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

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

CFR Corrections

In Title 10, Atomic Energy, revised as of January 1, 1973, the following corrections should be made:

1. In § 50.55a appearing on page 267, paragraph (i) was inadvertently dropped from the text. The omitted paragraph (i) reads as follows:

§ 50.55a Codes and standards.

* * * * *

(i) Power reactors for which a notice of hearing on an application for a provisional construction permit or a construction permit has been published on or before December 31, 1970, may meet the requirements of paragraphs (c)(1), (d)(1), (e)(1), and (f)(1) of this section instead of paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) of this section, respectively.

2. In Appendix D, section A, paragraph 9, appearing at page 291, the reference to and the text of footnote numbered "4" are deleted.

3. In Appendix D, section D:

(a) In paragraph 2(b), appearing at page 295 in the first column, the following text of footnote 1 which is referenced in the proviso should be inserted:

[1] No findings shall be made by the Board concerning operation beyond twenty percent (20%) of full power.

(b) In paragraph 3, appearing at page 295 in the second column, the sentence reading, "If in such proceedings, the requirements of paragraphs 1–9 of section A have not as yet been met, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c), upon a showing that such licensing action will not have a significant, adverse impact on the equality of the environment and upon making the appropriate findings on the matters specified in § 50.57(a)" should be deleted; and

(c) In paragraph 3, appearing at page 295 in the second column, the last sentence in the paragraph was inadvertently omitted. Such sentence should read as follows, "Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect."

Appendix D, section D, as corrected reads as set forth below:

D. Procedures applicable to pending hearings or proceedings to be noticed in the near future. 1. In proceedings in which hearings are pending as of September 9, 1971, or in which a draft or final detailed statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated prior to said date [11] in the case of an application for a construction permit, or in which a notice of opportunity for hearing on the application has been issued prior to October 31, 1971, in the case of an application for an operating license, the presiding Atomic Safety and Licensing Board will, if the requirements of paragraphs 1–9 of section A have not as yet been met, proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act pending the submission of environmental reports and detailed statements as specified in section A and compliance with other applicable requirements of section A. A supplement to the environmental report, covering the matters described in sections A.1–4 to the extent not previously covered, may be submittted in lieu of a new environmental report. Upon receipt of the supplemental environmental report, the procedures set out in sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on environmental reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will be presumed that such agencies, officials, or persons have no comment to make in any subsequent session of the hearing held on the matters covered by this appendix, the provisions of sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed.

2. (a) In a proceeding in which a hearing is required for the issuance of an operating license for a nuclear power reactor, where the final detailed statement required by paragraph 8 of section A has not been completed, the applicant may, pursuant to § 50.57(c), make a motion in writing for the issuance of a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c), or, if the application for the operating license was filed on or before September 9, 1971, may, pursuant to § 50.57(d), make a motion in writing for the issuance of a temporary operating license.

(b) The Atomic Safety and Licensing Board, if the pertinent requirements of § 50.57 (c) or (d), as appropriate, have been satisfied, may grant the applicant's motion upon:

(i) Finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment, or

(ii) Considering and balancing the following factors:

(a) Whether it is likely that operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the license result from the ongoing NEPA environmental review;

(b) Whether operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review; and

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers:

Provided, however, That operation beyond twenty percent (20%) of full power will not be authorized except upon specific prior approval of the Commissioners.[1]

If any party, including the staff, opposes the request, the provisions of § 50.57 (c) or (d), as appropriate, will apply with respect to the resolution of the objections of such party and the making of findings required by § 50.57 (c) or (d) and this paragraph. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

3. This paragraph applies to proceedings on an application for an operating license for which a notice of opportunity for hearing was issued prior to October 31, 1971, and no hearing has been requested. In such proceedings an environmental report or a supplement to the environmental report, covering the matters described in sections A.1–4 to the extent not previously covered, shall be submitted. Upon receipt of the supplemental environmental report, the procedures set out in sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on environmental reports and draft detailed statements. If no comments are submitted within thirty (30) days by such agencies, officials, or persons, it will

[11] In proceedings in which an applicant's environmental report, rather than a draft detailed statement, was circulated by the Commission, that environmental report shall be deemed a draft detailed statement for the purposes of this paragraph.

[1] No findings shall be made by the Board concerning operation beyond twenty percent (20%) of full power.

be presumed that such agencies, officials, or persons have no comment to make. In addition to the pertinent provisions of paragraphs 1–9 of section A, the provisions of section B.3 will be followed.

If, in such proceedings, the final detailed statement required by paragraph 8 of section A has not been completed, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57 (c) or may, for a nuclear power reactor for which the application for the operating license was filed on or before September 9, 1971, issue a temporary operating license authorizing operation of the facility, after making the appropriate findings on the matters specified in § 50.57(a) and

(i) Upon a finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment or

(ii) After consideration of and balancing of the factors specified in paragraph 2.(b) (ii) of this section D:

Provided, however, That operation beyond twenty percent (20%) of full power will not be authorized except in emergency situations or other situations where the public interest so requires. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-1425]

PART 524—OPERATIONS OF THE BANKS

PART 525—ADVANCES

Interest Rates on Deposits in and Advances From Federal Home Loan Banks

SEPTEMBER 26, 1973.

The Federal Home Loan Bank Board considers it desirable to amend Parts 524 and 525 of the regulations for the Federal Home Loan Bank System (12 CFR Parts 524, 525) for the purpose of revising the regulatory provisions relating to the delegation of authority to set interest rates, between regular meetings of the board of directors of a Federal Home Loan Bank, on certain time deposits in such Bank and on certain advances by such Bank. Accordingly, on the basis of such consideration, the Board hereby amends said Parts 524 and 525, respectively, by revising § 524.4(b) and § 525.3, respectively, to read as set forth below, effective October 11, 1973.

Section 524.4(b) of said regulations (12 CFR 524.4(b)) relating to the rate of interest to be paid by a Federal Home Loan Bank on a time deposit from a member of such Bank and § 525.3 of said regulations (12 CFR 525.3) relating to the rate of interest to be collected by a Federal Home Loan Bank on an advance to a member of such Bank provide in part that, between regular meetings of a Federal Home Loan Bank's board of directors, such rates of interest may be set "by a committee selected by such board, which shall consist of at least three members, any number of which may be drawn from the members of such board or from the officers of the Bank". The amended regulations substitute the following language for the above quoted language: "by a committee of directors selected by such board or the President of such Bank if such President is so authorized by such board." Also, the amended regulations provide in substance that, unless otherwise provided by a Bank's board of directors, a Bank President may delegate any of his authority to set interest rates on Bank deposits or advances to any officer or employee of such Bank.

Since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest that the amendments become effective without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would likewise be contrary to the public interest; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

1. Part 524 is amended by revising paragraph (b) of § 524.4 to read as follows:

§ 524.4 Deposits from members.

* * * * *

(b) Banks may accept time deposits from members but shall reserve the right to require, in writing, at least 30 days' notice of intention to withdraw such deposits or any part thereof. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of 30 days or more may, within the range established by the Board, be set by the board of directors of a Bank or, between regular meetings of such board, by a committee of such directors selected by such board or the President of such Bank if such President is so authorized by such board. Unless otherwise specified by such board, a Bank President may delegate any authority possessed by him in accordance with the provisions of this paragraph to any officer or employee of such Bank.

2. Part 525 is amended by revising § 525.3 to read as follows:

§ 525.3 Interest rates.

The rates of interest on advances to members shall, within the range established by the Board, be set by the board of directors of each Bank or, between regular meetings of such board, by a committee of such directors selected by such board or the President of such Bank if such President is so authorized by such board. Unless otherwise specified by such board, a Bank President may delegate any authority possessed by him in accordance with the provisions of this section to any officer or employee of such Bank.

(Secs. 10, 11, 17, 47 Stat. 731, 733, 736, as amended; (12 U.S.C. 1430, 1431, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

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

[FR Doc.73-21582 Filed 10-10-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-15-AD, Amdt. 39-1738]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models Airplanes

Amendment 39-1663 (AD73-13-3) published in the FEDERAL REGISTER on June 19, 1973, is an Airworthiness Directive (AD) which required replacement of Stratoflex P/N 156001-8D0100 hose assemblies located between the firewall and engine fuel injection pump with Beech P/N 58-920035-1 hose assemblies on Beech Model 95-C55, 95-C55A, D55, D55A, E55, E55A, 58, and 58A airplanes. Subsequent to the issuance of AD 73-13-3, it has been determined that some Beech P/N 58-920035-1 and Stratoflex P/N 130001-8D0090 hose assemblies supplied or installed by the manufacturer may be too short for some powerplant installations. The agency also recognizes the possibility that some hose assemblies may be too long for the installation in which they were used. Hose length is critical. Excess length may impose damaging bending stresses on the hose while inadequate length may impose damaging stretching forces on the hose. To preclude an unsafe condition AD 73-13-3 is being superseded by this AD which will require inspection of hose assemblies installed per AD 73-13-3 for proper length and continuation of the hose assembly replacement program implemented by AD 73-13-3. This AD extends the compliance time for replacement of the hose assemblies to 50 hours' time in service from the effective date of this AD.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 95-C55, 95-C55A, D55, D55A, E55, and E55A (Serial Numbers TE-1 through TE-874, TE-877 through TE-879, TE-881 and TE-883 through TE-885); Models 58 and 58A (Serial Numbers TH-1 through TH-269 and TH-272) airplanes, irregardless of time in service.

Compliance: Required as indicated unless already accomplished.

To preclude failure or leakage of the flexible hose assemblies between the firewall and

engine fuel injection system pump which could release fuel within the engine compartment or adversely affect engine operation, accomplish the following:

(A) Within 50 hours' time in service after the effective date of this AD, on those airplanes which have the Stratoflex P/N 156001-8D0100 hose assemblies installed between the firewall and engine fuel injection pump, replace the hose with a Beech P/N 58-920035-(-1), (-5), or (-7) or (-9) or (-11) or field fabricated equivalent of the proper length as determined by the measurement procedure contained in Paragraph C of this AD.

(B) Within 25 hours' time in service after the effective date of this AD, on those airplanes which have Stratoflex P/N 130001-8D0090 or Beech P/N 58-920035-1 hose assemblies installed either in compliance with AD 73-13-3 or by the manufacturer, visually inspect these hoses per instructions contained in Beech Service Instruction No. 0409-282, Rev. II, Part III, to determine whether they are of the proper length for the location in which they are installed. If the above mentioned Service Instruction is unavailable or the inspection outlined is inconclusive, the acceptability of the installed hose may be determined using the measurement procedure contained in Paragraph C of this AD.

(1) Prior to further flight, replace any hose having excessive or insufficient length with a Beech P/N 58-920035- (-1), (-5), or (-7) or (-9) or (-11) or field fabricated equivalent hose of the correct length as determined by the procedure contained in this AD.

(C) Establish the required hose length as follows:

(1) Using a P/N 58-920035-1 hose assembly or equivalent, attach one end of the fuel hose to the fuel pump fitting and align the free end of the hose assembly beside the forward left side of the 45-degree firewall fitting.

(2) Compare the flare mating surfaces in the hose fitting and the fitting on the firewall to determine the length required. Hose length is critical. Excess length of ⅛ inch −0 + ⅛ inch will provide the bow necessary for flexing during engine operation. Beech P/N 58-920035 hose assemblies are available in ⅛-inch length increments.

NOTE: Equivalent hose asemblies may be fabricated to the desired dimensions using Stratoflex Bulk Hose 130-8 and P/N 712-8D fittings following instructions contained in Stratoflex Catalog 103 or equivalent FAA-approved procedures. Stratoflex hose, fittings, and catalogs are obtainable from Stratoflex, Inc., 220 Roberts Cutoff, P.O. Box 10398, Fort Worth, Texas 76114. Aeroquip Type 303 hose is not an acceptable substitute.

Beechcraft Service Instruction No. 0409-282, Rev. II or later approved revisions cover this subject.

This AD supersedes AD 73-13-3 (Amendment 39-166).

This AD becomes effective October 12, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on September 28, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-21511 Filed 10-10-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Prohibited Trading in Puts and Calls

On March 7, 1973, notice was published in the FEDERAL REGISTER (38 FR 6190) of a proposed addition to the general regulations promulgated under the Commodity Exchange Act, as amended. This matter was the subject of a public oral hearing held in Washington, D.C., on May 23, 1973, and interested parties were afforded an opportunity to submit written data, views or arguments in addition to or in lieu of testimony at such hearing.

The purpose of the proposed regulation is to protect the funds of persons trading in regulated commodities through registered futures commission merchants. During the past year selling "puts" and "calls," commonly referred to as commodity option trading, became very popular in nonregulated commodities. The vast majority of this business was done in so-called naked options in which the option firm would take the opposite side of its customers' "puts" and "calls". In such situations, the potential liability of the option firm as a result of adverse price movements, is virtually unlimited. Large losses were, in fact, realized over the past year by firms that traded in commodity options. Several of the larger option houses were placed in bankruptcy as a result of such trading. The Commodity Exchange Authority feels an obligation to prevent futures commission merchants under its jurisdiction from exposing themselves to the enormous financial dangers of trading in commodity options and the likely temptation of misappropriating the funds of regulated commodity customers to meet their obligations to option holders.

Therefore, pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, and after careful consideration of all the oral and written views, comments and arguments presented by interested persons, and of all others relevant facts and information available, the general regulations promulgated under such Act are amended to include the following new regulation:

§ 1.19 Prohibited trading in "puts" and "calls" in nonregulated commodities.

No futures commission merchant shall make, underwrite, issue, or otherwise assume any financial responsibility for the fulfillment of, any transaction which is of the character of, or is commonly known to the trade as, a "privilege," "indemnity," "bid," "offer," "put," "call," "advanced guarantee," or "decline guarantee" in any commodity regardless of whether such commodity is included in the term "commodity" as such term is defined in § 1.3(e).

(Sec. 5, 49 Stat. 1495, as amended, sec. 7, 82 Stat. 28; and sec. 10, 49 Stat. 1500, as amended, 69 Stat. 535 and secs. 20-23, 82 Stat. 32, 33 (7 U.S.C. 6f, 12a) 37 FR 28464-5.)

Effective date.—The foregoing regulation shall become effective January 2, 1974.

Issued October 5, 1973.

JAMES H. LAKE,
Acting Assistant Secretary.

[FR Doc.73-21615 Filed 10-10-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 73-277]

PART 159—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles from Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period March 1973 through August 1973 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month	Net amount of bounty per 2,240 lbs. of sugar content
March 1973	Aus. $10.90
April 1973	7.00
May 1973	6.20
June 1973	nil
July 1973	nil
August 1973	nil

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 FR 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 159.47(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 72-187 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		72-314	New rate.
		73-98	Do.
		73-277	Do.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved September 24, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-21542 Filed 10-10-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-818V) filed by Danbury Pharmacal, Inc., 131 West St., Danbury, CT 06810, proposing the safe and effective use of phenylbutazone tablets for the treatment of horses. The application is approved.

To facilitate referencing, the firm is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

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

1. Section 135.501 is amended in paragraph (c) by adding a new code No. 100 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

Code No.	*Firm name and address*
100	Danbury Pharmacal, Inc., 131 West Street, Danbury, CT 06810.

2. Part 135c is amended in § 135c.57 by adding a new paragraph (i) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

* * * * * * *

(i) (1) *Specifications.* The drug is in tablet form with each tablet containing 1 gram of phenylbutazone.

(2) *Sponsor.* See code No. 100 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is indicated for the relief of inflammatory conditions associated with the musculoskeletal system in horses.

(ii) It is administered orally to horses at a dosage level of 1 to 2 grams per 500 pounds of body weight per day. The total daily dose should not exceed 4 grams per animal daily.

(iii) Not for use in horses intended for food.

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

Effective date. This order shall become effective October 11, 1973.

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

Dated October 3, 1973.

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

[FR Doc.73-21569 Filed 10-10-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-223]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Pennsylvania	Blair	Altoona, City of				Sept. 26, 1973, Emergency.
Do.	do.	Woodbury, Township of.				Do.
Do.	Bradford	Wysox, Township of.				Do.
Do.	Bucks	Northampton, Township of.				Do.
Do.	Columbia	Orange, Township of.				Do.
Do.	Dauphin	Wiconisco, Township of.				Do.
Do.	Montgomery	Lower Gwynedd, Township of.				Do.
Do.	Snyder	Monroe, Township of.				Do.
Do.	Westmoreland	Mount Pleasant, Township of.				Do.
Wisconsin	Green Lake	Berlin, City of				Do.

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

Issued: September 20, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-21406 Filed 10-10-73;8:45 am]

[Docket No. FI-224]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Connecticut	Hartford	Granby, Town of				Sept. 27, 1973. Emergency.
Virginia	Prince William	Occoquan, Town of.				Do.
Do	Pulaski	Unincorporated Areas and Draper, Town of.				Do.
West Virginia	Cabell	Huntington, City of.				Do.

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

Issued: October 1, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-21407 Filed 10-10-73;8:45 am]

[Docket No. FI-225]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Indiana	Jefferson	Unincorporated Areas.				Oct. 5, 1973. Emergency.
New Jersey	Essex	Irvington, Town of.				Do.
Pennsylvania	Perry	Rye, Township of.				Do.
South Carolina	Charleston	North Charleston, City of.				Do.
Tennessee	Maury	Mount Pleasant, City of.				Do.
Virginia	York	Unincorporated Areas.				Do.

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

Issued: October 1, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-21408 Filed 10-10-73;8:45 am]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-222]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Connecticut	Hartford	Windsor, Town of.	H 09 003 0842 01 through H 09 003 0842 10	Department of Environmental Protection, Director of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Clerk's Office, Town Hall, Windsor, Conn. 06095.	Oct. 5, 1973.
Louisiana	St. Martin Parish	St. Martinville, City of.	H 22 099 2100 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Hall, 121 New Market St., St. Martinville, La. 70582.	Do.
Do.	St. Mary Parish	Morgan City, City of.	H 22 101 1600 01 H 22 101 1600 02	do.	Office of Administrative Assistant, City Hall, First and Everett Sts., Morgan City, La. 70380.	Do.
Maine	Oxford	Rumford, Town of.	H 23 017 7100 01 H 23 017 7100 02	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capital Shopping Center, Augusta, Maine 04330.	Town of Rumford, Engineering Office, Municipal Bldg., Congress St., Rumford, Maine 04276.	Do.
Michigan	Macomb	Mount Clemens, City of.	H 26 099 3300 01 H 26 099 3300 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Municipal Bldg., One Crocker Blvd., Mount Clemens, Mich. 48043.	Do.
Minnesota	Stearns	Cold Spring, Village of.	H 27 145 1410 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Clerk, Village Hall, Cold Spring, Minn. 56320.	Do.
Missouri	St. Louis	MacKenzie Village of.	H 29 189 4820 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	MacKenzie Village, 7137 Rhodes Ave., Affton, Mo. 63123.	Do.
New Jersey	Burlington	Eastampton, Township of.	H 34 005 2080 01 H 34 005 2080 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625	Clerk's Office, Eastampton Township, Municipal Bldg., 1010 Carol Court, Mount Holly, N.J. 08060.	Do.
Do.	Hudson	Secaucus, Town of.	H 34 017 3040 01 through H 34 017 3040 03	do.	Town Hall, Secaucus, N.J. 07094.	Do.
New York	Albany	Cohoes, City of.	H 36 001 1260 01 through H 36 001 1260 05	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and Albany, N.Y. 12210.	City Engineer's Office, City Hall, Cohoes, N.Y. 12047.	Do.
Do.	Broome	Kirkwood, Town of.	H 36 007 3064 01 through H 36 007 3064 09	do.	Kirkwood Town Hall, Crescent Dr., Kirkwood, N.Y. 13795.	Do.
Do.	Cattaraugus	Olean, Town of.	H 36 009 4460 01 through H 36 009 4460 03	do.	The Olean Municipal Bldg., East State & Union St., Olean, N.Y. 14760.	Do.
Pennsylvania	Berks	Hamburg, Borough of.	H 42 011 3460 01 through H 42 011 3460 03	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Municipal Bldg., 31 North Third St., Hamburg, Pa. 19526.	Do.
Do.	Bucks	Bristol, Borough of.	H 42 017 0910 01	do.	Bristol Borough Manager's Office, Pond and Mulberry Sts., Bristol, Pa. 19007.	Do.
Do.	Clinton	Renovo, Borough of.	H 42 035 6940 01 H 42 035 6940 02	do.	Council President, Renovo Borough Bldg., 130 5th St., Renovo, Pa. 17764.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	
Do.	Juniata	Port Royal, Borough of.	H 42 067 6760 01	do.	Borough Bldg., Eighth and Main St., Port Royal, Pa. 17082.	Do.
Do.	Lancaster	Mahneim, Borough of.	H 42 071 4800 01 through H 42 071 4800 03.	do.	Manheim Borough Office, 20 East High St., Manheim, Pa. 17545.	Do.
Do.	Schuylkill	Pine Grove, Borough of.	H 42 107 6580 01	do.	Borough of Pine Grove, Borough Hall, 17 Mifflin St., Pine Grove, Pa. 17963.	Do.
South Dakota	Brown	Aberdeen, City of.	H 46 013 0010 01 H 46 013 0010 02	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501 South Dakota Department of Insurance, Insurance Bldg., Pierre S. Dak. 57501.	Aberdeen-Brown Area-wide, Planning Agency, Box. 1299, Aberdeen, S. Dak.	Do.
Tennessee	Cannon	Woodbury, Town of.	H 47 015 2610 01 H 47 015 2610 02	Tennessee State, Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219 Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, Public Square, Woodbury, Tenn. 37190.	Do.
Wisconsin	Crawford	Gays Mills, Village.	H 55 023 1860 01 H 55 023 1860 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Gays Mills Village Hall, Gays Mills, Wis.	Do.
Do.	Racine	Burlington, City of.	H 55 101 0750 01 H 55 101 0750 02	do.	City Engineer's Office, 200 East Jefferson St., Burlington, Wis. 53105.	Do.

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

Issued: September 20, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-21405 Filed 10-10-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Definitions of "Flammable Liquid" and "Combustible Liquid;" Determination of Flashpoints

Correction

In FR Doc. 73-20706 appearing at page 27047 in the issue of Friday, September 28, 1973, make the following changes:

1. In § 1910.106(a)(14)(iii), the 5th line should read "specified in paragraph (a)(14(i) or (ii)".

2. In amendatory paragraph 4, the section reference in the 3d line should read "§ 1910.106".

PART 1912—ADVISORY COMMITTEES ON STANDARDS

Application of the Federal Advisory Committee Act

On March 26, 1973, a document was published in the FEDERAL REGISTER (38 FR 7817) proposing to revise 29 CFR Part 1912. This part prescribes the policies and procedures dealing with the organization and duties of advisory committees which have been established, or which may be established, to assist the Assistant Secretary of Labor for Occupational Safety and Health in the development of occupational safety and health standards which may be adopted under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The basic purpose of the proposed revision is to bring the procedures used by such committees into full compliance with the recently enacted Federal Advisory Committee Act (Pub. Law 92-463, 86 Stat. 770).

Interested persons were provided 30 days in which to submit written comments with respect to the proposal. Having reviewed and considered all comments received, the proposal is hereby adopted effective upon publication of this document in the FEDERAL REGISTER with few changes.

The significant changes are the following:

1. The proposal provided for a general notice of seven days for the meeting of advisory committees. As adopted, the rule retains the seven-day provision, but announces a general policy to afford more notice when circumstances permit.

2. Provision is made for limited proxies voting by members of a committee representing employers, employees, or States who are unable to attend a meeting to have someone also represent them.

3. The proposal would have afforded aggrieved persons an opportunity to file written complaints with the Assistant Secretary alleging noncompliance with the prescribed procedures within seven days following the Act of alleged noncompliance. As adopted, the rule would afford thirty days for the filing of such complaints.

4. The quorum of the committees have been changed to a simple majority, so long as there are present at least one member who is a representative of employers and one member who is a representative of employees.

As revised, Part 1912 reads as follows:

Sec.
1912.1 Purpose and scope.

ORGANIZATIONAL MATTERS

1912.2 Types of standards advisory committees.
1912.3 Advisory Committee on Construction Safety and Health.
1912.4 Avoidance of duplication.
1912.5 National Advisory Committee on Occupational Safety and Health.
1912.6 Conflict of interest.
1912.7 Reports.
1912.8 Committee charters.
1912.9 Representation on section 7(b) committees.
1912.10 Terms of continuing committee members.
1912.11 Terms of ad hoc committee members.
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OPERATION OF ADVISORY COMMITTEES

1912.25 Call of meetings.
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1912.27 Notice of meetings.
1912.28 Contents of notice.
1912.29 Attendance by members.
1912.30 Quorum; Committee procedure.
1912.31 Experts and consultants.
1912.32 Presence of OSHA officer or employee.
1912.33 Minutes.
1912.34 Freedom of Information Act.
1912.35 Availability and cost of transcripts.
1912.36 Advice of advisory committees.

MISCELLANEOUS

1912.40 General services.
1912.41 Legal services.

Sec.
1912.42 Reservation.
1912.43 Petitions for changes in the rules; complaints.
1912.44 Definitions.

AUTHORITY: Secs. 6(b), 7(b), 8(g), Public Law 91-596, 84 Stat. 1593, 1597, 1600 (29 U.S.C. 655(b), 656(b), 657(g)). Interpret or apply Public Law 92-463, 86 Stat. 770-778.

§ 1912.1 Purpose and scope.

(a) This part prescribes the policies and procedures governing the composition and functions of advisory committees which have been, or may be, appointed under section 7(b) of the Act to assist the Assistant Secretary in carrying out the standards-setting duties of the Secretary of Labor under section 6 of the Act. Such committees are specifically authorized by section 7(b). The part also prescribes the policies and procedures governing the composition and functions of the Advisory Committee on Construction Safety and Health.

(b) The policies and practices herein are intended to reflect those expressed in the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) and will be applied in a manner consistent with the Act, Office of Management and Budget Circular A-63, "Committee Management", and the Department of Labor's general rules under that Act which are published in Part 15 of this title.

ORGANIZATIONAL MATTERS

§ 1912.2 Types of standards advisory committees.

The Assistant Secretary establishes two types of advisory committees under section 7(b) of the Act to assist him in his standards-setting duties. These are: (a) Continuing committees which have been, or may be established from time to time, to assist in the development of standards in areas where there is frequent rulemaking and the use of ad hoc committees is impractical; and (b) ad hoc committees which are established to render advice in particular rulemaking proceedings.

§ 1912.3 Advisory Committee on Construction Safety and Health.

(a) This part applies to the Advisory Committee on Construction Safety and Health which has been established under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly know as the Construction Safety Act. The aforesaid section 107 requires the Secretary of Labor to seek the advice of the Advisory Committee in formulating construction standards thereunder. The standards which have been issued under section 107 are published in Part 1926 of this chapter. In view of the far-reaching coverage of the Construction Safety Act, the myriad of standards which may be issued thereunder, and the fact that the Construction Safety Act would also apply to much of the work which is covered by the Williams-Steiger Occupational Safety and Health Act of 1970, whenever occupational safety or health standards for construction activities are proposed, the Assistant Secretary shall consult the Advisory Committee. The composition of the Advisory Committee is consistent with that of advisory committees which may be appointed under section 7(b) of the Act. See paragraph (c) of this section. An additional advisory committee will not normally be established under section 7(b) of the Act, unless the issue or issues involved include, but extend beyond construction activity. See § 1912.4 concerning the general policy against duplication of activity by advisory committees.

(b) The Advisory Committee is a continuing advisory body. It is composed of 15 members appointed by the Assistant Secretary, one of whom is appointed by him as Chairman. The composition of the Advisory Committee is as follows:

(1) One member who is a designee of the Secretary of Health, Education, and Welfare;

(2) Five members who are qualified by experience and affiliation to present the viewpoint of the employers involved, and five members who are similarly qualified to present the viewpoint of the employees involved;

(3) Two representatives of State safety and health agencies; and

(4) Two members who are qualified by knowledge and experience to make a useful contribution to the work of the Committee.

(c) As originally constituted, the Advisory Committee was composed of nine members. However, pursuant to section 105 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 331), it has been found necessary and proper in the public interest and in order to prevent possible injustice, to vary the composition of the Advisory Committee: (1) By having its membership and representation conform to the provisions of section 7(b) of the Williams-Steiger Occupational Safety and Health Act, and (2) by increasing its membership to 15 members as permitted under the aforementioned section 7(b). Greater membership and greater representation serve the public interest and avoids possible injustice by permitting for the most part the use of one advisory committee, rather than possibly several advisory committees, in situations where both the Contract Work Hours and Safety Standards Act and the Williams-Steiger Occupational Safety and Health Act may be expected to apply to construction activity and by affording a greater opportunity for representation on the Advisory Committee within the construction industry.

(d) See paragraph (c) of § 1912.5 regarding the general policy role of the Advisory Committee.

(e) Except as provided in remaining paragraphs of this section, each member of the Advisory Committee shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve on the Committee because he no longer meets any relevant representational requirements, or is removed by the Assistant Secretary in the interests of the administration of legislation involved. In such cases, the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(f) The designee of the Secretary of Health, Education, and Welfare shall have no fixed term.

(g) To provide for continuity in the membership of the Committee, the terms of the members may be appropriately staggered.

(h) Members may be appointed to successive terms.

(i) A member who is otherwise qualified may continue to serve until a successor is appointed.

(j) There shall be filed on behalf of the Advisory Committee on Construction Safety and Health, an advisory committee established by the Construction Safety Act, a charter in accordance with section 9(c) of the Federal Advisory Committee Act upon the expiration of each successive 2-year period following the date of enactment of the Construction Safety Act (i.e., August 9, 1969).

§ 1912.4 Avoidance of duplication.

No standards advisory committee shall be created if its duties are being, or could be, performed by an existing advisory committee established under section 7(b) of the Act.

§ 1912.5 National Advisory Committee on Occupational Safety and Health.

(a) Section 7(a) of the Act established a National Advisory Committee on Occupational Safety and Health. The Committee is to advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to general administration of the Act.

(b) Advisory committees appointed under section 7(b) of the Act, which are the subject of this part, have a more limited role. Such advisory committees are concerned exclusively with assisting the Assistant Secretary in his standards-setting functions under section 6 of the Act.

(c) On the other hand, the Advisory Committee on Construction Safety and Health, established under the Construction Safety Act, provides assistance in both the setting of standards thereunder and policy matters arising in the administration of the Construction Safety Act. To the extent that the Advisory Committee on Construction Safety and Health renders advice to the Assistant Secretary on general policy matters, its activities should be coordinated with those of the National Advisory Committee on Occupational Safety and Health.

§ 1912.6 Conflict of interest.

No members of any advisory committee other than members representing employers or employees shall have an economic interest in any proposed rule.

§ 1912.7 Reports.

The Assistant Secretary shall prepare, or cause to be prepared, for the Department of Labor's Committee Management Officer reports describing the committee's membership, functions, and actions as may be necessary for the per-

mance of the duties of the Committee Management officer.

§ 1912.8 Committee charters.

(a) Filing: No advisory committee shall take any action or conduct any business subsequent to January 5, 1973, until a committee charter has been filed with the Secretary of Labor, the standing committees of the Congress having legislative jurisdiction of the Department of Labor and the Library of Congress.

(b) Committee charter information: Each Advisory committee charter shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and scope of activity; i.e., the standard or standards to be developed;

(3) The period of time necessary for the committee to carry out its purposes;

(4) The agency to whom the advisory committee reports (i.e., the Assistant Secretary);

(5) The agency responsible for providing support (i.e., the Occupational Safety and Health Administration);

(6) Description of the committee's duties;

(7) The estimated number and frequency of committee meetings;

(8) The estimated annual operating costs in dollars and man-years;

(9) The committee's termination date or other fixed period of termination, if less than 2 years (see § 1912.3(j) concering the Advisory Committee on Construction Safety and Health); and

(10) The date the charter is filed with the Department of Labor's Committee Management Officer.

(c) Applicability of this section to subgroups: The applicability of this section to subgroups of an advisory committee depends upon the nature of the subgroup. With regard to formal subgroups, such as a formal subcommittee of an advisory committee, the requisite information should be set forth either in the charter of the parent committee or in a separate charter. Informal subgroups of an advisory committee, particularly those temporary in nature, need not be reflected expressly in a charter.

(d) The Assistant Secretary shall file each charter with the Department's Committee Management Officer.

§ 1912.9 Representation on section 7(b) committees.

(a) Any advisory committee appointed by the Assistant Secretary under section 7(b) of the Act shall contain the following:

(1) At least one member who is a designee of the Secretary of Health, Education, and Welfare;

(2) At least one member who is qualified by experience and affiliation to present the viewpoint of the employers involved, and at least one member who is similarly qualified to present the viewpoint of the employees involved. There shall be an equal number of representatives of employers and employees involved; and

(3) At least one representative of State health and safety agencies.

(b) The advisory committee may include such other persons as the Assistant Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health and one or more persons of nationally recognized standards-producing organizations, but the number of persons so appointed shall not exceed the number of persons appointed as representatives of Federal and State agencies.

(c) Each committee shall consist of not more than 15 members.

(d) The representation in the Advisory Committee on Construction Safety and Health is described in § 1912.3.

§ 1912.10 Terms of continuing committee members.

(a) Each member of a continuing committee established under section 7(b) of the Act, other than those appointed to a committee when it is formed initially shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representation requirements of section 7(b) of the Act or is removed by the Assistant Secretary in the interest of the administration of the Act. In such cases the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(b) To provide for continuity in the membership of continuing committees the initial appointments of its members may be varied. For example, in the case of a 15-member committee, the Assistant Secretary could appoint two members representing Federal and State agencies, two members representing employers, two members representing employees, and two members representing other interests to one year terms. He could appoint two members representing Federal and State agencies, two members representing employers, two members representing employees, and one member representing other interests for two year terms. Thereafter, at the expiration of such terms, members would be appointed or reappointed for regular terms of two years. The initial appointments to committees with fewer than 15 members could be similarly varied.

§ 1912.11 Terms of ad hoc committee members.

Each member of an ad hoc advisory committee shall serve for such period as the Assistant Secretary may prescribe in his notice of appointment unless he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representational requirements of section 7(b) of the Act, or is removed by the Assistant Secretary in the interest of the administration of the Act. In such cases, the Assistant Secretary may appoint a new member to serve for the remaining portion of the period prescribed in the notice appointing the original member of the committee.

§ 1912.12 Termination of advisory committees; renewal.

(a) Every standards advisory committee established under section 7(b) of the Act shall terminate not later than 2 years after its charter has been filed, unless its charter is renewed by appropriate action for a successive period of not more than 2 years. The procedure for renewal shall be the same as that specified in paragraph (b) of this section.

(b) Each advisory committee established under section 7(b) of the Act which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed before the latter date. Before any advisory committee can be renewed, the Assistant Secretary must determine that such renewal is necessary, and so inform the Department of Labor's Committee Management Officer. The OMB Secretariat must be informed of this determination and the reasons for it. Such determination shall be made not more than 60 days before the scheduled date of termination. If the OMB Secretariat concurs, a new charter shall be filed renewing the advisory committee and a notice of the renewal shall be published in the FEDERAL REGISTER.

(c) Unless provided otherwise by the Assistant Secretary, the duration of a subgroup of a committee shall not be longer than that of the parent committee.

(d) No advisory committee required to file a new charter under this section shall take any action (other than the preparation and filing of charter) before the date on which the charter is filed.

OPERATION OF ADVISORY COMMITTEES

§ 1912.25 Call of meetings.

No advisory committee shall hold any meeting except at the call of, or with the advance approval, of the Assistant Secretary or his representative designated for this purpose. The Department of Labor's Committee Management Officer shall be promptly informed of any meeting that is called.

§ 1912.26 Approval of agenda.

Each meeting of an advisory committee shall be conducted in accordance with an agenda approved by the Assistant Secretary or his representative designated for this purpose. No particular form for the agency is prescribed.

§ 1912.27 Notice of meetings.

Public notice of any meeting of an advisory committee shall be given by the officer or employee calling the meeting at least seven (7) days in advance of the meeting; except when it is impractical to do so, or in an emergency situation, in which event shorter advance notice may be given to the extent that any advance notice is practical. It shall, how-

ever, be a general policy to publish notices as far in advance of the meeting as circumstances will permit. Such notice shall be given by publication in the FEDERAL REGISTER. In addition, notice may be given by such other means as press releases.

§ 1912.28 Contents of notice.

(a) The notice shall give the name of the committee, and the time and place of the meeting.

(b) The notice shall describe fully or summarize adequately the agenda.

(c) The notice shall announce that the meeting is open to the public.

(d) The notice shall indicate that interested persons have an opportunity to file statements in written form with the committee. The notice may specify whether the statements are to be filed before or during the meeting.

(1) The chairman may permit oral statements before the committee by interested persons. In exercising his discretion in this regard, the chairman shall take into consideration the number of persons in attendance, the nature and extent of their proposed individual participation, the extent to which presentations would anticipate presentations which may be made in any rulemaking proceeding under section 6 of the Act subsequent to the recommendations of the committee, and the time, resources, and facilities available to the committee. When counsel is made available to the committee, the chairman shall consult counsel before making a decision on whether to permit oral statements. In his discretion, the chairman, upon consultation with counsel if made available to the committee, may allow or preclude the questioning of committee members or other participants.

(2) The person calling the meeting may provide in the notice of the meeting that summaries of any proposed oral presentations be filed in advance of the meeting, and may allow or preclude the questioning of committee members or other participants.

§ 1912.29 Attendance by members.

Any person appointed by the Assistant Secretary to an advisory committee has a right to be present at any duly called meeting. If any person representing the interests of employers, employees, or the States is unable to be present at a duly called meeting, he may notify the Assistant Secretary or his designee, and request that another member of the Committee representing the same interests be permitted to vote in his place on any matters coming before the advisory committee in the particular meeting. The request may be oral or in writing, and shall be accompanied by a statement of reasons for the anticipated absence. The Assistant Secretary or his designee shall grant the request whenever he is convinced that the reasons for absence are valid and that number of requested proxies for any particular meeting will not be so numerous as to impede materially the deliberations of the advisory committee.

§ 1912.30 Quorum; committee procedure.

(a) A majority of the members of any advisory committee, including the Construction Safety Advisory Committee, shall constitute a quorum, so long as there are present at least one member who is a representative of employees and one member who is a representative of employers.

(b) In the absence of its chairman, the committee may designate a member to preside at any meeting thereof.

§ 1912.31 Experts and consultants.

At the request of an advisory committee or the person calling a meeting of an advisory committee, the Assistant Secretary may make available to the committee any experts or consultants in the field involved. Any expert or consultant so made available may participate in the deliberations of the committee with the consent of the committee.

§ 1912.32 Presence of OSHA officer or employee.

The meetings of all advisory committees shall be in the presence of an OSHA officer or employee designated for this purpose. Such officer or employee shall be empowered to adjourn any meeting whenever he determines adjournment to be in the public interest.

§ 1912.33 Minutes.

(a) Detailed minutes of advisory committee meetings shall be prepared, as directed, and certified as accurate, by the Chairman of the committee. In addition to the minutes there shall be kept verbatim transcripts of all advisory committee meetings.

(b) The minutes shall include at least the following:

(1) A list of the advisory committee members and agency employees who were present at the meeting;

(2) Any significant conclusions reached which are not recommendations;

(3) Any written information made available for consideration by the committee, including copies of all reports received, issued, or approved by the committee;

(4) Any recommendations made by the committee to the Assistant Secretary and the reasons therefor;

(5) An explanation of the extent, if any, of public participation, including a list of interested persons who presented oral or written statements; and an estimate of the number of the members of the public who attended the meeting.

§ 1912.34 Freedom of Information Act.

Subject to the Freedom of Information Act (5 U.S.C. 552) and Part 70 of this title and Part 1913 of this chapter, there shall be available for public inspection and copying in the Office of Standards, Occupational Safety and Health Administration, documents which were made available to or prepared for or by each advisory committee.

§ 1912.35 Availability and cost of transcripts.

Except where prohibited by contractual agreements entered into before the effective date of the Federal Advisory Committee Act (January 5, 1973), any transcripts of advisory committee meetings are to be made available to any person at the actual cost of duplication.

§ 1912.36 Advice of advisory committees.

(a) Approval by a majority of all members of an advisory committee is encouraged for rendering advice or making recommendations. However, a failure to marshal a majority of all members of an advisory committee shall not be a reason for not giving advice to the Assistant Secretary. The Assistant Secretary shall be informed of any concurring or dissenting views.

(b) An advisory committee shall submit to the Assistant Secretary its recommendations within 90 days from the date of its commencement of its assigned tasks, or within such longer or shorter period otherwise prescribed by the Assistant Secretary or one of his representatives. If a committee believes that it cannot submit its recommendations within the applicable period, its chairman may make a written request for an extension of time to the Director of the Office of Standards, before the expiration of the period. The Director of the Office of Standards may grant such a request, provided that the period of the extension or extensions, together with the original period for the submission of recommendations, is not longer than 270 days from the date the advisory committee commenced its assigned tasks.

(c) In a case where an advisory committee has not submitted its recommendations by the end of the applicable period therefor, the Assistant Secretary may dissolve the committee and direct the immediate transmittal to him of any materials submitted to, or prepared by, the advisory committee.

MISCELLANEOUS

§ 1912.40 General services.

The Assistant Secretary shall provide supporting services to advisory committees. Such services shall include clerical, stenographic, and other forms of technical assistance.

§ 1912.41 Legal services.

The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for advisory committees to carry out their functions in accordance with the requirements of this part.

§ 1912.42 Reservation.

The policies and procedures set forth in this part are intended for general application. In specific situations where the Assistant Secretary determines that different policies or procedures would better serve the objectives of the Act, such policies or procedures may be modi-

fied upon appropriate notice to any persons affected by the modification to the extent that such policies or procedures are consistent with the Federal Advisory Committee Act and OMB Circular A-63, and are approved by the Solicitor under Part 15 of this title.

§ 1912.43 Petitions for changes in the rules; complaints.

(a) Each interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the reasons therefor.

(b) Any advisory committee member or any other aggrieved person may file a written complaint with the Assistant Secretary alleging noncompliance with the rules in this part. Any complaint must be timely filed, but in no case shall any complaint be filed later than thirty (30) days following the act of alleged noncompliance. Any complaint shall be acted upon promptly and a written notice of the disposition of the complaint shall be provided to the complainant.

§ 1912.44 Definitions.

As used in this Part 1912, unless the context clearly requires otherwise:

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 650).

(b) (1) For purposes of implementing the Federal Advisory Committee Act, the term "Advisory Committee" has the same meaning as set forth in section 3 (2) thereof. Hence, the term includes subcommittees to the extent that the conduct of their meetings relates to matters regulated by the Federal Advisory Committee Act. Consistent with that definition as interpreted in Office of Management and Budget (OMB) Circular A-63, the term does not include informal subgroups having few characteristics of formal advisory committees.

(2) (i) For purposes of the Act, the term means any committee appointed under section 7(b) thereof to provide advice to the Assistant Secretary in the development of occupational safety and health standards under the Act.

(ii) The term also includes the Advisory Committee on Construction Safety and Health established under the Construction Safety Act.

(c) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

(d) "Committee charter" means an order, statement or proclamation of the Assistant Secretary establishing, continuing, or using an advisory committee, as the case may be.

