat.

(9) Some commenters noted that the proposed regulations did not provide an explicit exemption from the limitations on heat for offshore powerplants and and suggested that a separate category for such plants be established. No offshore plants are presently in operation or under construction. That being the case, the Agency anticipates that selection of suitable locations will insure that the thermal discharges from once-through or modified cooling systems at such plants are compatible with the criteria of section 316(a) of the Act and that exemptions under that section for properly sited offshore plants would be forthcoming.

(10) Some commenters questioned the propriety of requiring compliance with limitations defining the degree of thermal effluent reduction attainable by the "best available technology economically achievable," in advance of 1983. In addition, the proposed regulation was claimed to endanger system reliability, particularly during the winter of 1977–78 when reserve capacity would be reduced because the outage time necessary to tie-in to closed cycle systems would exceed that required for normal maintenance. Since all units are required to comply with the same schedule, commenters claimed that in many cases purchase of replacement capacity from other systems within the same grid would not be possible. Other commenters suggested extension in the compliance dates in order to allow sufficient time for construction of natural draft cooling towers where these are a preferable alternative to mechanical draft towers. Still others criticized the Agency for imposing no restrictions whatsoever by 1977 and urged that the schedule as proposed be adhered to.

The Agency believes that there is clear statutory authority to impose the requirements of section 301(b)(2)(A) earlier than 1983 if the technology is

available. The dates specified in the Act are ultimate deadlines: not the earliest dates by which technological progress may be required. It would be consistent with neither the language of the Act, nor its legislative history, for the Agency to sanction the discharge of pollutants for nine more years if a class or category of dischargers has the capability, both economic and technical, to reduce that discharge by an earlier date.

The Agency is convinced that the electric utility industry has both the economic and technological capability to install closed cycle cooling systems on those units whose thermal discharges are controlled by this regulation and to do so by the compliance date established. The estimates of reduced reserve capacity submitted were, the Agency believes, over-stated since they assume that no units would obtain exemptions under section 316(a). Moreover, significant revisions to the proposed regulation have been made to insure that the required conversion to closed-cycle is realistic and that compliance with it entails no risk to the continued reliable supply of electric power. First, the number of units potentially subject to it has been reduced drastically. Second, the date by which the largest units are subjected to control has been extended by two years; the compliance date now being nearly seven years in the future. Finally, the permit issuing authority is authorized to defer compliance for an additional two years if, despite the above described revision, compliance by all units in a related system could, by virtue of outages during tie-in to the cooling system, seriously impact system reliability. This will permit each utility to plan, design, and construct off-stream cooling systems at the optimum time in accordance with planned maintenance schedules as well as in consideration of reliability factors.

(11) A related comment was that the Agency should not impose limitations under best available technology economically achievable in advance of the National Study Commission Report required by section 315 of the Act.

There is no conflict between the promulgated regulation and the report of the National Study Commission, which is to be submitted to Congress in October, 1975. While that study is an integral part of the Act's program to reduce water pollution dramatically by 1983, its existence does not preclude establishing the "best available" standards effective in advance of that date. There will be sufficient time for any "mid-course corrections" to be made by the Congress in the regulation of thermal pollution from the electric power industry, without the industry's having committed itself to any significant capital expenditures for thermal pollution abatement due to these regulations.

(12) Several comments observed that the cost per unit of production of installing closed cycle cooling varies as a function of numerous factors. Some of these factors (such as fuel type, back-end loading, heat rate and flow rate) pertain to the mode of operation and other physical characteristics of the unit. Other factors (such as wet-bulb temperature and intake water temperature) relate to climatic or geographic conditions encountered at particular sites. Still other factors, while also related to local conditions, concern the potentially adverse impacts (such as noise generation, fogging and water consumption) which may be significant in individual instances. If unaddressed, the combined impact of the factors were said to impose physical, though not necessarily economically evident, costs on the local environment. If steps were taken to alleviate the problem, on the other hand, abatement of the environmental deficit would entail direct monetary costs on the utility. A rule was suggested which would exempt any unit at which the sum of these factors imposed costs in excess of 1 mill per kilowatt-hour.

The Agency has reviewed the significance of each of these factors considered independently as well as their aggregate impact. A summary of its conclusions as to the collective significance of site dependent factors and each individual variable follows.

(A) Site-Dependent Factors in General

During the comment period, industry representatives supplied two sets of data on the cost of installation of mechanical draft cooling towers. The first was a report of an engineering firm experienced with the construction of cooling towers. Its estimate of the capital cost of retrofitting, on a per kilowatt basis, was only slightly higher than that used in the Agency's original cost estimates of the proposed regulation.

The second was based on a survey of 60 plants, in several utility systems, which represent approximately 12 percent of the total steam electric generating capacity in the United States. The average capital cost of this survey was significantly higher than the previous industry estimate; the disparity being accounted for by the commenter on the ground that the higher estimates reflected additional costs attributable to site-specific factors. The variability of the plant by plant costs reported in the latter survey approximates a normal distribution and ranges from about $9 per kilowatt to about $81 per kilowatt. The median of the sample and the capacity weighted average cost is $21.9 per kilowatt. The Agency adjusted its cost estimates of the economic impact of the final regulation to a figure closely approximating this industry-estimated cost. Only three of the plants reported per kilowatt costs significantly above the average value (in excess by 100 percent or more.) The few exceptions with extraordinarily high cost per kilowatt represent about 3 percent of the generating capacity covered by the sample. Since the extensive sample of cost estimates from individual plants addresses all site dependent factors in most instances, and includes to some extent costs corresponding to the factors addressed specifically below, EPA has determined that the sample adequately depicts the effects of the total of the site dependent factors that materially influence the costs of achieving the effluent limitations on heat. While the estimated costs of implementing thermal controls at three of the plants were reported to reflect costs in excess of twice the median cost, these incremental cost factors would not significantly affect the economic achievability of the effluent limitations. Favorable and unfavorable site-dependent factors may be expected to counterbalance one another, when applied across the several units at individual plants and the numerous plants in an electrical generating system. Hence, the average of the cost estimates reported in the 60 plant sample represents a realistic estimate of the retrofitting costs likely to be encountered by any utility system. Even in the extraordinary case of the one plant in the 60 plant sample reporting a cost estimate of $81 per kilowatt, the incremental cost (above that within which 95 percent of plants estimated costs reflecting site specific factors) would not affect the economic achievability of the thermal limitations. For example, the abnormal incremental costs at that site ($37 per kilowatt) would add about 1 mill per kilowatt-hour to the cost of electricity generated by that unit. Unusual compliance costs could impact the numerous small units or small systems more severely. Consequently, these units have been exempted categorically from the effluent limitations on heat.

(B) Type of Generation

In general, nuclear units reject more waste heat to condenser cooling water than do comparable fossil-fueled units. The Agency recognizes that the costs of installing thermal control technology are greater for units which reject more waste heat. Nevertheless, the cost differential due to type of generation is approximately equivalent to the additional waste heat discharged by nuclear plants and is within the range of costs reflecting the normal variability among site-dependent factors in general as discussed above. In either case, the costs per unit of heat removed by close cycle cooling would be the same. Therefore, no distinction need be made between nuclear and fossil-fueled units.

Conversion of a nuclear unit from once-through cooling to a closed cycle system may entail associated modifications to the radioactive waste disposal system. Units employing once-through cooling normally discharge treated liquid radioactive wastes to the large volumes of non-recirculating cooling water, relying on dilution in that stream to meet water quality standards on the discharge of radioactive materials. The volume of the blowdown from closed cycle cooling may not provide sufficient dilution for this practice to be continued. However, in three cases in which closed cycle cooling systems were backfitted to nuclear powerplants, none of the additional costs for radioactive

waste system modification were directly attributed to the closed cycle backfit by the U.S. Atomic Energy Commission in its final environmental statement. Since the Agency has received no specific cost information concerning radioactive waste system modification due to closed-cycle cooling system backfitting, no incremental costs for this potential modification have been included in the Agency's cost estimates.

(C) FLOW RATE

The cost of closed-cycle cooling equipment and the total cost of generation are higher for units with higher flow rates, all other factors being equal. Flow rates for a particular unit can be reduced to some degree without significant incremental cost to achieve the reduced flow. In the cost analysis submitted to the Agency in support of the proposed subcategorization criteria, the cooling equipment costs for the cases of highest flow rate, all other factors being equal, were less than 10 percent higher than the average cost of all cases with various flow rates. Total generation costs were less than approximately 10 percent higher for the cases with the highest flow rates. In the cost analysis for the worst combination of intake temperature, wet-bulb temperature, and flow rate, the equipment cost exceeded the average equipment cost by 52 percent. These variations in equipment cost are within the range of variations in cost that are anticipated considering the numerous factors that combine, some favorably and some unfavorably, at each site to determine the final cost of thermal control implementation. A 10 percent cost differential is within the range of costs reflecting the normal variability among site-dependent factors in general as discussed above. Therefore, no distinction need be made for this factor.

(D) HEAT RATE

Units with high heat rates would be the most costly to control due to the high incremental fuel cost associated with the increased inefficiency attributable to thermal controls. While no specific exemption is provided, exemptions based on age and size will exclude most of the units with high heat rates.

(E) INTAKE TEMPERATURE

EPA recognizes that units with high intake water temperature will incur higher costs, all other factors being equal. This factor, however, is significant mainly during the months when the high intake water temperatures occur and also for those units for which high levels of blowdown flow are necessary, thus requiring relatively large quantities of makeup water. It is not as significant a factor for most units which require normal quantities of makeup water flow. In the cost analysis submitted to the Agency in support of the proposed subcategorization criteria, this factor all other factors being equal, added a maximum of 20 percent in the most extreme case to the average total thermal control equipment cost. This 20 percent cost differential is within the range of costs reflecting the normal variability among site-dependent factors in general as discussed above. Therefore, no distinction need be made for this factor.

(F) WET-BULB TEMPERATURE

EPA tested the significance of wet-bulb temperature as a factor by costing various types of evaporative cooling systems considering four geographic locations representative of the range of wet-bulb temperatures in the United States. The cost of cooling equipment at the most unfavorable location based on wet-bulb temperature was 25 percent higher than the average cost of all locations tested for conditions otherwise identical. In the cost analysis submitted to the Agency in support of the proposed subcategorization criteria, this factor, all other factors being equal, added a maximum of 24 percent to the total thermal control equipment cost for the average of subcases covered for the most costly case analyzed. This 24 percent cost differential is within the range of costs reflecting the normal variability among site-dependent factors in general as discussed above. Therefore, no distinction need be made for this factor.

(G) BACK-END LOADING

The back-end loading of a unit is the maximum steam flow which the unit can pass through the last stage blades of the low pressure turbine expressed as a percentage of the maximum steam flow through the last stage blades which the turbine is capable of accepting.

In the cost analysis submitted to the Agency in support of the proposed subcategorization criteria, this factor, all other factors being equal, added a maximum of 22 percent to the total thermal control equipment costs compared to the average of the cases covered. The maximum cost reflected the cost for a unit with a back-end loading of approximately 15 percent. Generation costs in mills per kilowatt-hour for the worst case of a 15 percent back-end loading were estimated to be about 1 mill per kilowatt-hour. This 22 percent differential in equipment costs is within the range of costs reflecting the normal variability among site-dependent factors in general, as discussed above. The worst case generation cost is in the range recommended by industry, therefore, no distinction need be made for this factor.

(H) PLUME ABATEMENT

Cooling towers can produce visible plumes consisting of minute water droplets. Plumes are normally not a problem unless they reach the ground and obstruct vision or cause icing conditions. Under normal conditions, cooling tower plumes rise due to their initial velocity and buoyancy and rarely intersect the ground before they are mixed with the ambient air and dissipated. However, under adverse climatic conditions (i.e., high humidity and low temperature), the moisture could produce a fog condition if it were trapped in the lower levels of the atomsphere during an inversion, i.e., a period of high atmospheric stability. In almost all cases, natural draft towers are less likely to cause fogging problems than mechanical draft towers. Even with mechanical draft towers, in most cases fogging or icing would be on-site (i.e., within 1000–2000 ft of the tower). Plume abatement technology, e.g., wet-dry cooling towers, is currently available. While wet-dry towers are more costly than conventional wet towers, the Agency has accounted for the cost of employing plume abatement in specific cases in its estimate of the cost of cooling tower construction. This estimate is based on cost data supplied by industry. The industry estimates, in turn, were developed from a sample of 60 plants and units and the costs for 18 of the units in the sample reflected the use of wet-dry towers. Hence, no specific exemption based on the potential for plume generation is warranted except where the plume presents a substantial hazard to aircraft flight paths.

(I) NOISE ABATEMENT COSTS

EPA recognizes that incremental costs would be incurred in cases where mechanical draft cooling towers may require noise control. Little information is available on the cost of implementing noise control procedures on powerplant cooling towers principally because it has rarely been necessary to employ these measures, even though powerplants with cooling towers exist in areas of high population density. It is doubtful that there will be a significant need for this technology as a result of this regulation, since many plants in areas of high population density will be exempted because of the lack of sufficient land for closed-cycle cooling systems, because of the salt drift exemption, or because of the exemptions based on age or size. Furthermore, alternative thermal control technologies may be employed that are generally quieter than mechanical draft cooling towers. In the only case cited by commenters, a plant in West Germany was reputed to have incurred twice the normal capital cost for cooling towers due to the installation of noise control equipment. This is a most unusual case indeed. The plant cited is in West Berlin, a politically land locked community isolated from outside power sources. Increased demand and a paucity of available sites required that a new plant be constructed in close proximity to residences in an area of high population density, hence, the need for noise abatement technology. Furthermore, it is significant that cooling towers were employed with noise suppressors in order to take advantage of the site while accommodating the need to reduce noise to locally required levels.

(J) MISCELLANEOUS FACTORS

Certain additional site-dependent factors have been suggested by commenters which should be considered in subcategorization for effluent limitations on heat because they can materially affect cost; existing system layout, soil conditions, site geology, and topography. While it is

acknowledged that these factors may affect case-by-case costs, the costs attributable to these and other site-dependent factors have been assumed in the computation of the economic costs of thermal control.

(13) Some commenters observed that closed cycle cooling systems have side effects which may be controlled by other environmental regulations such as noise ordinances, air quality standards and land use restrictions and urged that the Agency exempt units for which the expense of complying with these strictures increases the total cost of installing closed cycle cooling above 1 mill per kilowatt-hour.

The Agency is not aware of any instances in which air quality standards have required imposition of technology to control droplet emissions from cooling towers below those presently achieved by good tower design and drift eliminators. Nor was the Agency supplied with evidence indicating that any existing plant now employing once-through cooling is subject to municipal ordinances or state laws requiring noise suppression equipment. There are no federal environmental regulations on noise emission from powerplants or cooling devices. Nor was the Agency advised of any local zoning ordinances which, while permitting construction of a powerplant and the associated stacks, would preclude construction of a cooling tower.

(14) The proposed regulation was criticized by some commenters on the ground that installation of closed cycle cooling systems at most units in the industry would increase the amount of freshwater consumed.

All evaporative heat rejection systems consume water. Even once-through systems result in water consumption by evaporation during the transfer of heat from the receiving water body to the atmosphere. Consumptive use of water by mechanical draft towers exceeds that of once-through systems by approximately 50–75 percent. Evidence received by the Agency suggested that were all existing and new plants covered by the proposed regulation to install close cycle cooling, the increase in water consumption by the year 2000 over that which would be consumed by extrapolation of the 1970 mix of cooling systems to the generating capacity expected to be on line in that year, would approximate 8.5 billion gallons per day. This projected increase, which was based on the assumption that no plants would qualify for an exemption under section 316(a) of the Act during the next 25 years, was conceded to be relatively insignificant compared to the total water available in the United States during average flow conditions. Federal Power Commission supplied estimates of water consumption attributable to closed cycling cooling suggest that the actual consumption may be significantly lower.

However, for certain regions, the projected increase when compared to the 10 and 20 years drought conditions, would increase water deficits assumed to exist even in the absence of closed cycle consumptiive use. The regions of most concern are southern California and the Texas Gulf.

Much of the 3.8 percent increase in deficit for California under the 20 year low flow conditions appears to be attributable to the assumption that coastal plants will convert to freshwater rather than saline towers. The deficiencies of this assumption have been discussed previously. In addition, however, the final regulation has been revised to exempt most units constructed before 1974 from thermal control. Virtually all presently operating coastal units (which represent nearly half of the present generating capacity in California) will thus be exempt. To the extent that expansion of generating capacity is composed of new coastal units, the utility is free to select sites at which the discharge would protect the balanced indigenous aquatic community, thus qualifying for exemptions under section 316(a) and avoiding any consumptive use of freshwater. Moreover, saltwater cooling towers could be used at coastal sites with the result that no freshwater would be consumed.

In other arid regions, such as Texas, use of closed cycle evaporative cooling systems (both towers and cooling ponds) is already widespread for technological rather than environmental reasons, since the availiable surface water supply is not adequate for once-through cooling to be effective. Much of the increase in the projected consumptive use appears attributale to the assumption that cooling towers would have to be constructed at existing man made cooling lakes and offstream cooling ponds. The regulation has been revised to make clear that cooling lakes and ponds meeting certain specifications are considered acceptable heat abatement mechanisms and that towers need not be constructed if such a system is in operation.

(15) Many comments were received to the effect that the Agency's estimate of the captial and operating costs of closed cycle cooling was understated and that its analysis of the economic impact of the regulation was therefore inaccurate. The most significant of these claimed deficiencies are discussed in the following section.

(A) The Agency's capital cost estimates for installing cooling towers at non-nuclear plants were based on a survey of existing plant costs. It was pointed out that the capital cost for one plant in the survey represented the cost of an open cycle diffuser previously in operation at that plant. Commenters placed the true cost of the spray canal retrofitted to this plant at $28 million rather than the figure of $6.8 million used by EPA. Using the higher figure would increase the average costs reported by the plants actually retrofitted with closed-cycle cooling systems from $14 per kilowatt to $18 per kilowatt.

The Agency has recalculated costs of backfitting mechanical draft towers and higher per kilowatt costs have been employed in this analysis.

(B) Commenters criticized the Agency's failure to include a capital cost for new generating capacity to replace existing generating capacity lost during outages for tie-in of closed cooling systems.

Powerplants normally place generating units out of service on a scheduled basis for periods of a month or more in order to perform necessary maintenance. Units may also be shut down from time to time for unplanned maintenance. When units are shut down, the lost generating capacity is supplied by somewhat less efficient units within the system or by purchase of power from outside the system. The installation of new generating capacity in a system takes into account, on a projected basis, the user demand in its service area and such additional factors as scheduled outages and probabilities of unscheduled outages. A well-engineered retrofit design could be scheduled for tie-in to an existing system in from one week to five weeks of actual unit outage time. The regulation has been revised to exclude most existing units from thermal control and to defer the date of conversion for the remaining affected units from 1978 to 1981. Moreover, the final regulation incorporates commenters' suggestions for flexibility in further extending compliance dates in order to avoid adversely impacting regional reliability. The Agency has determined that tie-in outages can be scheduled concurrently with planned maintenance in such a manner that one month outage time would be required in addition to normal maintenance and that replacement power during this period can be supplied by the system's cycling units. Since no net loss in generating capacity need occur for closed-cycle tie-ins, there is no need for capital expenditures to be debited against outages during construction.

(C) Similiarly, comments suggested that the Agency had underestimated the operating cost of replacement capacity, principally by employing pre-embargo fuel prices.

The fuel costs employed by the Agency in calculating the operating cost of replacement capacity have been revised to reflect the best estimate of future fuel prices, $7.00 per barrel of oil and $12.50 per ton of coal (in constant 1974 dollars). EPA assumed a heat rate of 12,500 BTU per kilowatt hour and a fuel mix of 80 percent coal and 20 percent oil in calculating the industrywide economic impact of replacement capacity operating costs.

(D) An industry representative claimed that the Agency had underestimated the incremental cost of closed-cycle cooling because it had assumed that an unrealistically high percentage of plants would use closed-cycle cooling regardless of whether or not they were required to do so by these regulations.

Approximately 65 percent of the capacity now under construction is committed to close-cycle cooling. Based on a review of information submitted to the Agency by industry representatives, EPA estimated that 50 percent of units now planning to install closed-cycle cooling were doing so for economic, rather than

environmental considerations. The costs incurred by these units should not be included in the costs and economic impacts attributable to these regulations.

(E) Industry representatives contended that in order to raise the capital needed to finance water pollution treatment systems, a higher rate of return on both debt and equity would be required and that this additional cost of capital would increase the operating revenues required by the regulations.

The Agency has reevaluated its rate of return assumptions as follows: The Agency has assumed a cost of long-term debt of 8.0 percent, rather than 7.5 percent. Required rate of return on common equity is assumed to be 14.0 percent rather than 12.0 percent. The return rates are based on those used by the Technical Advisory Committee on Finance for the National Power Survey. Since the regulations will increase the capital requirements of the utility industry by less than four percent, without taking into account the exemptions received under section 316(a), they should not themselves raise the required rate of return on either debt or common equity.

(F) Some commenters suggested that, for the purposes of the base-line cost estimates, the costs of compliance with other environmental regulations associated with the FWPCA, the Clean Air Act of 1970, or any state or local requirements be included and, furthermore, that an annual inflation rate of greater than 5 percent should have been used. Base-line costs estimated for the power generating industry which reflect the needs for additional capital, generation costs, costs to consumers, energy consumption, etc., which would ensue without consideration of the effects of these regulations were prepared by EPA for the purpose of evaluating the industry-wide costs of compliance with the regulations.

In consideration of these comments and additional data, several base line cost estimating assumptions were modified as follows: (a) capital requirements were based on current projections of a 5.5 percent growth rate in capital expenditures for the industry over the next decade; (b) an annual inflation rate of 10.6 percent was assumed for fossil plants and 15.5 percent for nuclear plants for the 1970–75 period. Corresponding figures for the 1976–80 period were 8.0 and 8.2 percent respectively; (c) while the costs of compliance with other environmental regulations were not quantified and included in the baseline, the Agency considered the additional costs to the industry attributable to complying with these requirements in revising the thermal limitations.

(g) A commenter contended that because of the difficulty in accurately assessing the effect of section 316(a), the economic feasibility of the thermal limitations contained in this regulation should be determined without regard to exemptions which are expected to ensue under that section.

The Agency originally estimated that units representing 80 percent of existing capacity and 50 percent of new capacity would receive exemptions under section 316(a). The final regulation has been substantially modified and, as promulgated, applies to a much smaller percentage of presently operating units. Those which are covered are the largest new units, those over 500 megawatts rated capacity, which discharge the largest volumes of heat and will do so for the rest of the century. Accordingly, since the units which remain subject to these regulations are those which it is reasonable to anticipate will pose the greatest degree of environmental risk, the percentage of exemptions assumed has been correspondingly reduced. The Agency has calculated the capital and operating costs of the regulations under the assumption that no plants will receive exemptions and under the assumption that units representing low environmental risks will obtain an exemption from thermal control. The Agency recognizes the difficulty of precisely estimating the effect of section 316(a) given the particularized nature of proceedings under that section. The estimate reflects its best current projection and is based on a random sample of 180 plants with 455 units representing one-seventh of the total generating capacity in 1978. Plants and units within the sample represent a distribution of varying ages, sizes, capacity utilization rates, and locations. The methodology of the sampling will be described in detail in the "Economic Analysis of the Effluent Limitations for Steam Electric Powerplants" which will be published by the Office of Planning and Evaluation as soon as possible.