(e) "Construction Safety Act" means section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333).

Signed at Washington, D.C., this 3d day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21554 Filed 10-10-73;8:45 am]

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

On September 4, 1973 there was published in the FEDERAL REGISTER (38 FR 23912) a notice of proposed rulemaking with proposed revisions to Part 903 of Chapter IX of Title 45 of the Code of Federal Regulations pursuant to the provisions of Title III of the Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 93-29, 87 Stat. 36-45) which amended Title III of the Older Americans Act of 1965.

In order to further public understanding of the purpose and nature of the new Title III Program, the following description has been developed as an explanatory statement for these regulations:

PROGRAM DESCRIPTION OF TITLE III

In community after community regret is expressed over the failure to pool the resources and services that are available for older persons and to focus them in such a manner as to make a significant impact on the lives of these persons. Regret is likewise expressed over the failure of both the public and private sectors to add to the resources. In far too many instances these expressions of regret do not lead to action.

The Older Americans Comprehensive Services Amendments of 1973, and the funds available to implement the amendments, provide the opportunity for substituting action for expressions of regret in a significant number of communities in all of the States.

The key to taking advantage of this opportunity is the manner in which Title III of the amendments is implemented.

The overall objective of the Title III program is to strengthen or to develop at the sub-state or area level a system of coordinated and comprehensive services for older persons—services which will enable older persons to live in their own homes or other places of residence as long as possible.

In order to achieve this objective, the program is designed to strengthen State Agencies on Aging in the discharge, among others, of the following responsibilities:

To become the focal point in the State on behalf of older persons.

To carry out those activities necessary for effective planning in behalf of older persons, including the establishment of measurable objectives for aging programs.

To establish such procedures and mechanisms as are necessary to assure the effective coordination of State planning and service activities and programs related to the field of aging.

To provide for ongoing monitoring and assessment and to conduct periodic evaluations of activities and projects in the field of aging, with special emphasis on the work of Area Agencies on Aging.

To assure, in cooperation with Area Agencies on Aging, the availability of information and referral sources in sufficient numbers so that all older persons will have reasonably convenient access to such sources by the end of fiscal year 1975.

The program is likewise designed to strengthen or to bring into being Area Agencies on Aging charged, among others, with the following responsibilities:

To become a focal point for leadership in the field of aging for the area.

To engage in a continuous process of planning in order to define or redefine objectives and to establish priorities and to develop a system designed to improve the delivery of services.

To make provision for an action program designed to coordinate the delivery of existing services for older persons.

To make provision for an action program designed to pool available but untapped resources from both the public and private sectors in order to strengthen existing or to inaugurate new services.

To take steps designed to achieve the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the area will have a reasonably convenient access to such sources by the end of fiscal year 1975.

To enter into contracts or make grants for inaugurating or strengthening supporting and gap-filling services for older persons.

To monitor and assess and conduct periodic evaluations of activities carried out under its auspices.

In order to be eligible for grants under Title III a State, prior to the beginning of each fiscal year, will be required to submit a plan to the Commissioner on Aging for approval. The specifications for the plan, which is to be developed by the State Agency designated by the Governor and then approved by the Governor prior to submission, are set forth in these regulations, and amplified in the State Plan Format, the Criteria for Approval of State Plans, and the Policies for State Agency Operations which will be issued as guidelines to the State Agencies for implementation of the Title III program. Included in these specifications are the following:

A statement of the measurable objectives, in priority order, established for the Title III program.

A plan of action for discharging the responsibilities set forth earlier in this document.

A plan for bringing about maximum possible coordination between the resources available under the Adult Services and Medical Care Titles of the Social Security Act and the operation of the programs under Title III.

A plan for taking the initiative, in conjunction with Area Agencies on Aging in endeavoring to work out arrangements under which recipients of grants or contracts for nutrition projects, mutually agree with area agencies that such nutrition projects shall be made a part of the coordinated and comprehensive service system under Title III.

The division of the State into distinct planning and service areas.

An identification of those planning and service areas in which Area Agencies on Aging will be designated and area plans developed during the fiscal year with priority consideration being given to those areas having significant concentrations or proportions of low income and minority older persons 60 years of age or older.

An identification of the needs of the older persons within the State and the resources available to meet such needs.

Information now available indicates that the number of planning and service areas in the States will total between 575 and 600.

During the first year of operation, fiscal year 1974, the State plan will provide that the planning and service areas for which an area agency will be designated and for which an area plan will be developed shall encompass not less than 55 percent of the total population of persons aged 60 or over in the State. The Commissioner on Aging may approve a State plan providing for coverage of less than 55 percent if certain conditions set forth in the Regulations are met.

It is anticipated that during fiscal year 1974 an Area Agency on Aging will be designated and an area plan developed in approximately 300 planning and service areas. The ultimate goal is to have an area agency on aging established in every planning and service area. The State may designate a public or nonprofit private agency or organization as an Area Agency on Aging. The State will be required, however, to give preference to an established office on aging.

In order to be eligible for grants under Title III, an Area Agency on Aging will be required to submit a plan to the State Agency on Aging for approval. The specifications for the plan are set forth in the Regulations, and amplified in the Area Plan Format and the Policies for Area Planning and Social Service Operations which will be issued as guidelines to the State Agencies for implementation of the Title III Program. Included in these specifications are the following:

A plan of action for discharging the responsibilities set forth earlier in this document.

Provision for an operating plan that will give priority to those activities and services which will assist and benefit low income and minority older persons throughout the planning and service area, and will assure, to the extent feasible, that low income and minority individuals will be served at least in proportion to their relative numbers in the planning and service area.

A plan for bringing about maximum possible coordination between the resources available in the planning and service area under the Adult Services and Medical Care Titles of the Social Security Act and the resources available under Title III.

A plan for demonstrating to local governmental units how the priority established under General Revenue Sharing for social services for the poor or aged can be used in such a manner as to inaugurate new or strengthen existing services for older persons.

A plan for endeavoring to work out arrangements under which recipients of grants or contracts for nutrition projects mutually agree with the area agency that such nutrition projects shall be made a part of the area's coordinated and comprehensive service system for older persons.

The States will be authorized to award funds to projects in planning and service areas where Area Agencies on Aging have not been designated. These projects must be of such a nature, however, as to contribute to achieving the purposes set forth in Title III. Furthermore, top priority must be given to the use of funds for projects designed to assure that older persons in the area have reasonably convenient access to information and referral services.

Careful consideration has been given all written comments submitted by interested parties in response to the notice. In addition, a public hearing was held on the proposed regulations on September 17, 1973, in Washington, D.C., at which representatives of several States, and organizations made public statements on the proposed regulations. The comments offered at the hearing have also been carefully considered. As a result of the comments received, these changes are made in the regulations:

1. Section 903.1(d)(1) is revised to add "the elderly physically and mentally disabled" to low income and minority older persons as older persons to whom special attention will be given. The physically and mentally disabled elderly have been included in recognition of their special and often unmet needs.

2. Section 903.1(g) is revised to delete the term "only" so that social services which may be coordinated or supported under title III are not limited to those listed in the proposed rulemaking.

3. Section 903.2(g)(4) is revised to preclude support for reduced fare programs for private transit systems as well as public systems.

4. Special services for the blind or visually handicapped have been included as elements of home health services under § 903.2(g)(8)(iii) in recognition of the needs of older persons with such conditions who require such assistance in their own homes to maintain their independence.

5. A new § 903.2(g)(8)(iv) is added to provide a definition and standard for homemaker-home health aide services. Provision is also made for supporting these services under title III even though they may not, at the onset, meet the definitional standard provided. The remaining subparagraphs are renumbered.

6. A § 903.2(g)(13) has been added to include nutrition services as possible social service activities under title III in order to permit financial support for meals programs which are less than the full nutrition program contemplated under title VII of the Act.

7. Employment services have been added in a new § 903.2(g)(14) because of their pertinence to one of the goals set forth for the title III program, that of removal of barriers to economic independence. The definition provides that title III funds may not be used to operate programs whose primary purpose is paid employment with title III funds.

8. A new § 903.2(g)(15) includes within the definition of social services "any other social services determined to be necessary for the general welfare of older persons." This is in accord with the definition of such services in the Act, and affords State and local agencies an opportunity to tailor services to local needs without being bound to only the services listed.

9. Section 903.12(b)(2) is revised to provide that the State plan shall include a statement of measurable objectives which relate to the national operational objectives established by the Commissioner. The term "goals" has been deleted. This is to distinguish the planning process carried out at the Federal and State levels resulting in the establishment of annual targets for achievement from the purpose and goals already established for title III in the Act and under § 903.1. In addition, the subparagraph is revised to provide that the Commissioner will obtain the views of representatives of State and area agencies prior to establishing the national operational objectives. This is to assure appropriate State agency and area agency participation in the formulation of the national policy each fiscal year.

10. The provision under § 903.15 is redesignated as § 903.15(a) and a new § 903.15(b) is added to require that for fiscal year 1975 and every fiscal year thereafter, the State agency shall conduct a public hearing(s) on the State plan. The public hearing is to be conducted prior to submission of the plan to the Governor for approval. This is in response to comments which recommended broader public, and particularly, general purpose local government participation, and input into the plan which is developed on behalf of the State. The provision is not established as a requirement for fiscal year 1974 so as not to delay early implementation of the title III program.

11. A new § 903.48(c) incorporates the definition of low income that appeared in the notice in § 903.2(d), but allows a State to propose a modified definition in its State Plan when it can show, based on relevant data, that special factors affecting the economic status of older persons in the State require a modification. This provision is added in response to comments which stated that the low income definition in the proposed regula-

tions was too restrictive and did not take into account the economic considerations of the elderly which may be unique to a particular State or particular area within a State but which are not of national scope.

12. Title XIX of the Social Security Act has been added to § 903.49(c)(1) as another program toward which the State agency is to direct its efforts in bringing about maximum possible coordination with the resources under title III. The title XIX program (Medicaid) is one of the programs under the Social Security Act which has the greatest potential for meeting the service needs for older persons in coordination with the resources available under title III.

13. Section 903.50(a) is revised to provide that the State plan shall contain a training and manpower development plan. This requirement is made to ensure that the State agency gives adequate consideration to this aspect of increasing the capacity of State and local agencies to develop aging programs, and to serve as a basis for the development of national training and manpower development plans.

14. Section 903.50(a)(2) is revised to provide that an advisory committee is to have functions in advising the Governor, as well as the State agency, and the single organizational unit. The advisory committee is therefore a State advisory committee on aging whose consultation, advice, and recommendations can be solicited by the three primary institutions concerned with State programs and policies as they affect older persons. The subparagraph is further revised to provide that the advisory committee shall meet preferably bi-monthly but at least quarterly so that the committee will assume a regular active and vocal role in aging policy in the State.

Because some States may be limited in funds available to meet per diem and other costs of such meetings, bi-monthly meetings are not made mandatory.

15. Section 903.52 is revised to create an immediate requirement that the State agency will establish or maintain information and referral sources. The term "work toward" has been deleted. In addition, to better reflect the intent of the Act and to broaden the availability of these services, this section is also revised to provide that all older persons in the State who are not furnished adequate information and referral services under area plans will have reasonably convenient access to information normally available through such sources by the end of fiscal year 1975. In addition, in order to prevent unnecessary duplication of effort, provision is made for close coordination between information and referral services under title III and the services available through the District Offices of the Social Security Administration.

16. Section 903.53 is revised to prohibit the direct provision of services by the State agency with title III funds. This is to permit State agencies to continue providing services supported with other sources, for example, State appropriations.

17. Section 903.54(a) is revised to stipulate that the State agency is authorized only to enter into contracts for purposes of demonstration projects of statewide significance. This is to ensure competitive procedures are followed in undertaking such programs.

18. Section 903.58(a) is revised to provide that for the first year of program implementation, planning and service areas designated to develop area plans shall encompass not less than 55 percent of the older population in the State. A minimum requirement of 60 percent had been proposed. The change is based on State and local agency estimates of what can be accomplished in view of the resources available, the geographical distribution of the elderly in some States and to provide for a balance between rural and urban planning and service areas.

19. Section 903.63(b) is strengthened to require that the State agency obtain the views of general purpose local government in designating area agencies on aging.

20. The prohibition against designation of regional offices of State agencies as area agencies in § 903.63(d) is retained. However, State agencies wishing to designate the whole State as a single planning and service area, with the State agency functioning as the area agency, may do so under § 903.57(f). The criteria for this designation have been broadened to permit the Commissioner to approve such a designation when State law forbids or restricts local administration.

21. Section 903.65(b) is revised by adding that the area agency must obtain the prior approval of the State agency before making any changes in its approved staffing plan. This is to ensure the State agency the opportunity to review such substantive changes in an area plan in view of the fact that approval of an area plan and the award of funds by the State agency is based significantly on the State agency's assessment of the staff capacity of the area agency to administer the area plan.

22. Section 903.66(b)(13) is revised to provide that the area agency advisory council shall meet preferably monthly but at least bi-monthly so that the council will assume a regular active and vocal role in aging policy in the planning and service area. Because some areas may be limited in funds available to meet per diem and other costs of such meetings, monthly meetings are not made mandatory. The subparagraph is further revised to require that where nutrition projects established under title VII of the Act are located in areas covered by area plans, a representative of the nutrition project council, in lieu of the nutrition project director, will represent the nutrition project on the area agency advisory council. This is to encourage a better integration of the councils of both programs with a greater orientation toward citizen and consumer participation.

23. Section 903.78(b) is revised to require that when a State agency disapproves an area plan or a substantial portion of the plan, it must notify the area agency in writing of the reasons for its disapproval. This is to assure the area agency is fully aware of the rationale for such action by the State agency and to lay the groundwork for due process under the hearing procedures of § 903.140, if such procedures are found to be necessary.

24. Section 903.78 (c), (d), and (e) have been redesignated as (e), (g), and (h). A new § 903.78(c) has been added which stipulates that the area plan shall be developed in accordance with the statutory and regulatory requirements for information and referral services and shall provide for activities which will lead to the achievement of such requirements. In addition, a new § 903.78(d) is added to require that the area plan shall include plans for transportation whenever funds are used to help provide needed services for older persons. This is in keeping with a policy initiated by the President in his Message on Aging in March 1972 whereby planning for and the provision of social services must take into account means of transportation so that older persons have access to the available services.

25. A new § 903.78(f) provides that for fiscal year 1975 and every fiscal year thereafter, the area agency shall conduct a public hearing(s) on the area plan before submitting it to the State agency for approval. This provision parallels the requirement for State agencies in regard to State plans and is made for the same reasons.

26. Section 903.79(a)(3) is deleted in recognition of the fact that requiring planning and coordination activities to be carried out on an areawide basis immediately could relay the development and delivery of social services to older persons particularly in planning and service areas of larger geographic size. Section 903.79(c) is revised and is redesignated as part of paragraph (b). The requirement that information and referral, outreach, transportation, and escort services must be available to older persons in the planning and service area prior to the initiation of other social services has also been deleted. This revision allows greater discretion to the area agency to develop and implement an area plan which conforms to its assessment of the needs of the elderly and resources available to meet such needs. Planning, coordination, and pooling of untapped resources remain, however, as significant aspects of the program and as integral functions which must be carried out under the area plan. In addition, the importance of information and referral services has not been lessened as provisions governing these services are strengthened in other sections of the regulations.

27. Section 903.80(b) is revised to clarify that area agencies may make grants to or contracts with public or private non-profit agencies or organizations. Only contracts are permitted with profit-making organizations in order not to characterize transactions with the private profit-making sector as financial assistance.

28. Section 903.81 is revised to provide that the Administration on Aging will

consult with the State agencies in establishing centers for training of personnel engaged in implementation of the area plan.

29. Section 903.82(a) is revised to add "by the end of fiscal year 1975" to the end of the paragraph. This change is the same as the revision made in § 903.52 and is made for the same reasons.

30. Section 903.83(b) is deleted in order not to delay implementation of the full area planning and social services program in areas covered by area plans. Section 903.83(c) is redesignated as paragraph (b).

31. Section 903.84(a) is revised to delete "Funds provided under § 903.83(b) shall not be considered part of the first year of support" because it relates to the authority deleted from § 903.83(b).

32. Section 903.84(c) is revised to add that the Commissioner will obtain the views of the State agency relative to refunding any social services under an area plan.

33. Section 903.95 is revised entirely to clarify by what means a State agency may award funds to public or private nonprofit agencies, and to allow for contracts with profit-making organizations to carry out activities in areas not covered by area plans.

34. Section 903.96(b) is revised to add a provision stipulating that activities in areas not covered by area plans may not be supported for longer than three years without the approval of the Commissioner after obtaining the views of the State agency. This revision is made to be consistent with the same policy promulgated for social services activities under area plans (§ 903.84(c)), to reflect the intent that title III resources are designed to increase the commitment of resources of agencies and organizations to carry out aging programs on an ongoing basis and to allow for a reinvestment of such funds into new service activities rather than establishing permanent social services support with title III funds.

35. Section 903.112 is deleted because this provision is already included under § 903.138.

36. Section 903.142 is revised to delete the term "fees" wherever it appears in the section, and to substitute the term "contributions." This change is made to make clear that there is no requirement to set fees or fee schedules, but that there be a voluntary system of contributions to the costs of the program.

37. A new § 903.145 is added to make reference to the Department regulations (45 CFR Part 74) implementing Office of Management and Budget Circular A-102, the provisions of which must be adhered to in administering the title III program.

Technical changes clarifying the language of existing provisions are made in § 903.1(d)(1); § 903.1(f)(1) and (2); § 903.12(a) and (b)(5); § 903.36(c); § 903.37(a); § 903.48(a)(1); § 903.49(a); § 903.51(a); § 903.57(e); and § 903.137.

Additional comments were received concerning the following provisions:

1. *Low income* (*§ 903.2(d)*). Comments were received stating that the definition of low income as the poverty threshold is too restrictive. Varying recommendations were made including: definition of low income as 125 percent of the Poverty Threshold; and use of Bureau of Labor Statistics Intermediate Budget level. Recognizing the difficulty of making a change in the material definition which would satisfy the unique conditions of a State or areas within a State, it was determined to adhere to the definition of low income set forth in proposed rulemaking, but allow a State to propose a modified definition which could be approved as part of its State plan.

2. *Requirements for membership on the State advisory committee and the area agency advisory council* (*§ 903.50(c)(13)*). Numerous comments were received to establish specific requirements for proportionate representation by older consumers, service providers and officials of general purpose local government. It has been decided, however, to rely on the judgment of the State, and area agency to determine the composition of such bodies except that the requirements for minority representatives and that one-half of such membership be comprised of older consumers of services are retained.

3. *Social services definitions* (*§ 903.2(g)*). Numerous suggestions were made to include additional types of social services under the definitions section. Some of these recommendations were accepted; however, the need to provide a concise listing which conforms essentially to those services set forth in the Act overrode the consideration to set forth an all-inclusive listing of social services. A provision has been inserted (§ 903.2(g)(15)), however, in conformity with the Act, that social services not listed are eligible for title III support.

4. *Duration of Federal support for social services under area plans* (*§ 903.84(c)*). Comments were received about the procedures to be followed when it is proposed to renew the funding of social services under an area plan beyond a three year period. After careful consideration of these comments, it was determined to retain the test that such an extension will take place only when it has been determined that such resources cannot be obtained from other public and private resources.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Effective date.—Part 903 of Title 45 of the Code of Federal Regulations is revised effective on October 11, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.700—Grants to States for Community Programs.)

Dated October 5, 1973.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved October 5, 1973.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved October 5, 1973.

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

Part 903 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Purpose

Sec.
903.1 Purpose of the program.
903.2 Definitions.

Subpart B—The State Plan

903.12 Purpose and content of the State plan.
903.13 Designation of the State agency.
903.14 Authority of the State agency.
903.15 Review of plan by Governor.
903.16 Plan submission and approval.
903.17 Plan amendments.
903.18 Plan review.
903.19 Plan disapproval.
903.20 Withholding of funds.
903.21 Appeal procedures.

Subpart C—State Agency Organization

903.34 Organization of the State agency.
903.35 Methods of administration.
903.36 Staffing of the single organizational unit.
903.37 Standards of personnel administration.

Subpart D—Functions and Responsibilities of the State Agency Under the State Plan

903.47 Statewide planning, coordination, administration, and evaluation.
903.48 Planning.
903.49 Coordination of programs.
903.50 Administration.
903.51 Evaluation.
903.52 Establishment or maintenance of information and referral sources.
903.53 Direct provision of social services by the State agency.
903.54 Demonstration projects of Statewide significance.

Subpart E—Designation of Planning and Service Areas by the State Agency

903.57 Designation of planning and service areas.
903.58 Determination of planning and service areas for which an agency on aging will be designated and for which an area plan will be developed.

Subpart F—Designation of Area Agencies on Aging by the State Agency

903.63 Designation of area agencies on aging.
903.64 Organization of the area agency.
903.65 Staffing of the area agency.
903.66 Functions and responsibilities of the area agency.

Sec.
903.67 Direct provision of social services by the area agency.
903.68 Public information.

Subpart G—Area Plans on Aging

903.78 Development of the area plan.
903.79 Conditions for approval of the area plan by the State agency.
903.80 Implementation of the area plan.
903.81 Training of personnel engaged in implementation of the area plan.
903.82 Establishment and maintenance of information and referral sources.
903.82 Establishment or maintenance of activities under an area plan.
903.84 Duration of Federal support for activities under an area plan.

Subpart H—Initiation of Activities and Services Not Under Area Plans on Aging

903.94 Purposes for which awards may be made.
903.95 Eligibility of applicants.
903.96 Approval of awards.
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Subpart I—Authorization and Allotments for Planning, Coordination, Administration, and Evaluation of State Plans

903.107 Authorizations.
903.108 Use of State planning funds for administering area plans.
903.109 Use of area planning monies on a Statewide basis.
903.110 Allotments to the State for planning, coordination, administration, and evaluation of State plans.
903.111 Reallotment of funds for planning, coordination, administration, and evaluation of State plans.

Subpart J—Authorization and Allotments for Area Planning and Social Services Programs

903.122 Authorizations.
903.123 Allotments for area agencies and social services.
903.124 Limitations on awards.
903.125 Reallotment of funds for area agencies and social services.

Subpart K—General

903.135 Public funds as part of the non-Federal share.
903.136 Payments.
903.137 Audit.
903.138 Maintenance of effort.
903.139 Confidentiality.
903.140 Opportunity for hearing.
903.141 State agency licensure requirements.
903.142 Contributions for social services.
903.143 Continuation of support for existing activities.
903.144 Requests for postponement.
903.145 Allowable costs and administration of grant or contract activities.

AUTHORITY: Sec. 301, P.L. 93-29, 87 Stat. 35-45 (42 U.S.C. 3021-3025).

Subpart A—Purpose

§ 903.1 Purpose of the program.

(a) It is the purpose of the program under title III of the Act to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and to foster the development of comprehensive and coordinated service systems to serve older persons.

(b) The systems are to be developed by the agencies' entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services, and where necessary, to reorganize or reassign functions.

(c) The goals of the comprehensive and coordinated service systems are to:

(1) Secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

(2) Remove individual and social barriers to economic and personal independence for older persons, including the provision of opportunities for employment and volunteer activities in the communities where older persons live.

(d) In order to achieve this purpose, the resources made available under title III shall be used to:

(1) Provide for the development and implementation by designated State and area agencies, in conjunction with other planners and service providers, and older consumers of service, of State and area plans which set forth specific program objectives and priorities for meeting the needs of the elderly with special attention being given to the needs of low income and minority older persons, and the older physically and mentally disabled;

(2) Increase the capability of State and area agencies to develop and implement action programs designed to achieve the coordination of existing social service systems in order to make such systems more effective, efficient, and responsive in meeting the needs of the elderly;

(3) Draw in increasing commitments from public and private agencies which have resources that can be utilized to serve the elderly, and encourage such agencies to enter into cooperative arrangements directed toward maximum utilization of existing resources on behalf of the elderly;

(4) Make existing social services more accessible to older persons in need through the development and support of services such as transportation, outreach, information and referral and escort which can increase the ability of older persons, including the older physically and mentally disabled, to obtain other social services; and

(5) Promote comprehensive services for the elderly through the development and support of social services which are needed by older persons but which are not otherwise available.

(e) Funds made available under this part shall be used primarily to provide maximum incentive for attracting support from public and private agencies having resources for programs for the elderly.

(f) Funds made available under this part may be used to provide social services only when it has been clearly shown that:

(1) The social services are needed and are not already available; and

(2) No other public or private agency can or will provide the social services.

(g) Agencies providing services to older persons under this part must seek reimbursement for the costs of providing the services when a third party (including a government agency) is authorized or is under legal obligation to pay such costs.

§ 903.2 Definitions.

In addition to the definitions set forth in § 901.2, of this chapter, the following definitions are applicable for purposes of this part:

(a) "Area agency" means the single agency designated by the State agency to be responsible for the program described in this part within a planning and service area designated by the State agency.

(b) "Area plan" means the document submitted annually by an area agency to the State agency for approval which sets forth goals and measurable objectives and identifies the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of this title.

(c) The term "comprehensive and coordinated system" means a system for providing all necessary social services in a manner designed to:

(1) Facilitate accessibility to and utilization of all social services provided within the geographic area served by the system by any public or private agency or organization;

(2) Initiate, develop and make the most effective use of social services in meeting the needs of older persons; and

(3) Use available resources efficiently and with a minimum of unnecessary duplication.

(d) The term "low income" is described in § 903.48(c).

(e) The term "minority" means those persons who identify themselves as American Indian, Negro, Oriental, or Spanish language, and members of any additional limited English-speaking groups designated as minority within the State by the State agency.

(f) The term "multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, which may include the provision of health, social, and education services (as defined in § 903.2(g)), and provision of facilities for recreational activities for older persons.

(g) For the purposes of this part, the term "social services" means only the following services:

(1) Coordination activities which link together, in support of common objectives, existing planning and service resources, and assure the utilization of such resources for the purpose of developing and carrying out action programs and activities which will result in improvement, expansion, and, as necessary, initiation of services needed by older persons.

(2) Information sources or services which provide a location where State, area or other public or private agencies or organizations:

(i) maintain current information with respect to the opportunities and services available to older persons, and develop

current lists of older persons in need of services and opportunities; and

(ii) employ a specially trained staff, including bilingual individuals as appropriate, to inform older persons of the opportunities and services which are available, and assist them to take advantage of such opportunities and services.

(3) Referral services which assist individuals to identify the type of assistance needed, place individuals in contact with appropriate services, and followup to determine whether services were received and met the need identified, and which provide for the maintenance of proper records for use in identifying services offered and gaps in existing services systems.

(4) Transportation services designed to transport older persons to and from community facilities and resources for the purpose of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but not including a direct subsidy for an overall transit system or a general reduced fare program for a public or private transit system. Such Transportation services shall be, insofar as possible, part of an area transportation plan;

(5) Services designed to encourage and assist older persons to use the facilities and services available to them, including:

(i) Outreach services, including search and find activities, which seek out and identify hard-to-reach individuals and assist them in gaining access to needed services; and

(ii) Escort services which assist individuals who, for a variety of factors, are unable to use conventional means of transportation to reach needed services, or require such assistance for reasons of personal security or protection.

(6) Counseling services which provide direct guidance and assistance in the utilization of needed health and social services, and help in coping with personal problems which threaten personal health and social functioning;

(7) Health related services which identify health needs of individuals, and assist them to obtain health services under Medicare, Medicaid, or other health services programs, and from other public or private agencies or providers of health services; planning, as appropriate, with the individual in need of service, and health providers, to help obtain continuity of treatment and carrying out of health recommendations; assisting the individual where appropriate to secure admission to medical institutions and other health related facilities; and home health services as defined in paragraph (g)(8)(iii) of this section;

(8) Preventive services to avoid institutionalization, which may include any of the following services:

(i) Periodic screening and evaluation which provide for an assessment of an individual's need for those medical and social services necessary to retain his capacity for self-care and to maintain independent living in his home as long as possible;

(ii) Homemaker services which provide care for elderly individuals in their own homes and help them maintain, strengthen, and safeguard their personal functioning in their own homes through the services of a trained and supervised homemaker;

(iii) Home health services which provide basic health services to individuals who can be cared for at home, including part-time bedside nursing care under medical supervision, occupational, physical, and speech therapy, special services for the blind or visually handicapped, homemaker-home health aide services, the services of a home health aide, and home delivered meals services which meet the nutritional standards prescribed in Part 909 of this chapter;

(iv) Homemaker-home health aide services are those services which ideally would help older individuals remain in their own homes when a health or social problem occurs or help individuals to return to their homes after specialized care. The homemaker-home health aide carries out assigned tasks in an individual's place of residence, working under the supervision of a professional person who also assesses individually the need for the service and has responsibility for implementing the plan of care. Recognition should be given to the fact that, at this time, it may be necessary to support services which do not meet this definition.

(v) Chore services which provide for the performance of household tasks, essential shopping, simple household and home repairs, and other light work necessary to enable an individual to remain in his own home, when, because of frailty or other condition, such individual is unable to perform such tasks himself;

(vi) Friendly visiting services which provide regular visits to the homes of socially and geographically isolated individuals to provide socialization;

(vii) Telephone reassurance services which provide for telephone calls at specified times as often as necessary, to or from individuals who live alone, or who are temporarily alone, to determine if they are safe and well, if they require special assistance, and to provide psychological reassurance;

(viii) Protective services which are designed to assist those elderly persons carry out the activities of daily living who, because of impaired mental or physical functioning are unable to manage their own affairs, or protect themselves from neglect or hazardous situations without assistance from others; and

(ix) Housing assistance to aid individuals in obtaining adequate housing through the provision of technical help (as contrasted to financial help) in order to improve their present living arrangements or to relocate to more suitable housing when needed.

(9) Recreational services which foster the health and social well-being of individuals through social interaction and the satisfying use of time;

(10) Continuing education services, including consumer education, which are designed to provide individuals with opportunities to acquire knowledge and skills suited to their interests and capabilities through either formal academic courses or informal methods, with a view toward either vocational or personal enrichment;

(11) Legal services which provide legal advice and counseling to older persons in matters of importance to the individual, including serving as an advocate of older persons who have consumer problems;

(12) Welfare services which seek to assure the health and well-being of individuals, which neither duplicate nor overlap any cash assistance and social service programs, and the health and social services provided under Medical Assistance.

(13) Nutrition services which provide older persons with assistance in maintaining a well-balanced diet, including shopping assistance, diet counseling; nutrition education; and limited meal service on a scale less than the meal service provided in projects under Part 909 of this chapter but only in those areas where funds under Part 909 of this chapter cannot be made available.

(14) Employment services which provide information to older persons concerning available employment opportunities, and preparatory counseling for referral to prospective employers, but not including financial support to establish programs whose primary purpose is paid employment with title III funds;

(15) Any other social services determined to be necessary for the general welfare of older persons.

(h) The term "unit of general purpose local government" means:

(1) A political subdivision of the State, or a grouping of such subdivisions, whose authority is broad and general and is not limited to only one function or a combination of related functions; or

(2) An Indian tribal organization, including any Indian tribe, band, group, pueblo, community, or Alaskan native village, which has a recognized governing body which performs substantial governmental functions.

Subpart B—The State Plan

§ 903.12 Purpose and content of the State plan.

In order for a State to be eligible for grants for a fiscal year from the allotments of funds under title III of the Act, it shall submit a State plan, prior to the beginning of each fiscal year, to the Commissioner for approval. The State plan shall consist of:

(a) A commitment that the title III program will be carried out in keeping with the provisions of the Act and all regulations, policies and procedures established by the Commissioner; and

(b) A fiscal year operating plan which shall include:

(1) An analysis of the needs and characteristics of the elderly population in the State with emphasis on low income and minority older persons, and an

identification of those persons who will be given priority in the implementation of the State plan;

(2) A statement of the measurable objectives, in priority order, established for the title III program which relates to the national operational objectives established by the Commissioner for a fiscal year, after obtaining the views of representatives of State and area agencies, and announced to the States;

(3) An identification of the barriers to achievement of the objectives established;

(4) An inventory and analysis of the resources available in the State to meet the needs of older persons; and

(5) A plan of action which describes how the title III program will be implemented and how the funds made available under this part will be allocated by the State agency.

§ 903.13 Designation of the State agency.

(a) The State Plan shall identify the sole State agency that has been designated to:

(1) Develop the State plan to be submitted to the Commissioner for approval;

(2) Administer the State plan within the State;

(3) Be primarily responsible for the coordination of all State activities related to the purposes of the Act;

(4) Divide the entire State into distinct areas (hereinafter referred to as "planning and service areas") in accordance with the requirements prescribed in § 903.57;

(5) Designate a public or nonprofit private agency or organization as the area agency on aging for each planning and service area for which an area plan will be developed;

(6) Approve the area plans developed by such area agencies;

(7) Monitor and assess the implementation of each area plan, including the progress toward the achievement of the objectives set forth in the plan; and

(8) Carry out all other functions and responsibilities as prescribed in this part for the State agency.

§ 903.14 Authority of the State agency.

The State plan shall contain certification by the State Attorney General that the State agency has the authority to submit the State plan; is the sole agency responsible for the conduct of all the functions prescribed for the agency in this part; and that nothing in the State plan is inconsistent with State law.

§ 903.15 Review of plan by Governor.

(a) The State plan must be submitted to the State Governor for his review and approval, and the State plan must provide that the Governor will be given an opportunity to review and approve all amendments to the State plan.

(b) For fiscal year 1975, and for any fiscal year thereafter, the State agency shall conduct, prior to the submission of the State plan to the Governor for approval, a public hearing(s) on the State plan. The State agency shall give adequate public notice prior to the conduct of the hearing. The hearing shall provide the opportunity for the general public, officials of general purpose local government, and other interested parties to comment on the State plan.

§ 903.16 Plan submission and approval.

The State plan shall be submitted for approval within 60 days following the effective date of this part, and for each fiscal year thereafter, at least 60 days prior to the beginning thereof. Any State plan or amendment meeting the requirements of this part as determined by the Commissioner shall be approved.

§ 903.17 Plan amendments.

The State agency's administration of the program under this part shall be in conformity with the State plan as approved by the Commissioner. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in the organization, policies, or operations of the State agency affecting the plan, the State plan shall be appropriately amended.

§ 903.18 Plan review.

The State plan as approved and all amendments thereto shall be subject to such review as the Commissioner may prescribe.

§ 903.19 Plan disapproval.

No State plan, or any modification thereof, submitted under title III of the Act, shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 903.20 Withholding of funds.

(a) Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to the State agency administering a State plan approved under title III of the Act, finds that: (1) The State is not eligible under section 304 of the Act; (2) the State plan has been so changed that it no longer complies with the provisions of the Act; or (3) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under title III of the Act (or in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State under title III of the Act (or payments shall be limited to projects under, or portions of, the State plan not affected by such failure).

(b) If there is no appeal, or if the action taken by the Commissioner is upheld as a result of an appeal in keeping with the procedures prescribed in § 903.21 of this subpart, the Commissioner shall take action to disburse the funds withheld in the following manner:

(1) The Commissioner shall, by whatever steps he deems appropriate, notify those appropriate public or nonprofit private organizations or agencies or political subdivisions of such State that they may submit a State plan under the authority of section 304(d)(3) of the Act for use of the allotments (or portions thereof) unused by the State as a result of action taken under paragraph (a) of this section.

(2) Any State plan so submitted must conform to all the requirements and procedures related to the submission of State plans prescribed in this part.

(3) The Commissioner shall give priority to any State level public agency submitting such a plan that has the authority and capacity to administer this program on a statewide basis. If no such State level public agency submits a plan, consideration shall then be given to those submitting a plan that has the authority and capacity to administer this program on a statewide basis. If no other agencies submitting a plan that have the authority and capacity to administer this program on a Statewide basis.

§ 903.21 Appeal procedures.

A State which is dissatisfied with a final action of the Commissioner under § 903.19 or § 903.20 may appeal to the U.S. Court of Appeals for the circuit in which the State is located, by filing a petition with such court within 60 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

Subpart C—State Agency Organization

§ 903.34 Organization of the State agency.

The State plan shall provide that there will be a single organizational unit within

the State agency with delegated authority for, and whose principal responsibilities shall be, Statewide planning, coordination, administration, and evaluation of programs and activities related to the purposes of the Act, including all other functions prescribed for such agency in this part. The unit shall be identified in the State plan. If the State agency is an independent single purpose agency, it may in its entirety constitute the single unit. In all other cases, the single organizational unit must be placed at an organizational level within the State agency to assure effective performance of all the responsibilities of the unit prescribed in this part. In establishing an organizational structure for the unit, including determination of the need for a State regional structure for the unit, due consideration shall be given to the geography of the State, the number and concentration of older persons, and other special conditions in the State.

§ 903.35 Methods of administration.

(a) The State plan shall provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan, and for the conduct of all functions for which the State is responsible under the plan and this part, including the coordination and integration of activities related to the purposes of the Act, adequate controls over operations, procedures for the development and interpretation of policies and standards, recordkeeping and reporting procedures, monitoring programs supported under this part, evaluation of program activities, and effective supervision of staff.

(b) If certain specified portions of the plan are to be administered by an agency other than the State agency, the State plan shall provide for such methods of administration as are necessary to assure the applicability of all requirements set forth in the State plan and this part.

§ 903.36 Staffing of the single organizational unit.

(a) The State plan shall contain a staffing plan that sets forth the projected staffing of the single organizational unit for the fiscal year for which the plan is submitted. The staffing plan must set forth the number and type of personnel employed, and the timetable for the hiring of staff set forth in such plan.

(b) The State plan must provide that:

(1) The single organizational unit will be headed by an individual qualified by education and experience to assume leadership of the program, assigned full-time solely to this activity; and

(2) Adequate numbers of qualified staff, including members of minority groups, will be assigned full-time, solely to the single organizational unit, to assure the effective conduct of the responsibilities under this part.

(3) Subject to the requirements of merit employment systems of the State, preference shall be given to persons aged sixty or over for any staff positions (full-time or part-time) in the State agency for which such persons qualify.

(c) The staffing plan contained in the State plan approved for a fiscal year must be adhered to in all personnel actions taken by the State agency.

(d) The State agency may contract for technical assistance to assist its staff in the performance of their duties and responsibilities.

§ 903.37 Standards of personnel administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering the State plan or agencies administering or supervising the administration of the State plan including local public agencies conducting activities under this part in conformity with the Standards for a Merit System of Personnel Administration, Part 70 of this title, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements, and amendments thereto effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards must be obtained from all local public agencies conducting activities under this part, and methods must be established by the State to assure compliance by local jurisdictions. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in Part 70 of this title or to modifying or superseding standards issued by the U.S. Civil Service Commission must be submitted with the State plan. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity. This plan shall be made available for review upon request.

(c) The Commissioner shall exercise no authority with respect to the selection, tenure of office or compensation of any individual employed in accordance with such methods.

Subpart D—Functions and Responsibilities of the State Agency Under the State Plan

§ 903.47 Statewide planning, coordination, administration, and evaluation.

In addition to the responsibilities of the State agency as prescribed in § 903.13, the State plan shall provide that the State agency shall:

(a) Carry out ongoing planning, coordination, administration, and evaluation activities necessary to implementation of the title III program; and

(b) Provide an ongoing program of technical assistance to the designated area agencies in the development and implementation of the area plans on aging.

§ 903.48 Planning.

(a) The State plan shall provide that the State agency shall carry out those activities necessary for effective planning on behalf of all older persons in the State, including:

(1) Establishment of measurable objectives in aging related to the purposes of the Act, and the objectives established by the Commissioner;

(2) Conduct of special studies related to the needs of the elderly;

(3) Conduct of issue analyses in areas of special concern to the elderly; and

(4) Data gathering and analysis on the needs of the elderly in keeping with paragraph (b) of this section;

(b) The State plan shall provide that the State agency, in consultation with the National Clearinghouse on Aging, shall undertake or arrange for the regular collection of data on the needs of the elderly throughout the State. The data collected shall include such areas of need as:

(1) Income;
(2) Physical and mental health;
(3) Housing;
(4) Employment;
(5) Nutrition;
(6) Social services;
(7) Transportation; and
(8) Any other subject area considered appropriate by the State agency.

The data collected must identify the location, special needs and living conditions of those older persons found to be in greatest need in the state for the purpose of determining the population of older persons that will be given priority in the utilization of the funds available under this part. In this effort, special attention shall be given to the needs of low income and minority older persons in the State. The State agency shall take such steps as are necessary to move toward the development of a system that will provide for the systematic storage, retrieval, and analysis, of such data, and other data made available from the Administration of Aging, and for the dissemination of such data to other public and private agencies and organizations having programs affecting the elderly in the State, and the public at large.

(c) The State plan shall provide that in the conduct of the title III program in the State, the term "low income" refers to those incomes which are below the current Department of Commerce, Bureau of Census poverty threshold. The State plan may, however, provide for a modification of this definition when the State agency can demonstrate with relevant data that special factors affecting the economic status of older persons in the State require such modification. The modified definition shall be set forth in the State plan. Approval of the modified definition will be in the form of approval of the State plan each fiscal year.

§ 903.49 Coordination of programs.

(a) The State plan shall provide that the State agency will establish such pro-

cedures and mechanisms that are necessary to assure the effective coordination of State planning and service activities and programs related to the purposes of the Act. To this end, the State agency will seek to develop and maintain effective working relationships with those public and private agencies having programs which affect the elderly, including the following activities:

(1) Dissemination of information on the needs of the elderly;

(2) Joint funding and programming to achieve the objectives established in the State plan to the maximum extent feasible;

(3) Development of interagency actions concerning State and area plans and objectives, and assessment of progress and problems in implementation of the plans; and

(4) Reporting of activities on aging under this program throughout the State;

(b) The State plan shall provide for the furnishing of technical assistance to public and private agencies and organizations engaged in activities relating to the needs of older persons.

(c) The State plan shall provide that the State agency shall enter into agreements with appropriate State or, until such time as area plans are submitted and approved, local public or private agencies and organizations, for joint utilization of their services and facilities in the administration of the plan and in the development of programs and activities for carrying out the purposes of the Act.

(1) The State plan shall provide that the State agency will carry out those programs and activities designed to bring about maximum possible coordination between the resources available under titles I, X, XIV, XVI, and XIX of the Social Security Act, and title VI, added by the Social Security Amendments of 1972, and the operation of the programs under this part. The State plan shall describe the activities to be undertaken by the State agency to accomplish such coordination.

(2) The State plan shall provide that the State agency, in conjunction with the designated area agencies, shall take the initiative in endeavoring to work out arrangements whereby recipients of grants or contracts for nutrition projects under § 909 of this chapter, mutually agree with area agencies, that such nutrition projects shall be made part of the comprehensive and coordinated service system for older persons under title III.

§ 903.50 Administration.

(a) *Training and manpower development.*—(1) The State plan shall contain a training and manpower development plan which shall provide for the initiation of a program designed to achieve the objective of a training and staff development program concerning the implementation of the Act, for all professional staff of State and area agencies and principal staff of all service programs initiated under this part. All expenditures of Federal resources under section 301(a)(1) of the Act for training shall be consistent with this program.

(2) The State plan shall provide that personnel working on Older Americans Act programs at the State and area levels will attend such training programs that are specifically developed for such individuals by the Administration on Aging, in consultation with the State agencies, at designated training centers, and that in all title III awards, the State agency will assure that adequate funds are budgeted to pay the travel, per-diem and tuition costs of such individuals to attend such training.