In summary, the assumptions used in estimating the percentage of capacity located on rivers which would be likely to receive exemptions are that no units which at full capacity withdraw greater than 70 percent of the average stream flow would receive exemptions and that 50 percent of units which at full capacity withdrew between 30 percent and 70 percent of the average flow would not receive an exemption. Units representing 50 percent of the capacity located on estuaries and lakes other than cooling lakes were assumed not to receive an exemption.

(h) A related comment was that the economic analysis should include the costs of compliance with alternate effluent limitations which may be imposed under section 316(a), such as "helper" towers, diffusers, discharge canals and other partially closed cycle systems.

The Agency has taken these costs into account in its assumptions as to the units which would receive exemptions under section 316(a). The "high risk" units (those described in the preceding paragraph) were assumed to receive no exemption and thus to employ closed cycle mechanical draft cooling towers on a continuous year-round basis. In fact, some such units could receive partial exemptions, i.e.; modified restrictions on heated discharge—which could be met by open or partially open cooling systems in conjunction with "helper" or "trimming" towers during all or some portion of the year. The costs of such modified systems would be less than those of continuous operation of a mechanical draft tower or, if they were not in some unusual instance, the cost of that tower would be the maximum cost incurred since it would certainly meet any modified thermal limitations. The EPA cost estimates are therefore conservatively high since they are based on the most costly technological alternative in cases where partial exemptions may be obtained under section 316(a).

(i) The Agency's capital cost estimates for retrofitting cooling towers were said to be understated because of a failure to consider the additional costs imposed by specific site dependent factors such as unusual geological or topographical conditions or the need in individual instances to install additional equipment to abate noise, control plumes, etc.

The Agency has revised its capital cost estimates to account for the presence of these factors, as previously explained. The increased retrofitting costs are consistent with an industry survey which includes incremental costs attributable to site dependent factors.

Closed cycle evaporative cooling consumes about 50 percent more water than does once-through cooling systems. While this incremental water consumed does have an associated cost in some States it is only in arid regions of the United States that unit water costs themselves are significant. At a typical site in the arid regions, the cost of additional water to compensate for incremental water consumed by closed cycle cooling would be approximately 0.01 mill per kilowatt-hour of electricity generated, assuming water consumption costs of $10 per acre-foot. By comparison, the typical total costs of generation are approximately 10 mills per kilowatt-hour at this site. Even under the "worst case" assumption of a highly inefficient plant located in the area in which water costs are five times higher than those typical of arid locations, incremental water consumptions costs would represent only 0.1 mills per kilowatt-hour, or 1 percent of total generating costs.

The non-monetary, environmental effects of increased water consumption are discussed above and will be discussed at greater length in the Development Document.

(16) Several commenters suggested that chemical pollutant limitations be applied to individual low volume waste streams rather than on all low volume streams taken as one source.

On review it was ascertained that this suggestion was not only technically feasible, but would result in a higher level of effluent reduction benefits compared to total cost of application of technology to achieve the limitation. The regulations have been changed to reflect this suggestion.

(17) Some commenters contended that the limitations of total suspended solids in blowdown from recirculating cooling water systems and other waste streams should be applied on a "net" rather than a "gross" basis. That is, the limitations

should take into account the presence of pollutants in water intake supplies.

The effluent limitations have generally been developed on a gross or absolute basis. In most cases the technologies which are available to control the pollutants or pollutant parameters will achieve the effluent limitations established regardless of the presence of these pollutants in influent water. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake in significant concentrations, which may not be removed to the levels specified in the limitations, by the application of treatment technology contemplated by these regulations. Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR 125) which will specify the situations in which the permit issuing authority may allow a credit for such pollutants. The amendment will be proposed for public comment in the near future. The question of net versus gross effluent limitations for this category will be discussed in greater detail in the Development Document.

The promulgated regulations contain no limitation on suspended solids discharged in cooling tower blowdown. The Agency has removed restrictions on the discharge of suspended solids from this source because they consist almost entirely of suspended solids not added by the industrial process.

(18) Several commenters complained that certain of the proposed limitations of no discharge for best available technology economically achievable had not been fully demonstrated for general application.

The no discharge limitations on low volume wastes which were included in the original proposal have been removed from the present regulations for BATEA since the technology has not been demonstrated adequately for this industry and costs appear to be excessive at this time. Mechanical cleaning systems for maintaining condenser tube cleanliness rather than use of biocide addition to cooling water has been determined not to be adequately demonstrated for new source performance standards. While use of these no discharge technologies does not currently constitute best available technology economically achievable or best demonstrated technology, their use on a case-by-case basis may be necessary to meet effluent limitations based on water quality standards.

The limitations reflecting recycle of bottom ash sluice water have been retained for both the BATEA and new source performance standards, having been adequately demonstrated. The new source performance standard of no discharge of corrosion inhibitors, reflecting demonstrated technology of design for corrosion protection rather than chemical addition for corrosion control in closed-cycle cooling systems, has been retained in the regulation.

(19) Some commenters reported that the specific numerical limitations in the proposed regulation for total suspended solids, oil and grease, and iron and copper were impracticable to achieve.

Further analysis, stimulated in part by these comments, revealed that based on the application of available technology an adjustment of some of the numerical limitations was necessary. The specific numerical limitations in the regulations were revised as follows: the originally proposed total suspended solids limit of 15 mg/l x flow was revised to 30 mg/l x flow; the oil and grease limitation of 10 mg/l x flow was increased to 15 mg/l x flow. The originally proposed limitations on iron and copper of 1 mg/l were verified as achievable.

(20) Several comments were addressed to the definitions used in the effluent limitations for chlorine. It was suggested that the definitions of the terms "free available chlorine" and "total residual chlorine" be based on ASTM methods D–1253 and D–1427, and the use of the simpler ortho-tolidine method rather than the amperometric titration method which requires the use of a skilled technician.

Total residual chlorine is the sum of free available chlorine and combined available chlorine. EPA has issued "Guidelines Establishing Test Procedures for the Analysis of Pollutants" 38 F.R. 28758–28760 (October 16, 1973). These Guidelines list, as approved test procedures for the analysis of total residual chlorine the colorimetric and amperometric titration methods prescribed in "Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 page 382 and in "Annual Book of Standards, Part 23, Water Atmospheric Analysis, 1972" page 238, which prescribes the ASTM methods. Free available chlorine is not addressed by the EPA Guidelines. The Agency has determined that such test procedures are to be used by permit applicants to demonstrate that effluent discharges meet applicable pollutant discharge limitations.

The procedures for total residual chlorine in polluted waters prescribed beginning at page 382 of "Standard Methods" are listed under the heading "Iodometric Method"; however, both the amperometric and starch-iodide procedures are given. Both free available chlorine and total residual chlorine can be determined by the former, but only total residual chlorine can be determined by the latter. The "Standard Methods" procedure specifically referred to by the EPA Guidelines does not describe the test for "free available chlorine." However, "Standard Methods" describes further beginning at page 112, the amperometric titration method for the determination of free available chlorine as well as total residual chlorine in natural and treated waters.

The amperometric titration method is employed by commercially available feedback control instrumentation which can be employed to achieve the prescribed effluent limitations on free available chlorine. The amperometric titration method is among the most accurate for the determination of free or combined available chlorine. The method is largely unaffected by the presence of common oxidizing agents, temperature variations, and turbidity and color, which interfere with the accuracy of the other methods. The ASTM reference for "total residual chlorine" describes the amperometric titration method under the heading "Referee Method." Two nonreferee methods are prescribed, a colorimetric method and a dilution-colorimetric method, both of which use ortho-tolidine solution as a reagent. Both free available chlorine residual and total chlorine residual can be determined by the amperometric titration and the colorimetric methods as described in the ASTM procedures but only total chlorine residual can be determined by the dilution-colorimetric method. Based on the above, the Agency has determined that the amperometric titration method described beginning at page 112 of "Standard Methods" should provide the basis for the definition of "free available chlorine" for the purpose of this regulation.

(21) Several comments suggested alternative limitations on the discharge of free available chlorine and total residual chlorine from cooling water systems. The major contentions were as follows: (a) That seawater systems require higher levels than the proposed limitations; (b) that the limitations should be applied to non-recirculating house service water systems as well as to main condenser cooling water; (c) that the limitations should be clarified; (d) that the limitations were significantly higher than water quality levels recommended for aquatic life in freshwater and in marine and estuarine waters; (e) that the two-hour period per day limit for each unit could not be attained where a plant had more than twelve units if no two units could be chlorinated simultaneously; (f) that the limitations should allow chlorination for more than one period a day provided that the total span of chlorination time did not exceed two hours a day; (g) that where two or more units share common intake and discharge conduits, the discharge of free available chlorine might be minimized by simultaneous chlorination of the units; (h) that chlorination be limited to individual units during periods of low flow through the condenser of the unit undergoing chlorination and high flow through other units; (i) that chlorine limitations be based on total residual chlorine rather than free available chlorine since it is the former that determines damage to acquatic life; (j) that ozone offered promise as a substitute for chlorine; (k) that the discharge of biocides other than chlorine be allowed but not in excess of the 96 hour TLM_{50} for natural fish species; (l) that the technology for achieving no discharge of total residual chlorine from recirculating cooling water systems had not been fully demonstrated and thus cannot be used as a basis for the standards; (m) that since mechanical means of biological control of main condensers

are not always adequate and must be supplemented by chlorination, the no discharge limitation on total residual chlorine or other biocides used for biological control in main condenser tubes of noncirculating cooling water systems is not generally achievable; (n) that requiring chlorination during periods of lowest flow through condensers was not in accordance with practical operating procedures; (o) that the no discharge chlorine limitations are not consistent with requirements for sewage treatment plants to maintain chlorine residuals; (p) that even if effective mechanical means were employed to maintain condenser tube cleanliness, chlorine addition would be required from time to time to prevent biological fouling of other parts of the cooling systems; (q) that discharge limitations on other biocides be considered; and (r) that no discharge limits on biocides would discourage development of biocides that will not have adverse environmental effects.

The Agency recognizes the significance of the effluent limitations on chlorine in view of the extremely large volume of cooling water discharged by powerplants, the large quantities of chlorine added to cooling water by powerplants, and the known adverse effects of chlorine on aquatic organisms. It is further recognized by EPA that the chlorine residuals required to maintain adequate condenser tube cleanliness and to prevent biological fouling in other parts of cooling systems and the effectiveness of means other than chlorination vary seasonally and from site-to-site largely due to widespread differences in the type and quantities of organisms encountered. Thus, rather than establishing technology-based effluent limitations on chlorine which can be met by all dischargers at all times and which would therefore of necessity be very lenient in all but the worst cases, EPA has established effluent limitations on the concentrations in which chlorine may be discharged and the times during which chlorination may be practiced, has authorized modification in these limitations if a discharger can demonstrate that compliance with them will not allow an adequate level of condenser tube cleanliness or adequate biological protection for other parts of a unit's cooling system. The establishment of generally achievable effluent limitations on chlorine does not constitute a determination by EPA that the compliance by individual dischargers with more stringent effluent limitations required to protect aquatic life would not be technically achievable while still assuring adequate biological control of powerplant cooling systems. The limitations on chlorine do not reflect mechanical means of condenser tube cleaning or chlorination and blowdown control programs for recirculating cooling water systems since these technologies have not been adequately demonstrated for industry-wide application.

(22) Several commenters addressed the general subject of corrosion inhibitors in closed-cycle cooling systems. The most significant issues raised were as follows: (a) that a no discharge limitation on corrosion inhibitors would discourage development of inhibitors having no significant adverse environmental impacts; (b) that since antiscalants could not be used, higher blowdown rates would be needed to adequately control the higher calcium sulfate concentration arising due to acid addition for scale control in cooling systems; (c) that the allowance of 5 mg/l of phosphorous is lenient considering that discharges from sewerage treatment plants into Lake Michigan are limited to 1 mg/l; (d) that for non-chromate corrosion inhibitors the discharge levels should not exceed the 96 hour TLM *50* for native fish species; (e) that a chromate limit of 5 mg/l would permit low chromate treatment for corrosion control without the addition of a chromate recovery system; (f) that a no discharge limitation on corrosion inhibitors would result in the need for expensive corrosion resistant metals, many of which are in short supply; and (g) that non-toxic corrosion inhibitors are available and in use and should not be prohibited.

The design of closed-cycle cooling systems for corrosion protection without the need for the addition of corrosion inhibitors is a fully demonstrated technology for steam-electric powerplants. Recommended construction materials for components of cooling towers in saltwater service, the most severe case for corrosion protection, include asbestos cement, certain types of concrete, paint and epoxy coatings, plastics including reinforced fiberglass and polyvinylchloride, stainless steel, silicon bronze, and pressure-treated wood. The use of these materials rather than conventional materials is estimated to add about 2 to 3 percent to the costs of saltwater cooling systems. The overall costs of closed-cycle saltwater cooling systems including the added capital cost for the condenser, can be as much as 8 to 10 percent greater than for closed-cycle freshwater cooling systems.

The development and use of non-toxic corrosion inhibitors would continue to the extent that many powerplants and other uses of closed-cycle water systems are not required to meet the no discharge effluent limitation, which applies only to new steam electric powerplants. Since design for corrosion protection does not preclude the necessity for the addition of antiscalants and other materials where needed for control of cooling system water chemistry for reasons other than corrosion inhibition, no limitation on these materials is established by these regulations. The regulation reflecting best available technology economically achievable is based on chemical treatment technology for the removal of chromium, zinc, and phosphorus from cooling tower blowdown. The effluent limitations prescribed reflect the use of alternate corrosion inhibitors and are based on generally achievable limits for chemical treatment to remove all three pollutants. Chemical treatment for phosphorus removal from sewage treatment plant effluents could be designed for phosphorus removal only, hence, lower effluent phosphorus concentrations may be achievable for sewage plants on Lake Michigan. According to NPDES permit application data, major steam electric powerplants discharge an estimated 56,000,000 pounds per year of chromium and 7,300,000 pounds per year of zinc. These amounts represent, respectively, 50 percent and 21 percent of the total amounts of these materials discharged by all major industrial dischargers combined. Hence, the importance of effluent limitations on the discharge of these pollutants from steam electric powerplants is demonstrated.

(23) Some commenters suggested that maximum design rainfall runoff, and areas requiring runoff protection, be more clearly defined and that runoff in excess of designed runoff be allowed without limitation.

The regulation has been revised to more clearly define rainfall runoff areas more explicitly and provides for discharge without limitation when rainfall exceeds the specified design capacity.

(24) Some commenters suggested that the regulations allow sufficient flexibility for a variety of water reuse and treatment schemes, e.g., the use of cooling tower blowdown and other reclaimed wastewater for the transport of fly ash.

It is the position of the Agency that, since available waste water treatment systems are generally effluent concentration limited, reduction in the quantities of waste water requiring treatment should be encouraged in order to reduce the amounts of pollutants discharged to receiving waters. In-plant water reuse can reduce the quantities of waste water requiring treatment and, hence, the amounts of pollutants discharged. It is also recognized by EPA that, due to the economies of scale, combining similar waste streams for treatment to remove the same pollutants is generally less costly than separate treatment of these waste streams. The employment of cost-saving alternatives in meeting the effluent limitations should not be discouraged. Therefore, the regulations provide that, where various parallel waste streams are combined for treatment or discharge, the quantity of each pollutant at the discharge and attributable to each waste source shall not exceed the limitation specified for that waste source. Such a provision is designed to allow generally for combined treatment to meet the same effluent limitations that would be applied if the waste streams were treated separately. Furthermore, the regulations allow for a variety of possible combinations for treatment or discharge of waste streams, so long as the quantity of each controlled pollutant attributable to each waste source does not exceed the specified limitation for that waste source.

(25) Some commenters suggested that, based on cost considerations, small plants and plants scheduled to be retired within six years following the BATEA compliance date be exempted from the BATEA requirements of the proposed guidelines for pollutants other than heat.

The proposed BATEA limitations were based on a significantly more costly technology than that upon which the final regulations are based. EPA recognizes that the cost of equipment is greater in relation to the generating capacity of the plant for a small plant than for a large plant. However, technological means for achieving the BATEA limitations on pollutants other than heat are available which require lower capital expenditure than the treatment models used by EPA to estimate the costs for achieving the BATEA limitations. Operating costs for meeting BATEA would reflect the extent of the operation of the plant in any case, as would the pollutant discharges that would ensue. Therefore, costs do not justify a general exemption of either old or small plants from the BATEA limitations on pollutants other than heat.

(26) Some commenters suggested that the regulations for chemical pollutants should permit a discharger to proceed directly to a system to meet the 1983 standards by an accelerated date, even if this precludes meeting the 1977 effluent limitations by July 1, 1977. This could then avoid the wasteful backfitting required to substantially alter the best practicable (1977) treatment system to meet the 1983 limitations.

This comment was based on the proposed BATEA chemical limitations which have been significantly revised in the final regulation. The Agency has established best practicable and best available technologies to represent a logical technical progression toward meeting the goals of the Act. The treatment and control systems which provide the basis for best available technology are add-on systems which require no significant backfitting to the best practicable treatment and control technologie. Accordingly, there would be no technical reason for delaying compliance with the deadlines of the Act.

(27) Some commenters suggested that EPA had not adequately analyzed the costs for disposal of chemical wastes from treatment of powerplant effluents and waste solids such as sludge. The storage and control of the large volumes of soluble salts would have a substantial environmental impact which could be greater than the impact of discharging these salts to receiving waters.

The Agency has determined, based on the above and other factors, that the effluent limitations on low volumes waste sources should reflect the technology of chemical treatment and solids removal rather than concentration by evaporation and total recycle to achieve no discharge of pollutants. Nationally uniform application of this latter technology would have required the land disposal of the dissolved solids removed from low volume waste waters of all U.S. powerplants. The remaining sludges from the application of chemical treatment and solids removal technology require some dewatering prior to land disposal. Costs for dewatering by filtration have been considered. EPA estimates that for a typical new 1000 megawatt coal-fired plant about 5 acres of land would be required for disposal of chemical treatment sludges over the life of the plant compared to approximately 120 acres required for ash disposal. Plants with wet-scrubber air pollution control devices would require considerably more land, as a base, for disposal of sludges. All other powerpants would require typically an estimated less than one acre of land per 1000 megawatts of generating capacity for disposal of chemical treatment sludges over the life of the plant.

(28) Some commenters suggested that EPA had underestimated the costs of compliance with the proposed effluent limitations for pollutants other than heat. In support of this suggestion, additional data was submitted on the quantities of waste water from the individual waste sources requiring treatment. It was also suggested that, in support of an alternative cost analysis submitted by commenters, the installation costs for waste water treatment and control at existing plants would be best estimated at 150 percent of equipment costs rather than the 50 percent figure used in the EPA cost analysis. The incremental 100 percent would reflect the incremental costs attendant to backfitting those controls, while the 50 percent figure would reflect only installations which would not require backfitting, as would be the case for new sources. Additional information was submitted concerning the costs of modifications to once-through ash handling systems to achieve recycle of bottom ash transport water, the cost of dry fly ash handling systems, the costs of rainfall runoff control and treatment, and the additional costs that would be incurred to treat ash pond discharges in the cases where bottom ash sluice water and fly ash sluice water already are combined in the same ash pond and the resulting ash pond discharge, after incorporation of recycle to bottom ash handling, would require final treatment to meet the effluent limitations. Some of the industry-wide costs analyses submitted by commenters were based, however, on applying the worst case across the total U.S. generating capacity.

In consideration of these comments for the purpose of estimating the cost of compliance, EPA has modified the waste water flow quantities for some of the individual waste sources, has used an installation cost factor of 100 percent of equipment costs for existing plants, and has revised its estimates of the costs of meeting the effluent limitations on ash sluice transport water and on rainfall.

(29) Some comments suggested that EPA has failed to consider the benefits that would result from the chemical effluent limitations.

EPA has determined the effluent reduction benefits of the chemical limitations in coal-fired plants alone by 1990 would be the removal of approximately 280,000,000,000 pounds per year of total suspended solids (not including ash solids normally removed by ash ponds), 4,270,000 pounds per year of total iron, and 135,000 pounds per year of total copper that would otherwise be discharged. Furthermore, large amounts of other pollutants such as phosphorus, chromium, zinc and other heavy metals would also be removed. Powerplants are estimated, based on NPDES permit applications, to currently discharge approximately 5,600,000 pounds of chromium per year and 7,300,000 pounds of zinc per year, which are, respectively, 50 percent and 21 percent of the total quantities currently discharged by all major industrial dischargers in the U.S. Powerplants added, according to FPC statistics, about 3,900,000 pounds of phosphates, 42,000,000 pounds of lime, 76,000,000 pounds of caustic soda, 21,000,000 pounds of alum, and 51,000,000 pounds of chlorine chemicals to cooling water and boiler water in 1970.

(30) Some commenters suggested that the proposed limitations on chemical pollutants would impose enormous costs.

EPA has determined the nationwide costs associated with compliance with the effluent limitations on pollutants other than heat by 1983 could be as follows: the increased capital required is $1.4 billion, the increase in electrical generating costs is 0.2 mills per kilowatt hour. The increase in fuel consumption and lost generating capacity would be negligible. The Agency has concluded that the cost of installing and operating chemical treatment systems are reasonable in view of the effluent reduction benefits.

(31) Some commenters noted that the proposed regulations were not made directly applicable to discharges from electrical generating facilities using sources of heat other than coal, oil, gas, or nuclear fuel. Such sources would potentially include geothermal steam and industrial by-products such as carbon monoxide, blast-furnace gas, pitch and tar, bagasse, and wood refuse.

These regulations apply to the operation of steam electric power generating point sources by an establishment primarily engaged in the generation of electricity for distribution and sale, which generation results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with a thermal cycle employing the steam water system as a thermodynamic medium. It is estimated that very few utility-type steam electric units are not covered by this regulation. Other electrical generating sources, such as those employed as captive operations at other industrial point sources, e.g., steel mills, chemical plants, etc., will be covered in a separate regulation.

(C) Economic Impact

The revisions to the regulation described above will significantly reduce its cost and economic impact. The Agency estimates that the regulation will increase the utility industry's capital requirements by an additional 6.6 billion dollars by 1983, without allowing for the

reduction in capital cost which may be expected as a result of exemptions from the thermal limitations obtained under section 316(a). (These and all other estimates are expressed in constant 1974 dollars). After having given effect to the number of exemptions which the Agency anticipates under that section, the comparable figure is 4.1 billion dollars.

The capital requirements attributable to thermal control are 5.2 billion, assuming no 316(a) exemptions, and 2.7 billion after taking the estimated exemptions under that section into account.

The operating expenditures during the period 1974–1983 associated with the thermal limitations are estimated to be 1.3 billion dollars and 0.8 billion dollars, before and after 316(a) exemptions, respectively, an increase of 0.4 to 0.2 percent of total industry operating expenses.

The fuel penalty associated with the thermal limitations consists of additional fuel required to operate the closed-cycle cooling system and additional fuel required per kilowatt-hour resulting from efficiency losses due to increased turbine backpressure. The combined annual fuel penalty is approximately 3 percent. In addition, there will be a transient 2.1 percent fuel penalty associated with generation of interim replacement capacity during outages for conversion to closed cycle. The fuel penalty estimated represents approximately 16 million tons of coal (a 1.6 percent increase in projected 1983 coal consumption) and 44,000 barrels per day of oil (a 0.2 percent increase in projected 1983 oil consumption). After 316(a) exemptions, the corresponding figures are reduced by about one-half.

The capital cost of construction of treatment facilities to comply with the restrictions on chemical discharges is estimated to aggregate 1.4 billion by 1983. Operating costs during this period attributable to chemical control are estimated at 2.0 billion, imposing an approximately 0.6 percent increase in the industry's total operating expenses.

The combined effect of capital and operating costs for both thermal and chemical pollution control would increase the cost of electricity to consumers by a maximum of 2.2 percent by 1983. This price increase is not expected to have a significant affect on the growth of demand for electricity. Moreover, while the capital costs are substantial in absolute terms, they represent, without accounting for expected exemptions for thermal limitations, approximately 3 percent of the capital which the industry is planning to invest over the next decade for expansion of its generation capacity. The Agency has concluded that the industry will be able to obtain sufficient additional capital to finance the expenditures for water pollution control.

The costs of complying with the water pollution control requirements are not expected to have any effect on the production of electricity nor on employment in the industry.

(d) 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) of the Act, a manual entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" is being published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

The Agency anticipates that approximately six weeks will be required to complete preparation of the final Development Document so that it accurately describes the regulation, revised as indicated above. The Development Document, of course, will be prepared on the basis of information and data now available to the Agency; no additional data will be solicited, collected or accepted. As soon as the Development Document is submitted to the Government Printing Office, copies of the text will be made available for review and duplication in the Agency's Public Information Office.

(E) Final Rulemaking

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, is hereby amended by adding a new Part 423, Steam Electric Power Generating Point Source Category, to read as set forth below.

An order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609–73) required that the Administrator sign final effluent limitations guidelines for this industry category by July 26, 1974. Subsequent modifications of that order extended the date for promulgation until September 25, 1974. However, on March 15, 1974, the District Court ordered that the effective dates for regulations established by its initial order remain applicable and not be affected by extensions in the promulgation date. That initial order requires that effluent limitations guidelines establishing "best practicable control technology currently available" for this industry be effective upon publication. Accordingly, good cause is found for the final regulations promulgated below establishing best practicable control technology currently available for each subpart to be effective upon publication in the Federal Register.

The regulations establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective on November 7, 1974.

Dated: October 2, 1974.

Russell E. Train,
Administrator.

Subpart A—Generating Unit Subcategory

Sec.
423.10 Applicability; description of the generating unit subcategory.
423.11 Specialized definitions.
423.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
423.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
423.14 [Reserved]
423.15 Standards of performance for new sources.
423.16 Pretreatment standards for new sources.

Subpart B—Small Unit Subcategory

423.20 Applicability; description of the small unit subcategory.
423.21 Specialized definitions.
423.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
423.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
423.24 [Reserved]
423.25 Standards of performance for new sources.
423.26 Pretreatment standards for new sources.

Subpart C—Old Unit Subcategory

423.30 Applicability; description of the old unit subcategory.
423.31 Specialized definitions.
423.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
423.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
423.34 [Reserved.]

Subpart D—Area Runoff Subcategory

423.40 Applicability; description of the area runoff subcategory.
423.41 Specialized definitions.
423.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
423.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
423.44 Reserved.
423.45 Standards of performance for new sources.
423.46 Pretreatment standards for new sources.

Authority: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 501(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1215, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c) and 1361(a)), 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart A—Generating Unit Subcategory

§ 423.10 Applicability; description of the generating unit subcategory.

The provisions of this subpart are applicable to discharges resulting from the operation of a generating unit by an establishment primarily engaged in the generation of electricity for distribution and sale which results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with a thermal cycle employing the steam-water system as the thermodynamic medium.

§ 423.11 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 Part 401 shall apply to this subpart.

(b) The term "generating unit" shall mean any generating unit subject to the provisions of this part, except those units defined below as small, or old.

(c) The term "small unit" shall mean any generating unit subject to the provisions of this part, except a unit defined below as old, of less than 25 megawatts rated net generating capacity or any unit which is part of an electric utilities system with a total net generating capacity of less than 150 megawatts.

(d) The term "old unit" shall mean any generating unit, subject to the provisions of this part, of 500 megawatts or greater rated net generating capacity which was first placed in service on or before January 1, 1970 and any generating unit of less than 500 megawatts rated net generating capacity which was first placed in service on or before January 1, 1974.

(e) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practice.

(f) The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in "Standard Methods for the Examination of Water and Wastewater", page 112 (13th edition).

(g) The term "sufficient land" shall mean 100 sq m (1100 sq ft) or more per megawatt of nameplate generating capacity.

(h) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume wastes sources would include but are not limited to waste waters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems.

(i) The term "ash transport water" shall mean water used in the hydraulic transport of either fly ash or bottom ash.

(j) The term "metal cleaning wastes" shall mean any cleaning compounds, rinse waters, or any other waterborne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning.

(k) The term "once through cooling water" shall mean water passed through the main cooling condensers in one or two passes for the purpose of removing waste heat from the generating unit.

(l) The term "recirculated cooling water" shall mean water which is passed through the main condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device, other than a cooling pond or a cooling lake, for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main condenser.

(m) The term "cooling pond" shall mean any manmade water impoundment which does not impede the flow of a navigable stream and which is used to remove waste heat from heated condenser water prior to returning the recirculated cooling water to the main condenser.

(n) The term "cooling lake" shall mean any manmade water impoundment which impedes the flow of a navigable stream and which is used to remove waste heat from heated condenser water prior to recirculating the water to the main condenser.

§ 423.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) 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, utilization of facilities, raw materials, manufacturing processes, non-water quality environmental impacts, control and 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.

(b) 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:

(1) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(2) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(3) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(4) The quality of pollutants discharged in ash transport water shall not exceed the quantity determined by multiplying the flow of ash transport water times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(5) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(6) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(7) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(8) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(9) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or State, if the State has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) (1) through (10) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.13 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:

(a) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0

(b) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(c) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(d) The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in the following table and dividing the product by 12.5:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 ml/l.

(e) The quantity of pollutants discharged in fly ash sluicing shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(f) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(g) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(h) The quantity of pollutants discharged in once through condenser water shall not exceed the quantity determined by multiplying the flow of once through condenser water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(i) The quantity of pollutants discharged from cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
Zinc	1.0 mg/l	1.0 mg/l.
Chromium	0.2 mg/l	0.2 mg/l.
Phosphorous	5.0 mg/l	5.0 mg/l.
Other corrosion inhibiting materials.	Limit to be established on a case by case basis.	

(j) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(k) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (j) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

(l) There shall be no discharge of heat from the main condensers except:

(1) Heat may be discharged in blowdown from recirculated cooling water systems provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculating cooling water prior to the addition of the make-up water.

(2) Heat may be discharged in blowdown from recirculated cooling water systems which have been designed to discharge blowdown water at a temperature above the lowest temperature of recirculated cooling water prior to the addition of make-up water providing such recirculating cooling systems have been placed in operation or are under construction prior to the effective date of this regulation.

(3) Heat may be discharged where the owner or operator of a unit otherwise subject to this limitation can demonstrate that a cooling pond or cooling lake is used or is under construction as of the effective date of this regulation to cool

recirculated cooling water before it is recirculated to the main condensers.

(4) Heat may be discharged where the owner or operator of a unit otherwise subject to this limitation can demonstrate that sufficient land for the construction and operation of mechanical draft evaporative cooling towers is not available (after consideration of alternate land use assignments) on the premises or on adjoining property under the ownership or control of the owner or operator as of March 4, 1974, and that no alternate recirculating cooling system is practicable.

(5) Heat may be discharged where the owner or operator of a unit otherwise subject to this limitation can demonstrate that the total dissolved solids concentration in blowdown exceeds 30,000 mg/l and land not owned or controlled by the owner or operator as of March 4, 1974, is located within 150 meters (500 feet) in the prevailing downwind direction of every practicable location for mechanical draft cooling towers and that no alternate recirculating cooling system is practicable.

(6) Heat may be discharged where the owner or operator of a unit otherwise subject to this limitation can demonstrate to the regional administrator or State, if the State has NPDES permit issuing authority, that the plume which must necessarily emit from a cooling tower would cause a substantial hazard to commercial aviation and that no alternate recirculated cooling water system is practicable. In making such demonstration to the regional administrator or State the owner or operator of such unit must include a finding by the Federal Aviation Administration that the visible plume emitted from a well-operated cooling tower would in fact cause a substantial hazard to commerical aviation in the vicinity of a major commercial airport.

(m) The limitation of paragraph (1) of this section shall become effective on July 1, 1981.

(n) In the event that a regional reliability council, or when no functioning regional reliability council exists, a major utility or consortium of utilities, can demonstrate to the regional administrator or State, if the State has NPDES permit issuing authority, that the system reliability would be seriously impacted by complying with the effective date set forth in paragraph (m) above, the regional administrator may accept an alternative proposed schedule of compliance on the part of all the utilities concerned providing, however, that such schedule of compliance will require that units representing not less than 50 percent of the affected generating capacity shall meet the compliance date, that units representing not less than an additional 30 percent of the generating capacity shall comply not later than July 1, 1982 and the balance of units shall comply not later than July 1, 1983.

§ 423.14 [Reserved]

§ 423.15 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:

(a) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(b) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(c) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(d) The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in the following table and dividing the product by 20:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(e) There shall be no discharge of TSS or oil and grease in fly ash transport water.

(f) The quantity of pollutants discharged from metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(g) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(h) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(i) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
Materials added for corrosion inhibition including but not limited to zinc, chromium, phosphorous.	No detectable amount.	No detectable amount.

(j) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(k) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (j) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

(l) There shall be no discharge of heat from the main condensers except:

(1) Heat may be discharged in blowdown from recirculated cooling water systems provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculated cooling water prior to the addition of the make-up water.

(2) Heat may be discharged in blowdown from cooling ponds provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculated cooling water prior to the addition of the make-up water.

§ 423.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the generating unit 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 40 CFR Part 128, 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 423.15 except for the following pollutants or pollutant parameters for which the following pretreatment standards are established:

Pollutant or pollutant parameter:	*Pretreatment standard*
Heat	No limitation.
Free available chlorine	Do.
Total residual chlorine	Do.

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—Small Unit Subcategory

§ 423.20 Applicability; description of the small unit subcategory.

The provisions of this subpart are applicable to discharges resulting from the operation of a small unit by an establishment primarily engaged in the generation of electricity for distribution and sale which results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with a thermal cycle employing the steam-water system as the thermodynamic medium.

§ 423.21 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 Part 401 shall apply to this subpart.

(b) The term "small unit" shall mean any generating unit subject to the provisions of this part, except a unit defined below as old, of less than 25 megawatts rated net generating capacity or any unit which is part of an electric utilities system with a total net generating capacity of less than 150 megawatts.

(c) The term "old unit" shall mean any generating unit, subject to the provisions of this part, of 500 megawatts or greater rated net generating capacity which was first placed in service on or before January 1, 1970 and any generating unit of less than 500 megawatts rated net generating capacity which was first placed in service on or before January 1, 1974.

(d) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practice.

(e) The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in "Standard Methods for the Examination of Water and Wastewater", page 112 (13th Edition).

(f) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume wastes sources include but are not limited to waste waters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes, blowdown from recirculating house service water systems.

(g) The term "ash transport water" shall mean water used in the hydraulic transport of either fly ash or bottom ash.

(h) The term "metal cleaning wastes" shall mean any cleaning compounds rinse waters, or any other water-borne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning.

(i) The term "once through cooling water" shall mean water passed through the main cooling condensers in one or two passes for the purpose of removing waste heat from the generating unit.

(j) The term "recirculated cooling water" shall mean water which is passed through the main condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device, other than a cooling pond or a cooling lake, for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main condenser.

(k) The term "cooling pond" shall mean any manmade water impoundment which does not impede the flow of a navigable stream and which is used to remove waste heat from heated condenser water prior to returning the recirculated cooling water to the main condenser.

§ 423.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) 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, utilization of facilities, raw materials, manufacturing processes, non-water quality environmental impacts, control and 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.

(b) 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:

(1) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(2) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(3) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(4) The quantity of pollutants discharged in ash transport water shall not exceed the quantity determined by multiplying the flow of ash transport water times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(5) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(6) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(7) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(8) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(9) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) (1) through (10) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.23 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) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(b) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(c) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(d) The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in the following table and dividing the product by 12.5:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(e) The quantity of pollutants discharged in fly ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(f) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(g) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(h) The quantity of pollutants discharged in once through condenser water shall not exceed the quantity determined by multiplying the flow of once through condenser water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(i) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
Zinc	1.0 mg/l	1.0 mg/l.
Chromium	0.2 mg/l	0.2 mg/l.
Phosphate	5.0 mg/l	5.0 mg/l.
Other corrosion inhibiting materials.	Limit to be established on a case by case basis.	

(j) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(k) In the event that waste streams from various sources are combined for

treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (j) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.24 [Reserved]

§ 423.25 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) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(b) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(c) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l

(d) The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in the following table and dividing the product by 20:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(e) There shall be no discharge of TSS or oil and grease in fly ash transport water.

(f) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(g) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(h) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(i) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
Materials added for corrosion inhibition including zinc, chromium, phosphorous and other.	No detectable amount.	No detectable amount.

(j) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(k) In the event that waste steams from various sources are combined for treatment, or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (j) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

(l) There shall be no discharge of heat from the main condensers except:

(1) Heat may be discharged in blowdown from recirculated cooling water systems provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculated cooling water prior to the addition of the make-up water.

(2) Heat may be discharged in blowdown from cooling ponds provided the temperature at which the blowdown is discharged does not exceed at any time the lowest temperature of recirculated cooling water prior to the addition of the make-up water.

§ 423.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the small unit 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 40 CFR Part 128, 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 423.25 except for the following pollutants or pollutant parameters for which the following pretreatment standards are established:

Pollutant or pollutant parameter	*Pretreatment standard*
Heat	No limitation.
Free available chlorine	Do.
Total residual chlorine	Do.

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—Old Unit Subcategory

§ 423.30 Applicability; description of the old unit subcategory.

The provisions of this subpart are applicable to discharges resulting from the operation of an old unit by an establishment primarily engaged in the generation of electricity for distribution and sale which generally results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with a thermal cycle employing the steam-water system as the thermodynamic medium.

§ 423.31 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 Part 401 shall apply to this subpart.

(b) The term "old unit" shall mean any generating unit, subject to the provisions of this part, of 500 megawatts or greater rated net generating capacity which was first placed in service on or before January 1, 1970 and any generating unit of less than 500 megawatts rated net generating capacity which was first placed in service on or before January 1, 1974.

(c) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause con-

centrations in amounts exceeding limits established by best engineering practice.

(d) The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in "Standard Methods for the Examination of Water and Wastewater", page 112 (13th Edition).

(e) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume wastes sources include but are not limited to waste waters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes, blowdown from recirculating house service water systems.

(f) The term "ash transport water" shall mean water used in the hydraulic transport of either fly ash or bottom ash.

(g) The term "metal cleaning wastes" shall mean any cleaning compounds, rinse waters, or any other waterborne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning.

(h) The term "once through cooling water" shall mean water passed through the main cooling condensers in one or two passes for the purpose of removing waste process heat from the generating unit.

(i) The term "recirculated cooling water" shall mean water which is passed through the main condensers for the purpose of removing waste heat from the generating unit passed through a cooling device for the purpose of removing such heat from the water and then passed again through the main condenser.

§ 423.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) 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, utilization of facilities, raw materials, manufacturing processes, non-water quality environmental impacts, control and 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.

(b) 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:

(1) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(2) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(3) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(4) The quantity of pollutants discharged in ash transport water shall not exceed the quantity determined by multiplying the flow of ash transport water times the concentration listed in the following table.

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.

(5) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(6) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	100 mg/l	30 mg/l.
Oil and Grease	20 mg/l	15 mg/l.
Copper, Total	1.0 mg/l	1.0 mg/l.
Iron, Total	1.0 mg/l	1.0 mg/l.

(7) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(8) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l	0.2 mg/l.

(9) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) (1) through (10) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.33 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:

(a) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(b) There shall be no discharge of polychlorinated biphenol compounds such as those commonly used for transformer fluid.

(c) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
TSS	100 mg/l.	30 mg/l.
Oil and Grease	20 mg/l.	15 mg/l.

(d) The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in the following table and dividing the product by 12.5:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
TSS	100 mg/l.	30 mg/l.
Oil and Grease	20 mg/l.	15 mg/l.

(e) The quantity of pollutants discharged in fly ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed in the following table:

Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	100 mg/l.	30 mg/l.
Oil and Grease	20 mg/l.	15 mg/l.

(f) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	100 mg/l.	30 mg/l.
Oil and Grease	20 mg/l.	15 mg/l.
Copper, Total	1.0 mg/l.	1.0 mg/l.
Iron, Total	1.0 mg/	1.0 mg/l.

(g) The quantity of pollutants discharged in boiler blowdown shall not exceed the quantity determined by multiplying the flow of boiler blowdown times the concentration listed in the following table:

Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
TSS	100 mg/l.	30 mg/l.
Oil and Grease	20 mg/l.	15 mg/l.
Copper, Total	1.0 mg/l.	1.0 mg/l.
Iron, Total	1.0 mg/l.	1.0 mg/l.

(h) The quantity of pollutants discharged in once through condenser water shall not exceed the quantity determined by multiplying the flow of once through condenser water sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l.	0.2 mg/l.

(i) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Effluent Characteristic	Maximum Concentration	Average Concentration
Free available chlorine.	0.5 mg/l.	0.2 mg/l.

	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Zinc	1.0 mg/l.	1.0 mg/l.
Chromium	0.2 mg/l.	0.2 mg/l.
Phosphate	5.0 mg/l.	5.0 mg/l.
Other corrosion inhibiting materials.	Limit to be established on a case by case basis.	

(j) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(k) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (j) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.34 [Reserved]

Subpart D—Area Runoff Subcategory

§ 423.40 Applicability; description of the area runoff subcategory.

The provisions of this subpart are applicable to discharges resulting from material storage runoff and construction runoff which are used in or derived from units subject to the limitations in subparts A, B, or C of this part.

§ 423.41 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 Part 401 shall apply to this subpart.

(b) The term "material storage runoff" shall mean the rainfall runoff from or through any coal, ash or other material storage pile.

(c) The term "construction runoff" shall mean the rainfall runoff from any construction activity and any earth surface disturbed by such activity from the inception of the construction until construction is complete and any disturbed earth is returned to a vegetative or other cover commensurate with the intended land use.

(d) The term "10 year, 24 hour rainfall event" shall mean a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or State rainfall probability information developed therefrom.

§ 423.42 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, utilization of facilities, raw materials, manufacturing processes, non-water quality environmental impacts, control and treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, how-

ever, 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.

(a) Subject to the provisions of paragraph (b) of this section, 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*
TSS	Not to exceed 50 mg/l.
ph	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage runoff and construction runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the limitations in subparagraph (a) of this section.

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

(a) Subject to the provisions of paragraph (b) of this section, 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*
TSS	Not to exceed 50 mg/l.
ph	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage runoff and construction runoff which results from a 10 year, 24 hour rainfall event shall not be subject to the limitations in paragraph (a) of this section.

§ 423.44 [Reserved]

§ 423.45 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, 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:

Effluent characteristic:	*Effluent limitations*
TSS	Not to exceed 50 mg/l.
ph	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage runoff and construction runoff which results from a 10 year, 24 hour rainfall event shall not be subject to the ph and TSS limitations stipulated in paragraph (a) of this section.

§ 423.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the area runoff 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 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibtions 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 423.45; *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.

[FR Doc.74-23333 Filed 10-7-74;8:45 am]

federal register

TUESDAY, OCTOBER 8, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 196

PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Proposed Effluent Guidelines and Standards for Incompatible Pollutants

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 423]

[FRL 274-6]

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations and Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

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 and guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 423—Steam Electric Power Generating Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations and 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 promulgated simultaneously by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the generating unit subcategory, small unit subcategory, old unit subcategory, and area runoff subcategory of the steam electric power generating 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 Part 423) promulgated simultaneously 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.* (Emphasis added.)

The regulation proposed below is intended to implement that portion of § 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 and guidelines is adequate to make a determination regarding 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.

Section 423.15 of the proposed regulation for point sources within the steam electric power generating category (March 4, 1974; 39 FR 8294), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 423.16, 423.26, and 423.46 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 Steam Electric Power Generating Point Source Category" will be published as soon as possible. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines—Steam Electric Power Generating Category" (March 1974) was made available at the time of proposal. Copies of the 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, SW, 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 final Development Document will be available for purchase 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.

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 generating unit subcategory, small unit subcategory, old unit subcategory, and area runoff subcategory the Agency has, essentially, three options. The first is to declare that the limitations do not apply. The second is to apply the limitations unchanged. The third is to modify the limitations 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.

As described in the Development Document, the steam electric generating category has process wastes that may contain polychlorinated biphenol compounds, oil and grease, copper and iron. These parameters are treatable to various levels using modes of treatment which are more extensive than those typically used by publicly owned treatment works. These parameters are therefore considered incompatible.

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 are 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 are 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 al-

rnative approach should be taken and y and how this alternative better sat- es the detailed requirements of sec- ns 301, 304 and 307(b) of the Act.

A Copy of all public comments will be vailable for inspection and copying at he EPA Information Center, Room 227, est Tower, Waterside Mall, 401 M treet SW, Washington, D.C. 20460. The PA information regulation, 40 CFR art 2, provides that a reasonable fee ay be charged for copying.

In consideration of the foregoing, it hereby proposed that 40 CFR Part 423 amended to add §§ 423.14, 423.24, 23.34, and 423.44. All comments re- ived on or before November 7, 1974, ill be considered.

Dated: October 2, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 423 is proposed to be amended as ollows:

Subpart A—Generating Unit Subcategory

Subpart A is amended by adding 423.14 as follows:

§ 423.14 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.12 above shall apply except for the following pollutants or polutant param- eters for which the following pretreat- ment limitations are established:

Pollutant or pollutant parameter	*Pretreatment standard*
Free available chlorine	No limitation.
Total residual chlorine	No limitation.

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart B—Small Unit Subcategory

Subpart B is amended by adding § 423.24 as follows:

§ 423.24 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.22 above shall apply except for the following pollutants or pollutant parameters for which the following pretreatment limitations are established:

Pollutant or pollutant parameter	*Pretreatment standard*
Free available chlorine	No limitation.
Total residual chlorine	No limitation.

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart C—Old Unit Subcategory

Subpart C is amended by adding § 423.34 as follows:

§ 423.34 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.32 above shall apply except for the following pollutants or pollutant parameters for which the following pretreatment limitations are established:

Pollutant or pollutant parameter	*Pretreatment standard*
Free available chlorine	No limitation.
Total residual chlorine	No limitation.

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart D—Area Runoff Subcategory

Subpart D is amended by adding § 423.44 as follows:

§ 423.44 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 40 CFR 423.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-23334 Filed 10-7-74;8:45 am]

federal register

TUESDAY, OCTOBER 8, 1974

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Volume 39 ■ Number 196

PART V

THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET RESCISSIONS AND DEFERRALS

Special Message on Budget Rescissions and Deferrals

To the Congress of the United States:

I herewith report on additional rescissions and deferrals for the fiscal year 1975, as required by the Congressional Budget and Impoundment Control Act of 1974. Proposed rescissions which accompany this message total $182 million and deferrals total $3,239 million.

Included in this second submission to the Congress under the new act are reports on actions concluded before the effective date of the act and thus are not subject, in the opinion of the Attorney General, to the provisions of the new act. I am reporting this additional information because I believe that it is appropriate to keep the Congress informed on the status of all funds withheld from obligation.