(b) *Participation of Older Americans in implementation of the State plan.*—The State plan shall provide that procedures will be developed by the State agency that will assure effective participation of actual or potential consumers of services under this program in the implementation of the State plan at the State and local levels. These procedures shall provide for periodic public hearings on concerns of the elderly in the State with adequate public notice for such hearings.

(c) *Advisory committee.*—The State plan shall provide for the establishment of an advisory committee to the Governor, the State agency, and the single organizational unit on the implementation of the State plan. At least one-half of the membership of the committee shall consist of actual consumers of services under this program, including low income, and minority older persons, at least in proportion to the number of minority older persons in the State, with the remainder being broadly representative of the major public and private agencies and organization in the State who are experienced in or have demonstrated particular interest in the special needs of the elderly. This committee shall meet preferably bi-monthly, but at least quarterly.

(d) *Public information.*—(1) The State plan shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under this part are effectively and appropriately promulgated throughout the State.

(2) The State plan shall provide that the State agency will pursue a policy of freedom of information and that the State plan, approved title III program applications, all periodic reports made by the State agency to the Commissioner in accordance with paragraph (g) of this section, and all Federal and State policies governing the administration of the title III program in the State will be available at reasonable times and places in the offices of the State agency for review upon request by interested persons including representatives of the media.

(e) *Review and comment on applications.*—The State plan shall provide that the State agency will review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance relating to meeting the needs of older persons.

(f) *Fiscal administration.*—The State plan shall provide for such accounting systems and procedures as are needed to control and support all fiscal activities under title III in accordance with guidelines issued by the Administration on Aging. The State plan shall provide for the maintenance by the State agency and all recipients of awards under this part, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the allotments to the States.

(g) *Reports.*—The State plan shall provide that the State agency will make such reports to the Commissioner in such form and containing such information as may reasonably be necessary to enable him to perform his functions under title III of the Act, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 903.51 Evaluation.

(a) The State plan shall provide that the State agency will conduct ongoing monitoring, assessment, and periodic evaluation (including the capturing and recording of information relative to changes in public and private organizations in the field of aging and changes in the lives of older persons), of activities and projects carried out under the State plan, in accordance with criteria established by the Commissioner. The operations of the area agency on aging, and the total program of each planning and service area for which an area plan is developed, and each title III project outside such areas, shall be evaluated on-site by the State agency at least annually prior to the funding anniversary of the programs. The results of these evaluations shall be in writing, and shall be submitted to the Commissioner.

(b) The State plan shall provide that the State agency will evaluate on an ongoing basis the extent to which existing public and private programs in the State meet the needs of older persons, especially those older persons who will be given priority in the implementation of the programs under this part. As part of this responsibility, the State agency shall undertake an analysis of the services and resources available for serving older person in the State. The data resulting from this analysis shall be updated at least on an annual basis, and shall be submitted to the Commissioner.

(c) The State plan shall provide that the State agency and all recipients of awards under this part will cooperate in the carrying out of evaluations of the title III program by the Administration on Aging or those organizations having

contracts with the Administration on Aging for such purposes.

§ 903.52 Establishment or maintenance of information and referral sources.

The State plan shall provide that the State agency will establish or maintain information and referral sources in sufficient numbers, which will seek to achieve linkages with other information and referral sources in the State capable of serving the elderly, so as to assure that all older persons in the State who are not furnished adequate information and referral services under plans developed by area agencies will have reasonably convenient access to information normally available through such sources by the end of fiscal year 1975. All information and referral services shall be established or maintained in close coordination with the information and referral services available through the District Offices of the Social Security Administration of the Department.

§ 903.53 Direct provision of social services by the State agency.

The State plan shall provide that no social service under this part will be provided directly by the State agency, except where, in the judgment of the State agency, based on an assessment of needs of older persons and the resources available to meet such needs, provision of such service by the State agency is necessary to assure an adequate supply of such service and that no other agency in the State could effectively deliver such service. All such cases in which the State agency anticipates providing social services directly shall be identified in the State plan. This provision does not apply when the State agency designates a single planning and service area under § 903.57 (f).

§ 903.54 Demonstration projects of Statewide significance.

(a) The State agency may enter into contracts with public or private nonprofit agencies and profit-making organizations to carry out demonstration projects of Statewide significance relating to the initiation, expansion, or improvement of social services in relation to the purposes of this part. The State plan shall identify the demonstration projects proposed for funding during a fiscal year, the objectives of the projects, the projected impact or significance of the projects, the cost projections related to the projects, and the method by which the projects will be evaluated. The approval of demonstration projects shall be in the form of approval of the State plan each year. Demonstration projects, as approved, shall be financed with funds made available under § 903.110 of this part and shall be subject to the cost sharing requirements for such funds.

(b) The State agency shall evaluate the projects at least annually in accordance with the method specified in the State plan. The results of these evaluations shall be submitted to the Commissioner.

Subpart E—Designation of Planning and Service Areas by the State Agency

§ 903.57 Designation of planning and service areas.

(a) The State plan shall provide that in order to carry out the purposes of this program, the State agency shall divide the entire State, after taking into consideration the provisions of paragraphs (b) through (e) of this section, into distinct multicounty, county, metropolitan or city areas called planning and service areas. Wherever possible, an Indian reservation shall be designated as a distinct planning and service area.

(b) The State plan shall provide that in determining the boundaries of planning and service areas in the State, the State agency shall consider those factors, including those set forth under paragraphs (c) through (e) of this section, that will most significantly contribute toward the achievement of the purposes of title III, including:

(1) The boundaries of existing areas within the State which were drawn for the planning or admistration of planning or social service programs;

(2) The location of units of general purpose local government within the State;

(3) The geographical distribution of individuals aged sixty or older in the State;

(4) The incidence of need for social services as determined by the data on the needs of the elderly collected by the State agency (including the numbers of low income and minority older persons residing in such areas); and

(5) The distribution of resources available to provide social services.

(c) The State plan shall provide that in every case, in determining the boundaries for planning and service areas, the State agency shall designate as a planning and service area, any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more, or which contains 15 percent or more of the State's population aged sixty or over, except that the State agency may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance the effective administration of the program authorized by this title.

(d) The State plan shall provide that the State agency may include in any planning and service area designated pursuant to the provisions of paragraph (c) of this section such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of programs authorized by this title.

(e) If the State agency chooses to use existing regions within the State recognized for purposes of areawide planning as planning and service areas, it must designate those regions established by the State in accordance with the provisions of Part IV, 2. of Office of Management and Budget Circular A-95 (issued pursuant to the Intergovernmental Cooperation Act of 1968), or under the Comprehensive Planning Assistance program authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), or under the Areawide Health Planning Project Grant program authorized under section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)).

(f) (1) The State agency may, with the approval of the Commissioner, designate all or substantially all of the State as a single planning and service area covering all or substantially all of the older persons in the State. The Commissioner's approval will be in the form of approval of the State plan each year;

(2) In considering a State's proposal, the Commissioner will consider these factors:

(i) Is the State too small to be divided effectively?

(ii) Is the size and distribution of the elderly population such that division of the State would spread coordination and management resources too thinly to be effective?

(iii) Is the State agency capable of performing area agency functions for the entire State?

(iv) Has the State constituted the entire State as one area for other planning or social service administration purposes?

(v) Does State law forbid or restrict the division of the State into areas, or the administration of area plans by local agencies?

(3) With the approval of such designation, the single organizational unit of the sole State agency shall be considered the area agency for such area, and shall assume all the functions and responsibilities as prescribed for the area agency in this part. In all such cases, the area plan shall be submitted each fiscal year to the Commissioner for review and approval prior to the obligation of funds, by the State agency for the implementation of the plan.

(g) The boundaries of the planning and service areas determined by the State agency shall be identified in the State plan. The State plan shall include a certification that the proposed boundaries of the planning and service areas have been cleared through the clearinghouse process established in accordance with Office of Management and Budget Circular A-95. The State plan shall include a statement of the rationale for the manner in which the State has been divided.

§ 903.58 Determination of planning and service areas for which an area agency on aging will be designated and for which an area plan will be developed.

(a) The State plan shall provide that for the first year of implementation of

the program under this part, the planning and service areas for which an area agency will be designated and for which an area plan will be developed shall encompass not less than 55 percent of the total population of persons aged 60 or over in the State. The Commissioner may approve a State plan providing for coverage of less than 55 percent if the State agency can show that:

(1) The allotment available to the State for the purposes of this title is insufficient to meet this objective;

(2) The application of this requirement will result in serious barriers to achievement of the goals and objectives of this part; and

(3) This requirement would cause undue difficulties in implementing the title III program because of the size and distribution of the elderly population in the State.

(b) The State plan shall provide that in determining the planning and service areas for which area agencies will be designated and area plans will be developed, or which will continue to receive funds under this part, the State agency shall give priority to those areas having significant concentrations or proportions of low income and minority older persons 60 years of age or older.

(c) The State plan shall describe how the State agency determined the areas for which plans will be developed and the areas, if any, for which plans have already been developed and approved by the State agency.

Subpart F—Designation of Area Agencies by the State Agency

§ 903.63 Designation of area agencies on aging.

(a) The State plan shall provide that following the determination of planning and service areas for which area plans will be developed, and prior to the obligation of funds to such areas to carry out the purposes of this part, the State agency shall designate a single public or non-profit private agency or organization as the area agency on aging.

(b) The State plan shall provide that the State agency shall establish procedures for considering views, with respect to the designation of the area agency, offered by units of general purpose local government in the planning and service area. The State agency shall, prior to the designation of the area agency, obtain the views of general purpose local government concerning such designation.

(c) The State plan shall provide that for an agency or organization to be designated as an area agency, it must be:

(1) An established office of aging which is operating within a designated planning and service area; or

(2) Any office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit; or

(3) Any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose; or

(4) Any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning, coordination or provision of a broad range of social services, within such planning and service area.

(d) The State agency or any regional unit thereof shall not be eligible to be designated as an area agency, except as provided in § 903.57(f). In addition, no other agency of the State or regional unit thereof shall be eligible to be so designated.

(e) The State plan shall provide that in designating an area agency, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to develop and carry out the area plan and the functions prescribed in § 903.66.

(f) The State plan shall provide that when in accordance with § 903.57 (a), the planning and service area boundaries are essentially coterminous with those of an Indian reservation, the tribal organization of that reservation shall be designated as the area agency, unless it is determined by the State agency that such organization does not have the capacity to carry out the area plan.

(g) The State plan shall provide that, before an agency may be designated as an area agency, the State agency must obtain adequate assurances that the agency will have the authority and capacity to develop an area plan, and to carry out directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area.

§ 903.64 Organization of the area agency.

If the area agency has responsibilities that go beyond programs for the elderly, there must be created within such agency a single organizational unit with delegated authority for, and whose principal function shall be, the effective implementation of the program described in this part. It shall be the responsibility of this unit to carry out directly all of the functions and responsibilities prescribed in this part for the area agency.

§ 903.65 Staffing of the area agency.

(a) The area plan developed by the area agency shall contain a staffing plan for the area agency which sets forth the number, type of personnel employed and the timetable for the hiring of staff to carry out the functions and responsibilities of the area agency on aging. The area plan shall provide that the area agency or unit within such agency responsible for this program will:

(1) Be headed by an individual qualified by education or experience, working full-time, solely on the implementation of the area plan under this program; and

(2) Provide for adequate numbers of additional qualified staff working full or part-time, including members of minority groups, for the development and implementation of the plan and the conduct of functions prescribed in this part for the area agency.

(b) Once the staffing plan of the area agency has been approved by the State agency, it must be adhered to in all personnel actions taken by the area agency. When an area agency determines that it must deviate from the plan, it must obtain the prior approval of the State agency.

(c) The State plan shall provide that, subject to the requirements of merit employment systems of local government, preference shall be given to persons aged sixty or over for any paid staff positions (full-time or part-time) in the area agency for which such persons qualify.

§ 903.66 Functions and responsibilities of the area agency.

(a) The State plan shall provide that each area agency shall develop, and submit annually to the State agency for approval, an area plan on aging which conforms to the provisions of §§ 903.78 and 903.79, and which is designed to develop comprehensive and coordinated programs for older persons throughout the planning and service area.

(b) In addition to the development and administration of an area plan, an area agency shall carry out directly, to the maximum extent feasible, the following functions:

(1) Provision of leadership and advocacy on behalf of all older persons within the geographic area for which the agency is responsible;

(2) Determination of the need for social services in the planning and service area, with special attention being given to the needs of low income and minority elderly;

(3) Inventory of the resources available within the area to meet the needs of the elderly and an evaluation of the effectiveness of the services provided by the public and private agencies within the area in meeting such needs;

(4) Establishment of measurable program objectives and priorities for implementation of the area plan, in keeping with the objectives established by the State agency;

(5) Planning with existing planning agencies and the providers of services in the area concerning the needs of the elderly;

(6) Either directly or through contract or grant, provide for an action program designed to:

(i) Coordinate the delivery of existing services for the elderly; and

(ii) Pool untapped resources of public and private agencies in order to strengthen or inaugurate new services for older persons;

(7) Periodic evaluation of activities carried out pursuant to the area plan, including the views of older persons participating in such activities;

(8) Conduct of periodic public hearings concerning the needs of the elderly;

(9) Collection and dissemination of information concerning the needs of the elderly;

(10) Provision of technical assistance to providers of social services in the planning and service area covered by the area plan;

(11) Where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area, carried out through Federally assisted programs or other public or nonprofit agencies;

(12) Where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary or paid basis, in the delivery of such services to children;

(13) Establish an advisory council which shall meet preferably monthly but at least bi-monthly. The council shall consist of representatives of program participants and the general public, including low income and older minority persons at least in proportion to the number of minority older persons in the area, and shall advise the area agency on all matters relating to development and administration of the area plan and operations conducted thereunder. At least one-half of the membership of such council shall be made up of actual consumers of services under the area plan. Where a nutrition project established under § 909 of this chapter is located within the planning and service area for which an area plan is to be developed, a representative of the nutrition project council for such project shall also be included on the advisory council. Where more than one nutrition project is located within the planning and service area, the project councils for such projects shall designate one of their number to provide representation for all the nutrition projects of the area on the advisory council; and

(14) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under the area plan.

§ 903.67 Direct provision of social services by the area agency.

(a) The State plan shall provide that no social service under this part will be provided directly by the area agency, except where the State agency has granted specific approval to the area agency to do so. With the exception of information and referral services and coordination activities, no such approval may be given by the State agency unless the agency designated was providing social services prior to its designation as an area agency, or it can be clearly shown that the direct delivery of a service is necessary to assure an adequate supply of such services, and that no other agency in the area can and will effectively deliver such service.

(b) The approval for the area agency to deliver a social service directly shall be in the form of approval of the area plan on aging by the State agency.

§ 903.68 Public information.

(1) The area agency shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under the area plan are effectively and appropriately promulgated throughout the planning and service area;

(2) The area agency shall pursue a policy of freedom of information. The area plan, all periodic reports made by the area agency to the State agency, and all Federal and State policies governing the administration of the title III program in the area will be available at reasonable times and places in the offices of the area agency for review upon request by interested persons, including representatives of the media.

Subpart G—Area Plans on Aging

§ 903.78 Development of the area plan.

(a) In accordance with guidelines established by the Commissioner regarding the content and format of the area plan, the area agency shall develop and submit, on an annual basis, an area plan to the State agency for approval. This plan must set forth in detail how the area agency proposes to develop a comprehensive and coordinated system for the delivery of social services to the elderly.

(b) The State plan shall set forth the criteria established by the State agency for determining whether an area plan as submitted by an area agency meets all of the requirements of the Act and this part. Any area plan which fails to meet such criteria shall not be approved. Where a State agency disapproves an area plan or a substantial portion of the plan, it shall notify the area agency in writing of its action and set forth the reasons for its disapproval.

(c) In developing the area plan, the area agency shall take into consideration the requirements of the Act and of § 903.82 for the establishment or maintenance of information and referral services, and provide for activities to be undertaken after approval of the plan which will ensure that such requirements are met.

(d) In developing the area plan, the area agency shall include plans for transportation whenever funds are used to establish needed services for older persons to ensure that older persons have access to such services.

(e) The area plan shall contain an assurance that the area agency designated has the authority and capacity to carry out directly all of the functions and responsibilities prescribed in § 903.66.

(f) For fiscal year 1975, and for every fiscal year thereafter, the area agency shall conduct, prior to the submission of the area plan to the State agency for approval, a public hearing(s) on the area plan. The area agency shall give adequate public notice prior to the conduct of the hearing. The hearing shall provide the opportunity for older persons, the general public, officials of general purpose local government, and other interested parties to comment on the area plan.

(g) The area plan shall provide that the area agency, in conjunction with the State agency, shall take the initiative in endeavoring to develop arrangements with recipients of grants or contracts for nutrition projects under Part 909 of this chapter whereby, subject to mutual agreement of both parties, such projects shall be made part of the coordinated and comprehensive system of services for older persons to be established under the area plan.

(h) The area plan shall provide assurances for maximum coordination between the programs and activities under the area plan, and the resources available under titles I, X, XIV, XVI, and XIX of the Social Security Act and title VI added by the Social Security Amendments of 1972 in order to achieve comprehensive and coordinated service programs for older persons as prescribed in this part.

§ 903.79 Conditions for approval of an area plan by the State agency.

(a) In order to be approved for the award of funds under this part by the State agency, the area plan must provide for:

(1) A continuous process of planning by the area agency, including the defining and redefining of objectives and the establishment of priorities; and

(2) The launching or strengthening of action programs within the area for coordinating the delivery of existing services for older persons, and for the pooling of untapped resources in order to strengthen existing services or inaugurate new services for older persons. Such activities may be carried out directly by the area agency, by a grant from the area agency to a public or nonprofit private agency, or through a contract between the area agency and a public or private agency in the planning and service area, and are subject to the provisions of § 903.83(b).

(b) After the area agency has met the requirements of paragraph (a) of this section, a State agency may award funds to include as part of the area plan, support for those service programs found necessary to assist older persons to become aware of the social services available in the area (information and referral and outreach services), and to assist them in having access to these services (transportation and escort services), and support for other social services needed by older persons, but which no public and private agencies of the area can or will provide.

(c) In all cases, the area plan shall provide that priority be given to those activities and services which will assist and benefit low income and minority older persons throughout the planning and service area, and shall assure that, to the extent feasible, and with respect to resources made available under the plan, low income and minority individuals will be served at least in proportion to their relative numbers in the planning and service area.

§ 903.80 Implementation of the area plan.

(a) Pursuant to its approval of the area plan, the State agency shall award all funds under this part to support implementation of the plan only to the area agency.

(b) With the exception of coordination and information and referral services which may be provided directly by the area agency subject to approval by the State agency and the conditions prescribed in § 903.67, the area agency shall enter into contracts or grants with other agencies providing services within the planning and service area for the actual delivery of those social services for which funds may be made available under the area plan. The area agency may make grants to or contract with public or private nonprofit agencies or organizations, or enter into contracts with profit-making organizations, for such purposes.

(c) The area plan shall provide for contracts or grants under the area plan to be operated by minority individuals, at least in proportion to their relative number in the planning and service area.

(d) It shall be the responsibility of the area agency to:

(1) Monitor on an ongoing basis the performance of the contracting agencies and grantees under the area plan, and ensure that funds made available by the State agency are expended in keeping with the purposes for which they were awarded; and

(2) Conduct periodic evaluations of the activities conducted under the area plan.

§ 903.81 Training of personnel engaged in implementation of the area plan.

The area agency shall make provision for the training of personnel necessary for implementation of the area plan, and the attendance of such individuals at designated training centers established by the Administration on Aging, in consultation with State agencies, for individuals having specific responsibilities under the area plan.

§ 903.82 Establishment or maintenance of information and referral sources.

(a) The area plan shall provide that the area agency will take such steps as are designed to achieve the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonable convenient access to such sources by the end of fiscal year 1975.

(b) Such information and referral sources shall be established or maintained in close coordination with the information and referral services which are available through the District Offices of the Social Security Administration of the Department. To the maximum extent possible, the services and resources available through such offices shall be utilized by the area agency for this purpose.

§ 903.83 Federal financial participation in activities under an area plan.

(a) Federal funds under this part may be used to pay up to 75 percent of the cost of the development and administration of the area plan by the area agency and the conduct of the functions of such agency as prescribed in this part.

(b) Funds under this part may not be awarded to carry out any of the activities prescribed in § 903.79 of this subpart until the area plan has been approved by the State agency. Once a plan has been approved, Federal funds may be used to pay up to 90 percent of the cost of these activities.

§ 903.84 Duration of Federal support for activities under an area plan.

(a) The State agency shall approve an area plan for a maximum of one year. Prior to annual refunding of an area plan, the State agency must conduct an annual on-site evaluation of the area program. The State agency may approve refunding of the area plan, in whole or in part, when such evaluation demonstrates that:

(1) Substantial progress has been made in achieving the objectives of the area plan; and

(2) Substantial efforts have been made to attract financial resources from other public and private sources for the support and continuation of programs under the area plan.

(b) In keeping with paragraph (a) of this section, grants or contracts made by area agencies to conduct activities under the area plan, shall be limited to a maximum of one year. Renewal of the grants or contracts shall also be limited to a maximum of one year, and shall be subject to the final action taken by the State agency on refunding the area plan as a result of its program evaluation.

(c) No individual social service activity under the area plan may be funded for longer than three years unless the Commissioner, after obtaining the views of the State agency, approves funding beyond such period. The Commissioner will approve such funding only when it can be shown that substantial efforts have been made by the area agency to attract resources for such social services from public and private agencies, and that the support requested will not be available from such sources in the foreseeable future.

Subpart H—Activities and Services Not Under Area Plans on Aging

§ 903.94 Purposes for which awards may be made.

(a) The State plan shall provide that funds may be awarded by the State agency to projects not under area plans only when such projects will contribute directly toward achieving the purposes of title III set forth in § 903.1 of this part.

(b) Initiation of any social services under this subpart shall be permitted only when all older persons living in areas not covered by area plans have reasonably convenient access to information and referral services as defined in § 903.2(g)(2).

§ 903.95 Eligibility of applicants.

The State agency may make grants to or contract with public or private nonprofit agencies or enter into contracts with profit-making organizations to carry out the purposes of this subpart.

§ 903.96 Approval of awards.

(a) The State plan shall provide that the State agency will assure that each proposal to be considered for approval under § 903.94 must:

(1) Be submitted for comment to the local office on aging (if any) having jurisdiction over the geographic area from which the proposal is submitted;

(2) Be submitted for comment through the clearinghouse process established under the Office of Management and Budget Circular A-95.

(3) Have clearly specified objectives that are in keeping with the priorities established under § 903.94; and

(4) Be designed to serve primarily low income and minority older persons.

(b) The State plan shall provide that awards under this subpart will be approved initially for a maximum of one year. Before additional support is awarded for any subsequent year, the State agency must conduct an on-site evaluation of the project to determine if the objectives of the project are being met. The evaluation findings shall be submitted to the Commissioner.

(c) The State agency shall assure that only those projects which are making substantial progress toward achieving the objectives for which they were approved will be considered for refunding for any subsequent year under this subpart. No activity under this subpart may be funded for longer than three years unless the Commissioner, after obtaining the views of the State agency, approves funding beyond such period.

§ 903.97 Federal financial participation.

(a) Federal funds under this subpart may be used to pay not more than 75 percent of the cost of activities and services under this subpart.

(b) Sponsors of existing projects must maintain the level of their non-Federal share in accordance with the requirements of § 903.138 of this part.

Subpart I—Authorization and Allotments for Planning, Coordination, Administration, and Evaluation of State Plans

§ 903.107 Authorizations.

Amounts appropriated as authorized by section 303 of the Act may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percentum, of the cost of the administration of its State plan, including the administration of the State plan amendment relating to

title VII of the Act, incurred during the fiscal year for which such sums are appropriated, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of the analysis related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services.

§ 903.108 Use of State planning funds for administering area plans.

Any sum allotted to a State under section 306 of the Act for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used, as approved by the Commissioner, by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans. Approval by the Commissioner for the use of such funds in this manner will be in the form of approval of the State plan each fiscal year.

§ 903.109 Use of area planning monies on a statewide basis.

Any State which has designated a single planning and service area pursuant to § 903.57(f) may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this part or out of sums made available for administration of area plans under § 903.123, but shall not pay such costs out of sums allotted under both such sections.

§ 903.110 Allotments to the State for planning, coordination, administration, and evaluation of State plans.

Federal funds appropriated under section 303 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this subpart, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $160,000, whichever is greater, and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $50,000 whichever is greater. For the purpose of the exception contained in clause (1) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

§ 903.111 Reallotment of funds for planning, coordination, administration, and evaluation of State plans.

The amount of any State's allotment under § 903.110 for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under § 903.110 of this subpart for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under § 903.110 for that year.

Subpart J—Authorization and Allotments for Area Planning and Social Services Programs

§ 903.122 Authorizations.

Amounts appropriated as authorized may be used to make grants to each State with a State plan approved under section 305 of the Act (except as provided in section 307 of the Act) for paying part of the cost incurred during the fiscal year for which such sums are appropriated for the purposes of:

(a) The development and administration of area plans by area agencies on aging;

(b) The development of comprehensive and coordinated systems for the delivery of social services under area plans; and

(c) Activities and services not under area plans.

§ 903.123 Allotments for area agencies and social services.

(a) From the sums appropriated for a fiscal year each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made;

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and

(3) No State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (1) above, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

§ 903.124 Limitations on awards.

(a) From a State's allotment for a fiscal year under section 303 of the Act, such amount as the State agency determines, but not more than 15 percent thereof, shall be available to pay part of the costs of the development and administration of area plans;

(b) For the fiscal year beginning July 1, 1974 and for each fiscal year thereafter, not more than 20 percent of a State's allotment under section 303 of the Act, may be used to pay part of the costs of activities and services in areas not under an approved area plan developed by an area agency and approved by the State agency.

§ 903.125 Reallotment of funds for area agencies and social services.

Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under § 903.123 of this subpart will not be used by such State to carry out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

Subpart K—General

§ 903.135 Public funds as part of the non-Federal share.

For fiscal year 1975, and for each fiscal year thereafter, not less than 25 percent of the non-Federal share of the total expenditures under the State plan shall be met from funds from State or local public sources.

§ 903.136 Payments.

Payments of grants or contracts under this part may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

§ 903.137 Audit.

All fiscal transactions by the State agency, any other agency (if any) administering part of the plan, and any

recipient of an award from the State agency are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

§ 903.138 Maintenance of effort.

(a) A State's allotment under section 303 of the Act for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 of the Act are less than its expenditures from such sources for the preceding fiscal year.

(b) The State plan shall provide reasonable assurance by the State agency that there will be expended by each recipient of an award under this part, for the purposes for which payments are made for activities under this part, for the year for which such payments are made and from funds from non-Federal resources, an amount not less than the amount expended for such purposes from such funds during the previous year.

§ 903.139 Confidentiality.

(a) The State plan shall provide that the State agency will take steps to insure that no information about, or obtained from, an individual, and in possession of an agency providing services to such individual under the plan, shall be disclosed in a form identifiable with the individual without the individual's informed consent.

(b) The State plan shall provide that lists of older persons compiled pursuant to § 903.2(g)(2) shall be used solely for the purpose of providing social services, and only with the informed consent of each individual on such list.

§ 903.140 Opportunity for hearing.

(a) The State plan shall provide that any area agency on aging whose request for approval of an area plan is denied, will be afforded an opportunity for a hearing before the State agency.

(b) The State plan shall provide that any project applicant in areas not covered by an area plan, whose application for approval is denied, will be afforded an opportunity for hearing before the State agency.

§ 903.141 State licensure requirements.

The State plan shall provide that where the State or local public jurisdictions require licensure for the provision of social services, agencies providing such services under this part shall be licensed, or shall meet the requirements for licensure.

§ 903.142 Contributions for social services.

(a) The State plan shall provide that agencies providing social services under this part shall provide older persons receiving such services the opportunity to contribute to all or part of the costs of the social services provided. Where such services are provided under an area plan, the area agency shall consult with the advisory council to the area agency regarding proposed contributions.

(b) The State plan shall provide that each individual recipient shall determine for himself what he is able to contribute toward the cost of the social service. No older person shall be denied a social service because of his failure to contribute to all or part of the cost of such service.

(c) The State plan shall provide that the methods of receiving contributions from individuals shall be handled in such a manner so as not to differentiate among individuals' contributions publicly.

§ 903.143 Continuation of support for existing activities.

(a) The State agency is authorized, with the prior approval of the Commissioner, to continue Federal support for community project activities which meet the requirements of the Act, but which do not meet all of the requirements of this part, if such projects had been approved and funded prior to the effective date of these regulations.

(b) Such Federal financial assistance shall be available for not more than one year following the effective date of these regulations.

(c) A State agency request to continue such assistance shall be in writing, and shall set forth the reasons for which the State agency makes such a request, including:

(1) A showing that failure to continue support for the project would result in serious harm to the persons served, or to the effort for aging in the area of the project; and

(2) A showing that the State agency and community project have exhausted all efforts to obtain continuing financial assistance from other sources.

§ 903.144 Requests for postponement.

(a) In cases where a State agency has determined that it is unable to meet the requirements prescribed under this part, because such requirements in implementation of the title III program will place undue hardship on older persons, it may request the Commissioner to approve, for a specified period of time, not to exceed 120 days, a postponement of such requirements. This provision does not apply to the requirements of this part mandated by statute.

(b) The State agency shall submit a request for a postponement in writing to the Commissioner. The request shall state why the State agency is unable to meet the requirement, and therefore has need for a postponement; the effect of not granting a postponement on the implementation of the title III program; and what steps the State agency will take (and the time required), to meet the requirements for which postponement is requested.

(c) The Commissioner shall approve the postponement if he finds that it is needed to prevent undue hardships on older persons and that there is reasonable expectation that the State agency will be able to meet the requirements within the postponement period.

§ 903.145 Allowable costs and administration of grant or contract activities.

Allowable costs for Federal financial participation under title III of the Act must be both reasonable and necessary for the conduct of activities under the State plan. Determination of allowable costs, expenditure of grant funds pursuant thereto, and the administration of all grant or contract activities under the State plan shall be carried out in accordance with Part 74 of this title, and with guidelines and policies issued by the Administration on Aging.

[FR Doc.73-21597 Filed 10-10-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Conditions of Use; Correction

In the matter of editorial amendments to § 83.354(b) of the Commission's rules and regulations.

1. In 1971, Docket No. 18632 was adopted which, among other things, amended § 83.354(b) of the Commission's rules and regulations. By this order, it is intended to editorially correct two printing errors of the numbers indicating the conditions of use appearing in the table and an oversight in the printing of a condition of use following the table.

2. Authority for these amendments appear in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendments are editorial in nature as specified above, the prior notice, procedure and effective date provisions of (5 U.S.C. 553), are not applicable.

3. In view of the above: *It is ordered*, That the rule amendments set forth below shall be adopted effective October 10, 1973.

Adopted September 28, 1973.

Released October 1, 1973.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 83 of Title 47 of Chapter I of the Code of Federal Regulations is amended as follows:

In § 83.354(b), table, Delcambre, La., column 9 "conditions of use", is corrected, and Note 7 deleted and designated (Reserved) to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kHz)				Associated coast station transmitting carrier frequency (kHz)			
	Note 1	Note 2	Note 3	Conditions of use, Note 4	Note 1	Note 2	Note 3	Conditions of use, Note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
* *	*		*		*		*	
Delcambre, La	2458		4114.0	5, 9 33	2506		4412.6	5, 9 32, 35
* *	*		*		*		*	

NOTE (7) [Reserved]

[FR Doc.73-21604 Filed 10-10-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1153]

PART 1033—CAR SERVICE

Demurrage and Free Time on Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2nd day of October 1973.

It appearing that an acute shortage of mechanical refrigerator cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1153 Demurrage and free time on refrigerator cars.

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

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

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof, as having the mechanical designations "RP" or "RPL."

(iii) *Exception.* The provisions of Rule 8, Item 935, of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(iv) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(v) The terms "loading," "unloading," "constructive placement," and "forwarding directions" as defined in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(vi) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free time.* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instruction on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (a) (2) (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges.* (i) After the expiration of the free-time period described in Part (2) of this order, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in Demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Average demurrage basis prohibited.* (i) Average demurrage agreement rules shall not apply.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (a) (2) of this section.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (c)(1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by Part (i) of this section shall not be deemed as nullifying the requirements of sections (2) or (3) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., October 8, 1973.

(e) *Expiration date.* This order shall expire at 6:59 a.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of 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 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.73–21618 Filed 10–10–73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Tewaukon National Wildlife Refuge; N. Dak.

The following special regulation is issued and is effective October 11, 1973.

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public bow hunting of deer on the Tewaukon National Wildlife Refuge, North Dakota, is permitted from Noon November 19, 1973, through December 31, 1973, on the entire refuge as posted. This area, comprising 7,929 acres, is delineated on maps available at refuge headquarters, Cayuga, North Dakota 58013, and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal Regulations.

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 31, 1973.

HERBERT G. TROESTER, *Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N.Dak.*

SEPTEMBER 28, 1973.

[FR Doc.73–21584 Filed 10–10–73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 20—EXPORT SALES REPORTING REQUIREMENTS

On September 14, 1973, proposed regulations requiring exporters of certain agricultural commodities to report information with respect to export sales contracts were published in the FEDERAL REGISTER (38 FR 25690). Interested persons were invited to attend a meeting on September 19, 1973, to discuss the regulations and to submit views in connection therewith on or before September 21, 1973.

At the meeting it was observed that seed corn was specifically excluded from reporting, and the suggestion was made that planting seed of other commodities also be excluded. The definition of "commodity" has been reworded to exclude commodities to be used exclusively for planting purposes from reporting requirements.

With respect to the definition of "Export Sale", it appeared that there was confusion regarding the intent of the sentence concerning the exception from reporting requirements of contracts conditioned solely on imposition of export controls. This sentence has been rewritten to be more specific.

Opinions were expressed that in the definition of "Export Sale" the criteria for determining whether there was a binding legal agreement were too restrictive and would tend to exclude many bona fide sales contracts from being reported. The definition was reworded to provide that an agreement under which there is an agreed upon mechanism by which a firm price can be determined would be covered.

Questions were raised as to the applicability of reporting requirements to transactions concluded through agents or employees of persons doing business abroad. In order to make the regulations more specific in this respect, the reference to such transactions in the definition of "Export Sale" has been dropped and this subject is now covered in the definition of "Foreign Buyer". The transaction will be considered to be with a foreign buyer (a person whose place of business for the transaction is outside the United States) and must be reported if concluded with an agent of such person although the agent has a place of business in the United States, or if concluded in the United States with an employee of such person, if the employee does not have a place of business in the United States. However, if the transaction is concluded through an employee having a place of business in the United States for the purpose of the transaction, the transaction will be considered a domestic sale and not one with a foreign buyer. All transactions with foreign governments, agencies, and instrumentalities, although concluded by employees in the United States, are considered to be with foreign buyers and must be reported.

The requirements for reporting of contract terms have been changed to eliminate reporting of the name and country of the foreign buyer. Instead, reporting of the supplier's name and contract number will be required.

Several comments were made which indicated that the provisions with respect to reporting destination needed to be clarified. Also, views were expressed that the requirements as stated made unreasonable or unrealistic demands upon the reporting exporter. The requirements have been rewritten to provide that if the ultimate destination is not available at time of compiling a report, the intermediate destination, if known, should be reported; and, if not, then the destination should be reported as "unknown". A reporting exporter filing a report showing intermediate or unknown destinations is required to ascertain, if possible, the ultimate destination and report it in his next report after the destination becomes known to him at any time up to and including the time of reporting the quantity as having been exported.

The provision with respect to correcting errors on previous reports was rewritten to eliminate the requirement to resubmit reports for previous weeks in order to correct a reporting error previously made. The reporting forms provide for previous errors to be corrected at the time the current report is prepared.

In the section dealing with the time for filing reports a provision has been added to permit the required time of mailing or of receipt of reports to be extended to the same hour on the next business day when the usual due date is a National holiday.

In Appendix I[1] minor changes were made in the description of certain commodities. The most significant change was made for wheat flour, where the designation has been changed to "Wheat Products" in order to make this item more inclusive.

Since section 812 of the Agriculture and Consumer Protection Act of 1973 places an obligation on exporters to file the reports provided for herein, it is found upon good cause that compliance with the 30-day effective date provisions of (5 U.S.C. 553) is impracticable, unnecessary, and contrary to the public interest, and that the regulations should become effective as set forth below.

[1] Filed as part of the original document. Sec

The proposed regulations, with the changes indicated and other minor changes made for the purpose of clarification, are adopted as hereinafter set forth below.

Sec.
20.1 General.
20.2 Administration.
20.3 Delegation of authority.
20.4 Definitions.
20.5 Announcements of commodities subject to reports.
20.6 Submission of reports.
20.7 Confidentiality of reports.
20.8 Failure to report.
20.9 Records.
20.10 Place of submission of reports.
20.11 Additional reports.

AUTHORITY: Sec. 812 of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86.

§ 20.1 General.

The regulations of this Part 20 are issued to implement the export sales reporting requirements of section 812 of the Agriculture and Consumer Protection Act of 1973. The Act provides as follows:

All exporters of wheat and wheat flour, feed grains, oilseeds, cotton and products thereof, and other commodities the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period: (a) Type, class, and quantity of the commodity sought to be exported, (b) the marketing year of shipment, (c) destination, if known. Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exporters of agricultural commodities produced in the United States shall upon request of the Secretary of Agriculture immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as he may request. Any person (or corporation) who knowingly fails to report export sales pursuant to the requirements of this section shall be fined not more than $25,000 or imprisoned not more than one year, or both. The Secretary may, with respect to any commodity or type or class thereof during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales, provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

§ 20.2 Administration.

The regulations of this part will be administered by the Statistical Reporting Service (SRS) under the general supervision of the Administrator, SRS. Information pertaining to these regulations may be obtained from the office specified in § 20.10.

§ 20.3 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

§ 20.4 Definitions.

As used in these regulations and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows:

(a) *Administrator.*—The Administrator, Statistical Reporting Service, U.S. Department of Agriculture.

(b) *Buy-back contract.*—A transaction under which a reporting exporter having sold a commodity for export to a foreign buyer liquidates the export sale contract by making an off-setting purchase of the same kind of commodity from the same foreign buyer.

(c) *Commodity.*—Wheat and wheat flour, feed grains, oilseeds, cotton, and products thereof and any other agricultural commodity the Secretary may designate. "Commodity" shall also mean a commodity having an identifying characteristic as described in any announcement issued pursuant to § 20.5 such as class(es) of wheat, or staple length(s) of cotton but shall exclude commodities to be used for seed which have been treated in such a manner that their use is limited to seed for planting purposes. "Commodity" shall include only a commodity produced in the United States or a product processed in the United States from a commodity produced in the United States.

(d) *Country of Destination.*—(1) Any country outside the United States, or (2) any territory or possession of the United States. Country of destination shall be the ultimate destination.

(e) *Export.*—A shipment of a commodity from the United States destined to a country specified in paragraph (d) of this section. The commodity shall be deemed to have been exported on the date of the applicable export carrier on-board bill of lading or the date the commodity is received for shipment as specified on the bill of lading in the case of a commodity received for shipment in a lash barge or containerized van if a through on-board bill of lading is issued for shipment to a country specified in paragraph (d) of this section.

(f) *Export carrier.*—The vessel on which a commodity is exported from the United States to a country specified in paragraph (d) of this section, or if export is by railcar, truck, or airplane, "export carrier" means such railcar, truck, or airplane.

(g) *Exports for exporter's own account.*—Shipments made by the reporting exporter which are unsold at the time of export, shipments on consignment to selling agents of the reporting exporter for subsequent sale for the account of the reporting exporter, shipments by a reporting exporter to a country outside the United States for his own account, shipments by the reporting exporter that have not been allocated to any outstanding export sale, and shipments from the United States to Canada in bond for subsequent shipment to a third country.

(h) *Export sale.* — A transaction entered into between a reporting exporter and a foreign buyer. The transaction must represent a written agreement under which (1) the exporter agrees to export the commodity, (2) the foreign buyer agrees to receive the commodity, (3) there is a firm dollar and cent price or an agreed upon mechanism by which a firm price can be determined, and (4) payment will be made to or for the account of the reporting exporter by or on the behalf of the foreign buyer for delivery of the commodity. The quantity of "outstanding export sale" means the quantity not yet exported under an export sale. A transaction which becomes operative only upon the imposition of export controls is excluded from the definition of "Export Sale" and such transaction shall not be reported under these regulations.

(i) *Foreign buyer and foreign seller.*—A person whose place of doing business with respect to the transaction is outside the United States. Foreign buyer or foreign seller includes a person who maintains a place of doing business outside the United States even though the transaction is concluded in the United States by his agent who has a place of business in the United States or by his employee who does not maintain a place of doing business in the United States. (If such employee maintains a place of doing business in the United States with respect to the transaction, the resulting contract is construed to be a domestic sale). Notwithstanding the foregoing, all foreign governments, agencies, and instrumentalities are considered foreign buyers or foreign sellers even though transactions are concluded by their employees in the United States or they maintain a place of business with respect to the transaction in the United States.

(j) *Marketing year.*—The reporting period specified for a commodity in Appendix 1.

(k) *Optional origin contracts.*—An export sale contract between a reporting exporter and a foreign buyer under which the reporting exporter has the option of exporting the commodity from the United States or from one or more other exporting countries or an export sale contract under which no origin is specified.

(l) *Person.*—An individual, partnership, corporation, association or other legal entity.

(m) *Purchases from foreign sellers.* The purchase of a commodity from a seller whose place of business with respect to the transaction is outside the United States when the terms of the contract provide that the commodity to be delivered under the contract will be exported from the United States or where the seller has the option of exporting the commodity from the United States or from one or more other exporting countries.

(n) *Quantity.*—The actual contract quantity (exclusive of any upward or downward tolerance) specified in the

agreement between the reporting exporter and foreign buyer or seller.

(o) *Reporting exporter.*—A person who is engaged in the United States in the business of selling for export any commodity subject to these regulations, who maintains a bona fide business office for such purpose in the United States, who has an agent in the United States upon whom service of judicial process may be made, and who sells a commodity to a foreign buyer irrespective of whether or not such person may appear as the shipper on the export documentation or whether or not such person is required to file a Shipper's Export Declaration. A reporting exporter shall not include agents of either the reporting exporter or foreign buyer, brokers, or freight forwarders unless such agents, brokers or freight forwarders are acting in the capacity of a principal.

(p) *United States.*—All of the 50 States, the District of Columbia and Puerto Rico.

§ 20.5 Announcement of commodities subject to reports.

Commodities for which reports are required under these regulations are set forth in Appendix 1. Any change therein will be made by publication in the FEDERAL REGISTER of an amendment thereto, and, in addition, announcement of such change will be made through the press and ticker service. The unit of measure to be used in reporting the commodity, the beginning and ending dates of the marketing year for each commodity, and any other information deemed necessary to be included in the report will be specified in Appendix 1 and amendments thereto and in the announcements through press and ticker service.

§ 20.6 Submission of reports.