The attachment to this message lists the items reported and identifies those actions taken prior to the effective date of this act.

Failure to take the actions reported would result in $3.4 billion of additional budget authority becoming available for obligation. This would increase Federal spending in the current fiscal year by $12 million and in fiscal year 1976 by over $220 million. Additional spending would be even greater in 1977, the first year in which the new procedures for congressional review of the budget will be in effect.

These actions are essential both to assure efficient management of funds and to help keep Federal spending from rising beyond current estimates. These are essential steps to achieve the degree of fiscal restraint we need in order to curb inflation.

Gerald R. Ford

THE WHITE HOUSE,
October 4, 1974.

[FR Doc.74-23625 Filed 10-7-74;10:46 am]

SUMMARY OF
PROPOSED RESCISSIONS AND DEFERRALS
(dollars in thousands)

Rescission #:	Item	Budget Authority
	Rescissions:	
	Agriculture:	
R75-3	Agricultural Conservation Program (REAP).....	85,000*
R75-4	Forest Roads and Trails.....	63,553*
	Housing and Urban Development:	
R75-5	College Housing.....	14,518*
	Interior:	
R75-6	Public Lands Development, Roads and Trails....	4,891*
R75-7	Road Construction.....	14,000
Deferral #:	**Deferrals:**	
	Funds Appropriated to the President:	
D75-19	Agency for International Development.....	20,000*
	Agriculture:	
D75-20	Special Foreign Currency Program.....	2,516*
D75-21	Emergency Conservation Measures.....	5,000
D75-22	Marketing Services.....	903*
D75-23	Perishable Agricultural Commodities Act Fund.....	341*
D75-24	Forest Roads and Trails.....	420,000*
D75-25	Forest Fire Prevention.....	152
D75-26	Expenses, Brush Disposal.....	18,747*
	Commerce:	
D75-27	Financial and Technical Assistance Trade Adjustment Assistance.....	1,780*
D75-28	Inter-American Cultural and Trade Center.....	4,891*
D75-29	Construction of Facilities.....	231*
D75-30	Coastal Zone Management.....	3,175*
D75-31	Scientific and Technical Research and Services.....	2,468*
	Defense, Military:	
D75-32	Shipbuilding and Conversion, Navy.....	497,990
D75-33	Military Construction, All.....	156,893
D75-34	Special Foreign Currency Program.....	955
	Defense, Civil:	
D75-35	Soldiers' and Airmen's Home: Capital Outlay.....	613*
D75-36	Panama Canal: Capital Outlay.....	500*
D75-37	Wildlife Conservation, All.....	297*

*Action taken prior to enactment of the Congressional Budget and Impoundment Control Act on July 12, 1974.

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Deferral #:	Item	Budget Authority
	Deferrals (cont):	
	Health, Education, and Welfare:	
D75-38	Health Services Delivery	2,250*
D75-39	Indian Health Facilities	88*
D75-40	Buildings and Facilities (NIH)	10,441*
D75-41	Scientific Activities Overseas (Special Foreign Currency Program)	21,714*
D75-42	Higher Education	8,788*
D75-43	Research and Training Activities Overseas (Special Foreign Currency Program)	8,158
D75-44	Limitation on Construction	15,393*
D75-45	Model Secondary School for the Deaf	803*
D75-46	Howard University	11,490*
	Housing and Urban Development:	
D75-47	Non-profit Sponsor Assistance	7,995*
D75-48	Home Ownership Assistance	264,117*
D75-49	Open Space Land Programs	55,161*
D75-50	Grants for Neighborhood Facilities	48*
D75-51	Grants for Basic Water and Sewer Facilities	401,734*
D75-52	Public Facility Loans	199,290*
D75-53	New Community Assistance Grants	1,799*
	Interior:	
D75-54	Public Lands Development Roads and Trails	30,000*
D75-55	Land and Water Conservation Fund	30,000*
D75-56	Federal Aid in Fish Restoration and Management	6,924*
D75-57	Federal Aid in Wildlife Restoration	19,375*
D75-58	National Wildlife Refuges Fund	3,642
D75-59	Proceeds from Sales, Water Resources Development Projects	4*
D75-60	Road Construction	312,098
D75-61	Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920, Sec. 40(d)	28*
D75-62	Drainage of Anthracite Mines	3,575*
D75-63	BIA, Road Construction Program	110,423
D75-64	Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1936	105*
	Justice:	
D75-65	Buildings and Facilities	19,320*
	State:	
D75-66	Acquisition, Operation, and Maintenance of Buildings Abroad	33,310
D75-67	Construction, International Boundary and Water Commission, United States and Mexico	4,696*
	Transportation:	
D75-68	Acquisition, Construction and Improvements	7,614
D75-69	Civil Supersonic Aircraft Development Termination	8,113

*Action taken prior to enactment of the Congressional Budget and Impoundment Control Act on July 12, 1974.

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Deferral #:	Item	Budget Authority
	Deferrals (cont):	
	Transportation (cont):	
D75-70	Facilities and Equipment (Airport and Airway Trust Fund)	260,824
D75-71	National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	90,000
D75-72	Rail Crossings Demonstration Projects	8,015
	Atomic Energy Commission:	
D75-73	Plant and Capital Equipment	1,500
	Environmental Protection Agency:	
	Abatement and Control:	
D75-74	Water Program Operations	2,000
D75-75	Water Planning and Standards	30,000
	District of Columbia:	
D75-76	Loans for Capital Outlay (consolidated)	96,800
	Federal Energy Administration:	
D75-77	Salaries and Expenses	11,929
	American Revolution Bicentennial Administration:	
D75-78	Salaries and Expenses, States Grants Programs	11,000
D75-79	Commenorative Activities Fund	6,310
	Railroad Retirement Board:	
D75-80	Railroad Unemployment Administrative Expenses, Trust Fund	4,716*
	Total	3,441,004

*Action taken prior to enactment of the Congressional Budget and Impoundment Control Act on July 12, 1974.

Rescission Proposal No.: R75-3

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	**New budget authority** (P.L. _____)	$ -
Bureau Agricultural Stabilization & Conservation Service	**Other budgetary resources**	175,000,000
Appropriation Title & Symbol	**Total Budgetary Resources**	175,000,000
Agricultural Conservation Program (REAP) - 124/63315	**Amount proposed for rescission**	85,000,000

JUSTIFICATION

Under the Agricultural Conservation Program (ACP) - authorized by the Soil Conservation and Domestic Allotment Act, approved February 29, 1936 - payments are made to landowners and operators to encourage the use of good soil and water conservation practices. In December 1972, the program was terminated by the Executive Branch because a substantial portion of the funds was being used on practices that were of short term benefit and of questionable value to the nation.

A new program was announced on December 20, 1973 (1974 program) which emphasized conservation practices of long-range benefit to the nation. Since the program sharply limited the number of subsidized practices, only $90 million of the $175 million authorized was made available. If the $85 million balance is not rescinded, it will lapse on December 31, 1974.

Subsequent to the announcement of the 1974 program, $210 million in funds applicable to the 1973 program were made available by court action. This made a total of $300 million available in 1974 for conservation cost sharing. In view of this, and since the 1975 program will be announced shortly after funds for such a program are authorized, increasing the program level for the 1974 program would provide little if any additional conservation benefits to the nation.

ESTIMATED EFFECT

Release of the funds would increase 1976 outlays by $85 million. The rescission of this amount will reduce the Federal participation in cost-sharing with individual farmers for conservation. It will not have a significant effect on the amount of necessary conservation which is carried out since most of the practices included in this program are generally good farming practices and will be undertaken by the individual farmer without cost-sharing.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Agricultural Conservation Program (REAP)

Contract authority provided for the fiscal year 1974 for "Agricultural Conservation Program (REAP)" is rescinded in the amount of $85,000,000.

Rescission Proposal No.: R75-4

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Agriculture	New budget authority (P.L. 93-87)23 USC 203	$ 180,500,000
Bureau Forest Service	Other budgetary resources	452,000,000
Appropriation Title & Symbol 12X2262 Forest Roads & Trails Forest Service 12X5203 Roads & Trails for State National Forest Fund	Total Budgetary Resources	632,500,000
	Amount proposed for rescission	63,553,000

Justification:

The Federal-Aid Highway Act of 1970 provided contract authority (CA) of $170 million for fiscal year 1973 to be available through fiscal year 1975. The Federal-Aid Highway Act of 1973 provided contract authority of $140 million for each of fiscal years 1974, 1975, and 1976. This CA is available one year before and two years subsequent to the year for which it is provided. In 1975 $148,947,000 has been made available for the Forest Road and Trails program and represents the funding required to support resource development and use plans for the national forest system in 1975. This amount is made up of $106,447,000 of 1973 CA available for use through 1975, $40,500,000 available from 10 percent of 1975 national forest receipts (16 U.S.C. 601) and $2,000,000 in anticipated reimbursements. Of the remaining $483,553,000 budgetary resources available, $63,553,000 is proposed for rescission as it represents 1973 CA which will lapse at the end of fiscal year 1975, and $420,000,000 is being deferred.

The 1975 program level has been prepared considering resource development and use opportunities and the associated benefit/cost relationships to the extent possible. Analysis of additional program opportunities is necessary and is continuing to better determine their benefit/cost relationships and to establish priorities. Road requirements are a major consideration in these efforts. It is conceivable that upon further analysis, some increase or decrease in the program might be justified but these possible changes are expected to be relatively small in relation to the CA available.

Congressional appropriation action (P.L. 93-404) provided $120,864,000 in cash to liquidate contract authority. This is slightly less than the Administration's request of $121,000,000 but sufficient to carry out the 1975 program plan as amended by Congress. Additional obligations in 1975 would increase 1975 cash requirements beyond that made available by the Congress in its review of and action on the 1975 program plan.

Estimated Effects:

The projected lapse will have no adverse effects on the program in future years. Contract authority presently available plus the funds expected from national forest receipts exceed estimated requirements to carry out projected resource development and use plans.

If this contract authority were to be made available, the result would probably be an increase in the program level of about $20 million in the current year and would require additional appropriations for liquidation of contract authority and outlays of about $4.0M in FY 1975, $13.0M in FY 1976, and $3.0M in FY 1977. Greater increases are unlikely because necessary planning and other preconstruction activities have not been accomplished.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Development Roads and Trails

Contract authority provided for the fiscal year 1973 by Section 105(a)(7) of the Federal-Aid Highway Act of 1970 (P.L. 91-605) for "Forest development roads and trails" is rescinded in the amount of $63,533,000.

Rescission Proposal No.: R75-5

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. _____)	$ ---
Bureau Housing Production and Mortgage Credit	Other budgetary resources	14,518,000 (contract authority
Appropriation Title & Symbol College Housing 86X4058	Total Budgetary Resources	14,518,000
	Amount proposed for rescission	14,518,000

Description:

The College Housing program was authorized by Title IV of the Housing Act of 1950, as amended. It has provided financial assistance to colleges and eligible hospitals for the construction or acquisition of housing and related facilities through debt service grants which reduce the cost of borrowing on the private market.

No new approvals have been made under the program since January 8, 1973, on the basis that the program was an inefficient means of providing higher educational assistance for needy students. The College Housing program provided benefits to all residents regardless of income while doing little to reduce the financial barrier to higher education for low-income students. Unused contract authority in the amount of $14,518,000 is estimated to be available as of June 30, 1974.

Title II of the recently enacted Housing and Community Development Act of 1974 could provide assisted housing for eligible low-income students under a new Lower Income Housing Assistance Program. HUD is moving promptly to implement this program. In view of the availability of the revised leasing program, new debt service grant commitments are not warranted. Rescission of this contract authority is therefore requested under the provisions of the Antideficiency Act.

Estimated Effects:

Rescission of the amount shown above will not interfere with the Federal Government's ability to assist needy students either to attend college or find suitable housing.

Use of these funds would increase Federal outlays by an additional $15 million annually up to 40 years, beginning in FY 1977.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HOUSING PRODUCTION AND MORTGAGE CREDIT
COLLEGE HOUSING LOANS AND OTHER EXPENSES

The limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.), is hereby reduced by the uncommitted balances of authorizations heretofore provided for this purpose in Appropriations Acts.

The authority proposed for rescission is not needed to assist students to attend college or to obtain adequate housing. This proposed rescission reflects a move toward providing more equitable support for college students based on financial need. The Department of Health, Education and Welfare provides assistance to lower income students through the Basic Educational Opportunity Grant program and a guaranteed student loan program. The Department of Housing and Urban Development provides housing for low-income families under the Lower Income Housing Assistance program.

Rescission Proposal No.: R75-6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$ 10,000,000
Bureau Bureau of Land Management	Other budgetary resources	29,011,000
Appropriation Title & Symbol Public Lands Development Roads and Trails 14X1113	Total Budgetary Resources	39,011,000
	Amount proposed for rescission	$ 4,891,000

Justification:

The $4,120,000 programmed for the Public Lands Development Roads and Trails represents the funding required to support resource development and use plans for the public lands in 1975. The Federal Aid Highway Act of 1970 provides contract authority of $5 million for 1972 and $10 million for 1973 to be available for two years subsequent to the fiscal year for which it is authorized. The Federal Aid Highway Act of 1973 provides additional contract authority of $10 million for each of fiscal years 1974, 1975 and 1976 and authorizes use of this authority one year in advance of and two years subsequent to the fiscal year for which it is authorized. Under the existing program, $4,891,000 of contract authority will lapse on June 30, 1975, and $30 million will be carried into 1976.

The 1975 program level has been prepared considering resource development and use opportunities and the associated benefit/cost relationships to the extent possible. The program for road development in any one year is based on estimated requirements to meet the objectives for multiple use resource development and use plans on the national resource lands.

This program is reviewed annually by the Congress when it takes action on the appropriation required to liquidate obligations under existing contract authority. Thus, the amount of contract authority made available has been implicitly approved by the Congress.

Estimated Effects:

Rescission of these funds will have no adverse effects on the program in future years. The $4,891,000 proposed for rescission is 1973 contract authority which will lapse at the end of this fiscal year. If this unneeded contract authority were made immediately available, those projects that have unfavorable benefit/cost relationships would be funded. These projects would yield either limited benefits over the life of the project, benefits that can only be realized several years in the future, or both results. This proposed rescission and the deferral of $30 million in this account are consistent with a program level that provides optimum utilization of available funds.

If the amounts proposed for rescission, the deferred amounts or both the amounts were to be made immediately available for obligation, the program level would increase by $3.1 million in 1975 and outlays by approximately $.8 million in 1975 and $2.3 million in 1976

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public Lands Development Roads and Trails

Contract authority provided for the fiscal year 1973 by Section 105(a)(8) of the Federal-Aid Highway Act of 1970 (P.L. 91-605) for "Public lands development roads and trails" is rescinded in the amount of $4,891,000.

Rescission Proposal No.: R75-7

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Interior	New budget authority	$105,000,000
Bureau National Park Service	(23 USC 203) Other budgetary resources	254,098,456
Appropriation Title & Symbol Road Construction 14X1037	Total Budgetary Resources	359,098,456
	Amount proposed for rescission	14,000,000

Justification:

The Federal Aid Highway Act of 1970 provides contract authority of $20 million for 1972 and $50 million for 1973. The contract authority is available for the two subsequent years after the year for which it was authorized. In addition, the Federal Aid Highway Act of 1973 provides contract authority of $90 million for 1974,$105 million for 1975, and $105 million for 1976, and authorizes use one year in advance of the year for which it was authorized. The amount proposed for rescission will lapse at the end of the current fiscal year.

The President's 1975 budget proposed a construction program of $33,000,000. The agency plan for use of contract authority in FY 1975 has not been completed. As a consequence, the funds planned for use in 1975 are under review and subject to change. Obligation of all available CA would result in the low-priority use of scarce Federal financial resources. Many of the facilities and interpretive systems which these projects could serve are not yet planned or are not needed until future years.

Historically, Congress has provided contract authority for this program in excess of the Park Service's construction capacity. The program level in each year, however, has reflected a level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

Estimated Effects:

It is unlikely there would be a significant increase in the program even if the additional contract authority were made available. If this authority is not rescinded, it is unlikely that a substantial portion of it could be obligated this fiscal year for the reasons stated.

DEPARTMENT OF THE INTERIOR

National Park Service

Park Roads and Trails

Contract authority provided for fiscal year 1973 by Section 105(a)(9) of the Federal-Aid Highway Act of 1970 (P.L. 91-605) for "Park roads and trails" is rescinded in the amount of $14,000,000.

Deferral No.: D75-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Funds Appropriated to the President - Agency for Int'l. Development	New budget authority (P.L. _____)	$ 20,000,000
Bureau n/a	Other budgetary resources	--
Appropriation Title & Symbol	Total Budgetary Resources	20,000,000
Prototype Desalting Plant, Economic Assistance, Executive 11 1018	Amount to be deferred part of year	--
	Amount to be deferred for entire year	$ 20,000,000

Justification:

Section 219 of the Foreign Assistance Act of 1961, as amended on December 30, 1969 (P.L. 91-175), authorized the President to provide financial, technical, and other assistance to the Government of Israel for the study, design, construction, and initial demonstration operation of a large scale prototype desalting plant. Participation is limited to 50% of the capital and initial operating costs or $20 million, whichever is less, subject to determination by the President that the project is feasible. The Foreign Assistance and Related Agencies Appropriation Act of 1970 (P.L. 91-194) appropriated $20 million for this purpose; the conference report states that funds should not be committed for construction of the plant until the project has been reviewed by the appropriate congressional committees.

On August 30, 1974, the Departments of State and Interior jointly advised the Assistant to the President for National Security Affairs that the project is feasible. Authority to make the feasibility determination was delegated to the Secretary of State by the President under Executive Order No. 10973 and then to the Administrator of AID by State Department Delegation of Authority No. 104. That determination has not yet been made. Detailed technical discussions with the Government of Israel will have to take place before sufficient information is available to allow review with the appropriate congressional committees. It is not now known whether these discussions will be completed and the obligation of funds begun during this fiscal year. Funding is deferred, under provisions of the Anti-Deficiency Act (31 USC 665), which authorize establishment of reserves for contingencies, until the final determination has been made.

Estimated Effects:

Detailed discussions with the Government of Israel will be necessary to assure satisfactory operation of the facility in line with the intent of the legislation. As completion of these discussions during the current fiscal year was not anticipated in the budget, deferral would have no impact on current outlay estimates. Should the discussions be completed during the fiscal year, the increase in outlays would be minimal. Even if these funds were made available for obligation, obligations could not be incurred before the process of discussion and consultation, referred to above, is completed.

Deferral No.: D75-20

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (P.L. _____)	$ ---
Bureau: Foreign Agricultural Service	Other budgetary resources	3,016,000
Appropriation Title & Symbol	Total Budgetary Resources	3,016,000
Special Foreign Currency Program 12X2901	Amount to be deferred part of year	---
	Amount to be deferred for entire year	2,516,000

Justification:

Title I, Sec. 104 of P.L. 480, the Agricultural Trade Development and Assistance Act of 1954 authorizes the use of foreign currencies (acquired from the sale of U.S. farm products under Title I) to carry out programs for developing new markets for U.S. agricultural commodities. The funds appropriated are used to purchase excess foreign currencies necessary to carry out the program. The funds are available until expended, and the unused balance is carried over into the next year. The amount of funds used each year is dependent upon the availability of the U.S. owned currencies and the availability of worthwhile market development projects in the foreign countries. Current indications are that no more than $500 thousand of the reserved balances brought forward can be utilized effectively in 1975. This deferral action is taken under provisions of the Antideficiency Act (31 USC 665) that authorize the establishment of reserves for contingencies.

Estimated Effects:

No programmatic or budgetary impact results from this deferral action. Since the funds are used to purchase currencies already owned by the U.S., any outlays shown under this account would be offset by the receipt of a like amount in another account.

Deferral No.: D75-21

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Agriculture	New budget authority (P.L.)	$ ---
Bureau Agricultural Stabilization & Conservation Service	Other budgetary resources	19,840,000
Appropriation Title & Symbol	Total Budgetary Resources	19,840,000
Emergency Conservation Measures 12X3316	Amount to be deferred part of year	
	Amount to be deferred for entire year	5,000,000

Justification:

These funds are used for sharing the cost of emergency conservation measures to deal with cases of severe damage to farm and range lands as a result of natural disasters. Assistance is made available to treat new conservation problems which meet the criteria set forth in the Soil Conservation and Domestic Allotment Act (16 USC 590(h)) and funds are allocated for use only in those counties designated by the Secretary of Agriculture as disaster counties. These allocations do not become obligations until agreements are signed to rehabilitate the land. The funds allocated for use in 1975 are considered sufficient to meet anticipated program requirements. The $5,000,000 deferred is reserved for contingencies pursuant to the Antideficiency Act (31 USC 665) and will be made available should additional emergency requirements arise. These funds are available without regard to fiscal year limitation.

Estimated Effects:

There are no programmatic or budgetary effects as a result of this deferral. The reserved funds would only be made available and obligated if damage to farm and range lands exceeds the levels experienced in recent years.

Deferral No.: D75-22

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____)	$ _____
Bureau Agricultural Marketing Service	Other budgetary resources	2,901,137
Appropriation Title & Symbol 12X2500 - Marketing Services, Agricultural Marketing Service (General fund financed from reimbursements)	Total Budgetary Resources	2,901,137
	Amount to be deferred part of year	_____
	Amount to be deferred for entire year	903,000

Justification:

The U.S. Grain Standards Act (7 USC 71, 74-79, 84-87h) provides for the establishment of official United States standards for grain and an official inspection system.

This system provides for appeal inspections when requested by an applicant who does not agree with the initial official grade designation and for collection of fees for this service. These fees . . ."shall be deposited into a fund which shall be available without fiscal year limitation". . .(7 USC 79).

The Egg Products Inspection Act (21 USC 1031-1056) provides for the mandatory continuous inspection of egg products processing plants and regulates the distribution of certain qualities of shell eggs in interstate, foreign, and intrastate commerce.

The cost of inspection and other costs of administration of this Act . . ."shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act." (21 USC 1053).

For FY 1975, the apportionment for this fund has been approved at the level of $1,998,000. This includes a workload for grain appeals of $110,000 over the 1975 budget estimate. This amount is sufficient to fully carry out the requirements of the law.

The budgetary reserve of $903,137 for these activities is in excess of the 1975 program requirements and is to be carried forward for use in FY 1976 in accordance with the provisions of the Anti-deficiency Act (31 USC 665).

Estimated Effects:

None. We do not anticipate that additional funds would be expended unless either additional grain appeals occur or the need for overtime or holiday work in official plants subject to inspection under the Egg Products Inspection Act should develop.

Deferral No.: D75-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (7 USC 490)	$ 1,640,000
Bureau Agricultural Marketing Service	Other budgetary resources	283,000
Appropriation Title & Symbol 12X5070 - Perishable Agricultural Commodities Act Fund (Permanent indefinite special fund)	Total Budgetary Resources	1,923,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	341,000

JUSTIFICATION

Pursuant to the provisions of the Perishable Agricultural Commodities Act, license fees are collected from commission merchants, dealers, brokers and large retailers who handle fresh or frozen fruits and vegetables in interstate or foreign commerce. These license fees are deposited in the Perishable Agricultural Commodities Act Fund (7 USC 499c) and are available without fiscal year limitations to meet expenses of administering both the Perishable Agricultural Commodities Act (7 USC 499a-s) and the Produce Agency Act (7 USC 491-497). These laws are designed to to protect producers, shippers, distributors and retailers from unfair and fraudulent practices in the marketing of perishable agricultural commodities and to prevent the unwarranted destruction or dumping of farm products handled for and on behalf of others.