(a) *Weekly reports.*—For each commodity for which reports are required under these regulations, the reporting exporter shall file weekly with the office specified in § 20.10 and not later than the time specified in paragraph (m) of this section, a report by marketing year on the respective forms contained in Appendix 2,[1] setting forth the information required by this section and by Appendix 2. Each report shall contain the full business name, address and telephone number of the reporting exporter, the name and signature of the person submitting the report on behalf of the reporting exporter and, in addition to the following, any other information required by Appendix 1 and Appendix 2.

(1) *United States origin sales only.*—(i) *Initial report.*—Total quantity of outstanding export sales by country of destination and exports for the exporter's own account that have not been applied to an export sale.

(ii) *Second and subsequent reports.*—(a) Total quantity of outstanding export sales from the previous report by country of destination.

(b) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance). Include the quantity of any optional origin export sale for which an option was exercised during the week to export the commodity from the United States.

(c) Quantity of any purchases of the same kind of commodity made from foreign sellers during the week.

(d) Quantity of export sales canceled and quantity of buy-back contracts made during the week.

(e) Changes in destination during the week for export sales previously reported.

(f) Changes in the marketing year during the week for export sales previously reported.

(g) Exports made against export sales during the week.

(h) Total outstanding balance of export sales at the close of business for the current report.

(i) Total outstanding exports made for the reporting exporter's own account. Include shipments from the United States to Canada where the commodity will be in bond until exported from Canada to a third country.

(2) *Optional origin sales (United States and other countries).*—(i) *Initial report.*—Total quantity of outstanding export sales by country of destination.

(ii) *Second and subsequent reports.* (a) Total quantity of outstanding export sales from the previous report by country of destination.

(b) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance) by country of destination.

(c) Quantity of export sales for which an option was exercised during the week which would determine the origin of the commodity to be exported with the origin indicated on C.E. 06–0097 or C.E. 06–0097a as the United States or other than the United States.

(d) Quantity of optional export sales canceled and the quantity of optional buy-back contracts made during the week.

(e) Changes in destination during the week for sales previously reported.

(f) Changes in the marketing year during the week for sales previously reported.

(g) Total outstanding balance of optional export sales for which an option has not been exercised at the time of compiling the report.

(b) *Exporters who are required to report.*—The reporting exporter has the sole responsibility of reporting any and all information required by these regulations. The following are examples of who shall be considered the reporting exporter for the purpose of these regulations. (Firm A in each example is a firm whose place of doing business with respect to the transaction is in the United States, and the commodity to be delivered under the purchase contract is subject to these regulations. See § 20.4 (l) for definition of a foreign buyer and foreign seller).

(1) Firm A makes an export sale to Firm B whose place of doing business with respect to the transaction is also in the United States. Firm B has made or will make an export sale to a foreign buyer. In this case Firm A cannot report the sale to Firm B since Firm B's place of doing business with respect to the transaction is located in the United States. In this example, Firm B is required to report the sale to the foreign buyer.

(2) Firm A makes an export sale to a foreign buyer through the foreign buyer's agent and the agent's place of doing business with respect to the transaction is in the United States. In this example Firm A is required to report the export sale since the resulting contract is between Firm A and the foreign buyer.

(3) Firm A consigns an export to his agent (other than an employee of Firm A). When the agent makes a sale to a foreign buyer, Firm A is required to report the sale. If the agent makes the sale to a firm whose place of doing business with respect to the transactions is in the United States, Firm A will not report the sale.

(4) Firm A makes a purchase from a foreign seller. In this example, Firm A is required to report the purchase.

(5) Firm A makes a purchase from an agent of a foreign seller and the agent's place of doing business with respect to the transaction is in the United States. In this example, Firm A is required to report the purchase. The agent cannot report the sale to Firm A since he is not a principal party in interest in the contract and the foreign seller is not required to make a report of the sale since he is not a reporting exporter.

(6) If a reporting exporter has a transaction not described in subparagraphs (1) through (5) of this paragraph and he is in doubt whether he should report the transaction, he should request in writing a decision from the office specified in § 20.10.

(c) *Monthly reports.*—The information described in paragraph (a) of this section shall be reported monthly when specified by an announcement issued pursuant to § 20.5.

(d) *No change during reporting period.*—If the reporting exporter did not have any activity during a reporting period which would change his last report and his last report reflects his outstanding export sales and exports made for his own account, the reporting exporter is nevertheless required to file a new report showing the still outstanding export sales and exports made for his own account.

(e) *Contract terms.*—(1) The first report required by these regulations shall include a report showing certain contract terms of export sales and foreign purchases which are outstanding at the close of the reporting period. Subsequent reports of contract terms shall be filed when specified in an announcement issued pursuant to § 20.5. The report showing contract terms shall be filed on C.E. 06–0099 or C.E. 06–0099a, "Contract Terms Supporting Export Sales and For-

[1] Filed as part of the original document.

eign Purchases" and shall include the following:

(i) Reporting exporter's contract number.

(ii) Date of export sale.

(iii) Name of supplier(s).

(iv) Supplier's contract number.

(v) Coast of export. For optional origin export sales also show the other countries covered by the export sales. If no other countries are specified in the export sale, so indicate.

(vi) Delivery period specified in the export sale.

(vii) Delivery terms specified in the export sale (FOB, C. & F., etc.).

(viii) Actual quantity of the export sale.

(ix) Quantity not exported against the sale (do not include any tolerance).

(x) On purchases from foreign sellers, show separately from export sales, paragraphs (e)(1) (i) through (ix) of this section.

(f) *Reporting of destinations.*—If ultimate destination is not available at time of compiling a report, then report the intermediate destination if known, and if not, then report destination as "unknown." If a reporting exporter files a report showing intermediate or unknown destinations, he shall ascertain if possible the ultimate destination and report it in his next report after the destination becomes known to him at any time up to and including reporting the quantity as having been exported.

(g) *Export for exporter's own account.*—Exports for exporter's own account for which an export sale has not been made shall be reported separately from export sales. When an export sale is made for a commodity exported for the exporter's own account (excluding shipments to Canada in bond where an export sale has already been reported), the sale shall be reported as an export sale on the next report. A corresponding quantity shall be deducted from the quantity shown as exported for the exporter's own account on the previous report and a corresponding quantity shall be shown as an export against an export sale on the current report even though the export may not have been made during the current reporting period. For shipments to Canada in bond where the export sale has already been reported, deduct the quantity shipped from Canada from the quantity exported for the exporter's own account and include a corresponding quantity as an export against an export sale, even though the export may not have been made during the reporting period.

(h) *Optional class or kind of commodity.*—If the export sale provides for an option as to the class or kind of commodity to be delivered under the export sale, the reporting exporter should report the particular class or kind of commodity expected to be exported.

(i) *Range in contract quantity.*—If the export sale provides for a range in quantity (e.g. 10,000 metric tons to 12,000 metric tons with or without a loading tolerance) with the reporting exporter or buyer having the option to declare a firm quantity at a later date, the reporting exporter shall report the maximum export sale quantity (exclusive of any loading tolerance). If an option is exercised for a lesser quantity at a later date, the reporting exporter shall report the reduction as an amendment to an export sale previously reported by him.

(j) *Transfer of unexported balances from one marketing year to the next marketing year.*—If exports against an export sale are not complete by the end of the marketing year in which the commodity is being reported for export, the reporting exporter shall transfer the quantity not exported against the export sale to the next market ing year on the first report submitted after the beginning of the new marketing year.

(k) *Errors on previous reports.*—Whenever an exporter discovers an error or is advised by SRS of an error on a prior report, he shall correct the error to reflect the proper outstanding export sales and exports on the current report and furnish a complete explanation of such reporting error.

(l) *When reports are not required.*—(1) A reporting exporter shall submit reports only for those commodities for which he has outstanding export sales, has made exports for his own account for which an offsetting export sale has not been made and reported, or has made a purchase from a foreign seller.

(2) A reporting exporter may discontinue reporting for a commodity only when his actual exports and other required reporting of changes have reduced to zero all of his export sales, exports made for his own account, and purchases from foreign sellers. The reporting exporter shall report his zero balance prior to discontinuing reporting for the commodity involved.

(3) If a reporting exporter discontinues making reports because he has reached a zero balance for a particular commodity, he shall be responsible to commence reporting again once he has made a new export sale or has made a new export for his own account or has made a new purchase from a foreign seller for that commodity.

(m) *Manner and time of reporting*—(1) *Manner.*—All reports must be filed in an original with the office specified in § 20.10. The original must be signed in an original signature by a person authorized to submit reports on behalf of the reporting exporter.

(2) *Time of filing reports.*—(i) *Reports that are delivered in person.*—If the reports described in paragraph (a) of this section are delivered in person, they must be received in the office specified in § 20.10 no later than 12:00 noon Washington, D.C. time on each Thursday, and shall set forth the information described in paragraph (a) of this section as of the preceding Sunday, midnight.

(ii) *Reports that are mailed.*—If the reports described in paragraph (a) of this section are mailed to the office specified in § 20.10, the envelope containing the reports must be received no later than 12:00 noon Washington, D.C., time on Thursday at the address specified in § 20.10 or show that it was received by the U.S. Postal Service no later than 5:00 p.m. Monday (time zone at place of mailing) and shall set forth the information described in paragraph (a) of this section as of the preceding Sunday, midnight. Do not use a meter to show the time or date mailed.

(iii) When a due date prescribed in paragraphs (m)(2)(i) or (ii) of this section falls on a National holiday, the due date shall be the next business day.

§ 20.7 Confidentiality of reports.

A reporting exporter's individual reports shall remain confidential and subject to examination only by designees of the Administrator of SRS. All reports filed by exporters will be compiled and published in compilation form each week following the week of reporting.

§ 20.8 Failure to report.

Any person who knowingly fails to report export sales pursuant to the requirements of these regulations shall be fined not more than $25,000 or imprisoned not more than one year, or both.

§ 20.9 Records.

Each reporting exporter shall establish and maintain accurate records as to all export sales of commodities subject to these regulations. Such records shall include, but shall not be limited to, export sales contracts or other agreements with the foreign buyer or foreign seller pursuant to which any export has or will be made; bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto. Such records shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved for three years after the date of export to which they relate.

§ 20.10 Place of submission of reports.

Reports required to be submitted under these regulations shall be addressed to or delivered to the following office:

Statistical Reporting Service, Export Sales Reports, U.S. Department of Agriculture, Room 0250, South Agriculture Building, 14th and Independence Avenue, Washington, D.C. 20250.

§ 20.11 Additional reports.

The reporting exporter shall file such additional reports as may be required from time to time with the office specified in § 20.10.

NOTE.—The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date.—The provisions of this Part 20 shall become effective on October 8, 1973. Initial reports shall contain information as of midnight October 14, 1973, required by this regulation.

Signed at Washington, D.C., on October 4, 1973.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

APPENDIX I—COMMODITIES SUBJECT TO REPORTS, UNITS OF MEASURE TO BE USED IN REPORTING, AND BEGINNING AND ENDING DATES OF MARKETING YEARS

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Wheat—Hard red winter	Metric tons	July 1	June 30.
Wheat—Soft red winter	do	do	Do.
Wheat—Hard red spring	do	do	Do.
Wheat—White	do	do	Do.
Wheat—Durum	do	do	Do.
Wheat—Mixed	do	do	Do.
Wheat products—all wheat flours (including clears), bulgur, semolina, farina and rolled, cracked, and crushed wheat.	do	do	Do.
Barley—unmilled	do	do	Do.
Corn—unmilled	do	Oct. 1	Sept. 30.
Rye—unmilled	do	July 1	June 30.
Oats—unmilled	do	do	Do.
Grain sorghums—unmilled	do	Oct. 1	Sept. 30.
Soybeans	do	Sept. 1	Aug. 31.
Soybean oil cake and meal	do	Oct. 1	Sept. 30.
Soybean oil, including: Crude (including degummed), once refined, soybean salad oil (including refined and further processed by bleaching, deodorizing, or winterizing), hydrogenated.	do	do	Do.
Flaxseed	do	July 1	June 30.
Linseed oil—including raw, boiled	do	do	Do.
Cottonseed	do	Aug. 1	July 31.
Cottonseed oil cake and meal	do	Oct. 1	Sept. 30.
Cottonseed oil, including: crude, once refined, cottonseed salad oil (refined and further processed by bleaching, deodorizing or winterizing), hydrogenated.	do	Oct. 1	Sept. 30.
Cotton—American Egyptian Raw, extra long staple	Running bales	Aug. 1	July 31.
Cotton—Upland—Raw, staple length 1 3/16 in and over	do	do	Do.
Cotton—Upland—Raw, staple length 1 in up to 1 3/16 in	do	do	Do.
Cotton—Upland—Raw, staple length under 1 in	do	do	Do.
Rice—long grain, brown (including parboiled)	Metric tons	do	Do.
Rice—medium, short and other classes, brown (including parboiled).	do	do	Do.
Rice—long grain, milled (including parboiled)	do	do	Do.
Rice—medium, short and other classes, milled (including parboiled).	do	do	Do.

[FR Doc.73-21636 Filed 10-5-73;11:33 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Docket No. SH-317]

PART 864—SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

Correction

In FR Doc. 73-19472, appearing at page 25427, in the issue of Thursday, September 13, 1973, make the following changes:

1. The number of the section beginning at the top of the middle column on page 25429, should read "864.29."

2. On page 25431, the last paragraph in column 2 should be changed to read as follows:

The recommendations by producer representatives concerning the wage rate for harvester and loader operators when harvesting sugarcane for seed; the exclusion of field overseers and supervisors from minimum wage requirements have not been adopted. It is believed that these provisions continue to be equitable for the reason set forth in the statement of bases and considerations which accompanied the wage determination that became effective October 1, 1972.

[Docket No. SH-319]

PART 865—SUGARCANE; TEXAS

Fair and Reasonable Wage Rates

The Sugar Act requires Texas sugarcane producers, as one of the conditions with which they must comply to be eligible for government payments under the act, to pay all workers employed in the production, cultivation, and harvesting of sugarcane in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opportunity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. A public hearing was held at San Benito, Texas, on July 12, 1973.

The determination, which becomes effective on October 15, 1973, increases the minimum wage rate by 35 cents per hour for equipment operators and by 30 cents per hour for other workers, and makes the minimum wage rates identical in Texas and Florida for comparable work.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(1)), as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in San Benito, Texas on July 12, 1973, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Texas" remain in full force and effect as to the crops to which they were applicable unless and until they are superseded in subsequent determinations.

Sec.

865.1 Requirements.
865.2 Applicability of wage requirements.
865.3 Payment of wages.
865.4 Evidence of compliance.
865.5 Employment of workers through a labor contractor or crew leader.
865.6 Subterfuge.
865.7 Claim for unpaid wages.
865.8 Failure to pay all wages in full.
865.9 Checking compliance.

AUTHORITY: Secs. 301, 403, 61 Stat. 929, as amended, 932; (7 U.S.C. 1131, 1153).

§ 865.1 Requirements.

A producer of sugarcane in Texas shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 865.2, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 15, 1973, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker	Rate per hour
(i) Tractor drivers, truck drivers, and principal operators of mechanical harvesting and loading equipment	$2.45
(ii) All other workers	$2.15

(2) *Workers 14 and 15 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and full-time students 14 years of age or older employed on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or a full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate prescribed for the class of worker described in paragraph (a)(1) of this section.

NOTE: The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.

(3) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver, truck driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than $2.15. The training period for such workers shall not exceed six workweeks.

(4) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour Division, U.S. Department of Labor, Room 13F-12, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, Tex. 75202, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the

applicable hourly rate prescribed for the class of worker described in subparagraph (1) of this paragraph.

(5) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of two weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed for the class of worker described in paragraph (a) (1), (2), (3), or (4) of this section.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 865.2 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators or independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 865.3 Payment of wages.

(a) Workers shall be paid by check or in currency for all work performed, except to the extent that the payment is reduced by the following deductions: cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of three years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Deductions may not be made for payments to a labor contractor or crew leader for his services; or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of wages earned which shall in no event be less than those required by this part.

§ 865.4 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of three years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 865.5 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file: (1) A copy of his authorization signed by each worker to collect wages due each such worker; (2) a copy of each worker's statement of earnings as required by section 865.3, or a wage record sheet such as any one of those shown in Exhibit 16 of Handbook 3–SU, available in county ASCS offices, showing the names of the producer and worker, dates work was performed, class of work performed, hours worked, agreed upon wage rate, total earnings, deductions, and the amount of wages due the worker; and (3) the signature of the worker acknowledging receipt of wages earned which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and producer which shall in no event be less than those required by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is

determined that all workers on the farm have been paid in full: *Provided, however*, That a producer who, having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part. However, in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 865.6 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 865.7 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191, entitled "Claim Against Producer for Unpaid Wages," within two years from the date the work with respect to which the claim is made was performed. Detailed instruction and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASCS committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Texas State Agricultural Stabilization and Conservation Committee, USDA Building, College Station, TX 77840, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committe, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, Programs, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780, Title 7 of the Code of Federal Regulations (7 CFR Part 780).

§ 865.8 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate all such workers and to pay in full the wages due them. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid pages computed for the farm.

§ 865.9 Checking compliance.

The procedure to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be obtained from the Texas State ASCS Office, USDA Building, College Station, TX 77840.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foreging determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in production, cultivation, or harvesting of sugarcane in Texas as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that minimum hourly wage rates are increased by 35 cents per hour for equipment operators and by 30 cents per hour for other workers. The new minimum hourly wage rates are $2.45 per hour for tractor drivers and principal operators of mechanical harvesting and loading equipment, and $2.15 per hour for all other workers. Other provisions of the prior determination continue unchanged.

A public hearing was held in San Benito, Texas, on July 12, 1973, at which interested persons were afforded the opportunity to testify on whether the wage

rates established for Texas sugarcane fieldworkers in the wage determination which became effective on October 2, 1972, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

Witnesses appearing at the public hearing on behalf of sugarcane producers recommended that there be no increase in wage rates until growers have received income from their first crop of sugarcane. In support of their recommendation, they testified that two unexpected freezes in January of 1973 had killed all of their remaining seed stock, necessitating the planting of cane stools and roots to get the crop started and thereby increasing planting expense; that they still do not know what their cost of production will be; that yields and tonnages will be reduced because of the freezes; and that they do not have any records that will reflect the man-hours required to produce a ton of sugar, but are certain that costs and expenses have increased. There was no testimony by or on behalf of sugarcane fieldworkers at this year's hearing.

Consideration has been given to the testimony and recommendations presented at the public hearing; to the expected yields, production, and profitability of the Texas sugar industry, and to other generally related standards normally considered in wage determinations, including the cost of living.

The wage rates established in this determination are identical to those recently determined for similar work in the Florida sugarcane industry. Comparability between the two areas has been accomplished in two steps. The initial Texas wage determination, which became effective October 2, 1972, established the minimum rates at the levels then in effect for the Florida cane area. The rates in Florida were increased shortly thereafter by 20 cents per hour for equipment operators and 15 cents per hour for unskilled workers, effective October 30, 1972.

It has been the Department's intention that Florida and Texas wage rates be on a par since production and price conditions are expected to be comparable in the two areas. It is anticipated that harvest operations in Texas will be as efficient as similar operations in Florida. Moreover, witnesses testifying at this year's hearing indicated that yields of cane per acre should average about 36 tons in Texas this year, which compares favorably with the most recent five-year average yield of nearly 34 tons per acre in Florida. The Statistical Reporting Service of the Department forecast an indicated yield for Texas of 38 tons per acre in the August issue of Crop Production, and raised the figure to 40 tons per acre in September. Present prospects indicate favorable sugar prices and a favorable overall profit position for Texas sugarcane producers. Consequently, the wage increases in the proposed determination are expected to be within the producers' ability to pay.

Reference in § 865.1(a)(2) to the certificate from the Secretary of Labor needed for the employment of full-time students under the provisions of section 14 of the Fair Labor Standards Act has been removed. That section does not apply to students employed pursuant to this determination since the rates established herein, even if reduced to the 85 percent level, would still exceed the minimum rate provided for agricultural workers in section 6 of the Fair Labor Standards Act.

This determination is issued on a continuing basis and will remain in effect until amended, superseded, or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

On the basis of an examination of all revelant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE.—The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on October 15, 1973.

Signed at Washington, D.C., on October 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-21614 Filed 10-10-73;8:45 am]

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 892—MAINLAND CANE SUGAR AREA

Subpart D—Determination of Sugar Commercially Recoverable

RATES OF RECOVERABILITY: 1973 CROP

Pursuant to section 302(a) of the Sugar Act of 1948, as amended (7 U.S.C. 1132(a)), and as provided in § 892.35 (37 FR 18698), Subpart D of Part 892 is amended by adding § 892.37 to read as follows:

§ 892.37 Rates of recoverability, 1973 crop.

For the 1973 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(a) For farms in Louisiana:

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
6.0	0.575
7.0	0.783
8.0	0.961
9.0	1.133
10.0	1.315
11.0	1.483
12.0	1.651
13.0	1.823
14.0	1.994
15.0	2.167
16.0	2.329
17.0	2.492
18.0	2.655
19.0	2.818

(b) For farms in Florida:

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
6.0	0.723
7.0	0.881
8.0	1.039
9.0	1.221
10.0	1.419
11.0	1.587
12.0	1.762
13.0	1.937
14.0	2.113
15.0	2.288
16.0	2.463
17.0	2.631
18.0	2.789
19.0	2.955

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 6 percent or more than 19 percent shall be computed in proportion to the immediately higher or preceding interval.

Statement of bases and considerations. Section 892.35 (37 FR 18698) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER. Pursuant to the provisions of § 892.35, this section sets forth the rates applicable for the 1973 crop of sugarcane in the Mainland Cane Sugar Area. These rates reflect changes in the 5-year averages of normal juice extraction, boiling house efficiency, net cane as a percent of gross cane, polarization of sugar produced, and normal juice purity at each normal juice sucrose level.

The rates of recoverable sugar for the 6 percent normal juice sucrose level in Florida and the 18 and 19 percent normal juice sucrose levels in Louisiana have been computed by extrapolation as the number of analyses in these ranges are insufficient to give a reliable purity. These extrapolations are included as they have been used at various times under prior programs.

The rates are lower in the average normal juice sucrose range than those for the preceding crop in both Louisiana and Florida due to small changes in all of

these averages. A notice of proposed rule making was not given for § 892.37 as it is a mathematical formula which makes use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data.

Accordingly, I hereby find and conclude that the foregoing revision of Part 892 will effectuate the applicable provisions of the Act.

(Secs. 302, 303, 304, 403, 61 Stat. 930, as amended, 931, 932; 7 U.S.C. 1132, 1133, 1134, 1153.)

Effective date: Date of publication October 11, 1973.

Signed at Washington, D.C., on October 4, 1973.

E. J. PERSON,
Deputy Administrator, Programs.

[FR Doc.73-21550 Filed 10-10-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 72, Amdt. 1; Grapefruit Reg. 74, Amdt. 1; Tangerine Reg. 45, Amdt. 1; Tangelo Reg. 45, Amdt. 1; Export Reg. 23, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Minimum Grade and Size Requirements

These amendments prescribe minimum grade and size requirements for shipments of Florida oranges, grapefruit, tangerines, and tangelos to be effective during the period October 15, 1973, through September 29, 1974, under Marketing Order No. 905. Except for the grade requirement for late type oranges, the amended regulations are the same as those now in effect. The amendment raises the grade requirement for such oranges from U.S. No. 2 to U.S. No. 1. The minimum grade and size requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit consistent with current and prospective crop and market conditions. The proposed amendments were published in the FEDERAL REGISTER on September 21, 1973, and appear without change in the amendments as hereinafter set forth.

Notice was published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26454), that consideration was being given to amendment of the regulations applicable to shipments of Florida oranges, grapefruit, tangerines, and tangelos handled between the production area and any point outside thereof. The regulations were recommended by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided that all written data, views, or arguments in connection with the proposed amendments be submitted by October 2, 1973. None were received.

The amendments reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period October 15, 1973, through September 29, 1974, based on the available supply and current and prospective market conditions. The amendments are necessary to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by shipment of lower quality and smaller size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumer's needs. The amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice and other available information, it is hereby found that the regulations, as hereinafter set forth, are in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and in that (1) notice of proposed rule making concerning these amendments, with an effective date of October 15, 1973, was published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26454), and no objection to these amendments or such effective date was received; (2) the recommendation and supporting information for regulation of the aforesaid fruits during the period specified herein were submitted to the Department after an open meeting of the Growers Administrative Committee on September 6, 1973, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of these amendments including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such fruits; and (5) compliance with the amendments will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. 1. In § 905.550 (Orange Regulation 72; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof and subparagraph (9) are amended to read as follows:

§ 905.550 Orange Regulation 72.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

* * * * *

2. In § 905.551 (Garpefruit Regulation 74; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

3. In § 905.552 (Tangerine Regulation 45; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.552 Tangerine Regulation 45.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

4. In § 905.553 (Tangelo Regulation 45; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.553 Tangelo Regulation 45.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

5. In § 905.554 (Export Regulation 23; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof and subparagraph (9) are amended to read as follows:

§ 905.554 Export Regulation 23.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

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

Dated October 4, 1973, to become effective October 15, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-21549 Filed 10-10-73;8:45 am]

[Valencia Orange Reg. 453]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 12–18, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.753 Valencia Orange Regulation 453.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that prices f.o.b. averaged $4.11 per carton on a sales volume of 628 carlots during the week ended October 4, 1973, compared with $3.95 per carton on sales of 640 carlots a week earlier. Track and rolling supplies at 358 cars were up 19 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 9, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 12, 1973, through October 18, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated October 10, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-21881 Filed 10-10-73;11:32 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket No. AO–86–A29]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Termination of Certain Provisions and of a Proceeding on Proposed Amendments to Tentative Marketing Agreement and Order

In view of the considerations set forth herein, it is necessary that the provisions of the Class I base plan under the Nebraska-Western Iowa order, and the proceeding initiated by the notice of hearing (Docket No. AO–86–A29) issued March 15, 1973 (38 FR 7339) including proposed amendments to the tentative marketing agreement and to the order contained in the recommended decision issued July 2, 1973 (38 FR 18035), be terminated.

A Class I base plan for the Nebraska-Western Iowa marketing area was contained in an order issued December 15, 1972 (37 FR 28126) to become effective February 1, 1973. The effective date was delayed until March 1, 1973 (38 FR 2960) because of difficulties in obtaining complete data for production history bases, and an additional postponement to April 1, 1973 (38 FR 5255) was made at the request of Mid-America Dairymen, Inc., one of the proponents of the Class I base plan in this hearing.

A further postponement was made at the request of Associated Milk Producers, Inc., Central Region, another cooperative association in the market, in order that a public hearing could be held to consider revisions of the base plan.

A public hearing was conducted on April 17, 1973, pursuant to the notice issued March 15, 1973, and the effective date of the Class I base plan provisions was deferred until further notice by an order issued March 15, 1973 (38 FR 7318).

On the record of the hearing, two cooperatives whose members comprise all but a small percentage of producers on the market proposed that the Class I base plan issued December 15, 1972, be made effective subject to certain revisions, specifically with respect to transfer of Class I and production history bases, reassignment of Class I base if a producer disposed of his base, and a modified calculation of production history bases for those producers who began milk production in the last three months of the representative period.

The July 2, 1973, recommended decision (previously cited) denied cer-

tain of the proposals of the cooperative associations with respect to Class I base transfers.

An extension of time for filing exceptions to the recommended decision was requested, and extension to September 7, 1973, was granted.

Exceptions filed by the proponent cooperative association with the largest producer membership requested an indefinite postponement of further action on the plan. The other cooperative joined in this request.

Reasons cited for the requested postponement are: (1) Changes in marketing conditions, particularly increased costs of production and other economic factors tending to discourage production of an adequate supply; (2) dissatisfaction with the provisions of the base plan as contained in the recommended decision; and (3) reduced support of producers for the plan because of reasons (1) and (2).

It is hereby determined pursuant to § 608c(16)(A) of the Act that the Class I base plan no longer tends to effectuate the purposes of the Act and is hereby terminated because:

(1) Changes in conditions within the dairy industry, including the costs of feeds, supplies of feeds, and other costs have tended to reduce the incentives for milk production. The level of milk production nationally has declined 2.2 percent for the first half of the year compared to a year before, 3.3 percent in July, and 3.8 percent in August. In the Nebraska-Western Iowa market, producer milk deliveries to handlers regulated thereunder declined 1.7 percent January-July 1973 from the same 7-month period of 1972.

The demand in this market for milk in Class I (bottling use), however, increased 2.7 percent January-July 1973 from the same 7-month period, 1972. These conditions have resulted in concern for maintaining an adequate supply of milk, both nationally and in individual fluid markets. Under these circumstances, therefore, the adoption of a Class I base plan, which could encourage some producers to reduce production, would not serve a useful purpose in maintaining or achieving an adequate supply for this market.

(2) Cooperative associations representing most of the producers for the market have requested that further action on the proposed Class I base plan be suspended and postponed indefinitely.

(3) An indefinite suspension and postponement of the Class I base plan as requested by the proponent cooperatives is impractical, and would serve no useful purpose since changes in conditions that would occur during the period of postponement could render obsolete the principal features of the base plan as presently contained in the order and as set forth in the recommended decision. Consequently, the plan is terminated. If at some future time there is a basis for renewed consideration of such a scheme for the Nebraska-Western Iowa order, the matter might then be explored, taking into account conditions existing at that time.

(4) Inasmuch as a Class I base plan has not been effective under the order, its termination will not be a cause of loss to producers.

Termination order. In view of the foregoing, *it is therefore ordered* That: (1) the proceedings beginning with a notice of hearing for the Nebraska-Western Iowa order (Docket No. AO-86-A29) issued March 15, 1973 (38 FR 7339), and including the proposed amendments to the tentative marketing agreement and to the order with respect to the Class I base plan in the recommended decision issued July 2, 1973, (38 FR 18035), and (2) the Class I base plan provisions of the Nebraska-Western Iowa order No. 65 as set forth below, are hereby terminated:

1. In § 1065.7 *Producer*, the proviso;

2. In § 1065.9 *Producer-handler*, "and" where it appears at the end of paragraph (c), and all of paragraph (d);

3. In § 1065.22 *Additional duties of the market administrator*, where they appear in paragraph (k)(2), the word "applicable", the reference "or § 1065.71a", and the letter "s" in the word prices;

4. In § 1065.71 *Computation of uniform prices*, the text of paragraph (g) that reads "except for any month in which a Class I base plan is effective shall be";

5. § 1065.71a;

6. In § 1065.73 *Location differentials to producers and on nonpool milk*, paragraph (d);

7. In § 1065.80 *Time and method of payment*, the text preceding paragraph (a) that reads "Except in each month in which § 1065.80a applies". As terminated, the remaining effective text should read: Each handler shall make payments as follows:

8. § 1065.80a;

9. In § 1065.82 *Payments to the producer-settlement fund*, where they appear in paragraph (b)(1), the word "applicable", the reference "or § 1065.80a", and the letter "s" in prices;

10. Sections 1065.90 through and including 1065.98, and the centerhead caption to these sections.

Signed at Washington, D.C., on October 5, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-21547 Filed 10-10-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Cotton Loan Program Regs., Amdt. 5]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

INCREASE IN INTEREST ON FUNDS INVESTED BY FINANCIAL INSTITUTIONS IN LOANS

The Cotton Loan Program Regulations, issued by Commodity Credit Corporation, published in 36 FR 13981, as amended, are hereby further amended to provide in § 1427.20(h) for an increase in the rate of interest applicable to amounts invested by financial institutions in loans. Since producers are now harvesting 1973-crop cotton, it is essential that the regulations be made effective as soon as possible. It is, therefore, found and determined that compliance with the notice of proposed rulemaking procedure is impracticable and contrary to the public interest. The amended paragraph (h) reads as follows:

§ 1427.20 Special procedure where note amount advanced.

* * * * *

(h) *Rate of interest.* Interest will be at the rate of $.0002 per day for each dollar of invested funds until such rate is increased or decreased by CCC by an amendment to this subpart. The effective date of any decrease shall be at least 15 days after the date of publication of the amendment.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; (7 U.S.C. 1441, 1444, 1421))

Effective date. This amendment shall become effective on October 11, 1973.

Signed at Washington, D.C., on October 3, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-21551 Filed 10-10-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-73-9R]

PART 127—SECURITY ZONES

Delaware River, Chester, Pennsylvania

This amendment to the Coast Guard's Security Zone Regulations, establishes the Delaware River, Chester, Pennsylvania as a security zone. This security zone is established due to the launching of Hull No. 664 from No. 8 Shipway of Sun Ship Building and Drydock Company.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because good cause exists and public procedures on this amendment are impracticable because of lack of advance notice on the launch date.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.310, to read as follows:

§ 127.310 Delaware River, Chester, Pennsylvania.

The area within the following boundary is a security zone: a line beginning at 39°50'36" N., 075°21'22" W.; thence to 39°50'16" N., 075°21'07" W.; thence to 39°50'45" N., 075°19'29" W.; thence to 39°51'22" N., 075°19'32" W.; thence to the beginning point.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 49 U.S.C. §1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment is effective from 12:45 p.m., e.d.t. to 2:00 p.m., e.d.t. on Thursday, October 11, 1973.

Dated October 2, 1973.

B. F. ENGEL,
Vice-Admiral, United States Coast Guard, Commander, Third Coast Guard District, Governors Island, New York.

[FR Doc.73-21777 Filed 10-10-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt. 61]

OIL IMPORT REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments; Oil Imports

Amendment 59 to Oil Import Regulation 1 (Revision 5), as amended, amended section 25 in its entirety to provide startup allocations for new, expanded, or reactivated refinery capacity.

It was intended that, contrary to previous requirements, additions and modifications which have resulted in the new, expanded and reactivated refinery capacity need not, when installed independently of existing equipment, constitute refinery capacity as defined in section 22. Due to the very specific definition of the term "refinery capacity" contained in section 22, however, section 25, as written, did for all practical purposes retain the stand alone requirement. Amendment 61 eliminates this requirement.

In addition, discussions with the many refiners who have filed section 25 applications for the 1973 allocation period indicated a need for a uniform method of establishing a base capacity not only for the specific unit or refinery being expanded but for all refining capacity controlled by the applicant. Amendment 61 provides a method of establishing the base capacity of the unit or refinery being expanded. Establishment of a base capacity for all refinery capacity controlled by the applicant has been obviated by deleting the requirement that the Director shall reduce the inputs to the new, expanded, or reactivated facility by the same amount that inputs to the applicant's other refining facilities were lowered.

It has also been noted that the granting of fee exempt allocations for the importation of unfinished oils and finished products is not consonant with the objective of encouraging construction of domestic refining capacity. Accordingly, Amendment 61 provides that except for allocations made for new, expanded, or reactivated refinery capacity located in American Samoa, Guam, the Virgin Islands or foreign trade zones, allocations earned pursuant to section 25 will be for importation of crude oil only. Amendment 61 also corrects two minor typographical errors contained in Amendment 59.

This amendment 61 becomes effective on October 11, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

Approved October 5, 1973.

WILLIAM E. SIMON,
Deputy Secretary of Treasury.

Sec. 25 [Amended]

The following revisions are made to Section 25 of Oil Import Regulation 1 (Revision 5), as amended:

Paragraph (a)(1) is amended to read as follows:

(a)(1) The Director may make allocations of imports of crude oil, unfinished oils, and finished products with respect to new, expanded or reactivated refinery capacity as provided in this section.

The plant additions and modifications which have resulted in the new, expanded, or reactivated refinery capacity need not when taken independently meet the definition of refinery capacity as defined in section 22 of this Regulation: *Provided*, That such additions and modifications are an integral part of a facility that does qualify as refinery capacity.

An addition is made to paragraph (a)(2) to read as follows:

(a) * * *

(2) * * *

(x) in the case of an expansion, the certified inputs for the last three years to the particular refinery or identifiable crude processing facility for which the expansion is claimed.

Paragraph (b)(5) is amended to read as follows:

(b) * * *

(5) If the new, expanded or reactivated refinery capacity has not been onstream for a period of sixty months after earning an allocation under subparagraph (4) of this paragraph (b), an allocation will be made for the next allocation year based on actual inputs (divided by 365) for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25.

Paragraph (e)(4) is rescinded. Paragraph (e)(5) is redesignated to become Paragraph (e)(4).

Paragraph (g)(1) is amended to read as follows:

(g)(1) As used in this section 25, "expanded refinery capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of an existing refinery or identifiable crude processing capacity within an existing refinery as have resulted in an increased processing capability of not less than fifteen percent above the base capacity established for the particular refinery capacity under consideration. This base capacity will be the average certified inputs to the particular refinery or identifiable crude processing facility being expanded for the highest two of the last three input years.

Paragraph (i) is amended to read as follows:

(i)(1) Except as provided in subparagraph (2) of this paragraph, an allocation made pursuant to this section 25 will be for crude oil only.

(2) Allocations made pursuant to this section 25 to persons for new, expanded or reactivated refinery capacity located in American Samoa, Guam, the Virgin Islands or foreign trade zones shall be for import into Districts I–V or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported pursuant to an allocation covered by this subparagraph cannot be counted as qualified refinery inputs in Districts I–IV, District V, or Puerto Rico.

[FR Doc.73-21808 Filed 10-9-73;2:58 pm.]

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 1095]

[Docket No. AO 257-A22]

MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Northern Louisiana marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Shreveport, Louisiana, on May 22, 1973, pursuant to notice thereof issued on May 7, 1973 (38 FR 12232).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on September 6, 1973 (38 FR 25190), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Pool plant qualifications.
3. Designating a cooperative as the handler on bulk tank milk.
4. Reports included in uniform price computation.
5. Location adjustments.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.*—Diverted milk should be priced at the location of the plant to which diverted and only the milk of producers from whom not less than 6 days' production during the month was physically received at a pool plant should qualify for diversion. Milk diverted by a cooperative from pool plants to nonpool plants should be limited to a quantity not greater than 15 percent of the total producer milk physically received at all pool plants from the cooperative during the month; and milk diverted by the proprietary operator of a pool plant should not exceed 15 percent of the total nonmember producer milk physically received at his plant.

Diversions of producer milk now are unlimited during February through August. In other months not more than 10 days' production of each producer may be diverted unless, in the case of a cooperative, not more than 15 percent of its member producer milk is diverted during the month, or in the case of a pool plant operator (other than a cooperative), not more than 15 percent of the total nonmember producer milk delivered to his plant during the month is diverted.

A proposal by the major cooperative in the market would have provided for diversion in all months of up to 10 days' production for any individual producer. In addition, it proposed that only the milk of those dairy farmers who held producer status for the entire two immediately preceding months would be eligible for diversion.

The cooperative testified that the present diversion provisions provide a means of associating milk with the market solely for manufacturing purposes at the expense of producers who regularly supply the market and on whom the market depends for its Class I needs. Under current marketing conditions, they contend, tighter restrictions on diversions are needed in the Northern Louisiana market. No testimony was presented in opposition to the expressed need for revision of the order's diversion provisions.

The purpose of the diversion provisions is to facilitate marketing the reserve milk that is a necessary part of the market supply. Because of variations in market needs and in production, the milk of each producer is not needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. At times, therefore, when milk of a dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by moving it as diverted milk from the farm to a nonpool manufacturing plant.

Only that milk from dairy farmers genuinely associated with the market, as evidenced by their deliveries to pool plants, should be eligible for diversion to nonpool plants. It is provided, therefore, that at least 6 days' production of a producer must be received at a pool plant during the month to qualify any of his production in the same month for diversion. Also, limiting diversions of producer milk by cooperatives and proprietary handlers to 15 percent of the respective quantities of member and nonmember delivered to pool plants during any month, as adopted in this decision, will provide for diversions in February through August (during which diversions are now unlimited) on the same basis as is now the case for other months (September through January). These requirements are sufficient to establish a producer's continuing association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

The cooperative's proposal providing for diversion of 10 days' production of each producer would appear to allow up to twice as much diversion as provided under the 15 percent limitation adopted herein. It is unrealistic, however, to expect the milk of every producer to be diverted during the month. It is more practicable to divert during any particular month on a continuous basis the milk of those producers whose farms are at distant locations from the market and/or are conveniently located relative to a nonpool plant to which milk may be diverted.

In the above circumstance, it is more appropriate that the quantities of milk that may be diverted be based on aggregate producer deliveries to pool plants rather than be determined by the number of days the milk of each producer was diverted during the month. Moreover, diversion limits based on a percentage of total producer receipts, instead of on the number of delivery days of each producer, will enable the cooperative or proprietary handler affected to more readily ascertain the extent to which he is within his diversion limits at any time during the month.

Because of the relatively high Class I utilization of producer milk under the Northern Louisiana order (e.g., 83 percent in 1972), there has been little need to divert producer milk in this market. Therefore, limiting diversion to 15 percent of producer deliveries to pool plants monthly throughout the year should be adequate to facilitate the disposition of any surplus milk that may result from changing market conditions.

Milk diverted to nonpool plants in excess of the limitations provided should not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on any such excess. It would be the responsibility of the diverting handler to specify which milk is ineligible as producer milk. If the handler fails to make such designation, and the market administrator is unable to determine which milk is overdiverted, all milk diverted to nonpool plants by such handler would be ineligible as producer milk.

Providing for the diversion of producer milk to an other order plant for manufacturing purposes will contribute to orderly marketing. In some instances, a pool plant operator may find that his most desirable outlet for this purpose is an other order plant. Specifying under the order that, insofar as this order is concerned, such milk may be diverted as producer milk if a Class II or Class III classification is designated for such milk pursuant to the other order, will tend to insure the integrity of both orders. Otherwise, such milk's eligibility to be included under a Federal order would more appropriately be determined at the other order plant where received. Diversion to such plants, if permitted unconditionally, could result in the pricing and pooling of the same milk under two orders.

As a corollary change, when milk from a dairy farmer is received at a pool plant as diverted from an other order plant, it should not be eligible for pooling as the milk of a producer under this order if a Class II classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population centers in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to continue to price milk as if delivered to the pool plant from which diverted (as now provided in the order) when actually delivered as diverted milk to a nonpool plant at a location at which a different price is appropriate based on the location adjustment that would be applicable to a pool plant at the same location.

When producer milk is received as diverted milk at a nonpool plant, its location value is similar to that of milk delivered by producers to a pool plant at the same distance from the market. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers when the latter's milk is diverted to distant manufacturing plants rather than delivered to the market center. This is because the distant producers receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

The cooperative's proposal to allow diversions of milk of only those dairy farmers who held producer status throughout the entire two immediately preceding months is denied. The purpose of this proposal is to insure that only the milk of dairy farmers regularly associated with the market will be pooled. Other changes in the diversion provisions adopted in this decision will more appropriately achieve this end.

Allowing no diversions by dairy farmers in their first two months as producers under the order will not contribute to orderly marketing. Rather, it could tend to impede the normal maintenance and development of a dairy farmer supply of milk on which the market must depend for its Class I needs.

2. *Pool plant qualifications.*—The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from the plant under the diversion limits; and the pooling percentage qualification for a supply plant should be based on the milk diverted from the plant in addition to its receipts of producer milk. The qualifying percentages should remain the same as now provided in the order. However, the in-area route sales requirements for pooling a distributing plant should be revised.