For FY 1975, the apportionment for this fund has been approved at the 1975 budget estimate level of $1,582,000. This amount is believed sufficient to fully carry out the requirements of the law.

The budgetary reserve of $341,421 represents estimates of receipts in excess of the 1975 program requirements to be carried forward for use in FY 1976 in accordance with the provisions of the Anti-Deficiency Act (31 USC 665).

ESTIMATED EFFECTS

These funds are in excess of anticipated 1975 requirements. Accordingly, deferral of these funds would have no impact upon outlays in 1975.

Deferral No.: D75-24

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (P.L. 93-87)16 USC 501	$ 180,500,000
Bureau: Forest Service	Other budgetary resources	452,000,000
Appropriation Title & Symbol	Total Budgetary Resources	632,500,000
12X2262 Forest Roads and Trails Forest Service	Amount to be deferred part of year	---
12X5203 Roads and Trails for State National Forest Fund	Amount to be deferred for entire year	420,000,000

Justification:

The Federal-Aid Highway Act of 1970 provided contract authority (CA) of $170 million for fiscal year 1973 to be available through fiscal year 1975. The Federal-Aid Highway Act of 1973 provided contract authority of $140 million for each of fiscal years 1974, 1975, and 1976. This CA is available one year before and two years subsequent to the year for which it is provided. In 1975 $148,947,000 has been made available for the Forest Road and Trails program and represents the funding required to support resource development and use plans for the national forest system in 1975. This amount is made up of $106,447,000 of 1973 CA available for use through 1975, $40,500,000 available from 10 percent of 1975 national forest receipts (16 U.S.C. 501) and $2,000,000 in anticipated reimbursements. Of the remaining $483,553,000 budgetary resources available $63,553,000 is proposed for rescission as it represents 1973 CA which will lapse at the end of fiscal year 1975, and $420,000,000 is being deferred.

The amount of road development in any one year is based on estimated requirements to meet the objectives for resource development and use plans on national forests. Roads are also constructed by timber purchasers in connection with timber sale operations. These roads are, of course, closely related to individual timber sales and are appropriately considered to be a cost of the sale. Almost all construction by timber purchasers in 1975 is in connection with existing timber sale contracts. Major contract revisions are not practical or equitable.

Congressional appropriation action (P.L. 93-404) provided $120,864,000 in cash to liquidate contract authority. This is only slightly less than the Administration's request of $121,000,000 but sufficient to carry out the program plan as presented in the 1975 budget and amended by Congress. Additional obligations in 1975 would increase 1975 cash requirements beyond the level made available. Thus, the amount of contract authority made available reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

Estimated Effects:

Obligation of major amounts of funds proposed to be deferred would not be possible as planning and other pre-construction activities have not been accomplished. Therefore, if these funds were made available for obligation, investment could result in opportunities likely to yield low returns, investments not coordinated with other resource development activities, and a program level for which comprehensive plans have not been prepared.

If the contract authority were made immediately available, obligations in 1975 would increase by about $20 million. The outlay effect would be $4.0 million in FY 1975, $13.0 million in FY 1976 and $3.0 million in FY 1977.

Deferral No.: D75-25

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (18 USC 711)	$ 250,000
Bureau: Forest Service	Other budgetary resources	179,000
Appropriation Title & Symbol: Forest Fire Prevention Forest Service 12X5214	Total Budgetary Resources	429,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	152,000

Justification:

Royalties collected under licenses for use of the character "Smokey Bear" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign as provided by the Act of May 23, 1952 (18 U.S.C. 711). The total budgetary resources available in this program for fiscal year 1975 consist of $179,000 in actual receipts earned in fiscal year 1974 and $250,000 in receipts anticipated for fiscal year 1975. In keeping with routine financial management practices maintained over the years, $152,000 of the total budgetary resources available has been reserved. The reserve is justified on two grounds.

First, the reserve contributes to a consistent, stable program level from year to year which, in turn, promotes more efficient operations. The fiscal year 1975 program is being funded, in part, from reserved balances carried forward from last year. The 1976 program will be partially funded by the estimated receipts being deferred in fiscal year 1975.

Second, reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act [31 U.S.C. 665,(a),(b),(h)]. A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated while estimated receipts were not fully realized.

This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies [31 U.S.C. 665(c)(2)].

Estimated Effects:

The funds made available are sufficient to carry out 1975 program objectives. If the deferred funds were made available for use and obligated in 1975, the 1976 program level would be below that conducted in the current year because some portion of 1975 receipts

normally carried forward into the next fiscal year would not be available.

Release of deferred funds would necessitate development of a plan for an expanded 1975 program. The outlay impact would be an increase of about $142,000 in 1975 and $10,000 in 1976. The increase assumes that receipt estimates in 1975 will be fully realized.

Deferral No.: D75-26

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Agriculture	New budget authority (16 USC 490)	$ 22,440,000
Bureau Forest Service	Other budgetary resources	21,553,865
Appropriation Title & Symbol	Total Budgetary Resources	43,993,865
Expense, Brush Disposal 12X5206	Amount to be deferred part of year	
	Amount to be deferred for entire year	18,747,000

Justification:

Purchasers of national forest timber are required to deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by carrying forward actual deposit balances and operating the program on actual deposits. The $18.7 million in reserve represents estimated deposits in FY 1975. An apportionment of $25.2 million has been made to the Forest Service for this program in the current fiscal year compared with $25.0 million in 1974 and $18.6 million in 1973. The current fiscal year reserve of $18.7 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $21.6 million in 1974 and $23.3 million in 1973.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

Estimated Effects:

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Deferral No.: D75-27

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 92-77)	$
Bureau Domestic and International Business Administation	Other budgetary resources	11,780,000
Appropriation Title & Symbol Financial and Technical Assistance Trade Adjustment Assistance 13X1210	Total Budgetary Resources	11,780,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	1,780,000

JUSTIFICATION

The Congress appropriated $65 million in FY 1972 (later reduced by Congress to $45 million by a $20 million transfer to other Commerce programs) to finance the Trade Expansion Act of 1962. The appropriations were made without regard to fiscal year limitation. The $11.8 million of budgetary resources represents the unobligated balances remaining in the account. The Act authorizes trade adjustment in the form of loans, loan guarantees and/or technical assistance to firms that are injured or threatened by increased imports that result from trade agreements entered into by the United States. Ten million dollars have been apportioned for use in FY 1975 and it is estimated that this amount will cover the demand for funds in FY 1975. If additional funds are required, these funds or the appropriate portion thereof will then be apportioned. This is a reserve for contingencies pursuant to the Antideficiency Act (31 USC 665).

ESTIMATED EFFECT

This deferral will have no adverse impact on the program in FY 1975. This deferral was assumed in current budget estimates and will therefore have no impact on previous estimates on outlays. If at a later time in FY 1975 it becomes clear that additional funds are needed for the program, these funds would be released and there would be a corresponding increase in FY 1975 outlays.

Deferral No.: D75-28

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ _____
Bureau United States Travel Service	Other budgetary resources	$ 5,050,729
Appropriation Title & Symbol Inter-American Cultural and Trade Center 13X1804	Total Budgetary Resources	$ 5,050,729
	Amount to be deferred part of year	$ 1,420,000
	Amount to be deferred for entire year	$ 3,471,000

JUSTIFICATION:

Funds were appropriated in 1967 for a Federal exhibit at the Inter-American Cultural and Trade Center (Interama) in Dade County, Florida. This exposition, which is scheduled to open January 1, 1976, has been designated a Bicentennial project by the President. The delay in the use of the funds has resulted from the difficulties experienced by Dade County in obtaining financing for the Interama facility. The funds are to be used for thematic design and operation of the Interama programs and facility. Until Dade County obtains financing and arranges for construction of the facility, these deferred funds are not needed. Because plans have not yet been completed for use of these funds, they are proposed for deferral at this time. This is a reserve for contingencies pursuant to the Antideficiency Act (31 USC 665).

ESTIMATED EFFECTS:

This deferral action has no effect on the program because plans to use the funds have not been completed. If apportioned, these funds could not be used at this time in any case (for the intended purpose pursuant to P.L. 89-355).

Deferral No.: D75-29

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ _____
Bureau National Bureau of Standards	Other budgetary resources	$ 769,904
Appropriation Title & Symbol	Total Budgetary Resources	$ 769,904
Construction of Facilities 13X0653	Amount to be deferred part of year	$ 231,000
	Amount to be deferred for entire year	_____

JUSTIFICATION:

This reserve was established to cover the potential cost of a claim brought by one of the contractors involved in construction of the Bureau's Gaithersburg facility. The GSA Board of Contract Appeals has ruled in favor of the contractor but has not as yet determined the amount NBS will be required to pay. The Board is expected to reach its decision before the end of the fiscal year and these funds, or the appropriate portion thereof, will then be apportioned to NBS. This is a reserve for contingencies pursuant to the Antideficiency Act (31 USC 665).

ESTIMATED EFFECTS:

This deferral will have no adverse impact on the construction program or other programs of the Bureau as these funds were never intended for funding program operations. This deferral has no impact on outlays as the action only reserves the funds until they are needed, at which point they will be released. Failure to defer these funds could result in a need to request a separate appropriation by Congress to cover the cost of claims allowed as the funds could legally be used (pursuant to 15 USC 278d) for other purposes related to NBS facilities.

Deferral No.: D75-30

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce Bureau National Oceanic and Atmospheric Administration	New budget authority (P.L. _____)	$ _____
	Other budgetary resources	$ 3,175,000
Appropriation Title & Symbol	Total Budgetary Resources	$ 3,175,000
Coastal Zone Management 12X1451	Amount to be deferred part of year	$ 3,175,000
	Amount to be deferred for entire year	_____

Justification

The Coastal Zone Management Act (P.L. 92-583) provides financial assistance to coastal States to aid them in developing programs to wisely manage and use their coastal land and water resources. Under Sections 305 and 306 of the Act, grants are available to States for the purposes of developing and managing an approved coastal zone program. Under Section 312 of the Act, grants are available to coastal States to aid them in the cost of acquisition, development and operation of estuarine sanctuaries. These sanctuaries are specialized areas which provide natural field laboratories in which studies can be conducted on the natural and human processes occurring within estuaries. The data which is gathered from these estuarine sanctuaries supportive of the overall coastal zone management program.

Under the authorization for Section 312, estuarine sanctuaries, $4M was appropriated. At this time one State grant application in the amount of $825,000 has been approved. The remaining $3,175,000 has been reserved for contingencies pursuant to the Anti-deficiency Act (31 USC 665). These amounts remain available for obligation until expended. Further applications for estuarine sanctuary grants are currently in various stages of development. It is anticipated that the amount deferred will be apportioned as qualified grantees are approved. In the meantime, the Office of Coastal Zone Management is developing a comprehensive plan for an estuarine sanctuary program.

Estimated Effects

The FY 1975 budget estimates anticipate the use of these funds during the current fiscal year. However, the efficient management of these funds to achieve the goals of the Act necessitates that we defer apportionment of these funds while applications are under review and the overall program guidelines are being developed. Release of these funds at this time would only increase pressure for approval of individual State applications before a comprehensive nationwide plan has been developed.

Deferral No.: D75-31

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ _____
Bureau Office of the Assistant Secretary for Science & Technology	Other budgetary resources	$ 7,879,578
Appropriation Title & Symbol Scientific and Technical Research and Services 13X0500	Total Budgetary Resources	$ 7,879,578
	Amount to be deferred part of year	$ 2,468,000
	Amount to be deferred for entire year	_____

JUSTIFICATION:

These funds are being held in reserve for the Experimental Technology Incentive Program (ETIP) at the National Bureau of Standards pending completion of detailed program plans for the latter half of FY 1975. Funds for FY 1975 program operation costs ($750,000) and funds for the first half of FY 1975 for contract and grants ($2,950,000) have already been apportioned. The funds will be apportioned, as necessary, to finance the program for the full FY 1975 level when the program plans are complete. This is a reserve for contingencies pursuant to the Anti-deficiency Act (31 USC 665).

ESTIMATED EFFECTS:

This deferral will have no adverse impact on the ETIP program and has no impact on estimated program outlays. As soon as the program plans for the second half of FY 1975 have been completed, the funds will be released. As the first half of FY 1975 has already been fully funded, these funds could not be used until the second half in any case.

Deferral No.: D75-32

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	2,725,732,000
Appropriation Title & Symbol	Total Budgetary Resources	2,725,732,000
Shipbuilding and Conversion, Navy appropriations	Amount to be deferred part of year	497,990,000
	Amount to be deferred for entire year	_____

Justification

Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods.

Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs which arise in the current year.

The following multi-year appropriations are currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Shipbuilding and Conversion, Navy	173/71611	$150,000,000
Shipbuilding and Conversion, Navy	174/81611	347,990,000
		$497,990,000

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Deferral No.: D75-33

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	2,178,750,000
Appropriation Title & Symbol Military Construction appropriations	Total Budgetary Resources	2,178,750,000
	Amount to be deferred part of year	156,893,000
	Amount to be deferred for entire year	_____

Justification

These funds are deferred due to project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies.

Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination. It is anticipated that these funds will be apportioned before June 30.

The following amounts in the listed no-year appropriations are currently deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Military Construction, Army	21X2050	$ 51,588,000
Military Construction, Navy	17X1205	63,582,000
Military Construction, Air Force	57X3300	916,000
Military Construction, Defense Agencies	97X0500	28,312,000
Military Construction, Army Reserve	21X2086	3,679,000
Military Construction, Navy Reserve	17X1235	8,301,000
Military Construction, Air Force Reserve	57X3730	515,000
		$156,893,000

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

Deferral No.: D75-34

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	4,855,000
Appropriation Title & Symbol	Total Budgetary Resources	4,855,000
Special Foreign Currency Program appropriations	Amount to be deferred part of year	955,000
	Amount to be deferred for entire year	_____

Justification

Funds in these appropriations are used exclusively for the purchase from the Treasury of excess foreign currency for undertakings of insufficient priority for inclusion in other Department of Defense appropriations. Most of the undertakings funded by these appropriations are research projects capable of accomplishment with the scientific talent available in the foreign countries. Because of the long lead-time required to locate qualified researchers, design appropriate projects and then seek appropriations to fund these activities, many projects are not fully ready for implementation or are no longer feasible when funds become available. Funds are being deferred under the provisions of the Anti-Deficiency Act (31 U.S.C. 665) until such time as program plans are ready for implementation or new programs can be initiated to replace those no longer feasible.

Special Foreign Currency Program	973/50800	$915,000
Special Foreign Currency Program	974/50800	40,000
		$955,000

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Deferral No.: D75-35

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Soldiers' and Airmen's Home	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	1,193,000
Appropriation Title & Symbol	Total Budgetary Resources	1,193,000
Capital Outlay 84X8932	Amount to be deferred part of year	50,000
	Amount to be deferred for entire year	563,000

Justification

In 1974, the Soldiers' and Airmen's Home requested that funds appropriated for the planning of a new domiciliary and hospital addition be reserved until the Home studied alternative means of financing its operations. Construction planning needs, if any are identified, would be determined upon completion of the study.

An apportionment request for 1975 of some of the amount is anticipated. The apportionment would be made for modifications to the central heating plant required to meet District of Columbia emission standards.

This deferral action has been taken under provision of the Anti-Deficiency Act (31 U.S.C. 665) that authorizes the establishment of reserves for contingencies.

Estimated Effects

This deferred action has no programmatic or budgetary effect and was anticipated in the budget. Construction planning funds could not be used until completion of the study.

Deferral No.: D75-36

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Panama Canal	New budget authority (P.L. 93-391)	$5,790,000
Bureau: Canal Zone Govenrment	Other budgetary resources	3,170,158
Appropriation Title & Symbol	Total Budgetary Resources	8,960,158
Capital Outlay 38X9118	Amount to be deferred part of year	
	Amount to be deferred for entire year	500,000

Justification:

This program is funded by appropriations made in the Department of Transportation and related Agencies Appropriations Act of 1975 (P.L. 93-391) and those Acts of prior years. These appropriations are available until expended. This deferral action has been taken at the request of the Canal Zone Government until obligations for inspection charges can be scheduled. These inspections are made upon completion of construction projects initiated in this year. The reserve has been established under the provisions of the Anti-deficiency Act (31 USC 665) to insure fund availability for inspection work upon project completion.

Estimated Effects:

The amount deferred could not be used if made available in the current year because of the scheduling of the planned construction program. Thus, the deferral action has no programmatic or budgetary effect.

Deferral No.: D75-37

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (16 U.S.C. 670 f (a))	$ 657,000
Bureau	Other budgetary resources	421,000
Appropriation Title & Symbol Wildlife Conservation, etc., Military Reservations appropriations	Total Budgetary Resources	1,078,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	297,000

Justification

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances which are generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law, to carry out a program of natural resource conservation.

Apportionments have been made for all known program requirements. The balance of the funds are being deferred under the provisions of the Anti-Deficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months.

Wildlife Conservation, etc., Military Reservations, Army	21X5095	$260,000
Wildlife Conservation, etc., Military Reservations, Navy	17X5095	25,000
Wildlife Conservation, etc., Military Reservations, Air Force	57X5095	12,000
		$297,000

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Deferral No.: D75-38

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare Bureau Health Services Administration Appropriation Title & Symbol Health Services Delivery 7540350 75X0350	New budget authority (P.L. _____)	$ _____
	Other budgetary resources	918,119,000
	Total Budgetary Resources	918,119,000
	Amount to be deferred part of year	2,250,000
	Amount to be deferred for entire year	---

Justification:
The Department of Health, Education, and Welfare requested that $2,250,000 from a total of $918,119,000 made available by P.L. 93-192, be placed in reserve for contingencies, pursuant to the Antideficiency Act (31 USC 665). The funds held in reserve were appropriated for modernization and repair of Public Health Service hospitals. Plans for those purposes are now being formulated and it is expected that the reserve will be released and obligated in 1975.

Estimated Effects:
This deferral action, assumed in the 1975 budget, is the result of the need for additional planning and consequently does not affect Public Health Service programs or 1975 outlays. The funds could not be obligated until planning is completed. The outlay effect in subsequent years is negligible and will not effect current outlay projections through 1977.

Deferral No.: D75-39

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ ---
Bureau Health Services Administration	Other budgetary resources	55,407,599
Appropriation Title & Symbol	Total Budgetary Resources	55,407,599
75X0391 Indian Health Facilities	Amount to be deferred part of year	88,000
	Amount to be deferred for entire year	---

Justification

During 1974, $55,320,000 appropriated by P.L. 93-120 was apportioned for Indian Health Facilities. A prior year balance carried forward of $88,000 has been reserved. This amount was appropriated in 1967 to plan for a replacement of the hospital at Harlem, Montana. The actual award of planning funds has been delayed in accordance with the Indian Health Service's need to plan for the construction of facilities in greater need of replacement. The 1975 budget, however, includes funds for upgrading the 43-year-old, 15-bed facility to meet the National Fire Protection Association standards. It is expected that the deferred funds for project planning will be made available for obligation in the fourth quarter of FY 1975.

Estimated Effects

There will be no programmatic impact in 1975. This deferral was anticipated in the 1975 budget estimate and, therefore, will not result in substantial savings in 1975. The outlay effect in subsequent years is negligible and will not effect current outlay projections through 1977.

Deferral No.: D75-40

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau National Institutes of Health	Other budgetary resources	10,441,111
Appropriation Title & Symbol	Total Budgetary Resources	10,441,111
Building and Facilities NIH 75X0838	Amount to be deferred part of year	5,774,678
	Amount to be deferred for entire year	4,666,433

Justification:

Appropriation Act language for fiscal years 1970 through 1974 for the Department of Health, Education, and Welfare authorized funds for NIH Building and Facilities to "remain available until expended." These funds were appropriated for miscellaneous repairs and improvements and planning of Federal facilities on the National Institutes of Health campus in Bethesda, Maryland. The funds have always been apportioned to HEW as plans are developed for their use. HEW does not anticipate that all of the plans will be ready for funding in 1975. Part of the funds carried over until 1976 will provide for final contract settlement on work begun in 1974 in the NIH clinical center and elsewhere on the NIH campus. The balance of the amount to be obligated in 1976 is for the Tri-service Incinerator whose construction has been delayed pending the outcome of environmental litigation. The amount deferred for part of the year is for several utilities improvement projects on the NIH campus for which the specific requirements have not yet been fully developed. These are reserves for contingencies pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

The delay in obligation of these funds is one of routine financial administration and no deleterious effects are anticipated. This deferral was anticipated in the 1975 budget and has as its objective prudent management of funds. This deferral has no impact upon outlays as funds should not be obligated, even if available, until plans for their use are formulated. The deferral will have no adverse effects on the purpose, objectives or scope of NIH programs.

Deferral No.: D75-41

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau Office of the Assistant Secretary for Health	Other budgetary resources	21,714,000
Appropriation Title & Symbol	Total Budgetary Resources	21,714,000
Scientific Activities Overseas (Special Foreign Currency Program)	Amount to be deferred part of year	7,107,000
75X0837	Amount to be deferred for entire year	14,607,000

Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have authorized funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States which have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries and the funds remain available to HEW until expended. The amount of funds to be obligated during 1975 and the amount to be deferred to 1976 was determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded.

Estimated Effects:

The deferral is the result of sound and efficient program management, and reflects optimal utilization of the funds. If HEW were required to spend the additional funds in 1975, it would be hard-pressed to find worthwhile uses for them. The latest budget estimates assume that obligation of this budget authority will be deferred.

Deferral No.: D75-42

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau Office of Education	Other budgetary resources	8,788,000
Appropriation Title & Symbol Higher Education 75X0293	Total Budgetary Resources	8,788,000
	Amount to be deferred part of year	_____
	Amount to be deferred for entire year	8,788,000

Justification

The deferred funds were made available in the Labor-HEW Appropriations Act of 1974 (P.L. 93-192) and the Acts of prior years. The deferral includes amounts temporarily reserved from the following activities:

° A carry-over balance of $376.2 thousand for graduate facilities construction has been reserved for contingencies in the event that unanticipated adjustments must be made to construction contracts. Most of the construction of the facilities for which funds have been appropriated has been completed.

° The deferral also includes $6,776.8 thousand reserved for subsequent obligations for annual interest payments on construction.

° The remaining $1,635.1 thousand has been reserved for future requests by the States for advances to State Student Loan Insurance Funds.

This deferral action is taken under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies. When funds are, by law, made available beyond the current fiscal year, as in the case of this deferral, they are generally not fully apportioned in the current year. The unapportioned part is withheld to be released in subsequent years and thus promotes the most efficient use of the funds. None of the deferred Higher Education funds are required to support the FY 1975 program which currently is funded from authority provided under the Continuing Resolution.

Estimated Effect:

No programmatic or budgetary effects result from this deferral action. The funds could not be efficiently used if made available. If program requirements change and funds are needed, they will be made available for obligation. The fiscal year 1975 budget assumed that these funds would be deferred.

Deferral No.: D75-43

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. _____)	$ ---
Bureau Social and Rehabilitation Service	Other budgetary resources	11,157,954
Appropriation Title & Symbol Research and Training Activities Overseas (Special Foreign Currency Program) 75X0505	Total Budgetary Resources	11,157,954
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	8,158,000

Justification

The amount proposed for deferral has been placed in reserve pursuant to the Antideficiency Act (31 USC 665). These funds were appropriated in prior years, to remain available until expended. Balances remaining from these prior year appropriations are sufficient to finance the program during fiscal years 1975 and 1976 at a level of activity consistent with that of recent years. $3.0 million has been apportioned for use in 1975, an amount which is sufficient for program needs in this year. This deferral action is consistent with the position taken by the Congress with respect to the 1974 budget, when the Congress appropriated no additional funds for the program while noting that "...the 1973 program level can be maintained in 1974 with unobligated balances carried forward."