The order currently requires that a pool distributing plant distribute on routes at least 50 percent of the total quantity of milk delivered directly to the plant from producers' farms during the month. In addition, at least 10 percent of such receipts, or 1,500 pounds on a daily average, whichever is less, must be distributed on routes in the marketing area. A supply plant qualifies as a pool plant if it transfers to pool distributing plants at least 50 percent of the milk delivered to the plant from producers' farms during the month.

Proponent, a cooperative supplying a majority of milk in the market, contended that the present provisions are inappropriate under current conditions by providing undue incentive for the pooling of plants that have no real association with the market and on which the market cannot depend for its fluid needs. The changes herein provided were proposed by the cooperative. They are necessary, according to the cooperative, to avoid possible dilution of returns to producers that would result from attaching to the Northern Louisiana pool milk supplies largely predestined for manufacturing.

The pooling qualifications for a distributing plant should be based on its route disposition relative to the quantity of approved fluid milk products physically received at such plant plus the milk of producers diverted therefrom by the plant operator or the cooperative through which the producers' milk is marketed. All such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with all approved fluid milk products physically received at the plant.

As indicated above, diverted milk may now be pooled without being considered as a part of the supply of the plant from which diverted in determining its qualifications to pool. In the case of a distributing plant receiving its total supply from producers, if 15 percent of producer milk associated with such plant is diverted without being counted as part of the plant's supply, the route disposition percentage requirement for pooling the plant is, in effect, reduced by 7.5 percent as compared to a plant that diverted no milk during the month.

Similarly, if 15 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping only 42.5 percent of its producer milk to pool distributing plants. On the other hand, a supply plant that diverted no milk would have to ship 50 percent of its actual producer receipts to qualify for pooling.

The principal purpose of a minimum in-area distribution requirement to qualify a distributing plant for pooling is to insure that only plants associated with the market in a significant and regular manner are pooled. As indicated above, presently a distributing plant to pool, must have route disposition in the marketing area during the month, at least 10 percent of its supply, or in a daily average of at least 1,500 pounds.

The latter alternative, eliminated in this decision, was adopted in 1955 as a basis for pooling under the individual pool order then instituted in the market. Under such an order, producers are paid by a handler according to his own utilization instead of having their returns equalized based on the aggregate utilization of all handlers as provided under the present marketwide pool order. No Northern Louisiana order handler now depends on the 1,500 pound in-area route disposition option to qualify a plant for pooling.

Continuing the 1,500 pound in-area route disposition option to qualify a plant for pooling could result in the pooling of plants that are only casually or incidentally associated with the market. For example, the production of dairy farmers supplying a plant that thus qualified, but whose in-area sales were but 2 percent of its total route disposition, could not reasonably be considered a regular part of the market's supply; and the plant likewise, could not be considered as one that is primarily associated with the Northern Louisiana order market.

Elimination of the 1,500 pound daily average in-area disposition requirement as an option will not restrict any milk plant operator from disposing of any fluid milk products in the marketing area. If a plant's route disposition in the marketing area were more than 1,500 pounds daily but less than 10 percent of its supply, it could reasonably be concluded that the plant was only marginally associated with the market and, unless otherwise regulated in another market, should appropriately be subject to the order as a partially regulated distributing plant.

The quantities of fluid milk products physcially received at or diverted from plants in determining their pool status should be that milk approved for fluid consumption by a "duly constituted regulatory agency." The term "duly constituted health authority" is now used in the order to designate such approved milk. The cooperative spokesman suggested that the term "duly constituted

regulatory agency" would be more appropriate in referring to approved milk thoughout the order. While the milk to be regulated is not changed, that term is more inclusive than the designations now used for agencies having jurisdiction in this field. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In some states, for example, this function is the responsibility of the state Department of Agriculture.

3. *Designating a cooperative as the handler on bulk tank milk.*—A cooperative should be the handler for milk of producers it receives for the account of the cooperative from the farm in a tank truck operated by, or under the control of, such cooperative for delivery to a pool plant. In addition, a cooperative should be the handler for all milk of producers it diverts from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative may be a bulk tank handler, or a diverting handler, for milk of member producers. Also, it may elect whether to be the handler for member milk it receives from the farm for delivery to a pool plant in a tank truck owned and operated by, or under contract to, such association.

Milk produced for this market is handled through farm bulk tanks and moved to the market in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from such other milk. The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producer.

When milk is picked up at the farm by a truck owned or operated by a cooperative, or by a person under contract to, or otherwise under the control of, such cooperative for delivery to a pool plant, it is the cooperative that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not know the identity of the individual producers whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the cooperative obviously must become the responsible handler for the milk as it leaves the farm.

As a bulk tank handler, a cooperative's obligation is basically limited to filing a payroll report showing the weights and butterfat content of the milk of the individual producers involved and of reporting the quantities of such milk delivered to each pool plant. The cooperative is responsible to the pool only for that portion of milk received from a producer's farm for delivery to pool plants that is not accounted as actually received at a pool plant because of a difference between the weight and test of the milk received at the plant and the weight and test as picked up at the farm. The cooperative's monetary obligation to the pool normally will be for the difference in these amounts, which usually will be shrinkage in accordance with its value under the shrinkage provisions. Even this small monetary obligation is eliminated, however, when, as in this market, the handler receives milk from the cooperative on the farm weights and tests.

A cooperative expressed concern at the hearing that the modifications adopted might require a cooperative to be the handler for the milk of nonmember producers. Nothing in the amendments adopted would require a cooperative to pick up the milk of nonmember producers in tank trucks under the cooperative's operation or control. It does provide that if a cooperative should pick up milk of nonmember producers on routes under its control, it must assume varying degrees of responsibility with respect to such milk depending on the circumstances.

The provision adopted, which accommodates substantial flexibility in the arrangements under which cooperatives sell to pool plant operators, makes it possible for a cooperative to pick up, on its trucks or trucks under its control, the milk of nonmember producers for delivery to pool plants and for the pool plant operator to make payment directly to such nonmember producers for their milk. Thus, the degree of responsibility the cooperative will have for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, it will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of such cooperative, has contracted with the cooperative to act as the marketing agent for his milk. In this connection the cooperative may collect payment from pool plant operators for a nonmember producer provided such nonmember has given the cooperative authorization to make such collection.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act wherein it is recognized that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

In the event the milk of a nonmember producer is diverted as producer milk from a pool plant to a nonpool plant by a cooperative, the cooperative should be the diverting handler with respect to such milk. Here the cooperative performs the complete handling function and in such capacity obviously must be held to be responsible for order obligations applicable to such milk. Thus, all milk commingled in the truck should be handled in equal terms insofar as its producer status under the order is concerned.

A question that might be raised is whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember producer with those paid to its member producers. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative, the cooperative could pay such nonmember on the same basis as it pays its member producers. However, such a contract between the cooperative and the nonmember must specifically provide for a payment reflecting: (1) The same blending of proceeds as is otherwise done for members, (2) the same treatment of withholding for capital (revolving fund), (3) the same right of liquidation of certificates issued for a revolving fund or other capital withholding, and (4) the same privilege of sharing an ultimate distribution of proceeds if and when special distribution is made, such as dividends or returns of unused deductions.

In the absence of a written contract containing the terms set forth above, the cooperative would be required to pay a nonmember producer, for whose milk it is the handler at not less than the uniform price announced by the market administrator for the month.

A cooperative is, of course, also a handler in its capacity as an operator of a pool plant. However, there are significant differences in a cooperative's responsibilities in its various capacities as a handler. In connection with the revision of the handler definition adopted in this decision, the order language is revised (where reference is made to a cooperative association as a handler) when necessary to indicate explicitly the extent to which the order applies to a cooperative in its different capacities as a handler.

A cooperative must settle with the producer-settlement fund in the same manner as any pool plant operator (1) for the producer milk received at its pool plant, (2) for milk diverted as producer milk to nonpool plants by the cooperative from its own pool plant(s) and from the plant(s) of other handlers, and (3) for the quantities of milk received for its account from producers' farms in tank trucks under its control that exceed the quantities of such milk delivered to pool plants.

When fluid milk products are transferred from a cooperative's pool plant to the pool plant of another handler, the order's allocation and transfer provisions apply in the same manner as on transfers between proprietary handlers' pool plants. That is, the classification of such transfers is essentially that agreed to by the operators of the transferor-plant and the transferee-plant. However, when the transferor-plant is a cooperative plant, the operator of the transferee-plant must pay the cooperative for the fluid milk products transferred at not less than the applicable class prices on or before the same dates that payments must be made for milk

moved directly from producers' farms by the cooperative to pool plants.

4. *Reports included in uniform price computation.*—The order should not exclude from the current month's uniform price computation the report of a handler who has not paid his producer for the preceding month.

The market administrator must compute the uniform price for each month by the 10th of the following month. Less than four weeks earlier (by the 15th of the month) handlers must have completed their payments for producer deliveries in the preceding month.

It is not administratively feasible to audit the records of all handlers between the final date when payments to producers for the preceding month were due and the date by which the next monthly uniform price must be computed. Within that limited period of time, it is not practicable for the market administrator to determine that each handler has actually completed his payments to individual producers and cooperatives. Handlers' cancelled checks, for example, are necessary to verify such payments. They are received by handlers from their banks periodically, usually monthly, and it cannot be expected that all handlers' cancelled checks would be available for audit within the necessary time period.

In view of the above, the requirement to exclude from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month should be discontinued.

5. *Location adjustments.*—Location adjustments (the amounts by which the Class I price and the uniform price are reduced according to the location of a plant where milk is received from producers) should continue to be applied only at plants at least 50 miles from the City Hall in Minden or Monroe, Louisiana, and should be at the rate of 1.5 cents for each 10 miles or fraction thereof that a plant is located from the nearer of such point in Minden or Monroe.

The present location adjustment rate is 12 cents at plants between 50 and 60 miles from the nearer of the City Hall in Minden or Monroe, and an additional one cent for each 10 miles or fraction thereof at plants more than 60 miles from the nearer of those two basing points.

Proponent cooperative contended that the present location adjustment rates, which were incorporated in the order a number of years ago, do not now reflect the cost of transporting milk from distant plants to the market. Their revision was not opposed at the hearing.

Fluid milk products are bulky and perishable, and incur a relatively high transportation cost when moved a considerable distance. The location adjustment provisions assist in facilitating, under the minimum price provisions, the movement of milk from supply plants to the points where processed for Class I uses. Since location adjustments apply only at outlying plant locations, no location adjustment applies when milk is received directly from the farm at a plant in or near the marketing area. The transportation or hauling cost on such milk is paid for the individual producer and the hauling rate is not fixed by the order.

When milk is received at a supply plant located a considerable distance from the market, the handler, rather than the producer, incurs the cost of moving that milk from the outlying plant to the market for processing. Under these conditions, the value of producer milk delivered to a supply plant located some distance from the market is reduced in proportion to the distance and the cost of transporting such milk from the plant of first receipt to the distributing plant. If a distributing plant serving the market is located at a considerable distance from the main center of population in the marketing area, the price at such plant will reflect a value relative to such center of population equivalent to that of milk received at a supply plant similarly located.

The location adjustment rate of 1.5 cents for each 10 miles or fraction thereof, which is adopted in this decision, provides a more realistic transportation allowance from distant locations from the market than is now provided in the order. The present location adjustment rates, instituted in the order in 1958, are not appropriate under current marketing conditions.

The 1.5-cent rate for each 10 miles is recognized as being reasonably reflective of the cost of transporting milk and consequently is widely used in Federal orders. It approximates the hauling cost experience of the proponent cooperative, and its adoption will provide for the Northern Louisiana market the same rate as is used in other Federally regulated markets in the region.

Since all eight fully regulated plants now under the order are within 50 miles of the two basing points and are not subject to location pricing, the change herein adopted will not affect them. It will insure, however, that the location pricing of milk at outlying plants that might become subject to the order will approximate the order price f.o.b. the market less a reasonable allowance for the cost of moving milk to the market.

In modification of its original proposal, proponent cooperative proposed at the hearing that no location adjustment should apply at plants more than 60 miles south of Minden or Monroe. In support of this position, the cooperative spokesman contended that Class I prices in a Federal order market should relate directly to its distance from the Chicago milkshed, a major milk production area in the United States and an important alternative source of supply for order markets throughout the country. On this basis, he asserted, the greater the distance the plant location is from the Chicago milkshed, the higher the Class I price should be at that location.

As indicated above, location pricing under a given order is related to the problems of providing supplies for outlets in the marketing area regulated by that order and of achieving uniform prices for regulated handlers similarly situated. Proponent presented no problem with regard to the procurement of milk for this market or with respect to price alignment with other markets that would warrant a different application of location adjustments in a southerly direction from Minden or Monroe from that applicable in other directions. Consequently, there is inadequate basis for discontinuing the application of location adjustments in areas south from the marketing area. The proposal to eliminate location pricing at plants more than 60 miles to the south of Minden and Monroe therefore is denied.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Northern Louisiana marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

August 1973 is hereby determined to be the representative period for the purpose

of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northern Louisiana marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 5, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Northern Louisiana marketing area.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on September 6, 1973, and published in the FEDERAL REGISTER on September 12, 1973 (38 FR 25190), shall be and are the terms and provisions of this order, amending the order and are set forth in full herein:

1. Section 1096.7 is revised as follows:

§ 1096.7 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant, diverted to a nonpool plant pursuant to § 1096.16(b) or accounted for by a cooperative association pursuant to § 1096.16(c), except:

(a) A producer-handler as defined in any order (including this part) issued pursuant to the Act, or

(b) A person with respect to milk that is physically received at a pool plant as diverted milk from an other order plant if a Class II classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order issued pursuant to the Act.

2. In § 1096.8, paragraphs (c) and (d) are revised as follows:

§ 1096.8 Handler.

* * * * *

(c) A cooperative association with respect to milk of producers it diverts from a pool plant to a nonpool plant;

(d) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant(s); and

* * * * *

3. In § 1096.13, paragraphs (a) and (b) are revised as follows:

§ 1096.13 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than a producer-handler plant) from which the quantity of fluid milk products, except filled milk, disposed of on routes during the month is not less than 50 percent of the fluid milk products, except filled milk, that are approved by a duly constituted regulatory agency for distribution under a Grade A label and that are physically received at such plant or diverted to a nonpool plant as producer milk pursuant to § 1096.16 and such disposition on routes, except filled milk, in the marketing area during the month is not less than 10 percent of such fluid milk products; or

(b) A supply plant from which during the month not less than 50 percent of the total quantity of Grade A milk approved by a duly constituted regulatory agency that was physically received at such plant from dairy farmers and handlers described in § 1096.8(d) or diverted therefrom by the plant operator or a cooperative association as producer milk to a nonpool plant pursuant to § 1096.16 is shipped during the month to a plant(s) described in paragraph (a) of this section. A supply plant that was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for any of the remaining months through August; and

* * * * *

4. Section 1096.16 is revised as follows:

§ 1096.16 Producer milk.

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1096.8(d);

(b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the conditions of paragraph (d) of this section; or

(c) The difference between the quantity of milk received by a handler pursuant to § 1096.8(d) from producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1096.53 and 1096.75, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered.

(d) The following conditions shall apply to milk diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 6 days' production of such person as a producer is received at a pool plant;

(3) The total quantity of milk diverted by a cooperative association that is greater than 15 percent of the total quantity of producer milk received at all pool plants during the month from the cooperative association shall not be producer milk;

(4) The total quantity of milk diverted by the operator (other than a cooperative association) of a pool plant that is greater than 15 percent of the total quantity received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(5) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this

paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk; and

(6) Milk diverted to an other order plant shall be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order.

5. In § 1096.41, paragraph (b)(5)(i) is revised as follows:

§ 1096.41 Classes of utilization.

* * * * *

(b) * * *

(5) * * *

(i) Two percent of receipts directly from producers, excluding milk diverted pursuant to § 1096.16; plus

* * * * *

6. In § 1096.46, the introductory sentence and paragraph (a)(9) are revised as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1096.45, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) * * *

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1096.44(a); and

* * * * *

7. In § 1096.53, paragraph (a) is revised as follows:

§ 1096.53 Location adjustments to handlers.

(a) For milk received from producers at a plant located more than 50 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Hall in Minden or Monroe, Louisiana, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1096.51(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearer of the City Hall in Minden or Monroe; and

* * * * *

8. In § 1096.70, the introductory sentence is revised as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1096.8 (a), (c), and (d) shall be a sum of money computed by the market administrator each month as follows:

* * * * *

9. In § 1096.71, paragraph (a) is revised as follows:

§ 1096.71 Computation of aggregate value used to determine uniform prices.

* * * * *

(a) Combine into one total the values computed pursuant to § 1096.70 for all handlers who made reports prescribed by § 1096.30 for the month, except those in default of payments required pursuant to § 1096.82 for the preceding month;

* * * * *

10. In § 1096.75, the section title and paragraph (a) are revised as follows:

§ 1096.75 Location adjustments to producers and on nonpool milk.

(a) The uniform price for producer milk shall be reduced according to the location of the plant at which the milk was physically received, at the rates set forth in § 1096.53; and

* * * * *

11. In § 1096.80, the introductory sentence in paragraph (f) is revised and a new paragraph (g) is added as follows:

§ 1096.80 Time and method of payment for producer milk.

* * * * *

(f) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 1096.8(a) as follows:

* * * * *

(g) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 1096.8 (d), including the milk of producers who are not members of such association and who the market administrator determines have authorized such cooperative association to collect for their milk as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month at not less than the uniform price adjusted by applicable butterfat and location adjustments, less payment made pursuant to paragraph (g)(1) of this section.

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Animal and Plant Health Inspection Service

[9 CFR Part 319]

FAT LIMIT IN FRESH BEEF SAUSAGE

Mandatory Meat Inspection

Products labeled "Fresh Beef Sausage" have been manufactured by a number of USDA inspected plants for many years. The first published standard of composition for the product was announced in the FEDERAL REGISTER of October 3, 1970. The standard restricts the fat to a maximum of 30 percent, as is common to "hamburger" and "ground beef" products, which are similar in composition and appearance.

A number of manufacturers of "Fresh Beef Sausage" have contended that a fat limit in the standard was established without adequate regard to the manner in which this specialty item has been customarily produced and marketed. They point out the product was originally developed to provide an alternative breakfast meat to "pork sausage" for consumers with a preference for beef because of religious or other personal reasons. The producers claim that the fat limit of 30 percent has changed the taste and texture of "Fresh Beef Sausage" and adversely affected the appeal of the product to consumers. They have requested that the fat limit be changed to a maximum of 50 percent to coincide with the maximum of fat allowed in the other popular varieties of "fresh" sausage such as pork sausage and breakfast sausage.

Based on the petitions, a study to determine the fat percentage typical of "Fresh Beef Sausage" was conducted by the Department. It included a review of the laboratory results of this product obtained during the past few years from most plants preparing the product, as well as information from other sources.

The information produced by the study did not verify the claim that federally inspected products sold as "Fresh Beef Sausage" have customarily had a fat content of nearly 50 percent. It indicated that the fat content of products labeled with such a designation has varied greatly, not only in the industry as a whole, but also between production lots of the same processor. The information also discloses that product made in compliance with the fat content limitation of 30 percent could be expected to represent most of the "Fresh Beef Sausage" made and distributed under Federal meat inspection during the period covered by the laboratory data analyzed in the study.

These findings appear to invalidate the contentions that a regulation limiting fat to 30 percent would deny consumers a familiar product since the data analyzed clearly indicate that a fat content of approximately 50 percent has not been characteristic of products associated with the labeling term "Fresh Beef Sausage."

There was no indication from the laboratory analytical information which would support a proposed amendment to the Federal meat inspection regulations to change the present fat content maximum limit of 30 percent for "Fresh Beef Sausage" to 50 percent.

Other information developed by the Department in relation to "Fresh Beef Sausage" products indicates:

(1) With a standard permitting more than 30 percent fat, the name "Fresh Beef Sausage" could be used to label excessively fat ground beef products that might be more properly identified as "Imitation Hamburger." It was not evident that customary seasoning practices provide sufficiently distinctive characteristics to permit consumers to distinguish

"Fresh Beef Sausage" with more than 30 percent fat from ground beef products that might otherwise be labeled "Imitation Hamburger."

(2) The term "Breakfast Sausage" is familiar to consumers through a long history of usage for a ground or chopped meat product that is formulated for distribution as a "fresh" sausage containing up to 50 percent fat. This term would be available by regulation to processors wishing to market a ground or chopped beef product on the basis of an uncured "sausage"-containing more than 30 percent fat.

In consideration of the results from the review of USDA laboratory analytical data and other pertinent information, the Department has concluded that the fat content of product labeled "Fresh Beef Sausage," as made by federally inspected processors is realistically represented by a maximum limit of 30 percent. Accordingly, the request directed to USDA proposing an increase in the fat limit for such products to a maximum of 50 percent is hereby denied on the basis of insufficient factual justification by the petitioners, and in view of the Department's findings regarding the product.

This notice is issued for the purpose of advising the petitioners and the public of the Department's decision and the reasons therefor, and to invite persons wishing to submit written data, views, or arguments concerning the decision to do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by December 21, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on October 4, 1973.

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

[FR Doc.73-21613 Filed 10-10-73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Advance Grade Rates for Price Support on 1973 Crop

Notice is hereby given that CCC is considering the advance grade rates to be applied in making price support available on 1973-crop fire-cured, dark air-cured and Virginia sun-cured tobacco.

Consideration will be given to data, views and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than November 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27 (b)).

Under the Tobacco Loan Program published June 18, 1970 (35 FR 10000), amended June 17, 1971 (36 FR 11634, 12509) and August 5, 1972 (37 FR 15856), CCC proposes to establish advance rates by grades for the 1973-crop fire-cured tobacco, types 21 and 22-23, dark air-cured tobacco, types 35 and 36, and Virginia sun-cured tobacco, type 37, as set forth herein. These proposed rates, calculated to provide the levels of support of 53.5 cents per pound for the fire-cured types and 47.6 cents per pound for the dark air-cured and Virginia sun-cured types, as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.17 1973 Crop—Virginia Fire-Cured Tobacco, Type 21—Advance Schedule.[1]

ADVANCE RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 47	Length 46	Length 45	Length 44	Length 43
A1F	72.25	72.25	72.25		
A2F	69.25	69.25	70.25		
A1D	72.25	72.25	72.25		
A2D	69.25	69.25	69.25		
B1F	71.25	71.25	71.25		
B2F	66.25	66.25	67.25	62.25	
B3F	59.25	59.25	60.25	59.25	50.25
B4F	55.25	55.25	56.25	54.25	47.25
B5F	49.25	49.25	50.25	49.25	44.25
B1D	71.25	71.25	71.25		
B2D	65.25	65.25	66.25	61.25	
B3D	57.25	57.25	58.25	56.25	50.25
B4D	52.25	52.25	53.25	52.25	47.25
B5D	47.25	47.25	48.25	47.25	44.25
B3M	53.25	53.25	54.25	53.25	49.25
B4M	50.25	50.25	52.25	50.25	47.25
B5M	47.25	47.25	48.25	47.25	42.25
B3G	50.25	50.25	51.25	50.25	46.25
B4G	48.25	48.25	50.25	49.25	45.25
B5G	46.25	46.25	47.25	46.25	42.25
C1L	77.25	77.25	78.25		
C2L	73.25	73.25	74.25	66.25	
C3L	64.25	64.25	65.25	63.25	
C4L	57.25	57.25	58.25	57.25	
C5L	52.25	52.25	53.25	51.25	
C1F	76.25	76.25	77.25		
C2F	72.25	72.25	73.25	66.25	
C3F	63.25	63.25	64.25	60.25	
C4F	57.25	57.25	58.25	57.25	
C5F	52.25	52.25	54.25	52.25	

Grade	Length 47	Length 46	Length 45	Length 44
C2D	52.25	52.25	53.25	51.25
C3D	50.25	50.25	51.25	49.25
C4D	47.25	47.25	48.25	47.25
C5D	43.25	43.25	44.25	42.25
C3M	53.25	53.25	54.25	53.25
C4M	51.25	51.25	53.25	52.25
C5M	47.25	47.25	48.25	47.25
C3G	48.25	48.25	49.25	47.25
C4G	46.25	46.25	47.25	46.25
C5G	43.25	43.25	44.25	43.25

Grade		Grade	
X1L	58.25	X3M 45	51.25
X2L	57.25	X4M	51.25
X3L	56.25	X4M 45	48.25
X4L	54.25	X5M	47.25
X5L	51.25	X5M 45	46.25
X1F	58.25	X3G	52.25
X2F	57.25	X3G 45	49.25
X3F	56.25	X4G	48.25
X4F	53.25	X4G 45	46.25
X5F	50.25	X5G	44.25
X1D	54.25	X5G 45	42.25
X2D	52.25	N1L	41.25
X3D	51.25	N1D	39.25
X4D	49.25	N1G	40.25
X5D	45.25	N2	30.25
X3M	53.25		

§ 1464.18 1973-crop — Kentucky-Tennessee Fire-Cured tobacco, type 22 and 23—advance schedule.[1]

ADVANCE RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 47	Length 46	Length 45
A1F	76	76	76
A2F	71	71	71
A3F	63	63	63
A1D	76	76	76
A2D	71	71	71
A3D	63	63	63

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The association is authorized to deduct 25 cents per hundred pounds to apply against overhead cost.

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

Grade	Length 47	Length 46	Length 45	Length 44	Length 43
B1F	66	66	66	61	----
B2F	63	63	63	59	----
B3F	60	60	60	57	51
B4F	56	56	56	53	46
B5F	52	52	52	49	43
B1D	65	65	65	60	----
B2D	62	62	62	58	----
B3D	61	61	61	57	51
B4D	55	55	55	52	45
B5D	51	51	51	47	41
B3M	56	56	56	52	47
B4M	52	52	52	48	41
B5M	47	47	47	42	37
B3VF	56	56	56	52	45
B4VF	54	54	54	51	44
B5VF	50	50	50	47	40
B3G	56	56	56	52	44
B4G	51	51	51	47	39
B5G	47	47	47	42	37
C1L	66	66	66	62	----
C2L	63	63	63	59	----
C3L	61	61	61	57	51
C4L	58	58	58	55	49
C5L	55	55	55	53	46
C1F	66	66	66	62	----
C2F	63	63	63	60	----
C3F	61	61	61	58	51
C4F	58	58	58	55	48
C5F	56	56	56	52	45
C1D	67	67	67	62	----
C2D	59	59	60	56	----
C3D	55	56	55	52	46
C4D	50	50	50	48	42
C5D	49	49	49	47	40
C3M	56	56	56	53	47
C4M	52	52	52	51	45
C5M	50	50	50	48	40
C3VF	57	57	57	54	48
C4VF	54	54	54	52	46
C5VF	52	52	52	50	41
C3G	52	52	52	49	44
C4G	49	49	49	45	40
C5G	45	45	45	42	39

Grade		Grade	
X1L	57	X5D	45
X2L	55	X3M	50
X3L	53	X4M	48
X4L	51	X5M	45
X5L	49	X3VF	52
X1F	56	X4VF	50
X2F	54	X5VF	47
X3F	53	X3G	49
X4F	51	X4G	44
X5F	49	X5G	41
X1D	55	N1L	43
X2D	53	N1D	39
X3D	50	N1G	38
X4D	48	N2	34

§ 1464.19 1973 Crop—Dark Air-Cured Tobacco, Types 35 and 36—Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	67	67	----
A1R	67	67	----
A2F	63	63	----
A2R	63	63	----
A3F	58	58	----
A3R	58	58	----
B1F	63	63	60

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 40 percent below the advance rate otherwise applicable without such special factor.

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B1R	62	62	60
B1D	62	62	60
B2F	59	59	58
B2R	58	58	57
B2D	58	58	57
B3F	56	56	54
B3R	54	54	53
B3D	54	54	53
B3M	53	53	52
B3G	52	52	51
B4F	53	53	52
B4R	52	52	51
B4D	53	53	52
B4M	49	49	48
B4G	49	49	48
B5F	48	48	47

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B5R	48	48	47
B5D	47	47	46
B5M	44	44	43
B5G	44	44	43
C1L	63	63	62
C1F	63	63	62
C1R	61	61	60
C2L	62	62	61
C2F	61	61	60
C2R	59	59	58
C3L	59	59	58
C3F	58	58	56
C3R	55	55	53
C3M	53	53	52
C3G	54	54	52

Grade	Length 46	Length 45	Length 44
C4L	55	55	54
C4F	55	55	54
C4R	50	50	49
C4M	47	47	46
C4G	48	48	47
C5L	47	47	45
C5F	48	48	47
C5R	44	44	43
C5M	43	43	42
C5G	43	43	42

Grade		Grade		Grade	
T3F	49	X1L	59	X4M	46
T3R	49	X1F	59	X4G	44
T3D	49	X1R	59	X5L	49
T3M	48	X2L	57	X5F	49
T3G	47	X2F	57	X5R	44
T4F	44	X2R	56	X5D	44
T4R	45	X3L	55	X5M	43
T4D	45	X3F	53	X5G	38
T4M	43	X3R	51	----	----
T4G	42	X3D	52	N1L	43
T5F	37	X3M	49	N2L	36
T5R	37	X3G	48	N1R	38
T5D	37	X4L	53	N2R	33
T5M	35	X4F	52	N1G	34
T5G	35	X4R	47	N2G	32
		X4D	47		

§ 1464.20 1973 Crop—Virginia Sun-Cured Tobacco, Type 37—Advance Schedule.[1]

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G (no grade), "U" (unsound).

ADVANCE RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	69.25	69.25	67.25
A2F	65.25	65.25	62.25
A3F	62.25	62.25	59.25
A1R	69.25	69.25	66.25
A2R	65.25	65.25	62.25
A3R	62.25	62.25	59.25
B1F	68.25	69.25	61.25
B2F	65.25	68.25	62.25
B3F	58.25	61.25	59.25
B4F	52.25	56.25	54.25
B5F	47.25	48.25	47.25
B1R	68.25	69.25	62.25
B2R	65.25	67.25	62.25
B3R	59.25	61.25	58.25
B4R	52.25	55.25	53.25
B5R	49.25	50.25	47.25
B1D	68.25	68.25	63.25
B2D	67.25	67.25	62.25
B3D	57.25	58.25	56.25
B4D	51.25	52.25	51.25
B5D	46.25	48.25	46.25
B3M	51.25	53.25	50.25
B4M	49.25	52.25	49.25
B5M	44.25	47.25	46.25
B3G	50.25	54.25	51.25
B4G	47.25	50.25	49.25
B5G	45.25	46.25	44.25
C1L	67.25	68.25	60.25
C2L	61.25	62.25	57.25
C3L	59.25	60.25	57.25
C4L	51.25	54.25	52.25
C5L	45.25	46.25	45.25
C1F	67.25	68.25	60.25
C2F	61.25	62.25	59.25
C3F	58.25	60.25	58.25
C4F	52.25	56.25	53.25
C5F	45.25	48.25	47.25
C1R	64.25	64.25	58.25
C2R	58.25	58.25	54.25
C3R	51.25	52.25	50.25
C4R	46.25	48.25	46.25
C5R	41.25	42.25	41.25
C3M	47.25	50.25	49.25
C4M	44.25	48.25	45.25
C5M	41.25	45.25	43.25
C3G	42.25	45.25	42.25
C4G	40.25	44.25	42.25
C5G	35.25	37.25	36.25

Grade		Grade	
T3F	48.25	X4F	48.25
T4F	46.25	X5F	44.25
T5F	40.25	X1R	54.25
T3R	48.25	X2R	51.25
T4R	46.25	X3R	47.25
T5R	41.25	X4R	45.25
T3D	46.25	X5R	38.25
T4D	44.25	X3D	42.25
T5D	38.25	X4D	40.25
T3M	45.25	X5D	34.25
T4M	43.25	X3M	49.25
T5M	37.25	X4M	46.25
T3G	48.25	X5M	44.25
T4G	46.25	X3G	46.25
T5G	40.25	X4G	43.25
X1L	55.25	X5G	39.25
X2L	53.25	N1R	32.25
X3L	50.25	N2R	24.25
X4L	48.25	N1G	32.25
X5L	43.25	N2G	24.25
X1F	55.25	N1L	30.25
X2F	54.25	N2L	22.25
X3F	51.25		

"D" (damaged) or scrap will not be accepted. The association is authorized to deduct 25 cents per hundred pounds to apply against overhead cost.

Effective date October 9, 1973.

Signed at Washington, D.C., on October 3, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-21469 Filed 10-10-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR OCCUPATIONAL EXPOSURE TO TRICHLOROETHYLENE

Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S.

Department of Health, Education, and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on the occupational exposure to trichloroethylene. The Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor is studying the criteria and would appreciate public participation on the issues of whether a new standard for trichloroethylene should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for trichloroethylene. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views and arguments concerning a standard on occupational exposure to trichloroethylene. Comments are specifically requested concerning: (1) Whether a new standard on occupational exposure to trichloroethylene should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with trichloroethylene;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should be standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 509 Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, before December 10, 1973. The communications will be available for public inspection and copying at the Office of Standards.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to trichloroethylene will be available for inspection and copying, upon request, at the Office of Standards in Washington, D.C., and at any of the following regional or area offices.

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Fourth Floor
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building
3535 Market Street, Room 15220
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
823 Walnut Street
Waltower Building, Room 300
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
9497 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway
1 Astor Plaza
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street NE.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building, Room 15010
P.O. Box 3588, 1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Building
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Bldg.
600 Arch Street
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza
Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 8081
400 N. 8th Street, P.O. Box 10186
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802—Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
1371 Peachtree Street, N.E.
Room 723
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive, Suite 4
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Room 561—600 Federal Building
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 801
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
1361 East Morehead Street
Charlotte, North Carolina 28204

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110A
31 Hopkins Plaza
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall, 2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Room 224—Bryson Building
700 Bryden Road
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46204

U.S. Department of Labor
Occupational Safety and Health Administration

847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building, Room 626
220 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522 Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734 Federal Office Building
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421 Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
307 Central National Bank Building
Houston, Texas 77002

U.S. Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street—4th Floor
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street
Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard
Room 554
St. Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803
Harney and 16th Streets
Omaha, Nebraska 68101

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 05913

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building, Room 514
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
6527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 309
Executive Building
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525—Petroleum Building
2812 1st Avenue North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street, Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix, Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
1203 South Carson Street
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
121–107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building, Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526 Pittock Block
921 S. W. Washington Street
Portland, Oregon 97205

NATIONAL OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
Office of Standards
Room 507, Railway Labor Building
400 First Street, N.W.
Washington, D.C. 20210

They will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety & Health
Room 10–A–22
5600 Fishers Lane
Rockville, Maryland 20852

U.S. Department of HEW
National Institute for Occupational Safety & Health
1100 Commerce Street, Room 8–C–53
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety & Health
401 North Broad Street
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety & Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety & Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety & Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety & Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Occupational Safety & Health
254 Federal Office Building
50 Fulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety & Health
50 Seventh Street NE.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety & Health
Arcade Building—1321 Second Street
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety & Health
300 South Wacker Drive
Chicago, Illinois 60607

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754).

Signed at Washington, D.C., this 4th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21632 Filed 10-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–EA–79]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73–20359 appearing at page 26734 in the issue of Tuesday, September 25, 1973, in the fifth line of the description of the Andover, N.J., transition area, change the figure "103°" to read "053°".

[14 CFR Part 71]

[Airspace Docket No. 73-RM-25]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Conrad, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before November 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

On July 11, 1973, FR Doc. 73-14027 was published in the FEDERAL REGISTER (38 FR 18442) which amended Part 71 of the Federal Aviation Regulations by designating a transition area at Conrad, Mont. This amendment became effective on September 13, 1973. Just prior to the effective date, the 700' and 1,200' transition area extensions were revised to indicate they should be based upon the 060° T bearing from the Conrad RBN (in lieu of the 053° T bearing).

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

In § 71.181 (38 FR 435) the description of the Conrad, Mont., transition area, as designated by (38 FR 18442) is further amended to read as follows:

CONRAD, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Conrad Airport (latitude 48°10'10" N., longitude 111°58'30" W.); within 3.5 miles each side of the 060° bearing from the Conrad RBN (latitude 48°11'12" N., longitude 111°-55'31" W.) extending from the 9-mile radius area to 12 miles northeast of the RBN; and that airspace extending upward from 1,200' above the surface within 9.5 miles northwest and 4.5 miles southeast of the 060° bearing from the Conrad RBN extending from the RBN to 18.5 miles northeast of the RBN.

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

Issued in Aurora, Colo., on October 1, 1973.

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

[FR Doc.73-21510 Filed 10-10-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 570]

[Docket No. 73-9; Notice 3]

BRAKE SYSTEMS, STEERING AND SUSPENSION SYSTEMS, AND TIRE AND WHEEL ASSEMBLIES

Vehicle in Use Inspection Standards and Procedures

This notice proposes inspection standards and procedures for brake systems, steering and suspension systems, and tire and wheel assemblies for all motor vehicles with a gross vehicle weight rating that exceed 10,000 pounds.

The National Highway Traffic Safety Administration has previously proposed (Notice 1, 38 FR 8451) and adopted (Notice 2, 38 FR 23949) inspection standards and procedures covering braking systems, steering and suspension systems, and tire and wheel assemblies for all motor vehicles, other than trailers and motorcycles, with a GVWR of 10,000 pounds or less. A frequent comment in response to Notice 1 was that the standards and inspection procedures should be extended to cover heavy vehicles. The NHTSA concurred in that sentiment and is, by this notice, proposing such standards. The proposal would not in itself impose requirements on any person but, like the other Federal inspection standards, is intended to be implemented by the States through the highway safety program standards issued under the Highway Safety Act (23 U.S.C. 402).

As stated in previous notices on this subject, the standards are not intended to supplant State standards that establish a higher performance or to discourage States from establishing or maintaining standards for other vehicle systems not covered by this standard. Nor are the standards intended to supersede the safety requirements prescribed by the Federal Highway Administration for commercial vehicles in interstate commerce (49 CFR Part 393).

Policy considerations. Considerations of cost effectiveness similar to those discussed in Notices 1 and 2 governed the development of the proposed standards and inspection procedures. The standards proposed cover the same systems as those of lighter vehicles, systems whose maintenance in good order has proven critical to the prevention of traffic accidents. A study by the Department of Transportation has disclosed that in the 4-year period from 1968 through 1971, 24 percent of all accidents studied involving heavy vehicles were attributable to defects in the braking system. In roadcheck inspections of heavy vehicles engaged in interstate commerce, faulty brakes comprised 33.7 percent of defects discovered, and 66.6 percent of all defects requiring that vehicles be withdrawn from service until repaired. The same study discloses that 17.3 percent of the accidents were attributable to faulty tires, and that a substantial number of suspension and steering system defects also existed.

In addition to ANSI Standard D-7.1 (1973), the NHTSA reviewed inspection procedures and criteria of the Federal Highway Administration, the American Trucking Association, and the "Vehicle Inspection Handbook" prepared by Motor Vehicle Manufacturers Association, Inc. in cooperation with the American Association of Motor Vehicle Administrators. Design variations preclude quantification, in these materials, of performance or inspection criteria in several areas. Frequently the solution is a reference to the "manufacturer's specifications". Unfortunately, these specifications may not be readily available at inspection facilities for all makes and models of vehicles. Comments on methods for the collection and dissemination of this information to the inspection centers are requested, notably, front wheel alignment specifications for toe-in and toe-out conditions, engine or accessory power shaft idle speed and brake pedal travel reserve for brake systems requiring manual adjustment.

Applicability. The standards are proposed to apply to the inspection of all motor vehicles licensed for use on the public roads, including trailers, with a GVWR in excess of 10,000 pounds.

Brake systems. Heavy vehicles are equipped with hyrdaulic vacuum, electric or air brake systems. The proposed requirements for hydraulic systems are similar to those adopted for lighter vehicles. The failure indicator required as original equipment after September 1, 1975 must be operable, the system must demonstrate integrity, and brake pedal reserve must be established.

The integrity of vacuum systems would be checked by applying a constant 25-pound force to the brake pedal and determining whether there is more than a slight decrease in pedal height. Trailer vacuum-brake chamber rods must operate in conjunction with the tractor brake pedal, and the vacuum reserve should be sufficient to permit three full service brake applications after the engine is turned off. On trucks with a low-vacuum indicator, the indicator should be activated when the system vacuum is reduced to not less than 8 inches of mercury. Vacuum system hoses should not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

Air brake systems would demonstrate integrity by meeting seven requirements. The system must build pressure from 50 to 90 pounds per square inch (p.s.i.) in less than 3 minutes, with the engine running at fast idle. The warning device connected to the brake system air pressure source must be activated when air

pressure is lowered to 50 p.s.i., or to 60 p.s.i. on vehicles manufactured to conform with Motor Vehicle Safety Standard No. 121, Air Brake Systems (49 CFR 571.121).

Governor cut-in pressure must not be lower than 80 p.s.i. or cut-out pressure higher than 135 p.s.i. unless the manufacturer recommends other values. The compressed-air reserve must be sufficient to permit one full service brake application after the engine is stopped, and with the system fully charged, without lowering the reservoir pressure more than 20 percent below the initial reading. With the engine stopped and the service brakes released air brake pressure must not drop more than 2 p.s.i. in 1 minute for single vehicles, or 3 p.s.i. for combination vehicles; with brakes applied the values are 3 p.s.i. and 4 p.s.i. respectively. Finally, the compressor drive belt must not be badly worn or frayed, and belt tension must be sufficient to prevent slippage. The tubes and hoses in the system must not be abraded, restricted, improperly supported or audibly leaking.

In an electric brake system, the NHTSA is proposing that the average brake amperage value shall not be more than 20 percent above or less than 30 percent below the brake manufacturer's maximum current rating. The ammeter indication should be steady upon application and release of the brake controller. The wiring must not be frayed or unsupported. The terminal connection should be clean, and the conductor wire gauge should not be below the brake manufacturer's minimum recommendation.

Remaining inspection requirements for heavy vehicles would be substantially similar to those for lighter vehicles. System performance checks would utilize either a road test, or a roller-type or drive-on platform. Discs and drums would have to be within appropriate dimensions. Brake linings must be of sufficient thickness and properly attached. Structural and mechanical parts must not be deformed or cracked.

Steering and suspension systems. Inspection requirements would be virtually identical with those previously adopted for lighter vehicles.

Tire and wheel assemblies. Inspection requirements would be substantially similar to those previously adopted for lighter vehicles. Tread depth must be not less than four thirty-seconds of an inch on front tires, and not less than two thirty-seconds of an inch on others. Special purpose tires marked "Farm Use Only" or "Not For Highway Use" would not be allowed.

The proposed standard would become part of Part 570, which would be divided into Subparts A and B, reflecting the separate sets of standards for vehicles with GVWR's over and under 10,000 pounds.

In consideration of the foregoing it is proposed that the present Part 570 of Title 49 Code of Federal Regulations be designated as Part 570, Subpart A, Vehicles With GVWR of 10,000 Pounds or Less, and that a new Subpart B of Part 570 be added, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 11, 1974.

Proposed effective date: Thirty days after publication of final rule.

Issued on October 5, 1973.

ELWOOD T. DRIVER,
Acting Associate Administrator
Motor Vehicle Programs.

PART 570—INSPECTION STANDARDS FOR MOTOR VEHICLES IN USE

Subpart B—Vehicles With GVWR Greater Than 10,000 Pounds

Sec.

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570.62 Tires.
570.63 Wheel assemblies.

AUTHORITY: Sec. 103, 108, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1397, 1407); delegation of authority at 49 CFR 1.51 and 501.8.

§ 570.51 Scope.

This part specifies standards and procedures for the inspection of brake, steering and suspension systems, and tire and wheel assemblies of motor vehicles in use, with a gross vehicle weight rating of more than 10,000 pounds.

§ 570.52 Purpose.

The purpose of this part is to establish criteria for the inspection of motor vehicles by State inspection systems, in order to reduce death and injuries attributable to failure or inadequate performance of motor vehicle systems.

§ 570.53 Applicability.

This part does not in itself impose requirements on any person. It is intended to be implemented by States through the highway safety program standards issued under the Highway Safety Act (23 U.S.C. 402) with respect to inspection of motor vehicles with gross vehicle weight rating greater than 10,000 pounds.

§ 570.54 Definitions.

Unless otherwise indicated, all terms used in this part that are defined in 49 CFR Part 571, Motor Vehicle Safety Standards, are used as defined in that part.

(a) "Electric brake system" means a system that uses electric current to actuate the service brake.

(b) "Vacuum brake system" means a system that uses engine vacuum and atmospheric pressure for transmitting a force from the driver control to the service brake, but does not include a system that uses vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

§ 570.55 Hydraulic brake system.

(a) *Failure indicator.* The hydraulic brake system failure indicator lamp, if part of a vehicle's original equipment, shall be operable. (This lamp is required by Federal Motor Vehicle Safety Standard No. 105, 49 CFR 571.105 on motor vehicles subject to this part manufactured on or after September 1, 1975.)

(1) *Inspection procedure.* Apply the parking brake and turn the ignition to start, or verify lamp operation by other means indicated by the vehicle manufacturer that the brake system failure indicator lamp is operable.

(b) *Brake system integrity.* The hydraulic brake system shall demonstrate integrity as indicated by no perceptible decrease in pedal height under a 125-pound force applied to the brake pedal or by no illumination of the brake system failure indicator lamp. The brake system shall withstand the application of force to the pedal without failure of any line or other part.

(1) *Inspection procedure.* With the engine running on vehicles equipped with power brake systems and the ignition turned to "on" in other vehicles, apply a force of 125 pounds to the brake pedal and hold for 30 seconds. NOTE: Any decrease in pedal height, and whether the lamp illuminates.

(c) *Brake pedal reserve.* When the brake pedal is fully depressed, the distance that the pedal has traveled from its free position shall be not greater than 80 percent of the total distance from its free position to the floor board or other object that restricts pedal travel.

(1) *Inspection procedure.* Measure the distance (A) from the free pedal position to the floor board or other object that restricts brake pedal travel. Depress the brake pedal, and with the force applied measure the distance (B) from the depressed pedal position

to the floor board or other object that restricts pedal travel. Determine the percentage

$$\frac{A-B}{A} \times 100.$$

The engine must be operating when power-assisted brakes are checked. The pedal reserve check is not required for vehicles equipped with full-power (central hydraulic) brake systems, or to vehicles with brake systems designed to operate with greater than 80 per cent pedal travel.

(d) *Brake hoses, tubes and tube assemblies.* Hydraulic brake hoses shall not be mounted so as to contact the vehicle body or chassis. Hoses shall not be cracked, chafed, or flattened. Brake tubes shall not be flattened or restricted. Brake lines and tubes shall be attached or supported to prevent damage by vibration or abrasion.

(1) *Inspection procedure.* Examine visually, inspecting brake lines and front brake hoses through all wheel positions from full left to full right turn for conditions indicated.

§ 570.56 Vacuum brake system and assist unit.

(a) *Vacuum brake assist unit integrity.* The vacuum system shall demonstrate integrity as indicated by a slight decrease in pedal height when the engine is started, and a constant 25-pound force maintained on the pedal.

(1) *Inspection procedure.* Stop engine and apply service brake several times to destroy vacuum in system. Depress brake pedal with 25 pounds of force and while maintaining that force, start the engine. If brake pedal does not fall slightly under force when the engine starts, there is a malfunction in the power assist system.

(b) *Truck and trailer vacuum system.* Truck and trailer vacuum brake chamber rods shall be operating in conjunction with the truck brake pedal and the vacuum reserve shall be sufficient to permit three full service brake applications after engine is turned off.

(1) *Inspection procedure.* Check trailer vacuum system by coupling to truck or truck-tractor and open trailer shutoff valves. Start engine, and after allowing approximately 1 minute to build up vacuum, apply and release brake pedal. Observe action of truck and trailer brake chamber rod movement. Run engine to build up vacuum fully, then shut off engine and note the number of full brake applications.

(c) *Low-vacuum indicator.* If the vehicle has a low-vacuum indicator, the indicator activation level shall not be less than 8 inches of mercury.

(1) *Inspection procedure.* Run engine to evacuate the system fully. Shut off engine and slowly reduce vacuum in the system by moderate brake applications until vehicle vacuum gauge reads 8 inches of mercury. Note low vacuum indicator function.

(d) *Vacuum system hoses.* Vacuum hoses shall not be collapsed, abraded, broken, improperly mounted or audibly leaking.

(1) *Inspection procedure.* With engine running, examine hoses visually and aurally for conditions indicated.

§ 570.57 Air brake system.

Trailer shall be inspected coupled to a towing vehicle.

(a) *Air system integrity.* The air system shall demonstrate integrity by meeting the following requirements:

(1) The system shall build up air pressure from 50 to 90 pounds per square inch (p.s.i.) in 3 minutes or less with engine running at 25 percent above manufacturer's recommended idle speed.

(2) The warning device (light or buzzer) connected to the brake system air pressure source shall be activated when air pressure is lowered to 50 p.s.i. For vehicles manufactured to conform to Federal Motor Vehicle Safety Standard No. 121 (generally vehicles manufactured on or after September 1, 1974), the low pressure indicator shall be activated when air pressure is lowered to 60 p.s.i.

(3) Governor cut-in pressure shall be not lower than 80 p.s.i. or cut-out pressure higher than 135 p.s.i. unless other values are recommended by the vehicle manufacturer.

(4) Compressed air reserve shall be sufficient to permit one full service brake application, after the engine is stopped with the system fully charged, without lowering reservoir pressure more than 20 percent below the initial reading.

(5) Air brake pressure shall not drop more than 2 p.s.i. in 1 minute for single vehicles or more than 3 p.s.i. in 1 minute for combination vehicles, with the engine stopped and service brakes released.

(6) Air pressure shall not drop more than 3 p.s.i. in 1 minute for single vehicles or more than 4 p.s.i. in 1 minute for combination vehicles, with the engine stopped and service brakes fully applied.

(7) Compressor drive belt shall not be badly worn or frayed and belt tension shall be sufficient to prevent slippage.

(i) *Inspection procedure.* With the air system charged, open the drain cocks in each reservoir, carbon trap, or filter used in the air system. Check the pressure at which the light or buzzer connected to the low-pressure indicator is activated. Close the drain cocks. Check air pressure build-up, with the engine running at 25 percent above normal idle speed, and record the time to raise the air pressure from 50 to 90 p.s.i. Continue running the engine until the governor cuts out and observe the pressure at which the governor cuts in. With the system fully charged, stop the engine and check for air leakage by recording the pressure drop in p.s.i. per minute with brakes released and with brakes fully applied. Check the trailer air system, by coupling to truck or truck-tractor.

(b) *Air system hoses, tubes and connections.* Air system tubes and hoses shall not be restricted, improperly supported or audibly leaking and the air hoses shall not be abraded.

(1) *Inspection procedure.* With engine running, examine air hoses and tubes visually and aurally for conditions indicated.

§ 570.58 Electric brake system.

(a) *Electric brake system integrity.* The average brake amperage value shall be not more than 20 percent above, and not less than 30 percent below, the brake manufacturer's maximum current rating. In progressing from zero to maximum, the ammeter indication shall show no fluctuation evidencing a short circuit or other interruption of current.

(1) *Inspection procedure.* Insert a low range (0 to 25 amperes for most 2 and 4 brake systems and 0 to 40 amperes for a 6 brake system) dc ammefer into the brake circuit between the controller and the brakes. With the controller in the "off" position, the ammeter should read zero. Gradually apply the controller to the "full on" position and observe the maximum ammeter reading. Gradually return the controller to "full off" and observe return to zero amperes. Divide the maximum ammeter reading by the number of brakes and determine the brake amperage value.

(b) *Electric brake wiring condition.* Electric brake wiring shall not be frayed or unsupported. Terminal connections shall be clean. Conductor wire gauge shall not be below brake manufacturer's minimum recommendation.

(1) *Inspection procedure.* Examine visually for conditions specified.

§ 570.59 Service brake system.

(a) *Service brake performance.* Compliance with any one of the following performance criteria will satisfy the requirements of this section. Verify that tire inflation pressure is within limits recommended by the vehicle manufacturer before conducting either of the following tests.

(1) *Roller-type or drive-on platform tests.* The force applied by the brake on a front wheel or a rear wheel shall not differ by more than 20 percent from the force applied by the brake on the other front wheel or the other rear wheel respectively.

(i) *Inspection procedure.* The vehicle shall be tested on a drive-on platform, or a roller-type brake analyzer with the capability of measuring equilization. The test shall be conducted in accordance with the test equipment manufacturer's specifications. Note the left to right brake force variance.

(2) *Road test.* The service brake system shall stop the vehicle, or combination of vehicles, in a distance of not more than 35 or 40 feet respectively, from a speed of 20 miles per hour without leaving a 12-foot-wide lane.

(i) *Inspection procedure.* The road test shall be conducted on a level (not to exceed plus or minus 1 percent grade), dry, smooth, hard-surfaced road that is free from loose material, oil or grease. The service brakes shall be applied at a vehicle speed of 20 miles per hour and the vehicle shall be brought to a stop as specified. Measure the distance required to stop.

NOTE.—To inspect for paragraphs (b), (c), and (d) of this section remove at a minimum one wheel per axle.

(b) *Disc and drum condition.* If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safe thickness dimension, the drum or disc shall be within the appropriate specifications.

These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed the drums and discs shall be within the manufacturer's specifications.

(1) *Inspection procedure.* Examine visually for condition indicated, measuring as necessary.

(c) *Friction materials.* On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the fastener, or one-sixteenth of an inch over the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Wire in wire-backed lining shall not be visible in the friction surface. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(1) *Inspection procedure.* Examine visually for conditions indicated, and measure height of rubbing surface of lining over rivet heads. Measure bonded lining thickness over shoe surface at the thinnest point on the lining or pad.

(d) *Structural and mechanical parts.* Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

(1) *Inspection procedure.* Examine visually for conditions indicated.

§ 570.60 Steering system.

(a) *System play.* Lash or free play in the steering system shall not exceed the values shown in Table 1.

(1) *Inspection procedure.* With the engine on and the wheels in the straight ahead position, turn the steering wheel in one direction until there is a perceptible movement of a front-wheel. If a point on the steering wheel rim moves more than the value shown in Table 1 before perceptible return movement of the wheel under observation, there is excessive lash or free play in the steering system.

TABLE 1. STEERING WHEEL FREE PLAY VALUES

Steering wheel diameter (inches)	*Lash (inches)*
16 or less	2
18	2¼
20	2½
22	2¾

(b) *Linkage play.* Free play in the steering linkage shall not exceed the values shown in Table 2.

(1) *Inspection procedure.* Elevate the front end of vehicle to load the ball joints, if the vehicle is so equipped. Insure that wheel bearings are correctly adjusted. Grasp the front and rear of a tire and attempt to turn the tire and wheel assembly left and right. If the free movement at the front or rear tread of the tire exceeds the applicable value shown in Table 2, there is excessive steering linkage play.

TABLE 2. FRONT WHEEL STEERING LINKAGE FREE PLAY

Nominal bead diameter or rim size (inches)	*Play (inches)*
16 or less	¼
16.01 through 18.00	⅜
18.01 or more	½

(c) *Free turning.* Steering wheel shall turn freely through the limit of travel in both directions.

(1) *Inspection procedure.* Turn the steering wheel through the limit of travel in both directions. Feel for binding or jamming in the steering gear mechanism.

(d) *Alignment.* Toe-in or toe-out condition shall not exceed the limits specified by the manufacturer.

(1) *Inspection procedure.* Drive vehicle over sideslip indicator or measure with a tread gauge and note reading.

(e) *Power steering system.* The power steering system shall not have cracked, frayed or slipping belts, or insufficient fluid in the reservoir.

(1) *Inspection procedure.* Examine fluid reservoir and pump belts for conditions indicated.

NOTE: Inspection of suspension system must not precede service brake performance test.

§ 570.61 Suspension system.

(a) *Suspension condition.* Ball joint seals shall not be cut or cracked, other than superficial surface cracks. Ball joints and kingpins shall not be bent or damaged. Stabilizer bars shall be connecteo. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, extruded out from or missing from suspension joints. Radius rods shall not be missing or damaged.

(1) *Inspection procedure.* Examine front and rear end suspension parts for conditions indicated.

(b) *Shock absorber condition.* There shall be no oil on the shock absorber housing attributable to leakage by the seal.

(1) *Inspection procedure.* Examine shock absorbers for leaking from within.

§ 570.62 Tires.

(a) *Tread depth.* The tread shall be not less than four thirty-seconds of an inch deep on each front tire of any vehicle other than a trailer and not less than two thirty-seconds of inch on all other tires.

(1) *Inspection procedure.* For tires with tread wear indicators, check for indicators in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For front wheel tires without tread wear indicators, measure the tread depth with a suitable gauge or scale in two adjacent major grooves at six location spaced approximately equally around the outside of the tire at the area of greatest wear.

(b) *Type.* Vehicles should be equipped with tires on the same axle that are matched in construction, profile, and nominal size (within three-eighths of an inch).

(1) *Inspection procedure.* Examine visually. A major mismatch in nominal size, construction, and profile between tires on the same axle, or a major deviation from the size as recommended by the manufacturer, are causes for rejection. On a dual-tire arrangement the diameter of one of the duals must be within three-eighths of an inch of the other as measured by a gage block inserted between the tire and a caliper.

(c) *General condition.* Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials.

(1) *Inspection procedure.* Examine visually for conditions indicated.

(d) *Damage.* Tire cord or belting materials shall not be exposed, either to the naked eye or when cuts or abraisions on the tire are probed. Reinforcement repairs to the cord body are allowable on tires other than front-mounted tires.

(1) *Inspection procedure.* Examine visually for the conditions indicated, using an awl if necessary to probe cuts and abrasions.

(e) *Special purpose tires.* Tires marked "Not For Highway Use" or "Farm Use Only" or other such restrictions shall not be used on any motor vehicle operating on public highways.

(1) *Inspection procedure.* Examine visually for tire labeled with specific restrictions.

§ 570.63 Wheel assemblies.

(a) *Wheel integrity.* A tire, rim, wheel disc or spider shall have no visible cracks, elongated bolt holes, or indication of repair by welding.

(1) *Inspection procedure.* Examine visually for conditions indicated.

(b) *Cast wheels.* Cast wheels shall not be cracked or show evidence of wear in the clamp area.

(1) *Inspection procedure.* Examine visually for conditions indicated.

(c) *Mounting.* All wheel nuts shall be in place and tight.

(1) *Inspection procedure.* Check wheel retention for conditions indicated.

[FR Doc.73-21566 Filed 10-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 25875 PSDR-37A]

CHARTER SERVICES BETWEEN THE UNITED STATES AND EUROPE

Supplemental Notice of Proposed Policy Statement Concerning Rates

By notice of proposed rule making PSDR-37, dated September 7, 1973, and published at 38 FR 25453, the Board gave notice that it had under consideration an amendment to Part 399 of its Statements of General Policy (14 CFR Part 399) to add a new policy statement concerning rates for charter services be-

tween the United States and Europe. Interested persons were invited to participate in the proceeding through submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before October 12, 1973. Responsive comments were to be filed on or before October 29, 1973.

Counsel for a consortium of tour operators, an indirect air carrier, a foreign air carrier and an affinity organization have requested a 30-day extension of time for filing comments. In support of the request, counsel states inter alia that the additional time is needed for the preparation of economic data, and in the case of the foreign carrier, for consultation with its home office.

In view of the need to take prompt action to correct the charter rate problems described in the notice, expedition of the proposed rule to the maximum extent possible is necessary. Although some extension of time is warranted, it is believed that 30 days is excessive. Therefore, the undersigned finds that good cause has been shown for an extension of time for filing comments to October 29, 1973 and for filing responsive comments to November 13, 1973.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to October 19, 1973 and for submitting responsive comments to November 13, 1973.

Dated October 5, 1973.

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

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

[FR Doc.73-21601 Filed 10-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

SUGAR PROCESSING CATEGORY; BEET SUGAR PROCESSING SUBCATEGORY

Proposed Effluent Limitation Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources; Extension of Comment Period

There was published in the August 22, 1973 FEDERAL REGISTER (38 FR 22610) a notice of proposed rulemaking concerning effluent limitations guidelines and standards of performance and pretreatment standards for the beet sugar processing subcategory of point sources under sections 301, 304(b), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; "the Act"). The due date for comments provided for in the notice was September 21, 1973. Certain additional background data with respect to the costs and technical aspects of the regulations have been placed on file at the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., since proposal of the regulation. The date for submission of comments is hereby extended to and including October 15, 1973.

Dated October 4, 1973.

ROBERT L. SANSOM,
Assistant Administrator for
Air and Water Programs.

[FR Doc.73-21581 Filed 10-10-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[No. 73-1467]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Penalties for Violations of Rate Control Rules

OCTOBER 3, 1973.

The Federal Home Loan Bank Board considers it desirable to propose amendments to Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of prescribing civil penalties for violations of said Part 526 by member institutions.

Section 5B of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1425b) authorizes the Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, to prescribe rules governing the payment and advertisement of interest or dividends on savings accounts of member institutions, among other things. The Board has prescribed those rules in said Part 526. Subsection (b) of section 5B provides that:

> (b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

It has come to the Board's attention that a number of member institutions are violating certain provisions of said Part 526. In particular there appear to be violations of § 526.5(a)(5)(ii) and (iii) which place percentage-of-total-savings-accounts limitations on 4 year, $1,000 ceiling free certificate accounts. The Board considers it desirable to exercise its authority under the above-quoted section 5B(b) to prescribe civil penalties for such violation by adding a new § 526.9.

Paragraph (a) of proposed § 526.9 makes clear that the prescribed penalties shall be cumulative to any other penalty, action or remedy otherwise available to the Board. Paragraph (b) of § 526.9 provides that failure to pay any prescribed penalty upon written demand by the Board or by a Supervisory Agent of the Board shall be deemed to be a violation of a regulation for the purposes of Parts 550 and 566 concerning cease-and-desist and suspension and removal orders (12 CFR Parts 550 and 566). Paragraph (c) of proposed § 526.9 provides in part that the Board may compromise, remit, or mitigate in whole or in part any penalty prescribed. Paragraphs (d), (e), (f) and (g) of proposed § 526.9 prescribe penalties for specific types of violations of Part 526.

The Board also proposes to incorporate into Part 526 the required minimum interest penalties for early withdrawals from certificate accounts. This is done in order to prescribe a civil penalty in paragraph (e) of proposed § 526.9 for permitting an early withdrawal without imposing those minimum interest penalties. This incorporation would be accomplished by adding a new paragraph (b) to § 526.7 which was part of the Board's Proposed Amendments Relating to Savings Accounts of August 2, 1973 (Resolution No. 73-1085; 38 FR 21651).

Accordingly, the Board hereby proposes to amend said Part 526 by adding new §§ 526.7(b) and 526.9 to read as set forth below.

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

§ 526.7 Penalty for early withdrawal.

* * * * *

(b) Each member institution which is an insured institution (as defined in § 561.1 of this chapter) shall impose, at a minimum, the applicable conditions on withdrawal from a certificate account before the expiration of its fixed or minimum term or qualifying period prescribed under subchapter C of this chapter (for Federal savings and loan associations) or subchapter D of this chapter (for insured institutions).

§ 526.9 Penalties for violations of part 526.

(a) *General.* Pursuant to section 5B of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1425b), the Board hereby prescribes penalties for violations of the rules of this part 526. The pen-

alties prescribed by this section shall be cumulative to any other penalty, action or remedy otherwise available to the Board.

(b) *Recovery of penalties.* The Board may recover any penalty prescribed by this section for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under said section 5B. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

(c) *Failure to pay penalty.* Any failure by a member institution to pay any penalty prescribed by this section upon written demand by the Board or Supervisory Agent shall be deemed to be a violation of a regulation for the purposes of Parts 550 (as to Federal savings and loan associations) and 566 (as to insured institutions) of this chapter.

(d) *Violation of percentage-of-total-savings-account limitations.* There shall be a penalty not to exceed $100 for each certificate account of a member institution which is outstanding in violation of any applicable percentage-of-total-savings-account limitation of this part. Each day on which such violation continues shall constitute a separate violation.

(e) *Violation of penalty-for-early-withdrawal requirements.* There shall be a penalty not to exceed $100 for each instance in which a member institution permits a withdrawal from a certificate account before the expiration of its fixed or minimum term or qualifying period without imposing, at a minimum, the conditions for such early withdrawal imposed by § 526.7.

(f) *Violation of maximum-rate or minimum-amount requirements.* There shall be a penalty not to exceed $100 for each outstanding certificate account of a member institution as to which such institution pays, agrees to pay, or declares that it will pay a return at a rate in violation of any maximum-rate-of-return or minimum-amount requirement applicable to such account. Each day on which such account remains outstanding shall constitute a separate violation.

(g) *Violation of advertising requirements.* There shall be a penalty not to exceed $100 for each advertisement, announcement or solicitation by a member institution or by any person or organization which solicits savings accounts for such institution relating to the interest or dividends paid on savings accounts of such institution in violation of § 526.6.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425b, 1437) Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

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

[FR Doc.73-21583 Filed 10-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Nonbanking Activities and Interests

By notice of proposed rulemaking published in the FEDERAL REGISTER on July 13, 1973 (38 FR 18691), the Board of Governors proposed to amend § 225.4(a)(4) of Regulation Y to clarify the boundaries upon deposit-taking activities that are properly incidental to trust company activities which the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, and to provide that the kinds of activities authorized under § 225.4(a)(4) include those performed not only by trust company subsidiaries that are State-chartered, but also by any such subsidiaries that may operate as limited purpose trust companies under national bank charters and that do not both accept demand deposits and make commercial loans.

Following consideration of the comments received, the Board has determined to modify its proposal. Pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), the Board proposes to amend § 225.4(a)(4) to authorize nonbanking trust company subsidiaries of bank holding companies to accept deposits that are generated from trust funds not currently invested and deposits representing funds received for a special use in the capacity of a managing agent or custodian for an owner or, or investor in, real property, securities, or other personal property, or as agent for an issuer of, or broker or dealer in, securities: *Provided*, That such agency or custodian accounts are not employed by or for the account of a customer in the manner of a general purpose checking account and do not bear interest. Additionally, the amendment now proposed would prohibit trust company subsidiaries from making loans or investments except the sale of federal funds, the making of call loans to securities dealers or the purchase of money market instruments such as certificates of deposit, commercial paper, government or municipal securities, and bankers acceptances. Such authorized loans and investments, however, may not be used as a method of channeling funds to nonbanking affiliates of the trust company. The revised proposal also retains a feature of the Board's original proposal permitting the acquisition by bank holding companies under section 4(c)(8) of the Bank Holding Company Act of nonbanking trust companies having national bank charters. It is recognized that holding companies may, in their home State, choose to apply for limited purpose trust companies under section 3 of the Act in order to obtain broader lending privileges.

The revised proposal would broaden the scope of permissible deposit-taking by trust company subsidiaries beyond the perimeters of the Board's original proposal, but narrow the scope of permissible, incidental lending activities. In so doing, it seeks to balance the desirable objectives of facilitating the achievement of greater efficiencies in the conduct of trust operations and providing additional incentives for increased competition for trust business on a nationwide scale on the one hand and, on the other, to remove the possibilities of indirect evasion of section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)) through the augmentation of the commercial lending capabilities of bank holding companies in States other than the State in which their principal banking subsidiaries operate. The revised proposal draws a rule that, based on the comments received, the Board believes would enable incidental deposit-taking consistent with the full range of conventional functions or activities of a trust company without risk of significant displacement of commercial bank checking account service.

The proposed amended paragraph (a)(4) of § 225.4 of Regulation Y would read as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(4) performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency, or custodian nature), in the manner authorized by Federal or State law, so long as the institution does not make loans or investments or accept deposits other than (i) deposits that are generated from trust funds not currently invested and are properly secured to the extent required by law, or (ii) deposits representing funds received for a special use in the capacity of managing agent or custodian for an owner of, or investor in, real property, securities, or other personal property, or for such owner or investor as agent or custodian of funds held for investment or escrow agent, or for an issuer of, or broker or dealer in securities, in a capacity such as paying agent, dividend disbursing agent, or securities clearing agent, and not employed by or for the account of the customer in the manner of a general purpose checking account or bearing interest, or, (iii) sale of Federal funds, making of call loans to securities dealers or purchase of money market instruments such as certificates of deposit, commercial paper, government or mu-

nicipal securities, and bankers acceptances (such authorized loans and investments, however, may not be used as a method of channeling funds to nonbanking affiliates of the trust company) * * *."

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or argument. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21526 Filed 10-10-73;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 432]

POWER OUTPUT CLAIMS FOR AMPLIFIERS UTILIZED IN HOME ENTERTAINMENT PRODUCTS

Standard Test Conditions; Notice of Opportunity To Submit Comments

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended (15 U.S.C. 41, et seq.), and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., initiated proceedings to promulgate a trade regulation rule concerning power output claims for amplifiers utilized in home entertainment products and gave public notice of such proceedings including a proposed rule on January 12, 1971 (36 FR 379). Pursuant to the notice, public hearings were conducted on April 13 and 14, 1971, and written comments and information were received. Thereafter on February 1, 1972 (37 FR 2454), the Commission issued notice of a proposed amendment and revision to such rule and received additional written comments and information.

After considering the entire record in this proceeding, the Commission now issues the below revised proposed rule which includes "Standard Test Conditions", to be designated § 432.3; the former § 432.3 becomes § 432.4, et seq.

Sec.
432.1 Scope.
432.2 Required disclosures.
432.3 Standard test conditions.
432.4 Optional disclosures.
432.5 Prohibited disclosures.
432.6 Liability for violation.

AUTHORITY: The provisions of this Part 432 issued under 38 Stat. 717, as amended; (15 U.S.C. 41-58).

§ 432.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offering for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplification equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radio-phonograph and/or tape combinations, component audio amplifiers and the like.

(b) Representations shall be exempt from this Part if all representations of performance characteristics referred to in paragraph (a) of this section clearly and conspicuously disclose a manufacturer's rated power output and that rated output does not exceed two (2) watts (per channel or total).

(c) It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) to violate any applicable provision of this part.

§ 432.2 Required disclosures.

Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this part:

(a) The manufacturer's rated minimum sine wave continuous average power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(1) For each load impedance required to be disclosed in paragraph (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances, and

(2) Measured with all associated channels fully driven to rated per channel power;

(b) The load impedance or impedances, in Ohms, for which the manufacturer designs the equipment to be used by the consumer;

(c) The manufacturer's rated power band or power frequency response, in Hertz (H_z), for each rated power output required to be disclosed in paragraph (a)(1) of this section; and

(d) The manufacturer's rated percentage of maximum total harmonic distortion at any power level from 250 mw (¼ watt) to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

§ 432.3 Standard test conditions.

For purposes of performing the tests necessary to make the disclosures required under § 432.2:

(a) The power line voltage shall be 117 volts AC (230 volts when the equipment is made for foreign sale or use), RMS, using a sinusoidal wave containing less than 2 percent total harmonic content;

(b) The power line frequency shall be 60 H_z;

(c) The amplifier shall be preconditioned by simultaneously operating all channels at one-third of rated power output for one hour using a sinusoidal wave at a frequency of 1,000 H_z;

(d) The preconditioning and testing shall be in still air and an ambient temperature of 77°F;

(e) Rated power shall be obtainable at all frequencies within the rated power band without exceeding the rated maximum percentage of total harmonic distortion after input signals at said frequencies have been continuously applied for not less than five (5) minutes at the amplifier's auxiliary input, or if not provided, at the phono input.

§ 432.4 Optional disclosures.

Other operating characteristics and technical specifications not required in § 432.2 may be disclosed: *Provided;*

(a) Any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) comply with the provisions of § 432.2; except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this Section, the maximum percentage of total harmonic distortion (see § 432.2(d)) may be disclosed only at such rated output: *And provided further,*

(b) That all disclosures or representations made under this section are less conspicuously, and prominently made than the disclosures required in § 432.2; and

(c) The rating and testing methods or standards used in determining such representations are disclosed, and well known and generally recognized by the industry at the time the representations or disclosures are made, are neither intended nor likely to deceive or confuse the consumers and are not otherwise likely to frustrate the purpose of this part.

(NOTE 1.—For the purpose of paragraph (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by § 432.2.)

(NOTE 2.—Use of the asterisk in effecting any of the disclosures required by § 432.2 and permitted by § 432.4 shall not be deemed conspicuous disclosure.)

§ 432.5 Prohibited disclosures.

No performance characteristics to which this part applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

§ 432.6 Liability for violation.

If the manufacturer or, in the case of foreign made products, if the importer or domestic sales representative of a foreign manufacturer, of any product covered by this part furnishes the information required or permitted under this part, then any other seller of the product shall not be deemed to be in violation of § 432.5 due to his reliance upon or transmittal of the written representations of the manufacturer or importer

if such seller has been furnished by the manufacturer, importer, or sales representative, a written certification attesting to the accuracy of the representations to which this part applies: *And provided further*, That such seller is without actual knowledge of the violation contained in said written certification.

Interested persons, including consumers and other members of the public, are hereby invited to file written data, views and arguments concerning the above revised rule, particularly with respect to the new § 432.3, "Standard test conditions", addressed to: Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, on or before December 11, 1973. Such persons are urged to express approval or disapproval or to recommend further modification, and to make statements as full as they wish. When practicable, twenty copies should be submitted of all statements exceeding two pages.

Statements received as provided above will be available for examination during regular business hours in the Commission's Division of Legal and Public Records, first floor, Room 130. All such statements will be considered by the Commission before final action is taken in this matter.

Issued October 11, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21560 Filed 10-10-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE ELEVENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eleventh National Bank Region will be held at 3:00 p.m. on October 26, 1973 and at 9:00 a.m. on October 27, 1973, at Lakeway Inn, Austin, Texas.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Eleventh National Bank Region.

It is hereby determined pursuant to section 19(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated October 4, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-21605 Filed 10-10-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of the October 17, 1973, meeting of the U.S. Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 328, Aberdeen Proving Ground, Maryland. The purpose of the meeting is to receive comments from the Committee regarding Research & Development Projects presented at the Annual Program Review of the Laboratory Program.

This meeting will not be open to the public.

THOMAS R. OSTROM,
Colonel, OrdC
Acting Director, BRL.

[FR Doc.73-21517 Filed 10-10-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 74-17]

ACME COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Acme Coal Co., located at Williamstown, Pennsylvania, has filed a petition to modify the application of 30 CFR 75.301 to its No. 5 Lykens Slope.

30 CFR 75.301 reads as follows:

Section 75.301 *Air quality, quantity and velocity.* All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

In support of its petition, petitioner states that the No. 5 Lykens Slope Mine is a small anthracite mine with two employees working underground and one hoisting. The operation is in the process of removing pillars left by a previous operation. Petitioner states that the mine is in the process of final or retreat robbing and that no methane has been encountered at any time. It is averred that records of the U.S. Department of the Interior indicate respirable dust concentrations averaging between .1 and .6 on a continuing basis.
pillar line.

As an alternative method petitioner requests that it be allowed to continue operation with the same quality and quantity of air presently circulating in the mine rather than the 9,000 cubic feet of air per minute required by the mandatory standard at the intake end of a

Petitioner states that the quantity and quality of air presently circulating through the mine can be sustained. Petitioner contends that this amount is adequate and will at all times guarantee no less than the same measure of protection afforded the miners in the affected area by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 12, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

SEPTEMBER 28, 1973.

[FR Doc.73-21540 Filed 10-10-73;8:45 am]

[Docket No. M 74-23]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Co. has filed a petition to modify the application of section 307(a) of the Act, als published in part as 30 CFR 75.700 and 30 CFR 75.701, and 30 CFR 75.701-4, an implementing regulation, to its Bird Nos. 2 and 3 Mines located at Tire Hill, Pennsylvania.

Section 307(a) of the Act reads as follows:

(a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary. Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary. Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative.

30 CFR 75.701-4 reads as follows:

Section 75.701-4 *Grounding Wires; capacity of wires.* Where grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings, and other metallic enclosures, such grounding wires will be approved if:

(a) The cross-sectional area (size) of the grounding wire is at least one-half the cross-sectional area (size) of the power conductor where the power conductor used is No. 6 A.W.G., or larger.

(b) Where the power conductor used is less than No. 6 A.W.G., the cross-sectional area (size) of the grounding wire is equal to the cross-sectional area (size) of the power conductor.

Petitioner requests approval of a grounding system which uses No. 4 A.W.G. grounding wire approximately one-quarter of the cross-sectional area of the power conductor. The grounding system is shown in detail in electrical plans submitted as attachments to the petition.

In support of its request, petitioner describes the alternative system as follows:

1. Delta Wye Secondary 600 volt A.C. transformer. Neutral ground in mine feeder circuit is established through a 346 volt resistor with a capacity of 15 amperes. The center top of the transformer is connected through a 15 ampere capacity, 23-ohm ribbon type grounding resistor which is tied to a neutral ground bed that meggers to —1 ohm.

2. Two electrical current transformers of equal ratio paralleled in polarity and which will operate a ground-type relay on an unbalanced load of .5 amperes in any feeder leg.

Petitioner states that the system is equipped with a No. 4 A.W.G. neutral ground wire which has an electrical current carrying capacity of at least 140 amperes. This wire is not in a cable with other wires, but is hung separately on insulators. The entire grounding circuit is monitored by a 24 volt monitoring circuit that complies with 30 CFR 75.902.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mines by the application of the mandatory standard. It is averred that the proposed system will limit ground current flow to a maximum of 15 amperes because the grounding resistor will limit any ground current to 15 amperes and the main transformer cuts out when an additional .5 ampere is present. Also, petitioner states that the ground trip relay in each of the electrical current transformers operates on any unbalanced load of .5 ampere in any feeder leg. A ground fault will cause an instantaneous trip when the current is .5 ampere, except for a fraction of a second time delay. Any break in either the ground or monitoring circuits will cause the feeder circuit to break open. Finally, petitioner contends that because the neutral ground wire is on separate insulators and since the current flowing through it is limited, it will not develop any fatigue that would interfere with its effectiveness.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 12, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated September 28, 1973.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.73-21541 Filed 10-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Reestablishment and Meeting

The U.S. Department of Agriculture and the National Association of State Universities and Land Grant Colleges have for several years operated the Agricultural Research Advisory Committee (ARPAC) for the purpose of jointly planning and coordinating research efforts. Notice is hereby given that the Secretary of Agriculture has reestablished this Committee. He has determined that continuation of this committee is in the public interest in connection with the performance of the duties and responsibilities of this Department.

The Cochairmen of ARPAC are the Assistant Secretary for Conservation, Research and Education, U.S.D.A., Washington, D.C. and a President of a Land-Grant College or University.

Notice is also given of a one-day meeting of ARPAC in Room 218-A, U.S.D.A., Washington, D.C. on October 5, commencing at 9:00 a.m., to consider joint planning and coordination of agriculture research. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes and other information may be obtained from Dr. David J. Ward, telephone 202-447-3853.

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

OCTOBER 4, 1973.

[FR Doc.73-21555 Filed 10-10-73;8:45 am]

Soil Conservation Service

MUD CREEK WATERSHED PROJECT, SOUTH DAKOTA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for Mud Creek Watershed Project, Grant and Deuel Counties, South Dakota, USDA-SCS-ES-WS-(ADM)-73-37(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) 1.7 miles of channel work for flood prevention of the town of Revillo and, (2) 9 miles of clearing and snagging for flood prevention.

The final environmental statement was transmitted to CEQ on September 21, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 239 Wisconsin Avenue SW., Huron, South Dakota 57350.

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.00.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated October 3, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.73-21516 Filed 10-10-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 72-00001-01-46040. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Electron microscope, Model EM 802. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used in research concerning (a) chemical analysis of microstructure; (b) energy loss studies of solids on a small scale and at high angular resolution; and (c) contrast studies of defects using elastically scattered radiation. Comments: No comments have been received with respect to this application.

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

Reasons: The foreign article is equipped with a 360° rotation dual tilt goniometer stage. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation (Forgflo). The EMU-4C provides a dual tilt stage but it does not provide rotation. We are advised by the National Bureau of Stanadrds (NBS) in its memorandum dated August 3, 1972, that the 360° rotation dual tilt goniometer stage is pertinent (within the meaning of § 701.2n of the regulations) to optimum crystal orientation in the applicant's x-ray analysis studies. NBS further ad-

vises that it knows of no domestically manufactured instrument satisfying the above pertinent specification.

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

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

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

[FR Doc.73-21575 Filed 10-10-73;8:45 am]

MEDICAL UNIVERSITY OF SOUTH CAROLINA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 31, 1973.

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

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00112-33-46040. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, South Carolina 29401. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The foreign article is intended to be used for cell biological research in the field of teratology in which the objective is to examine congential cardiac defects, induced by a variety of teratogens, as to their basic cellular mechanisms of formation. In these studies, material will be examined from rate embryonic hearts from normal controls and rats with environmentally-induced cardiac malformations followed by comparison with staged defective human hearts from stillborn or spontaneously aborted fetuses. The experiments on rats include the determination of the relationship of mucopolysaccharide metabolism to cardiac defects and intra-amniotic therapy with mucopolysaccharide precusors in preterm diagnosis of a defect. Further experiments are designed to screen the ultrastructural effects of various drugs on cardiac developments.

The article will also be used in courses in advanced cell biology to M.D. and Ph. D. candidates and post-graduate M.D.'s and D.D.S.'s. The courses will include theory and use of the electron microscope and ultrastructural cytochemistry. Application received by Commissioner of Customs: August 31, 1973.

Docket Number: 74-00113-33-02300. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: Automatic feeding apparatus for small laboratory animals. Manufacturer: Andreas Hofer, Switzerland. Intended use of article: The foreign article will be used in research directed toward the estimation of the caries potential of snack foods in a definite meal pattern to compare the incidence of caries induced by snack foods. Specifically, the use of an automatic feeding machine will remove one of the weaknesses of caries studies involving food with animal models, the continual presence of the test agent in the diet and permit the interspacing with non-cariogenic foods. Application received by Commissioner of Customs: September 4, 1973.

Docket Number: 74-00114-01-11000. Applicant: University of Minnesota, Institute of Agriculture, St. Paul, Minnesota 55101. Article: LKB 9000 Gas Chromatograph-Mass Spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in research concerned with (1) the isolation, identification and structural determination of mycotoxins (2) the biosynthesis and degradation of certain classes of terpenoids, such as, the ubiquinone and menoquinone types and (3) the identification and quantification of glycosphingolipds and ceramides in such blood components as human platelets. Application received by Commissioner of Customs: September 4, 1973.

Docket Number: 74-00115-33-46040. Applicant: Veterans Administration Hospital, 1055 Clermont Street, Denver, Colorado 80220. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The foreign article is intended to be used in research and diagnosis involving tissue removed through survey or autospy including, but not restricted, to cancerous tissue and biopsies of kidneys from patients with kidney disease. New techniques such as peroxidase labeled antibody for the specific identification of proteins will be used. Horseradish peroxidase will be conjugated to antisera to human complement factor, immunoglobulins, fibrinogens, and other substances which will then be incubated with sections of human renal biopsies fixed by a variety of techniques or frozen. Peroxidase activity will also be demonstrated with the diaminobenzidine technique. The article will also be used to train pathology residents in electron microscopy. Application received by Commissioner of Customs: September 7, 1973.

Docket Number: 74-00116-75-07795. Applicant: Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus, Ohio 43201. Article: 600/S/20 Imacon 600 Camera. Manufacturer: John Hadland (P.I.) Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used in research designed to investigate the detailed pulse shape of a mode-locked laser with a few picosecond resolution and the proton emission from laser produced plasmas in the same time region. The phenomena to be studied are the time dependent ionization of a variety of high-Z materials and the early time hydrodynamics of both low and high-Z materials when irradiated by a very short, high power laser pulse. The objectives of the investigations are to produce very intense fluences of X-rays from laser-generated plasmas and to achieve fusion power. Application received by Commissioner of Customs: September 10, 1973.

Docket Number: 74-00117-33-46500. Applicant: The Wistar Institute, 36th and Spruce Streets, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used to investigate a variety of different mammalian cells, in particular, rabbit early embryos and virus infected tissue culture cells. It is hoped to find the time sequence of virus infection or appearance in different experimental systems as well as certain cell organelles which appear upon virus infection and during mitosis. The objectives are (1) to elucidate the stages of virus infection from a morphological point of view, and (2) to establish a working hypothesis about a cell organelle for which no function is known but which appears in all cancer cells, virus infected cells and in dividing cells (the annulate lamellae). Application received by Commissioner of Customs: September 11, 1973.

Docket Number: 74-00118-01-59400. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: Quantum Yield Photoreactor. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used to study photochemistry of unsaturated organic hydrocarbons. Specifically, the efficiency of reaction at different temperatures (lower than room temperature) will be examined. It is intended to investigate usually thermally stabile but photochemically labile materials. The major type of reaction to be examined is geometric isomerization and the primary objective is to determine the energy barrier in photochemical reactions or other photophysical processes. Application received by Commissioner of Customs: September 11, 1973.

Docket Number: 74-00120-33-46500. Applicant: Litton Bionetics, Inc., Frederick Cancer Research Center, P.O. Box

B, Frederick, Maryland 21701. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used to study several different oncogenic viruses in tissue culture and in animals. The materials to be investigated are those dealing with the transformation of normal cells by cancer viruses and the production of these viruses by the host cell. The main objective is the localization, identification, and formation of virus in the various systems under study. Application received by Commissioner of Customs: September 11, 1973.

(Catalogy 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.73-21577 Filed 10-10-73;8:45 am]

NATIONAL BUREAU OF STANDARDS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the aritcle is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 31, 1973.

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

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00102-98-80200. Applicant: National Bureau of Standards, A149 Bldg. 220, Washington, D.C. 20234. Article: Automatic AC Resistance Bridge. Manufacturer: Automatic Systems Laboratories, Ltd., United Kingdom. Intended use of article: The foreign article will be used to automatically measure the resistance of between 10 to 20 platinum resistance thermometers monitoring the temperature of a standard mercury manometer. The manometer will be used to establish pressure standards in the atmospheric pressure range, which are used in a wide variety of scientific and technical projects, to establish precise vapor pressure temperature scales, and to investigate the equation of state of gases. Application received by Commissioner of Customs: August 29, 1973.

Docket Number: 74-00103-33-46040. Applicant: Lung Cancer Branch, CG, DCCP, NCI, National Institutes of Health, Bethesda, Maryland 20014. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The foreign article will be used in a variety of research projects ranging from studies of the morphogenesis of squamous cell carcinoma of the lung to the identification of newly synthesized strands of nucleic acids. Application received by Commissioner of Customs: August 20, 1973.