This special foreign currency research program is intended to strengthen the domestic research activities of SRS by taking advantage of progress which other countries have made in dealing with similar problems and to benefit from the talents of foreign scientists working in these fields. The program operates through grants in countries where the United States owns excess local currencies.

Estimated Effects

Because of the time required for the development and implementation of plans for research of the sort supported under this program, accelerated release of the funds would be unlikely to have any discernible impact on the amount of useful research which could be accomplished in 1975 or on the level of outlays for either 1975 or 1976. This deferral has no significant effect on the level of outlays forecast in the latest budget estimates.

Deferral No.: D75-44

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health Education and Welfare	New budget authority (P.L. _____)	$ ---
Bureau Social Security Admin.	Other budgetary resources	15,393,497
Appropriation Title & Symbol Limitation on Construction 75X8705	Total Budgetary Resources	15,393,497
	Amount to be deferred part of year	8,629,000
	Amount to be deferred for entire year	6,764,000

Justification

Funds provided under the Limitation on Construction of the Social Security Administration remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. At present, a total of $15,393,000 has been placed in reserve pursuant to the Antideficiency Act (31 USC 665) and is proposed for deferral. Of this amount, $8,629,000 is expected to be released for obligation during 1975 and the balance is proposed to be deferred for the entire year. The amounts involved fall into two categories, discussed below. In each case, some of the funds are expected to be released during 1975 and some are proposed for deferral for the entire year. The attached table displays this information.

Unused balances of funds provided for construction of program centers. -- In 1972, $18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined, with the concurrence of the Congress, that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements In 1974, the Congress authorized $4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, $2.0 million was released for obligation in 1974 and $2.0 million is expected to be released for obligation in 1975. Of the remaining

$8.0 million of unused program center funds, $5.8 million is proposed for reprogramming in 1975 for district office construction. If this reprogramming is approved by the Congress, it is expected that these funds will be released for obligation in 1975. The balance of unused program center funds (about $2.2 million) is proposed for deferral through the end of 1975, remaining available to meet requirements in future years.

Unused balances of funds provided for district office construction. -- A total of $5,331 thousand is proposed for deferral. This includes $800 thousand remaining from the 1971 construction program. The latter amount is expected to be released for obligation in 1975. In this case, the deferral represents only the result of normal lags in the implementation of authorized construction programs. The balance of the proposed deferral consists of $4.5 million remaining from the 1967 construction program. This amount is proposed for deferral through the end of 1975. The fact that these funds have not yet been obligated reflects a change in circumstances which required a reevaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program. The branch offices, however, are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not those funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is proposed to be deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1975 will permit SSA to carry out its authorized construction program in an orderly

manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1975 and would have minimal impact on 1976 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

Disposition of Social Security Construction Funds
(Amounts in Thousands of Dollars)

	Total Amount	Planned to be released for obligation	
		In 1975	In future years
- Program Center Funds:			
Balance available for other construction (as of 7/1/74).....	$10,062		
Reprogrammed in 1974 for district office construction		(2,033)	
Proposed for reprogramming in 1975 for district office construction		(5,796)	
Proposed to remain available for future requirements			(2,233)
- District Office Funds:			
Balances available (as of 7/1/74):			
1967 construction program..	4,531	(---)	(4,531)
1971 construction program..	800	(800)	(---)
Total Deferrals..	$15,393	(8,629)	(6,764)

Deferral No.: D75-45

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau Special Institutions	Other budgetary resources	802,710
Appropriation Title & Symbol Model Secondary School for the Deaf 75X0150	Total Budgetary Resources	802,710
	Amount to be deferred part of year	803,000
	Amount to be deferred for entire year	_____

Justification:

The $802,710 represents unobligated appropriations from the 1974 Labor-HEW Appropriations Act (P.L. 93-192) for purchase of equipment and furnishings. The funds have not been utilized due to the slow place of the new school, dining hall, and heating plant construction on the Gallaudet campus. Contracts are expected to be let in calendar year 1974 for the purchase of equipment for the facilities under construction. Upon completion of the facilities,the funds deferred will be apportioned. This reserve action has been taken under provisions of the Antideficiency Act (31 USC 665), that authorizes the establishment of reserves for contingencies.

Estimated Effects:

This deferral has no restrictive effect on construction plans and there will be no budgetary impact on 1975 outlays. Upon completion of the facilities, these funds will be made available for purchase of equipment and furnishings and will be obligated in 1975.

Deferral No.: D75-46

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau Special Institutions	Other budgetary resources	11,490,000
Appropriation Title & Symbol Howard University 75X0106	Total Budgetary Resources	11,490,000
	Amount to be deferred part of year	11,490,000
	Amount to be deferred for entire year	_____

Justification

The funds have been reserved for contingencies pursuant to the Anti-Deficiency Act (31 U.S.C. 665) pending completion of plans and specifications for the renovating and new construction of existing old buildings and the new teaching hospital to replace the old Freedmen's Hospital. The specific amounts which are authorized under the FY 1973 appropriation are detailed as follows:

-- Land Acquisition - $806,000
-- Planning - $471,192
-- Equipment - $796,000
-- Renovations - $1,935,000
-- Construction - $7,481,963

Estimated Effect:

These funds will be obligated in FY 1975 as set forth in the FY 1975 budget. This deferral has no restrictive effects on construction plans and there will be no budgetary impact on FY 1975 outlays. To release the funds now would adversely effect the construction timetable and the sequential material and equipment purchases.

Deferral No.: D75-47

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. _____)	$ ---
Bureau Housing Production and Mortgage Credit	Other budgetary resources	7,995,000
Appropriation Title & Symbol	Total Budgetary Resources	7,995,000
Non-Profit Sponsor Assistance 86X4042	Amount to be deferred part of year	
	Amount to be deferred for entire year	7,995,000 1/

Description

Section 106(a) and (b) of the 1968 HUD Act authorizes planning and other assistance to non-profit sponsors of low- and moderate-income housing.

This program was authorized to assist non-profit sponsors in the planning of federally assisted low-and moderate income housing projects. The Housing and Community Development Act of 1974 extended the authority for the Homeownership Assistance and Rental Housing Assistance programs through August 1977. For these reasons, these funds should be deferred rather than rescinded.

The unused balance of this fund as of June 30, 1974, is currently estimated at $7,995,000.

Estimated Effects:

Failure to use these funds will in no way interfere with the Federal Government's ability to improve housing for low- and moderate-income families, since housing assistance will be provided under the Lower-Income Housing Assistance program. Furthermore, alternative sources of assistance are available to potential housing sponsors.

Use of these funds would increase outlays by $5 million in 1975 and by $3 million in 1976. Since the budget does not anticipate use of these funds, this would increase the latest budget estimate by $5 million in 1975.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data become available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-48

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. _____)	$ ---
Bureau Housing Production and Mortgage Credit	Other budgetary resources	264,117,000
Appropriation Title & Symbol Homeownership Assistance (Section 235) (Contract Authority -- No appropriation symbol)	Total Budgetary Resources	264,117,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	264,117,000 1/

JUSTIFICATION

Section 235 of the 1968 HUD Act authorizes assistance to lower income families to become homeowners.

The amount of contract authority to be withheld is the balance of unutilized contract authority remaining on June 30, 1974, currently estimated at $264,117,000. This amount is subject to change depending on cancellations during the year of previously utilized contract authority, and contract authority utilized in the sale of properties acquired by the Secretary which were insured under this program.

A major review of Federal housing policy, completed after the funds proposed for deferral were authorized by the Congress, has indicated that the nation's housing needs can be met more effectively, efficiently, and equitably under a revised public housing leasing program than under the Homeownership Assistance Program (Section 235). The United States Court of Appeals for the District of Columbia upheld the Secretary in his decision to suspend the program while it was being reviewed and to subsequently terminate the program. (Commonwealth of Pennsylvania, et al., v. Lynn, et al., No. 73-1835, decided July 19, 1974. Plaintiffs have moved for reconsideration of the decision.)

Subsequent to the implementation of the revised leased housing program, the Congress enacted the Housing and Community Development Act of 1974, which includes a Lower Income Housing Assistance program which makes families eligible with the same income level as were eligible under the Section 235 program. Accordingly, the Lower-Income Housing Assistance program is being relied on to provide housing assistance in lieu of the Homeownership Assistance program.

These funds are deferred pending the outcome of the litigation cited above.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data become available. Such adjustment will be reported when final figures become available.

ESTIMATED EFFECTS

The continued withholding of the contract authority amount discussed above will in no way interfere with the Federal Government's ability to improve housing for low- and moderate-income families.

Use of this authority would not affect outlays in 1975, but would increase them by an estimated $85 million in 1976, and by as much as $8.5 billion over the next 33 years.

Deferral No.: D75-49

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing And Urban Development	New budget authority (P.L. _____)	$ -0-
Bureau Community Planning and Development	Other budgetary resources	55,161,000
Appropriation Title & Symbol	Total Budgetary Resources	55,161,000
Open Space Land Programs 86X0117	Amount to be deferred part of year through Jan. 1, 1975	55,161,000 1/
	Amount to be deferred for entire year	

Justification:

Title VII of the Housing Act of 1961, as amended, authorized grants to assist public bodies in preserving and creating open space land.

Section 116 of the Housing and Community Development Act of 1974 terminates this program on January 1, 1975, and specifies that no new grant commitments may be made after the termination date. Activities previously supported are eligible for assistance under the community development block grant program beginning January 1, 1975. Hence, the open space program is not needed to achieve national community development goals as established by Congress.

However, Congress has authorized the use of these funds for other purposes including: liquidation of contracts under the new block grant program, as authorized by Section 103 of the Housing and Community Development Act of 1974; and, to the extent necessary, payment into the Disaster Assistance fund for emergency housing assistance, as authorized by law. Thus, the reservation of these funds should be maintained until a final determination can be made as to whether the funds can be used effectively for either of these purposes.

Estimated Effects:

Continued reservation of this authority will not interfere with the achievement of goals in the community development area. Use of the funds in reserve would require the reactivation of a program which Congress has terminated on January 1, 1975; and could force the Department to increase Federal outlays by an estimated $4 million in FY 1976 and $8 million in FY 1977.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data becomes available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-50

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. _____)	$ ---
Bureau Community Planning and Development	Other budgetary resources	48,000
Appropriation Title & Symbol	Total Budgetary Resources	48,000
Grants for Neighborhood Facilities 86X0127	Amount to be deferred part of year through Jan. 1, 1975	48,000 1/
	Amount to be deferred for entire year	

JUSTIFICATION

Section 703 of the Housing and Urban Development Act of 1965, as amended, authorized grants to local public bodies for multipurpose neighborhood centers. Section 116 of the Housing and Community Development Act of 1974 terminates this program on January 1, 1975, and specifies that no new commitments be made after that date. Activities previously supported under this program are eligible for assistance under the new community development grant program beginning January 1, 1975. Hence, this program is not required to achieve national community development goals as established by Congress.

However, Congress has authorized the use of these funds for other purposes including: liquidation of contracts under the new block grant program, as authorized by Section 103 of the Housing and Community Development Act of 1974; and, to the extent necessary, payment into the Disaster Assistance fund for emergency housing assistance, as authorized by law. Thus, the reservation of funds should be maintained until a final determination can be made as to whether the funds could be used effectively for either of these purposes.

ESTIMATED EFFECTS

Continued reservation of this authority will not interfere with the achievement of current community development goals. Use of funds in reserve would result in the reactivation of a program which Congress has terminated on January 1, 1975; and could force the Department to increase personnel or lengthen the time required to commence the new block grant program. It would also result in an increase in Federal outlays of $48 thousand in FY 1975.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data becomes available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-51

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. _____)	$ -0-
Bureau Community Planning and Development	Other budgetary resources	401,734,000
Appropriation Title & Symbol	Total Budgetary Resources	401,734,000
Grants for Basic Water and Sewer Facilities 86X0125	Amount to be deferred part of year	401,734,000 1/
	Amount to be deferred for entire year	

Justification:

Section 702 of the Housing and Urban Development Act of 1965, as amended, authorized grants to local public bodies for water and sewer facilities other than waste treatment works.

Section 116 of the Housing and Community Development Act of 1974 terminates this program on January 1, 1975 and specifies that no new grant commitments may be made after the termination date. Activities previously supported are eligible for assistance under the new community development block grant program, beginning January 1, 1975. Hence, the water and sewer program is not required to achieve national community development goals as established by Congress.

To the extent necessary, balances could be used for payment into the Disaster Assistance Fund for emergency housing assistance as authorized by law.

The U.S. District Court for the District of Columbia (Rooney, et al v. Lynn, Civil No. 990-73) has ordered that the grant program under the HUD Act of 1965 be resumed and that these funds be made available to eligible applicants. A motion for a stay, pending appeal, is currently before the D.C. Circuit Court. On the other hand, in the vetoed Agriculture Appropriations Act, 1975, Congress sought to reappropriate these funds to the Department of Agriculture and to Environmental Protection Agency for other purposes, thereby giving implied approval to termination of the HUD program. The funds are deferred pending the outcome of this litigation and determination by the Congress of the purposes for which the funds should be used. $401,734,000 of funds previously appropriated for this purpose will remain in reserve until final disposition of the funds is determined.

Estimated Effects:

Continued reservation of this authority will not interfere with the achievement of current goals in the community development area. Use of

the funds in reserve would result in the reactivation of a program which Congress has terminated on January 1, 1975; and could force the Department to increase personnel or lengthen the time required to commence the new block grant program. It would increase Federal outlays by an estimated $10 million in FY 1976 and $50 million in FY 1977.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data become available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-52

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. 89-429)	$ 1,061,000
Bureau Community Planning and Development	Other budgetary resources	198,229,000
Appropriation Title & Symbol Public Facility Loans 86X4234	Total Budgetary Resources	199,290,000
	Amount to be deferred part of year through Jan. 1, 1975	199,290,000 1/
	Amount to be deferred for entire year	

JUSTIFICATION

Title II of the Housing Amendments of 1955 authorized HUD to assist the construction of public facilities with long-term Federal loans.

Section 116 of the Housing and Community Development Act of 1974 terminates this program on January 1, 1975 and specifies that no new loan commitments may be made after the termination date. Activities previously supported are eligible for assistance under the new community development block grant program beginning January 1, 1975. Hence, the public facility loan program is not needed to achieve national community development goals as established by Congress.

The unused balance of the fund as of June 30, 1975 is estimated at $199,290,000. A portion of these funds will be needed in future years to cover servicing and other administrative costs incurred in connection with outstanding loans. These costs are estimated at $25 million in FY 1975. In addition, Congress has authorized the use of these funds for payment into the Disaster Assistance Fund for emergency housing assistance.

ESTIMATED EFFECTS

Continued reservation of these funds will not interfere with the achievement of current national community development goals nor impair HUD's ability to protect the Government's interest in outstanding loans. Use of these funds would require the reactivation of a program which Congress has terminated on January 1, 1975 and could force the Department to increase personnel or lengthen the time required to commence the new community development block grant program. It would also increase Federal outlays by an estimated $13 million in FY 1976 and $34 million in FY 1977.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data become available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Housing and Urban Development	New budget authority (P.L. _____)	$ ---
Bureau New Communities Administration	Other budgetary resources	1,799,000
Appropriation Title & Symbol New Community Assistance Grants 86X0149	Total Budgetary Resources	1,799,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	1,799,000 1/

Justification:

New Community assistance grants are authorized by Section 412 of the Housing and Urban Development Act of 1968, as amended, and by Section 718 of the HUD Act of 1970, as amended, to supplement public facility grants provided under other Federal programs to new community projects. Of the funds previously appropriated for this purpose, $1,798,533 remain in budgetary reserve. Many activities eligible to receive supplementary grants can be financed under the new communities guarantee program authorized in Section 407 of P.L. 90-448 and Section 713 of P.L. 91-609. Hence, the funds withheld from use are not essential to encourage the development of new communities. Up to $322 million in guarantee authority will be available in FY 1975. Of this amount, up to $50 million can be committed to a single new community project. Moreover, the Congress has authorized the provision of additional assistance to new communities through the community development grant program under the recently enacted Housing and Community Development Act of 1974. Pursuant to Section 107(a) of the Act, 2% of the authority made available in 1975, 1976 and 1977 shall be in a special discretionary fund for purposes which may include assistance to new communities.

The New Communities Administration is currently undertaking a major study to evaluate progress under the program, to develop program goals, and to assess future needs of the program. Therefore, these funds should be continued in reserve, rather than rescinded, until this assessment has been completed.

Estimated Effects:

Continued reserve of the amount discussed above will not interfere with HUD's ability to assist the development of new communities during FY 1975. Use of the amount in reserve would increase Federal outlays by $1,799 thousand, beginning in FY 1977.

1/ This estimate is subject to change and may be adjusted once actual 1974 accounting data becomes available. Such adjustment will be reported when final figures become available.

Deferral No.: D75-54

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$10,000,000
Bureau Bureau of Land Management	Other budgetary resources	20,011,000
Appropriation Title & Symbol Public Lands Development Roads and Trails 14X1113	Total Budgetary Resources	39,011,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	30,000,000

Justification:

The $4,120,000 programmed for the Public Lands Development Roads and Trails represents the funding required to support resource development and use plans for the public lands in 1975. The Federal Aid Highway Act of 1970 provides contract authority of $5 million for 1972 and $10 million for 1973 to be available for two years subsequent to the fiscal year for which it is authorized. The Federal Aid Highway Act of 1973 provides additional contract authority of $10 million for each of fiscal years 1974, 1975 and 1973 and authorizes use of this authority one year in advance of and two years subsequent to the fiscal year for which it is authorized. Under the existing program, $4,891,000 of contract authority will lapse on June 30, 1975, and $30 million will be carried into 1976.

The program for road development in any one year is based on estimated requirements to meet the objectives for multiple use resource development and use plans on the national resource lands. This program is reviewed annually by the Congress when it takes action on the appropriation required to liquidate obligations under existing contract authority. Thus, the amount of contract authority made available has been implicitly approved by the Congress.

Estimated Effects:

If the contract authority deferred were to be made immediately available, the release would result in capital investments expected to yield low returns, investments not coordinated with other resource development activities and a program level for which comprehensive plans have not been prepared. It is doubtful whether obligation of major amounts of funds deferred is possible as planning and other pre-construction activities have not been accomplished. This deferral and the proposed rescission under this account have been initiated to achieve optimum utilization of funds.

If the amounts deferred, the amounts proposed for rescission, or both amounts were to be made immediately available, the program level would increase by $3.1 million in 1975 and outlays by approximately $.8 million in 1975 and $2.3 million in 1976.

Deferral No.: D75-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (16 USC 460L(4-11))	$ 30,000,000
Bureau Outdoor Recreation	Other budgetary resources	41,000,000
Appropriation Title & Symbol Land and Water Conservation Fund 14X5005	Total Budgetary Resources	71,000,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	30,000,000

JUSTIFICATION

Under the law [16 USC 460L(10a)], $30,000,000 of contract authority becomes available each fiscal year. Fund availability is limited to one fiscal year. This authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (P.L. 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was utilized in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1974 and may lapse in 1975. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of Congressional intent.

In accordance with provisions of the Antideficiency Act (31 U.S.C. 665), the $30,000,000 has been placed in reserve for contingencies. Although this particular authority may lapse at the end of fiscal year 1975, an equal amount will become available at the beginning of the next fiscal year.

The other funds in this account are prior-year balances of direct appropriations that have been made available for obligation.

ESTIMATED EFFECTS

This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

Deferral No.: D75-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (16 USC 777 (et. seq.)	$18,800,000
Bureau Fish & Wildlife Service	Other budgetary resources	5,434,000
Appropriation Title & Symbol Federal Aid in Fish Restoration and Management (Receipt Limitation) 14X5138	Total Budgetary Resources	24,234,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	6,924,000

Justification:

A permanent appropriation of revenue accruing from a tax imposed on fishing rods, creels, reels, artificial lures, baits and flies is used to reimburse States for up to 75% of the costs of fish restoration and management projects [16 U.S.C. 777 (et seq.)].

The deferred funds are the unobligated balances anticipated after estimated reimbursements to the States are made in 1975. Two factors may cause fluctuations in the amount of reimbursements made in a given year. First, States frequently do not have sufficient funds to meet Federal grant matching requirements. Second, project reports must be submitted to the Fish and Wildlife Service for their review before reimbursements can be made. These reports may be inadequate or not submitted. For these reasons, revenue frequently exceeds obligations, and the excess revenue is reserved for contingencies for use in the following year under provisions of the Antideficiency Act (31 USC 665).

Estimated Effects:

Further reimbursements will be made to the States if matching funds are provided and other legal requirements are met. The amount in reserve simply reflects the excess of revenue after reimbursements are made. Thus, this deferral has no programmatic, fiscal or budgetary effect.

Deferral No.: D75-57

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Interior	New budget authority (16 USC 669)	$ 54,185,000
Bureau: Fish & Wildlife Service	Other budgetary resources	15,590,000
Appropriation Title & Symbol: Federal Aid in Wildlife Restoration 14X5029	Total Budgetary Resources	69,775,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	19,375,000

Justification:

Cost-sharing assistance is provided to States and territories for wildlife restoration projects from permanent appropriations equal to 11% of the excise tax on the manufacture of firearms and ammunition (16 U.S.C. 669b).

States and territories receive assistance if they can provide the matching funds and if other program requirements are met. The 1975 program level of $50,400,000 is the estimate of Federal funds needed to match funds which the States are likely to obligate in the current fiscal year. The reserve simply reflects the fact that there are now more receipts in this permanent account than can be utilized by the recipients in the fiscal year, and, thus, will remain unobligated at the close of the current fiscal year. This deferral action was taken under the authority of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

Because funds are available for use whenever State or Territorial programs qualify, the reserve does not have any programmatic, fiscal, or budgetary effect. Similarly, disapproval of this deferral would have no budgetary, fiscal, or programmatic effect since the funds could not be used unless the recipients' programs qualify to receive funds.

Deferral No.: D75-58

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (16 USC 715s)	$ 4,100,000
Bureau Fish & Wildlife Service	Other budgetary resources	4,142,000
Appropriation Title & Symbol National Wildlife Refuge Fund 14X5091	Total Budgetary Resources	8,242,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	3,642,000

Justification:

The Refuge Revenue Sharing Act (16 U.S.C. 715s) authorizes the expenditure of revenues collected from the sale of products from the National Wildlife Refuge System. Costs of revenue-producing activities may be drawn from the receipts. Twenty-five percent of the net receipts are paid to counties in which refuges are located for the benefit of public schools and roads. These funds may not be expended until the end of the fiscal year under a provision of the Act [16 U.S.C. 715s(c)]. The balance of the funds may be used for refuge management and law enforcement purposes, but may not be used until payments are made to the counties, [16 U.S.C. 715s(e)], that is, in the first quarter of the fiscal year following the end-of-year payment of the funds to the counties.

Since net receipts available for distribution are not fully realized until after the end of the fiscal year, payments to the counties are deferred until a final accounting of available funds is made. Thus, the deferred funds, representing estimates of receipts to be collected in the current year, will be made available in fiscal year 1976. This deferral action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) to ensure fund availability in fiscal year 1976.