Docket Number: 74-00104-33-46040. Applicant: University of Illinois/Urbana-Champaign, Purchasing Division, 223 Admin. Bldg., Urbana, Illinois 61801. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The foreign article will be used in a variety of advanced research studies including:

(1) Phase transformation studies involving mainly the precipitation of phases from interstitial alloys (e.g., hydride formation in structural materials);

(2) Studies of precipitation and work hardening in Vanadium-carbon systems, in which it is hoped to correlate microstructure with mechanical properties;

(3) A study of surface film formed during stress corrosion cracking;

(4) Studies of mechanical properties of intermetallic compounds and ceramic materials, in which the main interest will be in characterizing dislocation microstructures;

(5) Studies of ceramic materials including work on wear process in cemented carbides, the microstructure of glass and also the microstructure of the hydration products of calcium silicates, constituents of Portland Cement;

(6) A study on the effect of high intensity sound on the morphology of the organ of Corti in the inner ear; and

(7) Examination of the double-stranded segmented genome of an RNA virus (wound tumor virus) involving study of the heteroduplex morphology of renatured RNA from different isolates of the virus with a view to mapping areas of complimentarity between viral genomes in the hope of locating the tumor inducing segment of the viral genome. Application received by Commissioner of Customs: August 30, 1973.

Docket Number: 74-00106-33-46040. Applicant: National Cancer Institute, NIH, Frederick Cancer Research Center, Fort Detrick, Frederick, Maryland 21701. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: The foreign article will be utilized in supporting research concerning both RNA and DNA oncogenic viruses. Principally, methods of producing large quantities of these viruses will be developed and these techniques implemented in large-scale production. At various stages in the development of these processes, virus pellets will be examined by negative staining. One utilizes the scan mode to find representative areas and then immediately turns to high magnification to examine and photograph the virus particles. Also during the experimental stages of process development, tissue culture cell lines as well as tumors induced in experimental animals by these viruses will be scanned. The localization, identification and formation of virus and viral components in the various systems under study will be followed by electron microscopy. Application received by Commissioner of Customs: August 24, 1973.

Docket Number: 74-00107-33-46040. Applicant: Columbia University, 116th Street & Broadway, New York, New York 10027. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The foreign article will be used in investigations of intracellular transport, digestion and membrane circulation in nervous tissue and some other cell types (e.g., frog retina, cultured rodent spinal cord, dorsal root ganglia, cultured pituitary tumor cells, adrenal medulla of rat and rat sympathetic ganglia) with the hope of eventually being able to better understand the fundamental mechanisms by which nerve cells operate and some of the abnormalities in such mechanisms that are observed in disease states. The article will also be used in training of students and post-doctoral research personnel. Application received by Commissioner of Customs: August 24, 1973.

Docket Number: 74-00108-33-46040. Applicant: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, New York 10029. Article: Electron Microscope, Model EM 300S. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article. The foreign article will be used in two principal areas. The first is the study of diseases of the lung caused by mineral particles which induce injury in the lung by causing inflammation and and destruction of pulmonary function and destrutcion of pulmonary function through a currently unknown mechanism. This involves localization and identification of individual particles and the determination of their effects on the cells, on the cell membranes and the cellular organelles such as lysosomes and mitochondria; the comparison of the biological effect induced by various types of asbestos and various other types of silicates and the determination of the differences in the type of cell and tissue reaction; and the determination of the effect of the cell upon the inorganic particle. The second is the study of diseases of the kidney, particularly those which damage the kidneys especially the glomeruli and lead to eventual loss of function. This involves determination of the size, the configuration and substructure, if any, of the individual granules of the various types of protein deposits which play a major role in renal damage; and the correlation of the type of deposit

with pathologic changes observed in the kidney. Application received by Commissioner of Customs: September 5, 1973.

Docket Number: 74-00109-00-37100. Applicant: DHEW, PHS, NIH, National Institute of Environmental Health Sciences, PO. Box 12233, Research Triangle Park, N.C. 27709. Article: Multiple Membrane Filter, No. 92.51. Manufacturer: Yeda Research and Development Co., Ltd., Israel. Intended use of article: The foreign article will be used to filter trichloroacetic acid, precipitated DNA, RNA and protein in environmental health research studies. Application received by Commissioner of Customs: September 5, 1973.

Docket Number: 74-00110-33-46040. Applicant: Medical College of Ohio at Toledo, P.O. Box 6190, 945 South Detroit Avenue, Toledo, Ohio 43614. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article will be used to observe and compare the ultrastructural morphology of experimental tissues of mice, rats, rabbits, dogs and humans obtained in the operating room and autopsies with normal tissues to obtain information related to normal and diseased tissues which, in turn, is to be used in both teaching aids as well as diagnostic aids. The article will also provide information for teaching aids in undergraduate student teaching, graduate student teaching and clinical pathological correlation for medical staff and students. Application received by Commissioner of Customs: September 4, 1973.

Docket Number: 74-00111-33-46040. Applicant: The Johns Hopkins University, School of Hygiene and Public Health, Department of Population Dynamics, 615 N. Wolfe Street, Baltimore, Maryland 21205. Article: Electron Microscope, Model HU-11F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The foreign article will be used to test the thesis that changes in the organization and packing of DNA during spermiogenesis result from specific chemical changes by revealing the extent to which differences in the chemical content of spermatid and mature sperm nuclei are reflected in differences in the fine structure of nuclear elements. The study will involve: (1) correlated cytochemical and electron microscopic analyses of the basic protein composition and fine structure of differentiating spermatid nuceli, (2) autoradiography, at the level of the light and electron microscopes, and (3) analyses of the fine structure of mature sperm nuclei by application of the Langmuir trough and freeze etch methods. Application received by Commissioner of Customs: September 4, 1973.

(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.73-21576 Filed 10-10-73;8:45 am]

UNC-CH—CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 73-00593-33-43780. Applicant: UNC-CH, Carolina Population Center, International Fertility Research Program, NCNB Plaza, 136 East Rosemary Street, Chapel Hill, North Carolina 27513. Article: 10,000 Spring Coil IUD's 1,000 Combination Sound/Dilators and 1 stainless steel mold. Manufacturer: Ekder Plastic Works, Hong Kong. Intended use of article: The articles are to be used in a study of (1) to determine the most desirable IUD over a two-year period of time among persons without gynecologic abnormalities who have not previously used an intrauterine device and who are in one of the following categories:

(a) Immediate post-abortion period,
(b) Immediate post-delivery period,
(c) Not recently pregnant state (multigravida), or
(d) Nulligravida, and

(2) To profile the continuation rates and specific complications of each IUD.

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

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

Reasons: The applicant's use is in an International Fertility Research Program to study a variety of shapes or designs of intrauterine devices for safety and effectiveness which requires the specific shape or design of the article. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 20, 1973 that the specific design of the article is unique and pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic apparatus of equivalent scientific value to the article for such purposes as the article is intended to be used.

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

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

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

[FR Doc.73-21573 Filed 10-10-73;8:45 am]

VASSAR COLLEGE AND UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

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 (Public Law 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: 73-00581-33-46040. Applicant: Vassar College, Raymond Avenue, Poughkeepsie, New York 12601. Article: Electron Microscope, Model JEM 100B. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in investigations of the mesonephric kidney of the chick embryo with the following objectives in mind: (1) To correlate the ultrastructure with cellular and general kidney function during the differentiation function and degeneration phases of the organ's life span; (2) to study the origin and function of lysosomes during the period of initiation of function of the proximal tubule; (3) to study the ultrastructure of the degeneration granules (lipofucin) and the role of lysosomes in mesonephric involution; and (4) to describe the structure of the glomerulus during differentiation and functional period and to correlate this with surface ultrastructure revealed by the SEM Studies. The article will also be used in an instructional program involving electron microscopy. Application received by Commissioner of Customs: June 19, 1973. Advice submitted by Department of Health, Education, and Welfare on: September 20, 1973.

Docket Number: 73-00592-33-46040. Applicant: The University of Texas Medical School at Houston, 243 John H. Freeman Bldg., Texas Medical Center, Houston, Texas 77025. Article: Electron Microscope, Model JEM 100B. Manufacturer: The article is intended to be used in experiments to be conducted which will include: differentiation of forms of glomerulonephritis by ultramicroscopic means, the classification and categorization of white cell granules, the classification for prognostic purposes of soft

tissue neoplasms, tissue changes (transformation) induced by normally nonpathogenic viruses, subtle changes induced in cell organelles and enzyme distribution in the process of aging, intracellular localization of tagged antibody molecules and the fine detail of ribosome-membrane defects induced by lipid peroxidation and its prevention by biological antitoxidants. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by Department of Health, Education, and Welfare on: September 20, 1973.

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 foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. 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 is being manufactured in the United States.

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

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

[FR Doc.73-21572 Filed 10-10-73;8:45 am]

VIRGINIA COMMONWEALTH UNIVERSITY AND UNIVERSITY OF WISCONSIN

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (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: 73-00587-33-46500. Applicant: Virginia Commonwealth University, Medical College of Virginia, Box 17, Room 530, MEB, Division of Neuropathology, Richmond, Virginia 23298. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in ultrastructural research on both animal and human (biological) material. Animal tissue is used in studies of experimentally produced diseases of the nervous system and in studies of subcellular fractions of brain prepared for use in neurochemistry experiments. Application received by Commissioner of Customs: June 20, 1973. Advice submitted by Department of Health, Education, and Welfare on: September 20, 1973.

Docket Number: 73-00591-90-46500. Applicant: University of Wisconsin, Purchasing Department, 750 University Avenue, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to section a variety of materials including insects, fungi, vascular plants, algae, viruses, symbionts, bacteria, nematodes and diseased plant and animal (insect) specimens. These materials will be examined by the electron microscope in the following research areas:

(1) Ultrastructure of host-pathogen relationships,

(2) Characterization of the nature of virus induced inclusions,

(3) Localization and studies on sites of virus synthesis,

(4) Ultrastructure of receptor sites in insects, and

(5) Ultrastructure of fungi, e.g., microbodies, mitosis and meiosis.

In addition the article is to be used for the training of electron microscopists. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by Department of Health, Education, and Welfare on: September 20, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

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 is being manufactured in the United States.

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

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

[FR Doc.73-21574 Filed 10-10-73;8:45 am]

National Oceanic and Atmospheric Administration

JOHN N. HAMLET

Notice of Withdrawal of Economic Hardship Application

Notice is hereby given that on September 12, 1973, Mr. John N. Hamlet, Consultant Naturalist, Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs, Florida 32647, was granted his request that his application for an economic hardship exemption under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)) to take 10 California sea lions (*Zalophus californianus*) for public display (see 38 FR 20487, August 1, 1973) be withdrawn without prejudice.

Copies of the application for the exemption, the letter from the Applicant requesting that the application be withdrawn and the letter from the Director granting the request, are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Regional Offices. The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–831–9281; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640; Southeast Region, Duval Building, 9450 Gandy Boulevard, Saint Petersburg, Florida 33702, telephone 813–893–3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206–442–7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated October 4, 1973.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.73–21557 Filed 10–10–73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Notice of Meeting

The Census Advisory Committee on State and Local Governments Statistics will convene on October 19, 1973 at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Program status reports—1972 Census of Governments, annual and recurrent programs, and special studies; (2) Application of Census data in the Bureau of Economic Analysis; (3) The role of the Data User Services Office; and (4) The application of Census Data by the Office of Revenue Sharing (Department of Treasury) and by the Law Enforcement Assistance Administration.

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

Persons planning to attend and wishing additional information concerning this meeting should contact Mr. Curtis Hill, Division Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233) Telephone: 301–763–5203.

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

[FR Doc.73–21598 Filed 10–10–73;8:45 am]

SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1973, under the provisions of Title 13, United States Code, sections 181, 224, and 225. This survey, together with the previous surveys provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by location will be requested to update the list of wholesale establishments or retail warehouses maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census on or before November 13, 1973, and will receive consideration.

Dated October 5, 1973.

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

[FR Doc.73–21580 Filed 10–10–73;8:45 am]

Office of the Secretary

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

OCTOBER 10, 1973.

The Importers' Textile Advisory Committee will meet at 2:00 p.m. on October 18, 1973, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 18 members representing importing firms and a trade association, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or afer the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73–21863 Filed 10–10–73;10:57 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (P.L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. FDA/NIMH Drug Abuse Advisory Committee.	October 19, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m., Monique C. Brande, Ph.D., Room 13-15, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2500.

Purpose. Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential; advises NIMH on supplies of substances for clinical studies, on quantities of substances for animal and in vitro studies beyond the maximum amount available by NIMH staff action, and on requests for any amount of substances which involve protocols containing unique problems.

Agenda. DHEW guidelines for clinical research and toxicology for drugs of abuse (open); drug master file summary and review of protocols (closed).

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	October 22 and 23, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed October 22, open October 23, 9 a.m. to 10 a.m., closed October 23 after 10 a.m., Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic including antirheumatic drugs.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Neuropharmacology Advisory Committee.	October 25 and 26, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Thomas A. Hayes, M.D., Room 10B-39, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3810.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Guidelines for anti-anxiety and anti-depressant drugs; report of consultant group on geriatric drugs; phenothiazines for anxiety, depression, and psychoneurosis; ethical considerations in testing psychotropic drugs; and use of diphenylhydantoin in psychiatric illness.

Committee name	Date, time, place	Type of meeting and contact person
4. Radiation Bio-Effects and Epidemiology Advisory Committee.	October 29 and 30, 9 a.m., Room 400, 12720 Twinbrook Parkway, Rockville, Md.	Open—Richard K. Fred, D.D.S., Ph.D. (RH-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2356.

Purpose. Advises the Commissioner of Food and Drugs and the Director, Bureau of Radiological Health, regarding the total research program of laboratory and epidemiology studies of the biological effects and health implications of exposure to radiation and radiation-producing devices.

Agenda. Colorado collaborative research project, use of ultrasound in medicine, and phototherapy.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	October 31 and November 1, 9 a.m., Room 1409, 200 C St. SW., Washington, D.C.	Open October 31, 9 a.m. to 10 a.m., closed October 31 after 10 a.m., closed November 1, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Continuing review of over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may

present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secrets and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made, based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in (5 U.S.C. 552(b)), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in (5 U.S.C. 552(b)), or matters that, if in writing, would fall within (5 U.S.C. 552(b)), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated October 4, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-21568 Filed 10-10-73;8:45 am]

ADVISORY COMMITTEES

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the National Advisory Veterinary Medicine Committee for an additional period of two years beyond September 25, 1973, the Ophthalmic Drugs Advisory Committee for an additional period of two years beyond September 20, 1973, and the Surgical Drugs Advisory Committee for an additional period of two years beyond September 14, 1973.

Authority for these committees will expire September 25, 1975, September 20, 1975, and September 14, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated October 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21570 Filed 10-10-73;8:45 am]

[DESI 9023; Docket No. FDC-D-568; NDA 9-023 etc.]

CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS CONTAINING VERATRUM ALKALOIDS

Notice of Withdrawal of Approval of Certain New Drug Applications

On January 30, 1973, there was published in the FEDERAL REGISTER (38 FR 2776) a notice of opportunity for hearing (DESI 9023) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the subject drugs. The basis of the proposed withdrawal of approval was the lack of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

Pursuant to the notice, Mallinckrodt Pharmaceuticals has requested a hearing concerning Unitensen-R Tablets, containing cryptenamine tannates and reserpine (NDA 9-535). That request is under review and will be the subject of another FEDERAL REGISTER publication. No other hearings were requested.

I. *Drug products for which approval has been withdrawn.* Approval of three new drug applications included in the aforesaid notice had previously been withdrawn, as indicated below, on the grounds that reports required under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35(e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted. At the time the approvals were withdrawn, no final effectiveness classification of the drugs had yet been made. The conclusions described in this notice are applicable to these drug products and to all identical, similar, or related products (21 CFR 130.40):

1. NDA 9-616; Rauwolfia Serpentina-Veratrum Viride Tablets; Cooper Laboratories Inc., Fairfield Road, Wayne, New Jersey 07470. (Previously the NDA holder was stated to be Vitamix Pharmaceuticals, Inc. Vitamix Pharmaceuticals was a distributor for the drug.) Approval was withdrawn on August 4, 1971 (36 FR 14342.)

2. NDA 9-607; Rauvertrum Tablets containing rauwolfia serpentina and veratrum viride extract; Richlyn Laboratories, Inc., 3725 Castor Avenue, Philadelphia, Pennsylvania 19124. Approval was withdrawn on October 14, 1971 (36 FR 19996.)

3. NDA 9-586; Verapene Tablets containing reserpine and protoveratrines A and B; Wampole Laboratories, 35 Commerce Road, Stamford, Conn. 06904. Approval was withdrawn on February 8, 1972 (37 FR 2852.)

II. *Opportunity for hearing waived.* The holders of the following new drug applications have requested withdrawal of approval of their new drug applications and have thereby waived their opportunity for a hearing:

1. NDA 9-488; Rauwolverat Tablets containing rauwolfia serpentina and veratrum viride extract; formerly marketed by USV Pharmaceutical Corporation, 1 Scarsdale Road, Tuckahoe, N.Y. 10707. This new drug application was originally held by Nysco Laboratories, Inc.

2. NDA 9-023; Rauwiloid and Veriloid Tablets containing alseroxylon and alkavervir; formerly marketed by Riker Laboratories, 19901 Nordhoff Street, Northridge, CA 91324.

3. NDA 10-004; Rauveratrum Tablets containing rauwolfia serpentina and veratrum viride extract; Invenex Pharmaceuticals, P.O. Box 708, Buffalo, N.Y. 14240. This new drug application was originally held by Direct Laboratories.

4. NDA 9-993; Vertina Tablets containing rauwolfia serpentina and veratrum viride extract; formerly marketed by Paul B. Elder Co., 705 East Mulberry Street, Post Office Box 31, Bryan, Ohio 43506.

None of the holders of the following new drug applications or any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

1. NDA 10-397; Hyperloid PV Tablets containing protoveratrines A and B and rauwolfia serpentina; formerly marketed by Person and Covey Inc., 616 Allen Avenue, Glendale, CA 91201.

2. NDA 9-521; Mio-Pressin (No. 1 and No. 2) Capsules containing rauwolfia serpentina, protoveratrines A and B, and phenoxybenzamine hydrochloride; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101.

3. NDA 11-202; Protalba-R Tablets containing protoveratrine A and reserpine; the Dow Chemical Co., Post Office Box 1656, Indianapolis, IN 46206.

4. NDA 9-066; Rauvera Tablets containing alseroxylon and alkavervir; Dorsey Laboratories, Division Sandoz-Wander, Inc., Northeast U.S. 6 and Interstate 80, Lincoln, NE 88501.

5. NDA 9-369; Veralba R Tablets containing protoveratrines A and B and reserpine; the Dow Chemical Co.

6. NDA 9-609; Veraserpine Tablets containing rauwolfia serpentina and veratrum viride extract; Gold Leaf Pharmacal Co., 223 South Dean Street, Englewood, NJ 07631.

7. That part of NDA 12-359 pertaining to Salutensin Tablets containing protoveratrine A, reserpine, and hydroflumethiazide; Bristol Laboratories Inc., Division Bristol Meyers Co., Thompson Road, Post Office Box 657, Syracuse, NY 13201. Bristol Laboratories has informed the Administration that manufacture and distribution of this formulation ceased September 30, 1972. The firm has reformulated the product deleting protoveratrine A and leaving only reserpine and hydroflumethiazide. Similar combinations of reserpine and a thiazide (DESI 9296) were published as effective for hypertension in the FEDERAL REGISTER (38 FR 3418) of February 6, 1973. That notice will be amended to provide for reserpine and hydroflumethiazide.

8. NDA 9-617; Verolfia Tablets containing rauwolfia serpentina and veratrum viride extract; Bowman, Inc., 119 Schroyer Avenue SW, Canton, OH 44702.

9. NDA 9-399; Verwolfia Tablets containing rauwolfia serpentina and veratrum viride; formerly marketed by M. R. Thompson Inc., Division of the J. B. Williams Co., Inc., 767 Fifth Avenue, New York, NY 10022.

10. NDA 10-059; Rauverid Tablets containing rauwolfia serpentina and veratrum viride extract; Cooper Laboratories, Inc. (NDA formerly held by Tilden-Yates Laboratories, Inc.), Fairfield Road, Wayne, NJ 07470.

11. NDA 10-090; Rauwolfia and Veratrum Tablets containing rauwolfia serpentina and veratrum viride extract; S. F. Durst and Co., Inc., 5317 North Third Street, Philadelphia, Pennsylvania 19120.

O'Neal, Jones & Feldman, Inc. contend that NDA 10-090 has been abandoned, state that the drug is effective, and suggest that the drug may be marketed without an NDA both under the so-called grandfather clause of the 1962 Drug Amendments and because it is an old drug. These contentions are rejected. The NDA has been deemed approved since October 9, 1962 and approval of NDA 10-090 has not been withdrawn by the Commissioner. Accordingly, the drug is not exempt from the drug effectiveness requirement of 21 U.S.C. 355 even if O'Neal, Jones & Feldman consider that the NDA has been abandoned by it.

The comments of the company fail to observe the procedural regulations governing requests for hearings. No adequate and well controlled clinical investigations of the drug are cited or discussed. In the absence of a showing of such investigations published in the scientific literature, the Commissioner finds that the drug covered by NDA 10-090 is a new drug which may not be marketed in interstate commerce without an approved new drug application.

III. *Rauprote.* In response to the notice of January 30, 1973, Vale Chemical Company, Inc., 1201 Liberty Street, Allentown, Pennsylvania 18102, holder of NDA 9-862 for Rauprote Tablets containing rauwolfia serpentina and protoveratrines A and B, objected to the proposed action and submitted several testimonial letters from physicians and a reprint of an article, "Combination of Drugs in the Treatment of Essential Hypertension" by Robert W. Wilkins, M.D. published in the "Mississippi Doctor" 30: 359-363 (April 1953). The firm asserts that each ingredient is effective, that the combination shows greater effectiveness than either component used alone, that increased sales over the years prove its usefulness (thus, its efficacy), and that Dr. Wilkins' paper shows that there is a need for such combination drugs in the physician's armamentarium. A hearing was not requested.

Each of the components of Rauprote has been classified as effective when used as a single entity drug. However, the material submitted by Vale does not show that the fixed combination meets the criteria set forth in § 3.86 Fixed-combination prescription drugs for humans, (21 CFR 3.86) which provides, among other things, that when two or more drugs are combined in a single dosage form, the dosage of each compoment (amount, frequency, duration) must be such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling for the drug.

The article on which the NDA holder relies discusses the principle of combination treatment and cases in which two or more drugs were administered. The author, Dr. Wilkins, appears to be describing, concommitant administration of separate, single-entity drugs, rather than use of a product containing a fixed-dose ratio of two (or more) components. He describes the use of different regimens with dosage frequency and amounts of each drug varying on the basis of results and side effects. Neither the article nor the letters from physicians provide substantial evidence of effectiveness in that they do not identify adequate and well-controlled studies (or even any study) in which Rauprote has been tested and compared to the individual components to show that they are appropriate for administration in a fixed-dose combination product.

IV. *Findings.* The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

Pursuant to the foregoing findings, approval of the new drug applications listed under items II and III above, or pertinent parts thereof as indicated, and all amendments and supplements applying thereto, is withdrawn. Shipment in interstate commerce of those drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Effective date.—This order will become effective on October 23, 1973.

Dated October 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-21643 Filed 10-10-73;8:45 am]

[DESI 11255; Docket No. FDC-D-566; NDA 12-830]

CERTAIN COMBINATION ANTACID-ANTICHOLINERGIC DRUGS: ESTOMUL TABLETS AND ESTOMUL LIQUID; MARTAB NO. 2 AND NO. 3 TABLETS

Final Order on Objections and Requests for a Hearing Regarding Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of September 8, 1972 (37 FR 18225), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on four combination antacid/anticholinergic drugs including Estomul Tablets and Estomul Liquid (NDA 12-830 held by Riker Laboratories, Inc., 19901 Nordhoff St., Northridge, CA 91324, hereafter Riker).

The announcement stated that there is a lack of substantial evidence of effectiveness of these fixed dosage combination drugs for their recommended uses and that drugs containing an anticholinergic with an antacid are not safe and effective, in that they are not appropriate for administration as fixed-dose combinations within the guidelines set forth in § 3.86 (21 CFR 3.86).

Accordingly, the Commissioner of Food and Drugs announced his intention to initiate action to withdraw approval of the new drug applications (NDAs) for these drugs. Prior to initiating such action, the Commissioner invited holders of new drug applications and all other interested persons, including those marketing similar, identical or related drugs, to submit, within 30 days, pertinent data bearing on the proposal. The Commissioner advised that in order for any such data to be acceptable for consideration in support of effectiveness of a drug it

must be previously unsubmitted, well-organized, and meet the criteria for adequate and well-controlled clinical investigations as described in § 130.12(a)(5) (21 CFR 130.12).

On September 20, 1972, in response to the September 8, 1972, FEDERAL REGISTER notice, Riker wrote the Food and Drug Administration requesting an opportunity to discuss a proposed reformulation and relabeling of Estomul Tablets and Estomul Liquid. The proposed reformulation would remove, inter alia, the anticholinergic ingredient orphenadrine hydrochloride; the proposed relabeling would recommend the new product as an antacid. With its request Riker submitted data attempting to support the claimed acid-neutralizing capacity of the contemplated reformulation; to support the claimed acid-neutralizing capacity of Estomul Tablets and Liquid as formulated in the NDA under consideration, Riker offered two previously submitted studies. A meeting was held on October 3, 1972 at which time Riker was advised that it would be informed as to the Food and Drug Administration's decision regarding permission to market the reformulated and relabeled product.

On October 5, 1972, Riker wrote the Food and Drug Administration, reaffirming its desire to market a reformulated product as an antacid and for the relief of symptoms associated with gastric hyperacidity. Additional data attempting to establish the efficacy of the revised formulation as an antacid was also submitted. In the meantime, since the proposed withdrawal of the NDA was still pending, the data offered in support of efficacy as an antacid for Estomul Tablets and Liquid, as formulated in the NDA under consideration, was reevaluated and the Commissioner concluded that it failed to provide substantial evidence, derived from adequate and well-controlled clinical investigations, of the effectiveness of the drug for its recommended uses.

Accordingly, a notice was published in the FEDERAL REGISTER of November 29, 1972 (37 FR 25247) announcing that the Commissioner, pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), proposed to withdraw approval of the new drug application for Estomul Tablets and Liquid and all amendments and supplements thereto on the ground that new information before him with respect to the drug, evaluated together with the evidence available to him at the time of approval of the application, showed that there was a lack of substantial evidence that the drug would have the effects purported or represented to have under the conditions of use prescribed, recommended or suggested in the labeling. Thirty days were allowed for any interested person to file a written appearance requesting a hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data prepared to be proven in support of the opposition. The Notice stated that such requests must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing.

On December 20, 1972, the Caldwell & Bloor, Co., hereafter Caldwell, 80 West Third St., Mansfield, OH 44902, manufacturers of Martab No. 2 Tablets and Martab No. 3 Tablets, formulated for Dr. Edward A. Marshall, requested for itself and for Dr. Marshall, hereafter Marshall, the opportunity for a hearing on the grounds that Martab had been in use for over 20 years and that the anticholinergic ingredient, atropine sulfate, was essential in the treatment of peptic ulcer.

A timely request for hearing was also filed by Riker on December 26, 1972. Submitted with Riker's requests, in addition to medical data was a statement of the grounds relied upon for the hearing. Riker agreed that orphenadrine hydrochloride (orphenadrine), as formulated in Estomul, had no therapeutic anticholinergic effects, but argued that Estomul was effective as an antacid, in the management of patients with heartburn and that orphenadrine contributed to the relief of acid-induced pain in patients with esophagitis. Therefore, Riker requested an opportunity to propose labeling to reflect these modified claims.

On March 7, 1973, in response to its earlier requests, Riker was given permission to market a reformulated and relabeled product as an over-the-counter antacid, provided that when the monograph for OTC antacid drugs became published as a final order, their product would be brought into compliance therewith in accordance with § 130.301(a)(9). On April 5, 1973, Riker informed the Food and Drug Administration that they intended to proceed with the requested hearing for the drug covered by NDA 12-830.

On this same date, April 5, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 8714-8724), as a proposed regulation, the report of the Advisory Review Panel on over-the-counter (OTC) antacid drugs. This report, prepared by a separate panel of eminent physicians who had reviewed fixed-dosage antacid anticholinergic combinations, independently came to the same conclusion as the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, i.e., that it was not safe and effective concurrent therapy to combine an anticholinergic with an antacid because optimal use of these ingredients requires independent dosages of each drug and because entirely safe amounts of anticholinergics have not been shown to effect gastric secretion or upper gastrointestinal symptoms.

On March 19, 1973, the Commissioner published a notice in the FEDERAL REGISTER (38 FR 7264) which recognized the requests for hearing filed by Caldwell, Marshall and Riker, and announced that failure of holders of the other NDAs listed in the November 29, 1972 FEDERAL REGISTER notice (37 FR 25247) or any other interested person to file a written request for a hearing constituted a waiver by such persons of such right and accordingly withdrew approval of those NDAs and all amendments and supplements thereto.

On April 16, 1973, Riker filed a supplemental submission consisting of protocols for two ongoing clinical investigations, a request that final action on its pending request for a hearing be delayed until the completion of those studies and evaluation by the Food and Drug Administration, and further legal argument to the effect that, since the regulations under which the Food and Drug Administration was proceeding had been declared fundamentally defective by the Court of Appeals for the District of Columbia Circuit, Riker was entitled to a hearing as a matter of law. On May 7, 1973, Riker submitted a third protocol, a notice of a terminated study, a final report on a study undertaken to establish the clinical efficacy of Estomul Liquid in treating esophagitis, citation to three articles in the scientific literature and a printer's proof for a revised package insert. On May 25, 1973, Riker submitted a final revised package insert for Estomul Liquid and Estomul Tablets. And finally, on July 3, 1973, and again on August 1, 1973, Riker requested an opportunity to discuss the revised labeling and reaffirmed its contentions that Estomul was effective as an antacid and that it had a favorable effect on acid-induced pain in patients with esophagitis and heartburn.

The Commissioner has considered all of the material submitted by Riker, Caldwell and Marshall in support of their requests for a hearing on the proposed withdrawal of NDA 12-830 and has concluded that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained more fully below.

I. *The Drugs* A. Estomul Liquid contains (each 15 ml. tablespoon) a fixed combination of 25 mg. orphenadrine hydrochloride, 50 mg. bismuth aluminate, and 918 mg. aluminum hydroxide and magnesium carbonate; Estomul Tablets contain (each tablet) a fixed combination of 25 mg. orphenadrine hydrochloride, 25 mg. bismuth aluminate, 45 mg. magnesium oxide, and 500 mg. aluminum hydroxide and magnesium carbonate.

B. Martab No. 2 tablets each contain a fixed combination of 0.5 grams of calcium carbonate, 0.25 grams magnesium oxide, 0.016 grams phenobarbital, and 0.0002 grams atropine sulfate; Martab No. 3 tablets each contain a fixed combination of 0.65 grams of calcium carbonate, 0.016 grams phenobarbital, and 0.0002 grams atropine sulfate.

II. *Recommended Uses* A. The label reviewed by the NAS-NRC Drug Efficacy Study Group recommended Estomul for use in the treatment of peptic ulcer, hyperacidity and dyspepsia, heartburn, gastritis, alcoholic gastritis, gastroesophageal reflux, esophagitis (without stricture) irritable bowel syndrome, congenital shortening of esophagus, spasm of the cardiac end of the esophagus,

hiatus hernia, and functional pylorospasm. With the supplemental submissions filed on May 7, 1973 and May 25, 1973, Riker filed a new package insert deleting some of the earlier indications, but retaining recommendations for Estomul for use as an adjunct in the management of peptic ulcer, gastritis, esophagitis without stricture and for symptomatic relief in patients with heartburn and hyperacidity. The dosage recommended by the label of Estomul is 1 or 2 tablespoons (1 or 2 tablets) three times daily depending upon severity of involvement. The rationale for the Estomul combination has been variously stated at various times. In its first package insert its was claimed that the orphenadrine component had topical anesthetic, anticholinergic and antispasmodic properties which would relieve physical stress associated with peptic ulcer while the antacid component would neutralize the gastric acidity. In its December 26, 1972, request for hearing, however, Riker agreed that orphenadrine, as formulated in Estomul, has no therapeutic anticholinergic effects but asserted that the orphenadrine provided ancillary amelioration of acid-induced pain. This latter claim for orphenadrine was retained in the revised package insert submitted on May 25, 1973.

B. Martab is recommended in its labeling as a specific oral therapy for peptic ulcer. In Dr. Marshall's letter, submitted with the request for hearing, it is suggested that Martab is also useful in the treatment of complications of ulcer, hemorrhage, obstruction, short history gastric ulcer, chronic ulcerative colitis, granulomatous colitis, irritable bowel syndrome, constipation, and in the control of post-operative dumping. The dosage recommended for Martab is one tablet every two hours or nine times per day. Martab No. 2 and No. 3 are to be used interchangeably in conjunction with Martab No. 1 which is the basic therapy and which consists entirely of aluminum hydroxide. The rationale for the anticholinergic ingredient atropine sulfate in Martab No. 2 and No. 3 is to provide a sedative effect which, it is claimed, is essential in healing peptic ulcer.

III. *The Data Submitted to Support Claims of Effectiveness.* A. *Estomul. Completed Studies.* Riker's first submission in response to the September 8, 1972 notice of proposed withdrawal was a compilation of studies previously submitted from 1966–1972. The Commissioner has reviewed these submissions and concludes that they are not adequate and well-controlled as required by 21 U.S.C. 355(d) and § 130.12(a)(5) and thus do not constitute substantial evidence of efficacy, and that they do not satisfy the requirements of § 3.86 with respect to the type of proof needed specifically for fixed combination drugs. These are evaluated as follows:

1. "Final Report on an Investigation of Commercial Antacid Preparations in the Outpatient Therapy of Duodenal Ulcer Symptoms," R. S. Peters, unpublished study, 1971. In this study 50 patients with duodenal ulcer symptoms were divided into two groups. One group was treated with Estomul Liquid and the other with another product. Patients were seen weekly and evaluated on their subjective improvement in symptoms. This study is inherently faulty and not well-controlled within the meaning of 21 CFR 130.12 (a)(5) since it fails to provide a comparison of the combination with either orphenadrine alone or the antacids alone. The comparison of the combination with another product is an improper control and offers no evidence that each component of the combination in Estomul makes a contribution to the claimed effect as required by 21 CFR 3.86. Secondly, the classification of the results was based entirely upon the subjective evaluation of the patients' responses as to whether or not they got improvement of their initial complaints. A subjective test is not an adequate basis, standing alone, upon which to evaluate drug effectiveness, § 130.12(a)(5)(ii)(c). This is clearly demonstrated by § 130.12(a)(5)(ii)(*a*)(*4*) and (*5*) which requires quantitative evaluation and a summary of methods of analysis and an evaluation of data derived from the study. Finally, the author himself concludes, "Since no placebo-control groups were studied, no conclusion regarding the part the antacids played in the response is offered or implied".

2. "Final Report To Determine the Comparative Clinical Efficacy of Estomul Liquid vs. its Two Main Components," Donald Berkowitz, unpublished study, 1972. In this study, 26 patients with symptoms from peptic ulcer disease were each given one of the following medications: Estomul liquid, Estomul liquid without orphenadrine, Estomul liquid without antacid, or placebo, for one complete day of treatment. Thereafter, when symptoms returned, the patients were crossed over to a second treatment for one complete day until each of the 26 patients had received each of the four treatments over four single days of treatment. The most serious flaw in this study is its failure to assure comparability in test and control groups as required for an adequate and well-controlled study by § 130.12(a)(5)(ii)(*a*)(*2*)(*iii*). This failure is a result of the crossover technique employed in testing the drugs. Thus, for example, a patient who received the Estomul formulation on the first day of testing is not comparable to a patient who received Estomul in the second, third or fourth round of testing since the latter patients have received recent previous treatments with similar drugs. To establish a reasonable basis for comparison, the test should have been conducted in a parallel fashion, i.e., each group receiving only one regimen. Additionally, since the study does not state clearly established criteria in the selection of subjects, there is no assurance that they are suitable for the purposes of the study, § 130.12(a)(5)(ii)(*a*)(*2*)(*i*). Finally, a conclusion based solely upon the criterion of patient preference for one treatment over another is entirely subjective and is not, standing alone, an adequate basis upon which to evaluate drug effectiveness (§ 130.12(a)(5)(ii)(*c*), and (a)(5)(ii)(*a*)(*4*) and (*5*)).

3. "Single Entity and Combination Regimens in Duodenal Ulcer Diseases: A Double Blind Study," Arvey Rogers, 1969. Manuscript and study. In this study, 40 patients were equally divided into four groups. Each patient then took the drugs assigned as the therapeutic regimen for his group. Group I took Estomul liquid and placebo tablets; Group II took propantheline bromide (probanthine) tablets and placebo liquid; Group III took orphenadrine tablets (25 mg.) and placebo liquid; and Group IV took Maalox liquid and probanthine tablets. Only one portion of this study was designed to test the combination found in Estomul against one of its components (orphenadrine) alone. The portions of the study attempting to make comparisons between Estomul and probanthine with Maalox and probanthine alone are irrelevant, and provide no evidence that each component of the combination makes a contribution to the claimed effect within the meaning of, and as required by, § 3.86. The entire test (including that portion attempting to compare the combination with orphenadrine alone) failed to meet other criteria for an adequate and well-controlled study as well. For instance, because the tests used to confirm the diagnosis were questionable, there was no assurance that subjects were suitable for the purposes of the study, § 130.12(a)(5)(ii)(*a*)(*2*)(*i*). Moreover, the test does not set forth adequate data to assure that test groups were comparable in terms of severity and duration of disease, § 130.12(a)(5)(ii)(*a*)(*2*)(*iii*). In these areas, the author himself notes the need for a more homogeneous population and the unreliability of using measurements of gastric acid output as an indicator of either the presence or absence of ulcer disease. Finally, the author concludes, "Under the conditions of this investigation, none of the variables chosen (gastric acid output, patient acceptance of medications, adverse reactions, clinical results) was statistically valid in differentiating the four therapeutic regimens".

4. "Estomul Study", unpublished study, Paul Guth, 1967. In this study, fifty-two patients with recently active peptic ulcer, gastritis, or duodenitis were given either probanthine, Maalox, Estomul or Estomul without orphenadrine. This study is entirely inadequate and uncontrolled for a number of reasons. The portions of the study comparing Estomul with other products, are not adequate and well-controlled within the meaning of § 130.12(a)(5)(ii)(*a*)(*4*) and provide no evidence that orphenadrine makes a contribution to the claimed effect of the combination within the meaning of § 3.86. The study lacks any statement of design or purpose, § 130.12(a)(5)(ii)(*a*)(*1*). The diagnostic criteria of the patients entered in the study are not sufficiently delineated to provide assurance that they are suitable for the purposes of the study within the meaning of § 130.12(a)(5)(ii)(*a*)(*2*)(*i*) or that comparabil-

ity between test groups has been attained (§ 130.12(a)(5)(ii)(a)(2)(iii)). Since the study fails to provide information as to the basis on which patients were divided into the various groups, as to the dosage or frequency of administration of the regimens, or indeed even as to which patients were given which regimen, it is impossible to make any evaluation of the results, quantitative or otherwise (§ 130.12(a)(5)(ii)(a)(4)). Moreover, the classification of clinical results is not adequate for proper evaluation because the terms "good", "fair", and "poor" were not defined. And finally, the author himself concluded, "there was no significant difference in clinical results between each treatment group".

5. "Combined Report on Basic Studies Undertaken on the Effects of Estomul and Orphenadrine Hydrochloride on Gastric Acidity With Some Comments Regarding Patient Acceptance of Estomul," unpublished study, William Bachrach and Robert S. Peters, 1968. This report was divided into five studies whose overall objective was to investigate the immediate and long-term effect of orphenadrine on basal gastric secretion.

i. The purpose of the first study was to make clinical observations of the effects of the effects of high dosage oral administration of Estomul. Seven inpatients were given 15 milliliters of Estomul each hour, 16 doses per day, 17 outpatients were given 15 milliliters every two hours, or 8 doses per day. This study is not adequate and well-controlled within the meaning of 21 CFR 130.12(a)(5) since there was no comparison between the combination with orphenadrine alone or with antacids alone. The comparison of Estomul with itself provides no evidence that each component of the combination makes a contribution to the claimed effect as required by 21 CFR 3.86. Furthermore, the drug was administered in markedly different dosages than is recommended by the label for Estomul and thus cannot be accepted as evidence of the effectiveness of Estomul, —— § 130.12(b). No diagnostic data is provided by the study and thus there is no assurance that the subjects selected are either suitable for the purposes of the study or that the various groups tested are comparable. (§ 130.12(a)(5)(ii)(a)2)(i) and (iii)). Finally, all of the patients tested complained of various side effects and refused to take the medication after varying periods.

ii. The purpose of the second study was to compare the effects of orphenadrine and atropine sulfate on gastric acid secretion in dogs. In two trials, three dogs were administered atropine sulfate and orphenadrine. Since there is no comparison of the combination with orphenadrine alone or with the antacids alone, the study is not adequate and well-controlled within the meanig of § 130.12(a)(5)(ii)(a)(4) and does not meet the requirements of § 3.86. Furthermore, the use of dogs instead of humans, and the usage of both dosages and routes of administration different than those recommended by the Estomul label render this study entirely irrelevant to, and cannot be accepted as any evidence of, the effectiveness of Estomul. Finally, the author notes that the orphenadrine failed to produce any inhibition of gastric secretion.

iii. The third study was conducted to determine the effects of Estomul on the gastric pH of fasting patients with peptic disease. Thirty-four subjects were used. Twenty-six normal basal secreters were given a 30 milliliter dose and 8 normal basal secreters were given a 15 milliliter dose of Estomul. Two trials were used on each group. In the first trial, the drug was administered by mouth around the nasogastric tube; in the second, through the nasogastric tube. This study is not adequate and well-controlled within the meaning of § 130.12(a)(5)(ii)(a)(4) since it fails to compare the combination with either orphenadrine alone or with the antacids alone. Thus it provides no evidence that both ingredients contribute to claimed effect of Estomul as required by § 3.86. Secondly, although the study stated that it was conducted on subjects with known peptic disease, no data are given relative to the criteria of subject selection and thus there is no assurance that patients are either suitable for the purposes of the study or that they were assigned to test groups in a manner designed to assure comparability. (§ 130.12(a)(5)(ii)(a)(2)(i) and (a)(2)(iii)). Additionally, those portions of the study in which the patients were administered the drug through the nasogastric tube are irrelevant to the effectiveness of Estomul since that is not the method of administration recommended by the labeling for Estomul. Finally, the author himself concludes that in 25 percent of the cases where the route of administration was by mouth around the nasogastric tube, the medication was ineffective as an antacid.

iv. The fourth study was designed to measure the immediate (acute) and cumulative (chronic) effect of orphenadrine administration on basal gastric activity in patients with peptic disease. In the acute study, four patients manifesting high basal secretion were given 60 milligrams of orphenadrine intravenously and, a week later, two 50 milligram tablets of orphenadrine via nasogastric tube. Measurements of gastric acid output were taken before and after each administration and compared. In the chronic study, the same four subjects were told to take one 50 milligram tablet of orphenadrine four times a day for 28 days. Measurements of gastric acid output were taken at 14 and 28 days and compared. Neither study is adequate and well-controlled within the meaning of § 130.12(a)(5)(ii)(a)(4) since neither compares the combination with either orphenadrine alone or with the antacids alone. The comparison of the effects of various dosages of orphenadrine alone without a comparison with the combination found in Estomul provides no evidence that each component in Astomul contributes to the claimed effect as required by § 3.86. Both studies used only four patients which is too small a number to permit statistically significant conclusions. In the acute study, neither the dosages or the routes of administration are those recommended in the labeling of Estomul; in the chronic study, the dosage used is not the same as that recommended by Estomul. Hence, neither study can be accepted as evidence of the effectiveness of Estomul. Finally, the author himself concludes, "[N]o antisecretory effect could be observed on basal gastric output during either immediate or cumulative administration."

v. The fifth portion of this report consisted of a study designed to test the effect of long term administration of Estomul on symptoms of peptic ulcer and basal secretion of acid. Five patients were given gastric analyses, told to take one tablespoon of Estomul every two hours during the waking hours, and to return weekly; one follow-up gastric analysis was performed on three of the patients. This study, like each of its predecessors, was not adequate and well-controlled in that it failed to make any comparison of the combination with orphenadrine alone or with the antacids alone and thus does not meet the requirements of § 3.86 or § 130.12(a)(5). Furthermore, the dosages were different than those recommended by Estomul and thus cannot be accepted as any evidence of the effectiveness of Estomul. (§ 130.12(b)). Since the study fails to provide sufficient diagnostic criteria on the patients, there is no adequate assurance that they were suitable for the purposes of the study. (§ 130.12(a)(5)(ii)(a)(2)(i)). Follow-up analysis was only performed on three patients, which is too small a number to permit statistically significant conclusions. Finally, of these three patients, only one showed a marked reduction in gastric output; two showed no inhibition of gastric acid secretion.