Estimated Effects:

There will be no programmatic or budgetary effect resulting from this reserve action. The receipts collected cannot be made available for obligation prior to the end of the fiscal year under the provisions of law cited above.

Deferral No.: D75-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Interior	New budget authority (16 USC 460d)	$ 15,000
Bureau: Fish & Wildlife Service	Other budgetary resources	4,000
Appropriation Title & Symbol: Proceeds from Sales, Water Resources Development Projects 14X5092	Total Budgetary Resources	19,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	4,000

JUSTIFICATION

The budget authority in this permanent account is derived from receipts from water resources development projects conducted on National Wildlife Refuge lands under the primary jurisdiction of other federal agencies (16 U.S.C. 460d). The receipts are used to fund wildlife conservation projects on the refuges. The amount deferred represents the excess of receipts over the amount requested by the refuges. These funds are available for use in future years and have been reserved under the authority of the Antideficiency Act (31 U.S.C. 665). Should further need for the reserved funds develop, they would be made available.

ESTIMATED EFFECTS

No plans have been submitted for the use of the funds. If the reserve funds were made immediately available, they could not be used until appropriate plans have been developed for refuge projects, thus, the reserve action has no fiscal, economic, or budgetary effect.

Deferral No.: D75-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$105,000,000
Bureau National Park Service	Other budgetary resources	254,098,456
Appropriation Title & Symbol	Total Budgetary Resources	359,098,456
Road Construction 14X1037	Amount to be deferred part of year	
	Amount to be deferred for entire year	312,098,456

Justification:

The Federal Aid Highway Act of 1970 provides contract authority of $20 million for 1972 and $50 million for 1973. The contract authority is available for the two years subsequent to the year for which it was authorized. In addition, the Federal Aid Highway Act of 1973 provides contract authority of $90 million for 1974, $95 million for 1975 and $105 million for 1976, and authorizes use one year in advance of the year for which it was authorized.

The current 1975 budget estimates proposed a construction program of $33,000,000. The agency plan for use of contract authority in FY 1975 has not been completed. As a consequence, the funds planned for use in 1975 are under review and subject to change. Obligation of all available CA would result in the low-priority use of scarce Federal financial resources. Many of the facilities and interpretive systems which these projects could serve are not yet planned or are not needed until future years. Historically, Congress has provided contract authority for this program in excess of the Park Service's construction capacity. The program level in each year, however, has reflected a level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

Estimated Effects:

Given the amount of time necessary to plan and carry out this type of construction work, it is unlikely there would be a significant increase in the program even if the additional contract authority were made immediately available.

Deferral No.: D75-61

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority	$ 1,000 est.
Bureau U.S. Geological Survey	30 USC 229(a) Other budgetary resources	27,000
Appropriation Title & Symbol Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920. Sec. 40(d)	Total Budgetary Resources	28,000
	Amount to be deferred part of year	-0-
	Amount to be deferred for entire year	28,000

JUSTIFICATION

Section 40(d) of the Mineral Leasing Act of 1920 [30 U.S.C. 229(a)] provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $1,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000 which had increased to $27,000 by the start of fiscal year 1975. None of these receipts have been obligated over the past nine years and none are planned for obligation in fiscal year 1975 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current fiscal year even if made available for obligation. This reserve action is taken pursuant to the Anti-Deficiency Act (31 USC 665(c)(1).

ESTIMATED EFFECTS

There will be no programmatic or outlay impact in FY 1975 since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used for effective purpose.

Deferral No.: D75-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (P.L. ---)	$ none
Bureau Bureau of Mines	Other budgetary resources	3,775,000
Appropriation Title & Symbol Drainage of Anthracite Mines, Bureau of Mines 14X0956	Total Budgetary Resources	3,775,000
	Amount to be deferred part of year	none
	Amount to be deferred for entire year	$3,575,000

Justification

Funds appropriated in a FY 1956 Supplemental Appropriation Act (69 Stat. 460) are expended on a matching funds basis with the Commonwealth of Pennsylvania for the conservation of anthracite coal resources and the prevention of flooding and damage to surface lands or structures through flood control and anthracite mine drainage. Amended by the act of October 15, 1962 (76 Stat. 934), the act now also provides for the filling of voids in abandoned coal mines. For FY 1975, $200,000 has been apportioned to this account to match funds anticipated to be made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public health and safety projects.

The remaining unobligated balance of the no-year funds ($8.5 million was appropriated in FY 1956) has been deferred because the Commonwealth of Pennsylvania is not expected to provide further matched funding during the year, as is required by sec. 2(a) of the Act of July 15, 1955 (69 Stat 353), before further Federal funds could be furnished to Pennsylvania. This deferral of appropriated funds is authorized by the Antideficiency Act (31 USC 665) that provides for the establishment of reserves for contingencies.

Estimated Effects

No FY 75 program impact will result from deferral. A change in the matching provision of the original legislation would be required if the Congress desired to make available the funds currently being deferred.

Deferral No.: D75-63

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$ 75,000,000
Bureau Indian Affairs	Other budgetary resources	95,623,000
Appropriation Title & Symbol	Total Budgetary Resources	170,623,000
Road Construction 14X2364	Amount to be deferred part of year	
	Amount to be deferred for entire year	110,423,000

Justification:

The Bureau of Indian Affairs road construction program level in FY 1975 is estimated to be $60,200,000. This amount represents the estimate of funds needed in the construction and rehabilitation of roads on Indian reservations. The Federal Aid Highway Act of 1973 (23 USC 203) provides contract authority of $75 million for each of fiscal years 1974, 1975, and 1976 and authorizes its use one year in advance and two years subsequent to the fiscal year for which it is designated. The unobligated contract authority available from previous years is $95,423,000. This amount plus the $75 million available in 1975, and $200,000 in reimbursements to be received for work performed for other agencies, allows for total available funding in FY 1975 of $170,623,000. This figure, less the estimated program amount of $60,200,000 leaves $110,423,000 in reserves through the current fiscal year.

The amount of contract authority made available is consistent with the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations.

Estimated Effects:

If all contract authority were to be released from reserve, the obligation plan would still have to take into consideration the amount of cash appropriated by the Congress to liquidate such obligations. In the absence ot additional appropriations to liquidate, there would be no significant change in the program plan if all of the contract authority were to be made available.

Deferral No.: D75-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (25 USC 507)	$ 10,000
Bureau Bureau of Indian Affairs	Other budgetary resources	105,000
Appropriation Title & Symbol Acquisition of Land & Loans to Indians of Oklahoma, Act of June 26, 1939 14X5235	Total Budgetary Resources	115,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	105,000

Justification:

Pursuant to 25 U.S.C. 507, budget authority for this account is derived from revenue from mineral deposits underlying certain lands purchased in Oklahoma. These receipts are used for the acquisition of lands and loans to individual Indians, associations, or corporate groups of Indians residing in Oklahoma. Receipts accrue annually and those for which there is no planned use are deferred until such time as plans are developed and requirements defined.

In 1975, receipts are expected in the amount of $10,000 and the 1975 budget anticipates their use during the fiscal year. These funds have been made available to the Bureau of Indian Affairs. A reserve of $105,000 in receipts brought forward has been established pursuant to the Antideficiency Act (31 USC 665) pending identification of additional requirements. These funds are available without regard to fiscal year limitation.

Estimated Effects:

Utilization of these funds is contingent upon a plan for land acquisition or identification of loan requirements. The $10,000 made available in 1975 is considered sufficient to meet requirements. Since there is no plan to use the remaining $104,948 in 1975, maintaining this reserve creates no programmatic, budgetary, or fiscal effects.

Deferral No.: D75-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. _____)	$ 14,800,000
Bureau Bureau of Prisons	Other budgetary resources	58,764,298
Appropriation Title & Symbol Bureau of Prisons Buildings & Facilities	Total Budgetary Resources	73,564,298
	Amount to be deferred part of year	19,320,000
	Amount to be deferred for entire year	

Justification:

Funds were appropriated in 1972 for construction of two metropolitan correctional centers (short-term detention facilities for Federal offenders awaiting trial, transfer, sentencing, etc.) in San Francisco and Philadelphia. The delay in the use of these funds has resulted from difficulties experienced by the Bureau of Prisons in locating and acquiring appropriate sites near Federal Court facilities where construction would not have adverse environmental effects. Also, since final architectural planning cannot be done until specific sites have been selected, these funds are not needed, and deferral is proposed. This is a reserve for contingencies pursuant to the Antideficency Act (31 USC 665).

Estimated Effects:

This deferral action has no effect because plans to use the funds have not been completed. If apportioned, these funds could not be used at this time in any case.

Deferral No.: D75-66

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of State	**New budget authority** (P.L.)	$
Bureau	**Other budgetary resources**	50,800,000
Appropriation Title & Symbol Acquisition, operation, and maintenance of buildings abroad 19X0535	**Total Budgetary Resources**	50,800,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	33,310,000

Justification:

The Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-301), empowers the Secretary of State to acquire by purchase, construction, long-term lease, or exchange buildings, residences, and grounds in foreign countries for the use of the U.S. Government and its employees and to operate and maintain such facilities. The Act also authorizes appropriations for the acquisition program and for operations and maintenance activities and empowers the Secretary to apply the proceeds from the sale of property acquired under the Act toward the acquisition or construction of other overseas facilities or other purposes authorized by the Act.

In the 1975 budget, $22,914,000 was proposed for appropriation to this account for the operation and maintenance of buildings, and the acquisition program of $12,901,000 for 1975 was proposed to be financed by the proceeds from sales in 1975 ($1,690,000) and $11,211,000 of the unobligated balance from the proceeds from sales in prior years. The bulk of this balance was derived from the sale of a large U.S. embassy office building in Tokyo in 1974. Proceeds from that sale and other smaller sales constitute the $44,521,000 that was estimated to be the unobligated balance at the start of 1975. Under the program proposed in the 1975 budget, $33,310,000 would remain unobligated at the end of 1975.

On June 7, 1974, apportionment action was taken on reestimated unobligated balances available in 1975. Because $6,279,000 in obligations planned for 1974 had not been incurred in that year, a total of $17,490,000 (the $11,211,000 balance anticipated in the 1975 budget plus the $6,279,000 carryover from 1974) was apportioned. As planned in the budget and as requested by the Department of State, $33,310,000 was placed in reserve under provisions of the Antideficiency Act (31 U.S.C. 665 (c)(1) and (2)).

At the time of this apportionment action, the Office of Management and Budget believed that the budgeted program and the projects carried over from 1974 could go forward within the amount apportioned. However, the most recent information, based on more precise estimating techniques and reflecting higher overseas prices, indicates that projects already under way, those delayed from 1974 to 1975, and those included in the 1975 program would require the use of a further $15,962,000 in sales proceeds. Because the resulting outlays in 1976 might prevent the Department from holding its total outlays to the level planned as part of the Administration's fiscal program, no additional funds have been apportioned, pending review in the fall of the Department's 1975 and 1976 programs.

Of the $33,310,000 which continues to be deferred, therefore, $17,348,000 could not be used in the current year and is still being withheld under provisions of the Antideficiency Act. The balance of $15,962,000 which could be obligated this year has not been apportioned for fiscal policy reasons. The latter amount includes a new office building in Nairobi, Kenya, which would have been ready for contract in December but will be delayed for several months because of the budget review. Other projects in Dacca, Bangladesh and Geneva, Switzerland are not scheduled for obligation until June and will not have been delayed by the budget review if that review shows those projects to be consistent with the Administration's fiscal program. If the budget review does not result in the release of additional sales proceeds, the principal effect will be delay in providing office space and possible higher costs when the facilities are provided. The American economy would be affected primarily by delayed utilization of American equipment and certain materials such as steel and wire. Labor and bulk materials such as bricks and cement would be of foreign origin. If the projects would have been constructed by American firms, which would depend on the bids also made by foreign firms, continued deferral would have delayed contracts for the American construction industry.

Estimated Effects:

The deferral results in outlay savings in 1975, 1976, 1977, and 1978, of $1,665,000, $6,585,000, $4,887,000, and $2,825,000, respectively. These savings are included in the latest budget estimates. Thus, this deferral has no net effect on the budget estimates.

Deferral No.: D75-67

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. _____)	$ -0-
Bureau International Boundary and Water Commission, U.S. & Mexico	Other budgetary resources	4,696,000
Appropriation Title & Symbol Construction, International Boundary and Water Commission, United States and Mexico, 19X1078	Total Budgetary Resources	4,696,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	4,696,000

Justification:

The International Boundary and Water Commission (IBWC) requested that funds for the construction of the Tijuana Flood Control project in California, originally appropriated in FY 1969 and available until expended, be placed in reserve for contingencies pending the decision of San Diego to donate rights-of-way to the project. Agreement had originally been reached between the IBWC and the City of San Diego by which the City would provide the necessary rights-of-way for the project. However, subsequent to this agreement the City opted for a modified, less costly project. While the IBWC is agreeable to the modification, the City of San Diego, in conjunction with the State of California, has not provided the necessary, and formerly agreed upon, rights-of-way. Until the donation of these rights-of-way is confirmed, construction cannot proceed. Should the issues be resolved prior to the end of the fiscal year the reserved funds would be released for obligation.

Estimated Effects:

Because of the lack of local assurances of cooperation on this project, deferral is the only option open at this time. Release of these reserves would have no budgetary effect until State and local governments furnish the required cooperation.

Deferral No.: D75-68

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-391)	$ 108,376,255
Bureau United States Coast Guard	Other budgetary resources	39,263,880
Appropriation Title & Symbol Acquisition, Construction & Improvements 69X0240	Total Budgetary Resources	147,640,135
	Amount to be deferred part of year	
	Amount to be deferred for entire year	7,614,000

Justification

This account funds capital acquisition, such as aircraft and ships, and construction and improvement of shore facilities. Funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts, 1974 and 1975. The estimated total cost for each item in this appropriation is included, even though normal scheduling may require multi-year programs. The deferrals in this account represent mainly normal scheduling which requires apportionment of funds to insure adequate resources for project completion in future years. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Anti-Deficiency Act (31 USC 665) which authorize the establishment of reserves for contingencies. All deferred funds are available for obligation in FY 1976.

Estimated Effects:

This deferral action does not affect the FY 1975 program or outlays in the 1975 Budget. The amount deferred represents planned phasing of the capital improvement program.

Deferral No.: D75-69

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. _____)	$ NONE
Bureau Federal Aviation Administration	Other budgetary resources	9,613,231
Appropriation Title & Symbol Civil Supersonic Aircraft Development Termination 69X0106 Civil Supersonic Aircraft Development 69X1358	Total Budgetary Resources	9,613,231
	Amount to be deferred part of year	
	Amount to be deferred for entire year	8,113,000

	Total Budgetary Resources	Amount Deferred
Civil Supersonic Aircraft Development Termination	6,035,713	4,535,713
Civil Supersonic Aircraft Development	3,577,518	3,577,518
	9,613,231	8,113,231

Justification

This account finances the termination of the supersonic transport development program. The total cost of settlement of contractor claims and closeouts, airline refunds, completic of specifically designated tecnnology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. Therefore, it is necessary to apportion funds so that sufficient resources wi be available in future years, if necessary to settle all outstanding claims. This deferra action is taken under the provisions of the Anti-Deficiency Act (31 USC 665) which authorize the establishment of reserves for contingencies. All funds are available for obligation in future years.

Estimated Effects

This deferral action has no programmatic or budgetary effect. Funds can be made available and obligated only as claims are settled.

Deferral No.: D75-70

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Transportation	New budget authority (P.L. 93-391)	$ 227,278,000
Bureau Federal Aviation Administration	Other budgetary resources	345,845,895
Appropriation Title & Symbol	Total Budgetary Resources	573,123,895
Facilities and Equipment (Airport and Airway Trust Fund) 69X8107 694/68107 695/78107	Amount to be deferred part of year	----
	Amount to be deferred for entire year	260,824,000

Justification:

Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system, and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1975 and prior years.None of the deferred funds lapse in fiscal year 1975. The estimated total cost for each project is included in the appropriation. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Estimated Effects:

This deferral action does not affect the FY 1975 program or outlays in the 1975 Budget. The amount deferred could not be economically used, if made available, in the current year because of the planned multi-year procurement, construction and installation cycle.

Deferral No.: D75-71

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Transportation	New budget authority (P.L. 93-87)		$35,000,000
Bureau Federal Highway Administration	Other budgetary resources		55,000,000
Appropriation Title & Symbol (See Coverage below)	Total Budgetary Resources		90,000,000
	Amount to be deferred part of year		
	Amount to be deferred for entire year	1975 & Prior	55,000,000
		1976	35,000,000
			90,000,000

Coverage

This deferral report consists of two appropriations that jointly fund grants to 10 States for the construction and reconstruction of the Great River Road, a scenic highway along the Mississippi River.

($ in millions)

	Total Budgetary Resources			Amount to be Deferred Entire Year		
	New BA	Other	Total	1975 & prior	1976	Total
National Scenic and Recreational Highway (69X0544)	10.0	20.0	30.0	20.0	10.0	30.0
Trust Fund Share of Other Highway Programs (69X8009)	25.0	35.0	60.0	35.0	25.0	60.0
	35.0	55.0	90.0	55.0	35.0	90.0

Justification:

Prior to the obligation of funds for this program, the Department of Transportation must develop criteria for the location and construction or reconstruction of this highway by the 10 States involved in the program (as required by Section 129 of the Federal-aid Highway Act of 1973). The statute also specifically requires determination of the program costs of each highway segment in each of the 10 States and development of an administrative formula for distributing the funds to each State based on these costs.

At this time, only the program criteria have been developed, so the program is not ready to proceed. Release of funds is deferred during fiscal year 1975 pursuant to the Antideficiency Act (31 USC 665), pending development of a formula based on State reports of their relative program needs under this program.

Estimated Effects:

Programmatic effects are not significant. If a segment of the Great River Road has very high priority for construction funds, the States may immediately utilize other available Federal highway funds for this segment, rather than deferring construction until the Great River Road formula is developed.

This deferral is assumed in the latest budget estimates for 1975 so no additional outlay savings are attributable to it. If the funds were formally released shortly through Congressional action on this message, it would not impact outlays since the program is not ready to proceed.

Deferral No.: D75-72

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-391)	$ 2,895,000
Bureau Federal Highway Administration	Other budgetary resources	17,019,551
Appropriation Title & Symbol	Total Budgetary Resources	19,914,551
Rail Crossings - Demonstration Projects 69X0555	Amount to be deferred part of year	
	Amount to be deferred for entire year	8,015,000

JUSTIFICATION

This program funds railroad grade crossings in the high volume Northeast Corridor line between Boston and Washington and a special demonstration project in Greenwood, S. C.

While implementation of this program along the NE Corridor has been a high priority, progress has been slower than expected in reaching agreements between the relevant states and railroads.

The money earmarked for deferral is reserved pursuant to the Antideficiency Act (31 U.S.C. 665) since the Department does not believe that project plans will be sufficiently developed to permit obligation of the total amount of available budget authority this fiscal year.

EFFECTS

This deferral was assumed in the current budget estimates, so no unanticipated outlay savings result. Even if the Congress mandated release of these funds, outlays would not increase since the program is not ready to proceed at the fully appropriated level.

Deferral No.: D75-73

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Atomic Energy Commission	New budget authority (P.L. 93-322)	$ 453,970,000
Bureau - - -	Other budgetary resources	20,505,053
Appropriation Title & Symbol Plant and Capital Equipment 18-00-0103 Project 75-5-g	Total Budgetary Resources	474,475,053
	Amount to be deferred part of year	1,500,000
	Amount to be deferred for entire year	- - -

Justification:

Public Law 93-276 authorized $1,500,000 for preliminary planning preparatory to a possible future demonstration project for a Molten Salt Breeder Reactor. Public Law 93-322 provided appropriations until expended in the amount of $1,500,000 for this project. This project was added to the amount requested in the FY 1975 President's Budget. Since this is a new project which had not been contemplated, the AEC has been requested to prepare a plan describing the objectives and details for carrying out preliminary planning preparatory to a Molten Salt Breeder Reactor demonstration project. The AEC expects to complete its planning to define the role of this project in the Molten Salt Breeder Reactor program by about October 1, 1974. A decision as to the most effective course of action will be made following receipt and evaluation of the AEC recommendations, on about November 1, 1974. These funds are withheld from obligation under authority granted by the Anti-deficiency Act (31 USC 665).

Estimated Effects:

The AEC's existing Molten Salt Breeder Reactor program concentrates on technology development needed to resolve important technical problems of the concept. These efforts, which are essential to meaningful reactor design, are underway and will continue while AEC reexamines plans for Molten Salt Breeder Reactor development and determines how best to implement the project. The deferral of obligations for the project during this period will not have any significant impact on the overall program objectives. It is not expected that this deferral will have an effect upon budget outlays currently estimated to be $300,000 in FY 1975.

Deferral No.: D75-74

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 92-500)	$ 2,000,000
Bureau	Other budgetary resources	
Appropriation Title & Symbol	Total Budgetary Resources	2,000,000
Abatement and Control 68X0108	Amount to be deferred part of year	2,000,000
(Water Program Operations)	Amount to be deferred for entire year	

Justification:

The amount being deferred was provided in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1974 for the removal of in-place toxic pollutants from harbors and navigable waterways, pursuant to Sec. 115 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). EPA has not yet developed a plan to implement this program, although a contract has been let to identify locations of in-place toxic pollutants in harbors and waterways. The report is due in March, 1975. The appropriation cannot be used effectively until the report's findings are available. This reserve action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) to ensure fund availability upon completion of the report.

Estimated Effects:

It is not expected that postponement of this program for a relatively short time will have any significant detrimental effect on water quality. In fact, there may be overall water quality improvement due to the implementation of pollution controls as a result of EPA and State regulatory programs. In addition to these controls on effluent discharges, there is expected to be no new dumping of materials into port and harbor areas as a result of EPA's regulatory program on ocean dumping (established pursuant to the Marine Protection, Research and Sanctuaries Act of 1972, P.L. 92-532).

Delaying the use of this appropriation will allow for the planning and design of a program which should meet legislative objectives in an effective manner and insure that the individual projects are cost-effective. This deferral was anticipated in current budget estimates. Even if these funds were to be made available at this time, there would be no outlay impact in 1975.

Deferral No.: D75-75

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 92-500)	$ 150,000,000
Bureau	Other budgetary resources	
Appropriation Title & Symbol Abatement & Control 68X0108 (Water Planning and Standards)	Total Budgetary Resources	150,000,000
	Amount to be deferred part of year	30,000,000
	Amount to be deferred for entire year	

JUSTIFICATION

The $150,000,000 is one-year contract authority for the purposes of funding areawide waste treatment management plans. At present, EPA can identify a need for obligating only $120,000,000 of this total.

EPA presently estimates that approximately 100 areawide waste treatment management agencies will be designated during FY 1975. Because of the uncertanties involved in estimating the number of agencies to be designated, it is possible that more than $120,000,000 might be needed. For this reason the remaining $30,000,000 should be kept in reserve.

Therefore, since EPA presently plans to obligate only $120,000,000, it is proposed to defer the remaining $30,000,000 until January 1975, at which time the program will be reviewed and additional funds apportioned as necessary.

ESTIMATED EFFECTS

The deferral of $30,000,000 will have no detrimental effects since EPA presently has not developed a plan to obligate these funds. Should additional needs be identified, funds will be made available. There is no budgetary effect as a result of this deferral. A deferral of $50 million was anticipated in the budget estimates, but an additional $20 million was recently apportioned, leaving a balance of $30 million. Even if this authority were to be made available at this time, there would be no outlay impact in 1975.

Deferral No.: D75-76

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Treasury	New budget authority (P.L. 93-405)	$ 152,600,000
Bureau Office of the Secretary (Miscellaneous)	Other budgetary resources	149,616,500
Appropriation Title & Symbol (See coverage section below)	Total Budgetary Resources	302,216,500
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	96,800,000

Coverage: The District of Columbia Appropriations Act of 1975 (P.L. 93-405) and acts of prior years have provided appropriations for interest-bearing loans from the U. S. Treasury for financing the District of Columbia Government's public works program. The funds deferred have been provided in the appropriation, "Loans to the District of Columbia Government for Capital Outlay" and allocated to the general and special funds of the District of Columbia Government. The current budgetary resources and deferrals in each fund are:

District of Columbia Government Fund	Symbol	Total Budgetary Resources	Amount Deferred
General Fund	20X0140	225,590,500	63,090,500
Highway Fund	20X0139	16,356,000	1,400,000
Water Fund	20X0138	11,610,000	5,150,000
Sanitary Sewage Fund	20X0141	40,035,000	21,035,000
Metropolitan Area Sanitary Sewage Works Fund	20X0142	8,625,000	6,125,000

Justification: The loan authority appropriated to finance construction of District of Columbia Government capital facilities remains available until expended. The deferral action has been taken to insure the most effective and economical use of the funds under provisions of the Anti-deficiency Act (31 U.S.C. 665). The amount deferred will be made available upon completion of designs, plans and specifications for the construction projects for which the loan authority has been provided.

Estimated Effects: The deferral of these funds does not affect the District of Columbia Government's capital facility construction program. The deferral reflects the incomplete stages of project development and planning. This deferral also has no economic or budgetary effect. The fact that the deferred funds could not be used if made available at this time is reflected in the latest budget estimates.

Deferral No.: D75-77

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Federal Energy Administration	New budget authority (P.L. 93-322)	$ 115,465,000
Bureau	Other budgetary resources	none
Appropriation Title & Symbol Salaries and Expenses 9551500	Total Budgetary Resources	$ 115,465,000
	Amount to be deferred part of year	$ 11,929,000
	Amount to be deferred for entire year	none

Justification

Public Law 93-322 appropriated to the Federal Energy Administration $115,465,000 in response to FEA budget estimates which included funds required for petroleum allocation for the entire FY 1975. These estimates are no longer valid in light of the ending of the embargo and the easing of fuel shortages, FEA's ongoing plan to simplify and phase down the allocation program, and the February 28, 1975 expiration date of the Emergency Petroleum Allocation Act of 1974 (PL 93-159). Consequently, $11,929,000 has been placed in reserve for contingencies as authorized by the Anti-deficiency Act (31 USC 669) awaiting a clearer definition of program requirements for the last four months of the fiscal year.

Estimated Effects

Deferral of these funds at this time will have no impact on the overall program objectives, current manpower levels, or statutory responsibilities of the FEA. It will permit carrying forward staffing levels for the allocation program, which have remained constant for some time, after a rapid buildup during the embargo. In the event that the allocation program is extended, these funds will be needed in the last four months of the fiscal year.

Deferral No.: D75-78

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency American Revolution Bicentennial Administration	New budget authority (P.L. _____)	$---
Bureau	Other budgetary resources	12,375,000
Appropriation Title & Symbol Salaries & Expenses States Grants Programs 764/71900	Total Budgetary Resources	12,375,000
	Amount to be deferred part of year	11,000,000
	Amount to be deferred for entire year	---

Justification:

This deferral has been established pending promulgation of grant guidelines by the American Revolution Bicentennial Board. Upon approval of such guidelines, the full amount will be apportioned immediately. The Board, which by law must set such criteria and approve all grants, has not yet been constituted. These funds are deferred pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

No budgetary effects result from this deferral action. Delays in constituting the Board and in promulgating the guidelines will delay the availability of grants to State and local Bicentennial organizations. The full amount will be made available for obligation in FY 1975 after the Board has acted. The funds cannot be obligated before this action, even if made available at an earlier date.

Deferral No.: D75-79

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency American Revolution Bicentennial Administration	New budget authority (P.L. _____)	$ ---
Bureau	Other budgetary resources	9,410,000
Appropriation Title & Symbol Commemorative Activities Fund 76X5077AR	Total Budgetary Resources	9,410,000
	Amount to be deferred part of year	6,310,000
	Amount to be deferred for entire year	---

Justification:

This deferral has been established pending promulgation of grant guidelines by the American Revolution Bicentennial Board. Upon approval of such guidelines, the full amount will be apportioned. The Board, which by law must set such criteria and approve all grants, has not yet been constituted. These funds were deferred pursuant to provisions of the Antideficiency Act (31 USC 665) that authorize the establishment of reserves for contingencies.

Estimated Effects:

No budgetary effects result from this deferral action. Delays in constituting the Board and in promulgating the guidelines will delay the availability of grants to state and local Bicentennial organizations. The the full amount will be made available for obligation in FY 1975 after the Board has acted. The funds cannot be obligated before this action, even if made available at an earlier date.

Deferral No.: D75-80

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Railroad Retirement Board	New budget authority (P.L. 75-722)	$ 7,200,000
Bureau	Other budgetary resources	6,000,000
Appropriation Title & Symbol Railroad Unemployment Administrative Expenses, Trust Fund (Transfer to Railroad Retirement Board) 60-20X8042(02)	Total Budgetary Resources	13,200,000
	Amount to be deferred part of year	-0-
	Amount to be deferred for entire year	4,716,000

Justification

The amount proposed for deferral has been reserved pursuant to the Antideficiency Act (31 USC 665). This amount consists of balances excess to the requirements of the Railroad Retirement Board for administration of the Railroad Unemployment Insurance Act. The statute provides a permanent authorization of 0.25% of taxable payroll to finance administrative expenses of the program. In recognition of the fact that this may exceed the necessary costs of administering the program in any one year, Subsection 11(d) of the Railroad Unemployment Insurance Act (45 USC 361) permits balances of up to $6.0 million to carry forward. (Balances in excess of this amount are transferred to the Railroad Unemployment Insurance account.) The amounts proposed for deferral will thus remain available to meet the administrative costs of the program in future years, as is intended by the statute.

Estimated Effects

The amounts which have been apportioned for 1975 (about $8.5 million) are sufficient to provide for effective implementation of the Railroad Unemployment Insurance Act. If the costs of administering the program should increase, the amounts proposed for deferral would be released as necessary to assure continued effective administration.

This proposed deferral has no programmatic or budgetary effect because the funds could not currently be used in an efficient manner. This deferral has no effect on the level of outlays forecast in the 1975 budget.

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PART VI

THE PRESIDENT

■

ADJUSTING RATES OF PAY FOR UNIFORMED SERVICES AND CERTAIN STATUTORY PAY SYSTEMS

Title 3—The President

EXECUTIVE ORDER 11811

Adjusting Rates of Pay for Certain Statutory Pay Systems

By virtue of the authority vested in me by subchapter I of chapter 53 of title 5 of the United States Code, it is hereby ordered as follows:

General Schedule

Section 1. The rates of basic pay in the General Schedule contained in section 5332(a) of title 5 of the United States Code are adjusted as follows:

"GENERAL SCHEDULE

"Grade	"Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$5,294	$5,470	$5,646	$5,822	$5,998	$6,174	$6,350	$6,526	$6,702	$6,878
GS-2	5,996	6,196	6,396	6,596	6,796	6,996	7,196	7,396	7,596	7,796
GS-3	6,764	6,989	7,214	7,439	7,664	7,889	8,114	8,339	8,564	8,789
GS-4	7,596	7,849	8,102	8,355	8,608	8,861	9,114	9,367	9,620	9,873
GS-5	8,500	8,783	9,066	9,349	9,632	9,915	10,198	10,481	10,764	11,047
GS-6	9,473	9,789	10,105	10,421	10,737	11,053	11,369	11,685	12,001	12,317
GS-7	10,520	10,871	11,222	11,573	11,924	12,275	12,626	12,977	13,328	13,679
GS-8	11,640	12,028	12,416	12,804	13,192	13,580	13,968	14,356	14,744	15,132
GS-9	12,841	13,269	13,697	14,125	14,553	14,981	15,409	15,837	16,265	16,693
GS-10	14,117	14,588	15,059	15,530	16,001	16,472	16,943	17,414	17,885	18,356
GS-11	15,481	15,997	16,513	17,029	17,545	18,061	18,577	19,093	19,609	20,125
GS-12	18,463	19,078	19,693	20,308	20,923	21,538	22,153	22,768	23,383	23,998
GS-13	21,816	22,543	23,270	23,997	24,724	25,451	26,178	26,905	27,632	28,359
GS-14	25,581	26,434	27,287	28,140	28,993	29,846	30,699	31,552	32,405	33,258
GS-15	29,818	30,812	31,806	32,800	33,794	34,788	35,782	36,776*	37,770*	38,764*
GS-16	34,607	35,761	36,915*	38,069*	39,223*	40,377*	41,531*	42,685*	43,839*	
GS-17	40,062*	41,397*	42,732*	44,067*	45,402*					
GS-18	46,336*									

"*The rate of basic pay for employees at these rates is limited by section 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this pay adjustment, $36,000)."

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

Sec. 2. The schedules contained in section 4107 of title 38 of the United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 of the United States Code for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $46,336*.

"Medical Director, $40,062 minimum* to $45,402 maximum*.

"Director of Nursing Service, $40,062 minimum* to $45,402 maximum*.

"Director of Chaplain Service, $34,607 minimum to $43,839 maximum*.

"Director of Pharmacy Service, $34,607 minimum to $43,839 maximum*.

"Director of Dietetic Service, $34,607 minimum to $43,839 maximum*.

"Director of Optometry, $34,607 minimum to $43,839 maximum*.

"*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this pay adjustment, $36,000).

"Physician and Dentist Schedule

"Director grade, $34,607 minimum to $43,839 maximum*.

"Executive grade, $32,129 minimum to $41,768 maximum*.

"Chief grade, $29,818 minimum to $38,764 maximum*.

"Senior grade, $25,581 minimum to $33,258 maximum.

"Intermediate grade, $21,816 minimum to $28,359 maximum.

"Full grade, $18,463 minimum to $23,998 maximum.

"Associate grade, $15,481 minimum to $20,125 maximum.

"Nurse Schedule

"Director grade, $29,818 minimum to $38,764 maximum*.

"Assistant Director grade, $25,581 minimum to $33,258 maximum.

"Chief grade, $21,816 minimum to $28,359 maximum.

"Senior grade, $18,463 minimum to $23,998 maximum.

"Intermediate grade, $15,481 minimum to $20,125 maximum.

"Full grade, $12,841 minimum to $16,693 maximum.

"Associate grade, $11,070 minimum to $14,391 maximum.

"Junior grade, $9,473 minimum to $12,317 maximum.

"*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this pay adjustment, $36,000)."

Foreign Service Schedules

Sec. 3. (a). The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	$43,851*	$45,313*	$46,336*	------	------	------	------
Class 2	34,373	35,519	36,665*	$37,811*	$38,957*	$40,103*	$41,249*
Class 3	27,221	28,128	29,035	29,942	30,849	31,756	32,663
Class 4	21,816	22,543	23,270	23,997	24,724	25,451	26,178
Class 5	17,726	18,317	18,908	19,499	20,090	20,681	21,272
Class 6	14,628	15,116	15,604	16,092	16,580	17,068	17,556
Class 7	12,285	12,695	13,105	13,515	13,925	14,335	14,745
Class 8	10,520	10,871	11,222	11,573	11,924	12,275	12,626

"*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this pay adjustment, $36,000)."

(b). The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$27,221	$28,128	$29,035	$29,942	$30,849	$31,756	$32,663	$33,570	$34,477	$35,384
Class 2	21,816	22,543	23,270	23,997	24,724	25,451	26,178	26,905	27,632	28,359
Class 3	17,726	18,317	18,908	19,499	20,090	20,681	21,272	21,863	22,454	23,045
Class 4	14,628	15,116	15,604	16,092	16,580	17,068	17,556	18,044	18,532	19,020
Class 5	13,114	13,551	13,988	14,425	14,862	15,299	15,736	16,173	16,610	17,047
Class 6	11,758	12,150	12,542	12,934	13,326	13,718	14,110	14,502	14,894	15,286
Class 7	10,541	10,892	11,243	11,594	11,945	12,296	12,647	12,998	13,349	13,700
Class 8	9,450	9,765	10,080	10,395	10,710	11,025	11,340	11,655	11,970	12,285
Class 9	8,473	8,755	9,037	9,319	9,601	9,883	10,165	10,447	10,729	11,011
Class 10	7,596	7,849	8,102	8,355	8,608	8,861	9,114	9,367	9,620	9,873."

Salary Limitation

Sec. 4. Notwithstanding the rates of basic pay or salaries established by sections 1, 2, and 3 of this order, under section 5308 of title 5 of the United States Code no rate of basic pay or salary may be paid which is in excess of the rate now or hereafter provided for level V of the Executive Schedule.

Prior Orders Superseded

Sec. 5. The following orders are hereby superseded:

(1) Executive Order No. 11413 of June 11, 1968;

(2) Executive Order No. 11474 of June 16, 1969;

(3) Executive Order No. 11524 of April 15, 1970;

(4) Executive Order No. 11576 of January 8, 1971;

(5) Executive Order No. 11637 of December 22, 1971;

(6) Executive Order No. 11691 of December 15, 1972, as amended; and

(7) Executive Order No. 11739 of October 3, 1973.

Effective Date

Sec. 6. This order shall take effect as of the first day of the first applicable pay period beginning on or after October 1, 1974.

Gerald R. Ford

THE WHITE HOUSE,

October 7, 1974.

[FR Doc.74-23659 Filed 10-7-74;12:27 pm]

EXECUTIVE ORDER 11812

Adjusting the Rates of Basic Pay, Basic Allowance for Subsistence and Basic Allowance for Quarters for Members of the Uniformed Services

By virtue of the authority vested in me by the laws of the United States, including the Federal Pay Comparability Act of 1970, and section 1009 of title 37 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The rates of monthly basic pay for members of the uniformed services within each pay grade are adjusted upwards as set forth in the following tables:

	Commissioned Officers			
Pay	Years of service computed under section 205			
Grade	2 or less	Over 2	Over 3	Over 4
0-10[1]	$2,705.70	$2,800.80	$2,800.80	$2,800.80
0-9	2,397.90	2,461.20	2,513.40	2,513.40
0-8	2,172.00	2,237.10	2,290.20	2,290.20
0-7	1,804.50	1,927.80	1,927.80	1,927.80
0-6	1,337.70	1,470.00	1,565.70	1,565.70
0-5	1,069.80	1,256.70	1,343.10	1,343.10
0-4	902.10	1,097.70	1,171.80	1,171.80
0-3[2]	838.20	936.90	1,001.40	1,108.20
0-2[2]	730.50	798.30	958.80	990.90
0-1[2]	634.20	660.30	798.30	798.30

	Commissioned Officers			
Pay	Years of service computed under section 205			
Grade	Over 6	Over 8	Over 10	Over 12
0-10[1]	$2,800.80	$2,908.20	$2,908.20	$3,131.10*
0-9	2,513.40	2,577.00	2,577.00	2,684.10
0-8	2,290.20	2,461.20	2,461.20	2,577.00
0-7	2,013.60	2,013.60	2,130.90	2,130.90
0-6	1,565.70	1,565.70	1,565.70	1,565.70
0-5	1,343.10	1,343.10	1,384.20	1,458.00
0-4	1,192.80	1,245.90	1,330.50	1,405.80
0-3[2]	1,161.00	1,203.00	1,267.50	1,330.50
0-2[2]	1,011.60	1,011.60	1,011.60	1,011.60
0-1[2]	798.30	798.30	798.30	798.30

2

Commissioned Officers				
Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
0-10[1]	$3,131.10*	$3,355.20*	$3,355.20*	$3,579.30*
0-9	2,684.10	2,908.20	2,908.20	3,131.10*
0-8	2,577.00	2,684.10	2,800.80	2,908.20
0-7	2,237.10	2,461.20	2,630.40	2,630.40
0-6	1,618.80	1,875.00	1,971.00	2,013.60
0-5	1,555.50	1,672.20	1,768.20	1,821.30
0-4	1,470.00	1,533.90	1,576.50	1,576.50
0-3[2]	1,363.20	1,363.20	1,363.20	1,363.20
0-2[2]	1,011.60	1,011.60	1,011.60	1,011.60
0-1[2]	798.30	798.30	798.30	798.30

Commissioned Officers			
Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
0-10[1]	$3,579.30*	$3,802.50*	$3,802.50*
0-9	3,131.10*	3,355.20*	3,355.20*
0-8	3,024.90*	3,024.90*	3,024.90*
0-7	2,630.40	2,630.40	2,630.40
0-6	2,130.90	2,310.60	2,310.60
0-5	1,885.50	1,885.50	1,885.50
0-4	1,576.50	1,576.50	1,576.50
0-3[2]	1,363.20	1,363.20	1,363.20
0-2[2]	1,011.60	1,011.60	1,011.60
0-1[2]	798.30	798.30	798.30

1 While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $4,195.80* regardless of cumulative years of service computed under section 205 of title 37 of the United States Code.

2 Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

* The rate of basic pay for military personnel at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule.

Commissioned officers who have been credited with over 4 years' active service as enlisted members					
Pay Grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
0-3	$1,108.20	$1,161.00	$1,203.00	$1,267.50	$1,330.50
0-2	990.90	1,011.60	1,043.70	1,097.70	1,140.30
0-1	798.30	852.30	884.10	915.90	948.00

Commissioned officers who have been credited with over 4 years' active service as enlisted members

Pay Grade	Years of service computed under section 205				
	Over 14	Over 16	Over 18	Over 20	Over 22
0-3	$1,384.20	$1,384.20	$1,384.20	$1,384.20	$1,384.20
0-2	1,171.80	1,171.80	1,171.80	1,171.80	1,171.80
0-1	990.90	990.90	990.90	990.90	990.90

Commissioned officers who have been credited with over 4 years' active service as enlisted members

Pay Grade	Years of service computed under section 205	
	Over 26	Over 30
0-3	$1,384.20	$1,384.20
0-2	1,171.80	1,171.80
0-1	990.90	990.90

Warrant Officers

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$853.80	$915.90	$915.90	$936.90	$979.80
W-3	776.40	842.10	842.10	852.30	862.50
W-2	679.80	735.00	735.00	756.60	798.30
W-1	566.40	649.50	649.50	703.50	735.00

Warrant Officers

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$1,022.70	$1,065.30	$1,140.30	$1,192.80	$1,235.10
W-3	925.80	979.80	1,011.60	1,043.70	1,074.90
W-2	842.10	873.60	905.40	936.90	969.60
W-1	767.10	798.30	831.00	862.50	894.60

Warrant Officers

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$1,267.50	$1,309.50	$1,353.00	$1,458.00	$1,458.00
W-3	1,108.20	1,150.80	1,192.80	1,235.10	1,235.10
W-2	1,001.40	1,033.20	1,074.90	1,074.90	1,074.90
W-1	925.80	958.80	958.80	958.80	958.80

Enlisted Members

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[1]	$ 0.	$ 0.	$ 0.	$ 0.	$ 0.
E-8	0.	0.	0.	0.	0.
E-7	568.20	613.20	636.00	658.20	681.00
E-6	490.80	535.20	557.40	580.50	602.70
E-5	430.80	469.20	491.70	513.00	546.60
E-4	414.30	437.40	462.90	499.20	518.70
E-3	398.40	420.30	437.10	454.20	454.20
E-2	383.40	383.40	383.40	383.40	383.40
E-1	344.10	344.10	344.10	344.10	344.10

Pay Grade	Enlisted Members: Years of service computed under section 205 — Over 8	Over 10	Over 12	Over 14	Over 16
E-9[1]	$ 0.	$ 969.90	$ 992.10	$ 1,014.60	$1,038.00
E-8	813.90	836.70	858.90	881.40	904.20
E-7	702.30	724.50	747.30	781.20	803.10
E-6	624.90	647.40	681.00	702.30	724.50
E-5	568.80	591.60	613.20	624.90	624.90
E-4	518.70	518.70	518.70	518.70	518.70
E-3	454.20	454.20	454.20	454.20	454.20
E-2	383.40	383.40	383.40	383.40	383.40
E-1	344.10	344.10	344.10	344.10	344.10

Pay Grade	Enlisted Members: Years of service computed under section 205 — Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]	$1,060.80	$1,081.80	$1,138.80	$1,249.20	$1,249.20
E-8	925.50	948.30	1,003.80	1,116.00	1,116.00
E-7	825.60	836.70	892.80	1,003.80	1,003.80
E-6	735.90	735.90	735.90	735.90	735.90
E-5	624.90	624.90	624.90	624.90	624.90
E-4	518.70	518.70	518.70	518.70	518.70
E-3	454.20	454.20	454.20	454.20	454.20
E-2	383.40	383.40	383.40	383.40	383.40
E-1	344.10	344.10	344.10	344.10	344.10

1 While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,518.60 regardless of cumulative years of service computed under section 205 of title 37 of the United States Code.

SEC. 2. The rates of basic allowance for subsistence authorized members of the uniformed services are adjusted upwards as set forth in the following table:

Basic Allowance for Subsistence Rates	
Officers:	$50.52 per month
Enlisted Members:	
When on leave or authorized to mess separately:	$2.41 per day
When rations in kind are not available:	$2.71 per day
When assigned to duty under emergency conditions where no messing facilities of the United States are available:	$3.61 per day

SEC. 3. The rates of monthly basic allowance for quarters authorized members of the uniformed services by pay grade are adjusted upwards as set forth in the following table:

Monthly Basic Allowance for Quarters Rates

Pay Grade	Without Dependents	With Dependents
	Commissioned Officers	
O-10	$243.00	$303.90
O-9	243.00	303.90
O-8	243.00	303.90
O-7	243.00	303.90
O-6	223.50	272.70
O-5	209.10	252.00
O-4	188.70	227.40
O-3	167.10	206.40
O-2	146.40	185.40
O-1	114.90	149.40
	Warrant Officers	
W-4	$182.10	$219.30
W-3	164.10	202.20
W-2	144.60	183.30
W-1	130.80	169.80
	Enlisted Members	
E-9	$138.00	$194.40
E-8	128.70	181.80
E-7	110.40	170.40
E-6	101.10	158.40
E-5	97.80	146.40
E-4	86.10	128.10
E-3	76.20	110.70
E-2	67.50	110.70
E-1	63.30	110.70

SEC. 4. Notwithstanding the rates of basic pay established by section 1 of this order, no rate of basic pay may be paid under section 5308 of title 5 of the United States Code, which is in excess of the rate now or hereafter provided for level V of the Executive Schedule.

SEC. 5. The following Executive Orders are hereby superseded:

(1) Executive Order No. 11414 of June 11, 1968;

(2) Executive Order No. 11475 of June 16, 1969;

(3) Executive Order No. 11525 of April 15, 1970;

(4) Executive Order No. 11577 of January 8, 1971;

(5) Executive Order No. 11638 of December 22, 1971;

(6) Executive Order No. 11692 of December 15, 1972, as amended; and

(7) Executive Order No. 11740 of October 3, 1973.

SEC. 6. This order shall take effect October 1, 1974.

Gerald R. Ford

THE WHITE HOUSE,

October 7, 1974.

[FR Doc.74-23660 Filed 10-7-74;12:27 pm]