6. "Dr. Patterson's Estomul Study," unpublished study, Marcel Patterson, 1967. This study was divided into two parts.

i. The first part of the study was designed to test the effects of Estomul with and without orphenadrine on gastric motility in 20 healthy male medical students. Basal motility was recorded before and after each administration of one 2 tablespoon dosage of the drugs and compared. This study is not adequate and well-controlled within the meaning of (§ 130.12(a)(5) since the procedures used in recording motility were defective. In this regard, the author himself stated that the control periods for valid motility readings should have been longer than they were and that respirations should have been recorded and adjusted downward to avoid confusion between intragastric pressures and respirations. Moreover, a single treatment with two tablespoons of the drug is an insufficient basis upon which to make an evaluation of effectiveness. (§ 130.12(c)). In any case, the author concludes "[T]his data indicates no apparent effect of orphenadrine [hydrochloride] on total gastric activity".

ii. The second portion of this study was conducted on the same 20 subjects used in the motility study, pH recordings being taken at the same time as the motility

measurements. The object of this study was to determine if the addition of an anticholinergic prolongs gastric neutralization. This study is not adequate and well-controlled since no "blinding" techniques were used to minimize bias on the part of the observer and analyst of the data. (§ 130.12(a)(5)(ii)(*a*)(*4*).) Moreover, a single trial with the two regimens is an insufficient basis upon which to evaluate drug effectiveness, § 130.12(c), since it is well-established that secretory activity of the stomach not only varies from person to person, but also from time to time in the same person. Kirsner, J. B., et al., "Variations in Basal Gastric Secretion in Man and the Evaluation of Gastric Secretory Stimulants," "Gastroenterology," 30:799, 1956. Finally, in the statistical analysis, the author notes that there was no significant difference on the prolongation of gastric neutralization between Estomul with orphenadrine and Estomul without orphenadrine. Thus, the study not only fails to support Riker's contention with respect to the effectiveness of the combination in acid neutralization, but indicates that orphenadrine contributes nothing to the claimed effect.

7. "Clinical Evaluation of Estomul," unpublished study, Donald Berkowitz, 1967. This study attempts to evaluate the acute and chronic effects of administration of Estomul with and without orphenadrine. Fifty patients were divided into two groups. Group I received Estomul with orphenadrine on the first trial and Estomul without orphenadrine on the second, while the opposite order was used for Group II. The procedure was then reversed for the two groups. The two groups were then compared with respect to clinical responses including side effects, and effect on basal gastric secretion. The portion of the study which attempts to evaluate clinical responses is not adequate and well-controlled for a number of reasons. In the first place, although the patients had varying diagnoses, no criteria for the diagnoses were established to assure that they were suitable for the purposes of the study. (§ 130.12(a)(5)(ii)(*a*)(*2*)(*i*).) Furthermore, the dosage given to the patients is not reported so there is no way to determine if it was the same as that recommended by the labeling for Estomul. (§ 130.12(b).) Hence, the study provides no evidence of the effectiveness of Estomul. Moreover, the clinical responses to the two medications were classified "very good," "fair," and "poor"; however, because no criteria are set out to define these terms, there is no way to make a proper evaluation of effectiveness. And finally, the author himself concludes that irrespective of the order of administration of the drugs, the clinical response between Estomul with and Estomul without orphenadrine is not significantly different.

The portion of the study undertaken to determine whether or not orphenadrine decreased basal secretion shares the same defects relating to absence of criteria for patient selection and lack of dosage information contained in the other phase of this study, and thus is not adequate and well-controlled within the meaning of § 130.12(a)(5)(ii)(*a*)(*2*)(*i*). An even more significant shortcoming however, is that the usage of the crossover design of testing results in a failure to assure comparability between the two groups tested within the meaning of § 130.12(a)(5)(ii)(*a*)(*2*)(*iii*) since a patient receiving Estomul with orphenadrine on the second trial is not comparable to a patient who received a recent previous different medication on the first trial and vice-versa. In any case, the author concludes that there was no significant difference between the proportion of patients who showed a decrease in basal gastric secretion using Estomul with orphenadrine than those using Estomul without orphenadrine. In regard to side effects, the author observes that a significantly greater proportion of patients reported side effects when using Estomul with orphenadrine than when taking Estomul without orphenadrine.

At the end of this report is a non-statistically analyzed study on the side effects of chronic administration of Estomul with and without orphenadrine on gastric emptying. Each drug was administered to five patients and the effects were measured before the administration, at two weeks, and at four weeks. If the orphenadrine had been effective, some gastric emptying should have been delayed. However, in most cases, this does not seem to have been the case since whether the patients took Estomul with or without orphenadrine the results were similar to those obtained before any medication was administered.

Again, rather than support Riker's contentions, these tests corroborate the findings of the NAS–NRC Drug Efficacy Study Group that no contribution to the claimed effects is made by combining orphenadrine with antacids. It is also interesting to note that the findings relative to side effects agree with the conclusion of the Advisory Review Panel on OTC antacid drugs that optmial use of these ingredients requires independent dosages of each drug.

8. "Topical action of Estomul in Esophagitis," W. Bachrach and K. Matsumoto, 1966. Forty-seven patients diagnosed as having peptic esophagitis were tested with saline and with Estomul and the relief times (onset and duration) were compared. This study does not meet the requirements of § 130.12(a)(5) or 3.86 since it fails to compare the combination with either orphenadrine alone or with the antacids alone. The comparison of Estomul with saline provides no evidence as to what contribution, if any, is played by orphenadrine is the claimed effect. This alone renders the study valueless as any evidence in support of the effectiveness of the combination found in Estomul. An additional significant shortcoming is that the route of administration used in this study, infusion through a plastic tube to the esophagus, is not the same as that recommended by the labeling for Estomul; hence the results cannot be accepted as any evidence of the effectiveness of Estomul.

9. "Evaluation of Clinical Efficacy of Estomul Liquid and Each of its Components vs. Placebo in Treating Patients with Esophagitis," unpublished study, T. Maumus and K. Akdamar, 1973. The purpose of this study was to compare the combination and each of its components against a placebo. Forty patients with clinical symptoms of esophagitis and a positive indication of esophageal mucosal alteration were divided into four groups and orally given one of the following medications: (1) Estomul liquid, (2) Estomul liquid without orphenadrine, (3) Estomul liquid without antacids, or (4) placebo liquid. The following variables were recorded before and after treatment of each group: (1) subjective symptomatology, (2) histologic examination, (3) esophagoscopy, and (4) Bernstein test. This study is not adequate and well-controlled for several reasons. While the study does provide data to assure that test groups were comparable in some respects, no data was provided to assure comparability in terms of either duration or severity of disease both of which are specifically required by § 130.12(a)(5)(ii)(*a*)(*2*)(*iii*). Further, with regard to the evaluation of variables, patients were rated "poor", "fair", "good", "very good", "improvement noted", "marked improvement noted", etc.; however, nowhere are these terms defined. Hence the classification is inadequate for propery evaluation (§ 130.12(a)(5)(ii)(*a*)(*4*)). It is also interesting to note that of the 35 patients who completed the study, 13 had adverse side effects. Finally, the authors conclude, "Despite the observation that seven to eight of the ten patients in each treatment regimen showed symptomatic improvement * * *, none of the objective data correlate with these subjective responses. Thus, there is no support for the contention that such symptomatic improvement is more than a placebo effect". Again, rather than corroborating Riker's claim for the effectiveness of Estomul, this study supports the findings of the NAS–NRC Drug Efficacy Study Group that there is a lack of substantial evidence that orphenadrine contributes to the effects claimed for this combination. Additionally, this study serves to underscore the unreliability of basing a conclusion of drug effectiveness entirely on subjective grounds such as pain relief. (§ 130.12(a)(5)(ii)(*c*).)

"Clinical Analysis of Reflux Esophagitis in Symptomatic Patients," abstract submitted with the previously-reviewed study, K. Akdamar, L. T. Maumus, R. G. Font, and R. D. Sparks, undated. This abtract does no more than summarize and comment upon several of the diagnostic procedures and findings in the underlying study. It neither supplies the data missing from the underlying study or otherwise compensates for its failure to constitute an adequate and well-controlled investigation. Nor does it, by itself, constitute an adequate and well-controlled study since it must necessarily share the same defects of the study upon which it is based.

Protocols. In addition to the above completed studies, Riker submitted three protocols of ongoing studies and requested that final action on the requested hearing be delayed until completion and evaluation of these studies. The Commissioner has reviewed these protocols and concludes that they are not adequate and well-controlled within the meaning of 21 U.S.C. 355(d) and 21 CFR 130.12(a)(5) and thus cannot constitute substantial evidence of efficacy, and that they do not satisfy the requirements of 21 CFR 3.86. These are evaluated as follows:

1. Protocol for study by William Bachrach. This study would attempt to ascertain whether the orphenadrine component of Estomul liquid provides relief of symptoms of esophagitis. Under this protocol, symptoms of esophagitis would be induced in patients three times and then in each trial, each patient would be administered, via feeding tube, saline, orphenadrine, and a placebo. The time of onset of relief and time of reappearance of symptoms would be compared for the three entities. This test is inherently inadequate and uncontrolled in its basic design since it will not compare the combination found in Estomul with either of the components, orphenadrine, or antacids, alone. (§§ 130.12(a)(5)(ii)(*a*)(*4*), and 3.86). The comparison of orphenadrine with saline and/or a placebo will not provide any evidence relevant to the question of effectiveness of each of the ingredients found in Estomul. Moreover, there is no indication as to what criteria will be used in the selection of patients with symptoms of esophagitis and thus there is no assurance that they will be suitable for the purposes of the study. (§ 130.12(a)(5)(ii)(*a*)(*2*)(f)). Also, the contemplated route of administration, via nasally inserted feeding tube, is not the same as that recommended by the labeling for Estomul and hence will not provide any evidence of the effectiveness of Estomul. And finally, the sole criteria to be evaluated in this study is the relief of pain which is entirely subjective, will not permit quantitative evaluation as required by § 130.12(a)(5)(ii)(*a*)(*4*) and (ii)(*a*)(*5*) and need not be considered. (§ 130.12(a)(5)(ii)(*c*)).

2. Protocol for study by Charles Baker, and Gino Iovine. The purpose of this study is to attempt to determine the ability of orphenadrine to relieve pain associated with alcoholic gastritis by comparing the pain-relieving effect of a 30 ml. dosage of Estomul without antacids with a placebo. Like the preceding protocol, this study would not resolve any question of effectiveness of the component parts of the combination of ingredients in Estomul since it is only testing one of the components against a placebo and not against the combination. Hence, it does not meet the requirements of § 130.12(a)(5)(ii)(*a*)(*4*) since it would use an improper control. Additionally, the dosage schedule is not the same as that recommended in the labeling of Estomul since the study calls for four doses per day, whereas the labeling for Estomul recommends only three doses per day. (§ 130.12(b)). Finally, the conclusion will be made entirely on the criteria of pain relief which is subjective and not an adequate basis, standing alone, upon which to evaluate drug effectiveness since it will not permit quantitative evaluation as required by § 130.12(a)(5)(ii)(*a*)(*4*) and (ii)(*a*)(*5*) and since it lacks detail which would permit scientific evaluation (§ 130.12(a)(5)(ii)(*c*)).

3. Protocol for study by Carlos E. Rubio. The object of this study, a continuation of an earlier, discontinued study conducted by the same investigator, will be to determine the presence or absence of topical anesthetic activity in Estomul and Estomul without orphenadrine in patients with reflux esophagitis. Thirty patients will first be given isotonic saline for 15 minutes then 0.1*N* hydrochloric acid (HCl) for 20 minutes or until patient complains of pain, and then isotonic saline again until pain ceases. After a fifteen minute rest, patients will be randomly divided into three groups and given one of three test medications, Estomul liquid, Estomul liquid without orphenadrine or placebo, then 0.1*N* HCl until pain returns again. The comparison will be between the times it takes for the pain to return with the three test medications as opposed to the original induction with the 0.1*N* HCl. This study is not adequate and well-controlled for several reasons. In the first place, there is no indication as to what dosage of each of the test medications will be administered, hence there is no assurance that it will be the same as that recommended by the labeling for Estomul (§ 130.12(b)). Even if it were the same, however, the study has other deficiencies which render it adequate and not well-controlled. Thus the study does not document any basis for "blinding" to minimize bias on the part of the observer and/or the analyst of the data. (§ 130.12(a)(5)(ii)(*a*)(*4*)). Additionally, the patients' responses are to be graded upon the time it takes pain to return, which is entirely subjective, varying from individual to individual, and is not an adequate basis upon which to evaluate drug effectiveness. (§ 130.12(a)(5)(ii)(*a*)(*4*) and (*5*)). Although the protocol states that results will be analyzed on the basis of clinical observations of patients and physician, no documentation is given as to what, if any, other indicia will be studied; how, if at all, they will be quantified; and what weight, if any, they will be given relative to the subjective criteria of pain. Hence, it is impossible to determine if the evaluation will be based on detail which permits scientific evalution (§ 130.12(a)(5)(ii)(*c*)). Finally, the author himself preliminarily concludes, after completion of tests in eight patients, not only that the methodology which he was employing was a questionable way to test topical anesthetic properties of drugs in the esophagus, but also that the only favorable response occurred in a patient taking a placebo. Nor does the aforementioned discontinued study of which this study is a continuation offer any evidence that orphenadrine has a topical anesthetic effect since it was terminated after completion of twelve patients when it became obvious that no positive responses to Estomul with or without orphenadrine were likely to be seen.

Articles. In addition to the completed studies and protocols, Riker also submitted three articles, that while not directly related to the effectiveness of Estomul, were offered in support of its request for a hearing. These are summarized and evaluated as follows:

1. "Metabolism, Distribution and Excretion of Orphenadrine in Man," A. H. Beckett and Farid Kahn, British Pharmaceutical Conference, 1971, p. 222 S. This study was not designed to evaluate the effectiveness of a fixed combination of an anticholinergic and antacid for any of the indications listed in the labeling of Estomul. Rather, it was designed to study the absorption, distribution and metabolism of orphenadrine from different routes of administration. No attempt was made to compare the Estomul combination with either orphenadrine alone or with antacids alone. Hence, the study was not properly controlled within the meaning of § 130.12(a)(5) and does not meet the requirements of § 3.86. Indeed no mention of Estomul is anywhere made in this five paragraph submission and hence it fails to provide any evidence, let alone substantial evidence, of the effectiveness of Estomul.

2. "A Teratogenic Study of Chlorpromazine, Orphenadrine, Perphenazine, and LSD–25 in Rats," James R. Beall, Toxicology and Allied Pharmacology 21, 1972, pp. 230–236. As the title of this study indicates, the purpose of this study was to assess the teratology of various entities and no effort was made to evaluate the effectiveness of a fixed combination of an anticholinergic and antacid for any of the indications listed in the labeling of Estomul. Like the previous study, therefore, it was not properly controlled within the meaning of § 130.12(a)(5), does not meet the requirements of § 3.86, and cannot be offered as any evidence of the effectiveness of Estomul. Furthermore, the administration of orphenadrine in rats instead of humans, renders this study entirely irrelevant on the question of the effectiveness of orphenadrine in humans. Finally, it is interesting to note that the author concludes that of the four substances tested, only those pregnant rats who were given orphenadrine produced abnormal offspring.

3. "Mucosal Atrophy Sign of Esophagitis," Internal Medicine News, September, 1972, Vol. 5, No. 17, p. 2. This article is a summary of a report given by K. Akdámar at a meeting of the American Society for Gastrointestinal Endoscopy on the results of the test conducted by himself and others and reviewed above. Like the abstract, it does not constitute an adequate and well-controlled study within the meaning of § 130.12(a)(5) since it is nothing more than a distillation of a study which itself is not adequate and well-controlled.

B. *Martab.* In support of their request for a hearing, Caldwell and Marshall submitted three published articles. For the following reasons, these studies are not substantial evidence of the effectiveness of Martab Tablets since they are not adequate and well-controlled clinical investigations. These are summarized and evaluated as follows:

1. "Medical Management of the Obstructive Complications in Peptic Ulcer," Marshall, Sass, and Brown, SURGERY, Gynecology and Obstetrics, January 1956, Vol. 102, pp. 33–37. The study reported consists of a summary of the results of treating, with Martab, 201 ulcer patients with obstructive complications. No attempt is made to compare Martab against any one of its components alone or even against a placebo. In the absence of such control groups, the study is not adequate and well-controlled within the meaning of § 130.12(a)(5)(ii)(*a*)(*4*) and it is impossible to make any comparative evaluation of the effectiveness of Martab. In addition, since Martab is a fixed combination drug, the investigator must show that each ingredient in the combination contributes to the claimed effect within the meaning of 21 CFR 3.86. No such showing was made in this study. Furthermore, the study fails to state whether or not, and if so what, steps were taken to minimize bias on the part of the observers and analysts of the data. (§ 130.12(a)(5)(ii)(*a*)(*4*)). This is especially significant where, as here, the chief investigator is so closely associated with the formulation under study. Another glaring deficiency in this study is the varying dosage schedules and diets administered to the patients. Some patients were given Martab No. 2 tablets, some Martab No. 3, and some both; some patients were placed on low fat diets, others not. No analysis is presented to distinguish between these groups. In this same regard, patients were given milk at night as an adjunct although the labeling for Martab specifically states that milk is not to be given. Although the study bases its conclusion on a follow-up of 143 patients conducted over a period of 6 years after cessation of therapy, there is no mention as to whether or not these patients had, in the intervening years, taken other medication or restricted their diets in any way. Hence, there is no assurance that the observed effects were attributable to Martab. (§ 130.12(a)(5)(ii)(*2*)(*iii*)). In sum, although the study generally concludes that adequate effective neutralization of acid in peptic activity depends upon prolonged treatment with effective antacid sedative drugs, there is no evidence presented that the claimed effect is any better relieved by an antacid and sedative drug with an anticholinergic than one without or indeed, by an antacid drug with a sedative than one without.

2. "Peptic Ulcer, Treatment with Unrestricted Diet—Report of 1500 Cases," Marshall & Sass, Medical Times, June, 1955. This is another report of the study discussed in 1 above. It contains no more pertinent information or data than does the other report. For the reasons stated above this study is not adequate and well-controlled.

3. "The Volume of N/10 Hydrochloric Acid Neutralized Per Day in the Treatment of Peptic Ulcer," Marshall & Simon, American Journal Gastroenterology, April, 1959, Vol. 31, Number 4, pp. 389–397. This study, like the previous study of which it is a continuation, contains the identical defects of that study and for the reasons there stated is not adequate and well-controlled. It is also interesting to note that the authors mention anticholinergics only twice. They warn that using too much anticholinergic may result in masking an open ulcer and that it is contraindicated in several enumerated instances.

IV. *Summary.* For the foregoing reasons, the medical evidence submitted by Riker, Caldwell and Marshall neither meets the statutory standard of "adequate and well-controlled investigations" required by 21 U.S.C. 355(d), as elucidated by 21 CFR 130.12(a)(5), nor satisfies the requirements established in 21 CFR 3.86 for a fixed combination prescription drug for human use.

A. *Estomul.* The majority of the studies, protocols, and articles submitted by Riker were faulty in their basic design since they failed to test the Estomul combination against either orphenadrine alone or antacids alone. With respect to these studies, it is obvious, on this ground alone, that they offer no evidence that each ingredient in the combination contributes to the effects claimed for Estomul by its labeling. However, in each case these studies had other shortcomings as pointed out above.

Several of the tests did attempt to test the combination against the antacids alone and/or orphenadrine alone. In each case, however, these tests failed to meet other requirements for an adequate and well-controlled study. The majority of studies falling into this category failed to assure comparability between test groups and/or that patients selected for inclusion in the study were suitable for the purposes of the investigation. The occurrence of either of these defects is sufficient by itself to render a study not adequate and well-controlled within the meaning of 21 U.S.C. 355(d) and § 130.12(a)(5). Again, however, in each case, these tests were found to have additional serious defects as well.

More often than not the investigators themselves freely pointed out that these tests were either improperly controlled or resulted in findings adverse to Riker's position; in some cases, both. In sum, it is clear that none of the medical documentation complies with the requirements of 21 U.S.C. 355(d), § 130.12(a)(5), or § 3.86.

B. *Martab.* Caldwell and Marshall do not claim that atropine sulfate has any anticholinergic effect. Rather, they claim that it has a sedative effect. Yet, despite the fact that phenobarbital, a well-known sedative, is present in Martab in an amount 80 times as great as atropine sulfate, no evidence was submitted to distinguish between the claimed sedative effect attributable to atropine sulfate and that attributable to phenobarbital. In fact, no evidence was submitted to show that peptic ulcer, or any other condition is, in any way, better relieved by an antacid with a sedative than one without. In short, since no attempt was made to use proper controls in their study, no conclusion whatsoever can be reached with respect to what contribution, if any, is played by atropine sulfate in the claimed effects or indeed, even as to the claimed efficacy of Martab.

In contrast to the grossly inadequate data submitted by Riker, Caldwell, and Marshall, two separate expert medical panels have carefully examined the rationale for the fixed combination of anticholinergics and antacids and have independently concluded that it is unjustified, unsafe and ineffective. The labeling for Martab admits that anticholinergic drugs, unless used in toxic doses, does nothing to permit continuous healing of ulcers and Riker too has freely admitted that orphenadrine, as formulated in Estomul, has no therapeutic anticholinergic effect. The only claimed rationale for the addition of orphenadrine to Estomul is the amelioration of acid-induced pain; the only claimed rationale for the addition of atropine sulfate to Martab is for a sedative effect. Yet neither Riker, nor Caldwell and Marshall have come forward with any data meeting the statutory criteria to support these rationale.

Thus it is clear that there is a lack of substantial medical evidence that either Estomul or Martab have the effects they purport and represent to have under the conditions of use recommended, suggested or prescribed in their labeling. Moreover, there has not been submitted to the Commissioner adequate and well-controlled clinical investigations which could establish a rationale for the use of anticholinergic and antacids in fixed combination.

V. *Legal Arguments* A. *Estomul.* In its initial (December 26, 1972) request for a hearing, Riker asserted that there was a genuine issue of material fact with respect to the question of effectiveness of Estomul as an antacid. Estomul, Riker argues, is at least as effective as the antacids it contains. Riker also argues that this judgment was implied in the evaluation of the NAS–NRC Drug Efficacy Study Group report. Riker's reliance on this theory and the DESI Group report is misplaced. It is of no avail to simply show that the addition of orphenadrine does not detract from the effectiveness of the combination found in Estomul. What must be shown is that *each* ingredient in the combination contributes to its effectiveness. (§ 3.86). Riker has not submitted any medical evidence in the form of adequate and well-controlled studies to support its contention that orphenadrine contributes to the acid-neutralizing capability of Estomul. Equally untenable is Riker's contention with respect to the NAS–NRC Drug Study Group. Contrary to implying any effectiveness for orphenadrine as an

antacid, the report specifically stated that there is no evidence that hyperacidity is any better relieved by an antacid with orphenadrine than one without. Indeed, Riker's own submissions support this conclusion.

Riker also argues that there is a genuine issue of material fact with respect to the question of whether or not Estomul is effective in treating acid-induced pain in patients with esophagitis. Riker is not entitled to a hearing on this issue since it has failed to submit any evidence in the form of adequate and well-controlled studies that orphenadrine contributes significantly to this effect. Riker's assertion that Bachrach & Matsumoto's study indicates a therapeutic advantage of Estomul for this indication is erroneous. The study does no more than compare Estomul with saline, hence, it offers no evidence as to what contribution, if any, is played by orphenadrine in the Estomul combination. Indeed, as pointed out previously, this study does not use the same route of administration as recommended in the labeling of Estomul.

Riker argues that there is a genuine issue of material fact with respect to the question of whether or not Estomul is effective in the treatment of heartburn. If Riker is to sustain its argument on this point, it must come forward wih the required medical documentation. Again, however, Riker has not submitted any evidence in the form of adequate and well controlled studies that the claimed relief of heartburn provided by Estomul is in any way contributed to by orphenadrine. Without such documentation and in the face of the conclusions, independently reached, of two separate expert panels, there can be no question but that there is no genuine issue of material fact on this issue.

Next, Riker argues that Estomul should be found no less than "possibly effective" for certain indications and with regard to these it should, in accordance with the procedure set out in § 3.86, be afforded an opportunity to obtain and submit data to further substantiate effectiveness and/or change labeling, formulation, and dosage recommendations. Riker's reliance upon § 3.86 to allow it additional time to substantiate effectiveness or otherwise alter Estomul is misplaced. Riker has already had full and precise notice of the evidence it must present and ample opportunity to come forward with such data or initiate adequate and well-controlled studies that will satisfy the statutory standard, and has failed to do so.

Riker has, at various times, without relying upon _____ § 3.86, stated it was willing to reformulate and/or relabel Estomul and submit further evidence to substantiate such claims. Thus, Riker has indicated an intention to delete the orphenadrine and bismuth aluminate components from Estomul and to market the product as an antacid only. Later, Riker stated it desired to retain the Estomul formulation but would be willing to delete all anticholinergic claims for the drug and submit further data to substantiate whatever new claims it makes for Estomul. If Riker does in fact establish safety and effectiveness for a newly formulated and/or relabeled product, nothing prevents it from filing another new drug application for its proposed new product at that time. Similarly, if Riker, in the future, undertakes new studies which establish the safety and effectiveness for Estomul as presently formulated, it will be entitled to file a new drug application. However, since Riker has not submitted any adequate and well-controlled studies establishing the effectiveness of Estomul as presently formulated for the conditions of use recommended in either the labeling reviewed by the NAS–NRC or the labeling submitted May 25, 1973, no hearing on the withdrawal of the NDA of Estomul is justified since no genuine issue of material fact exists as to the question of the lack of substantial evidence of effectiveness of Estomul for its recommended uses.

Finally, in its supplemental submission filed on May 7, 1973 Riker argues that the regulations under which the Commissioner was proceeding, were declared fundamentally defective by the U.S. Court of Appeals for the District of Columbia Circuit and that it is entitled to a hearing as a matter of right. This contention is totally without merit since the Supreme Court has squarely held that there is no such automatic right to a hearing where, as in this case, a petitioner offers evidence which on its face, conclusively fails to meet the statutory and regulatory standards for an adequate and well-controlled study. *Weinberger* v. *Hynson, Westcott and Dunning, Inc.*, decided June 18, 1973, —— U.S. ——, 93 S.Ct. 2469, 2479; *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, decided June 18, 1973, —— U.S. ——, 93 S.Ct. 2488, 2492. See also: *Diamond Laboratories, Inc.* v. *Richardson*, 452 F.2d 803 (C.A. 8, 1972); *Ciba-Geigy Corp.* v. *Richardson*, 446 F.2d 466 (C.A. 2, 1971); and *Upjohn Company* v. *Finch*, 422 F.2d 944 (C.A. 6, 1970); *Agri-Tech, Inc.* v. *Elliot L. Richardson*, No. 72–1252 (C.A. 8, 1973). All of these cases recognize the principle that those petitioning for a hearing must demonstrate that they have substantial evidence of the effectiveness of their drug as evidenced by adequate and well-controlled studies. Riker, as shown above, has failed to do this.

B. *Martab.* Caldwell and Marshall note that Martab has been distributed for approximately 20 years and that on the basis of this as well as testing, treatment and follow-up, a closer look should be taken before any adverse action is taken. However, the length of time that a drug has been marketed cannot substitute for the requirements of laws that there must be substantial evidence, consisting of adequate and well-controlled clinical investigations, that a drug product is effective for the uses recommended or suggested in its labeling. (*Upjohn Company* v. *Finch*, 422 F.2d 944, 954 (C.A. 6, 1970)). The marketing history of a drug does not constitute a genuine and substantial issue of fact regarding the existence of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use recommended in its labeling.

VI. *Findings.* On the basis of review of the documentation and legal arguments offered to support the claims of effectiveness for Estomul and Martab, the Commissioner finds that there is a lack of substantial evidence that these drugs have the effect purported or represented to have under the conditions of use prescribed, recommended, or suggested in their labeling and that each component of the drugs contributes to the total effects claimed, and that the legal arguments offered are insubstantial, and that the petitioners have failed to set forth specifics facts showing that there is a genuine and substantial issue of fact requiring a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (section 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), the requests for a hearing are denied and the approval of the new drug application (NDA 12–820) for Estomul Liquid and Tablets and all amendments and supplements thereto, is withdrawn. This finding applies with full force to Martab. (§ 130.40). Withdrawal is effective October 23, 1973.

(Sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e).)

Dated October 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–21644 Filed 10–10–73;8:45 am]

[DESI 5378; Docket No. FDC–D–582; NDA 11–522]

CERTAIN COMBINATION ANORECTIC DRUGS

Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New Drug Applications

Correction

In FR Doc. 73–20295 appearing at page 26748 in the issue for Tuesday, September 25, 1973, on page 26750, second column, second complete paragraph the last line reading "*(ii)(a)(4)(i)(ii), and (iii)*" should read "(ii)(a)(4)(i)(ii), and *(iii)*".

[FAP 3B2833]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), PPG Industries, Inc., P.O. Box 312, Delaware, OH 43015, has withdrawn its petition (FAP 3B2833),

notice of which was published in the FEDERAL REGISTER of October 3, 1972 (37 FR 20737), proposing that § 121.1514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended in paragraph (b) (3) (xx) by revising the limitations for the item "Butyl acrylate-styrene-methacrylic acid-hydroxypropyl methacrylic copolymers * * *" to extend its use to include contact with food at temperatures above 150° F. and with food containing more than 8 percent alcohol, and to delete the requirements that the copolymers be limited to use in coatings that are applied by electrodeposition.

Dated October 2, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-21571 Filed 10-10-73;8:45 am]

National Institutes of Health

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, October 17 and 18, 1973, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be closed to the public to review 3 contract proposals in the field of toxicology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301-496-1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. J. A. R. Mead, Executive Secretary, Building 37, Room 5A05 National Institutes of Health, Bethesda, Maryland 20014 (301-496-4386) will provide substantive program information.

Dated October 4, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-21565 Filed 10-10-73;8:45 am]

COMBINATION - CHEMOTHERAPY SUBCOMMITTEE OF THE BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Combination-Chemotherapy Subcommittee of the Breast Cancer Treatment Committee, National Cancer Institute, October 18-19, 1973, at 9:00 a.m., National Institutes of Health, Landow Building, Conference Room C-414. This meeting will be open to the public until adjournment, to discuss the coordination of protocols involving clinical trials of anti-breast cancer agents, used in combination. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Mary E. Sears, Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Dated October 4, 1973.

JOHN SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-21539 Filed 10-10-73;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to delete the Administration on Aging and the Youth Development and Delinquency Prevention Administration.

Under 5-B. Organization and Functions, the following changes are made:

(1) In the first paragraph, change "six major central office program organizations" to "four major central office program organizations".

(2) Under "Immediate Office of the Administrator" delete the words "youth development and delinquency prevention;".

(3) Under the "Office of the Assistant Administrator, Research and Demonstrations," strike out the heading "Special Aging Staff" and the paragraph that follows thereunder.

(4) In the first paragraph under the heading "Social and Rehabilitation Service Program Bureaus" delete "the Administration on Aging," and ", and the Youth Development and Delinquency Prevention Administration."

(5) Strike out the heading "Administration on Aging" and those paragraphs describing the organizational components of that Administration, i.e., the Division of Information, the Division of Administration, the Division of Program and Legislative Analysis, the Division of Research, Demonstration and Training.

(6) Strike out the heading "Youth Development and Delinquency Prevention Administration" and those paragraphs describing that Administration's organizational components, i.e., Office of the Commissioner, Division of Administrative Management, and Division of Program Development.

(7) Delete the word "Aging," from the next to last sentence of the paragraph directly following the heading "Regional Organization".

Under 5-D. Delegations of authority—(a) Functions:

(1) Delete number (3).

(2) Under number (10) delete "; functions of the Secretary as Chairman of the Executive Committee of the President's Council on Aging (Executive Order 11376, October 17, 1967)".

(3) Delete number (15).

(4) Delete number (19) b.

Under 5-D. Delegations of authority—(b) Continuation of other delegations: Delete ", the Commissioner on Aging, and the Chief of the Children's Bureau".

Under 5-D. Delegations of authority—(c) Advisory functions: Delete "and the Administration on Aging,".

Under 5-E. Limitations on authority (a): Delete "and the Advisory Committee on Older Americans".

Under 5-G. Continuation of regulations: Delete "the Administration on Aging, the Children's Bureau".

Dated October 4, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-21596 Filed 10-10-73;8:45 am]

SOCIAL SECURITY

Inpatient Hospital Deductible for 1974

Section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395(b)(2)), as amended, requires that the dollar amount for the inpatient hospital deductible, be set on the basis of the average daily cost of hospital care under the hospital insurance program. For purposes of section 1813(a) of the Act, as amended, therefore, the amount shall be $84 in the case of any spell of illness beginning during 1974.

The Social Security Act provides that, for calendar years after 1968, the inpatient hospital deductible shall be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1972) to (2) the current average per diem rate for such services for 1966. The law provides that, if the amount so determined is not an even multiple of $4, it shall be rounded to the nearest multiple of $4. Further, it is provided that the current average per diem rates referred to shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year by hospitals who are qualified to participate in the program, and for whom there is an agreement to do so, for individuals who are entitled to benefits as a result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program.

The data available to make the necessary computations of the current average

per diem rates for calendar years 1966 and 1972 are derived from individual inpatient hospital bills that are recorded on a 100-percent basis in the records of the program. These records show, for each bill, the total inpatient days of care, the interim reimbursement amount, and the total interim cost (the sum of interim reimbursement, deductible, and coinsurance).

Each individual bill is assigned both an initial month and a terminal month, as determined from the first day covered by the bill and the last day so covered. Insofar as the initial month and the terminal month fall in the same calendar year, no problems of classification occur.

Two tabulations of interim reimbursements are prepared, one summarizing the bills with each assigned to the year in which the period it covers begins, and the other summarizing the same bills with each assigned to the year in which the period it covers ends. The true value with respect to the interim costs for a given year on an accrual basis should fall between the amount of total costs shown for bills beginning in that year and the amount shown for bills ending in that year.

The average interim per diem rate for inpatient hospital services for calendar year 1966, on the basis described, is $37.92, while the corresponding figure for calendar year 1972 is $79.07. It may be noted that these averages are based on about 30 million days of hospitalization in 1966 and 64 million days of hospitalization in 1972. The ratio of the 1972 rate to the 1966 rate is 2.085.

In order to reflect accurately the change in the average per diem hospital cost under the program, the average interim cost (as shown in the tabulations) must be adjusted for (i) the effect of final cost settlements made with each provider of services after the end of its fiscal year to adjust the reimbursement to the provider from the amount paid during that year on an interim basis to the actual cost of providing covered services to beneficiaries, and for (ii) changes in the benefit structure since the base year, 1966. To the extent that the ratio of final cost to interim cost is different in the current year than it was in 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred. The inclusion of the lifetime reserve days in the current tabulation of the average interim per diem cost when such days were not included in the corresponding tabulation for the base year, 1966, will understate the estimate of the increase in cost that has occurred, because the average cost per day of very long confinements in a hospital is less than the average for all confinements. In order to estimate the increase in average per diem cost that has occurred, a comparison must be based on similar benefits in the two periods (1972 and 1966); thus the effect of lifetime reserve days, must be eliminated from the current year tabulation. Actuarial analysis of the data available indicates that these adjustments do not change the ratio shown above by enough to result in a different deductible for 1974. The values shown in this report do not reflect these adjustments for final cost settlements or lifetime reserve days.

When the ratio of 2.085 is multiplied by $40, it produces an amount of $83.40, which must be rounded to $84. Accordingly, the inpatient hospital deductible for spells of illness beginning during the calendar year 1974 is $84.

The Cost of Living Council has analyzed the increase and has determined that the proposed increase is not inconsistent with the Council's policies and regulations now governing price adjustments in the health industry. This authorization reflects certain interpretative changes in the Cost of Living Council's regulatory policy which have occurred since the October 1972 Price Commission ruling which restricted the increase for calendar year 1973.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated October 5, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-21779 Filed 10-10-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-128; FDAA-403-DR]

KANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kansas, dated September 28, 1973, and amended October 2, 1973, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1973:

The Counties of:

Barber	Kiowa
Barton	Leavenworth
Butler	Marshall
Comache	Miami
Dickinson	Osage
Doniphan	Pawnee
Douglas	Pratt
Edwards	Reno
Ellsworth	Sedgwick
Franklin	Stafford
Harper	Sumner
Harvey	Wabaunsee
Kingman	

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated October 4, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-21559 Filed 10-10-73;8:45 am]

[Docket No. NFD-129; FDAA-403-DR]

KANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kansas, dated September 28, 1973, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1973:

The County of:
Marion

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated October 2, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administrator.

[FR Doc.73-21558 Filed 10-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC COMMITTEE ON DRIVER EDUCATION

Notice of Public Meeting

On October 27, 1973, the National Highway Safety Advisory Committee's Ad Hoc Committee on Driver Education will hold an open meeting at the Playboy Towers, 163 E. Walton Street, Chicago, Illinois.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Committee on Driver Education will meet from 1:30 p.m. to 4:30 p.m. in the Champagne Room of the Playboy Towers with the following agenda, subject to approval by the Secretary:

Discussion of Proposed Highway Safety Program Standard N-4 (Traffic Safety Education)

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400

Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued on October 3, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-21630 Filed 10-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-416 and 50-417]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GRAND GULF NUCLEAR STATION, UNITS 1 AND 2

Notice of Meeting

OCTOBER 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Grand Gulf Nuclear Station, Units 1 and 2 will hold a meeting on October 25, 1973, in the Regency Room of the International Hotel, 6225 West Century Boulevard, Los Angeles, California 90045. The purpose of this meeting will be to review the application of the Mississippi Power and Light Co. for a permit to construct Units 1 and 2, which are located in Claiborne County, Mississippi, about 25 miles south of Vicksburg, Mississippi.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, OCTOBER 25, 1973, 9 A.M.-4 P.M.

Review of the application for a construction permit (presentations by the AEC Regulatory Staff and the Mississippi Power and Light Co. and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 18, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for a construction permit and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the Harriet Person Memorial Library, Municipal Building, Port Gibson, Mississippi 39150.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on the day of the meeting, October 25, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted can be obtained by a prepaid telephone call on October 23, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern daylight time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after October 29, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Harriet Person Memorial Library, Municipal Building, Port Gibson, Mississippi 39150. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after December 27, 1973. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-21815 Filed 10-10-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SEISMIC ACTIVITY

Notice of Meeting

OCTOBER 9, 1973.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Seismic Activity will hold a meeting on October 26, 1973, in the Regency Room on the Second Floor of the International Hotel, 6225 West Century Boulevard, Los Angeles, California 90045. The purpose of this meeting will be to discuss the Tennessee Valley Authority Report "Relationships of Earthquakes and Geology in West Tennessee and Adjacent Areas" and related documents.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

FRIDAY, OCTOBER 26, 1973,
9:15 A.M.-2:30 P.M.

Discussion with representatives of the AEC Regulatory Staff and the Tennessee Valley Authority.

In connection with the above agenda item, the Subcommittee will hold executive sessions at approximately 8:30 a.m. and 2:30 p.m. to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 19, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such

comments shall be based upon the Tennessee Valley Authority Report "Relationships of Earthquakes and Geology in West Tennessee and Adjacent Areas" and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:15 a.m. and 2:30 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 25, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern daylight time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commissions Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after December 26, 1973. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee, Management Office.

[FR Doc.73-21816 Filed 10-10-73;8:45 am]

GENERAL ADVISORY COMMITTEE

Amendment to Notice of Meeting

OCTOBER 9, 1973.

The FEDERAL REGISTER Notice for the October 16-18, 1973, meeting of the Atomic Energy Commission's General Advisory Committee, published on October 4, 1973 at page 27539 (Vol. 38, No. 192) is amended to change the date and place for the public portion of the meeting from October 16, 1973, in Room A-410 at AEC Headquarters, Germantown, Maryland, to October 17, 1973, Room 1115, 1717 H Street NW., Washington, D.C.

The agenda for the public portion of the meeting, set forth in the October 4, 1973 FEDERAL REGISTER Notice is set forth below with the revised date and place:

WEDNESDAY, OCTOBER 17, 1973, ROOM 1115, 1717 H ST. NW.

1:30-3:00 p.m.—Briefing on program of Controlled Thermonuclear Research Division.

3:00-4:30 p.m.—Briefing on activities of the Office of Planning and Analysis.

All other portions of the FEDERAL REGISTER Notice for October 4, 1973, remain the same.

ROBERT A. KOHLER,
Acting Advisory Committee, Management Officer.

[FR Doc.73-21814 Filed 10-10-73;8:45 am]

[Docket Nos. 50-438, 50-439]

TENNESSEE VALLEY AUTHORITY

Notice and Order for Prehearing Conference

Take notice, on August 3, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 20932, a notice of hearing to consider the applications filed by the Tennessee Valley Authority for construction permits for the Bellefonte Nuclear Plant, Units 1 and 2. Pursuant to the notice, a Prehearing Conference will be held at the Courtroom (Second Floor) in the Courthouse, Scottsboro, Alabama 35761; commencing at 9:30 a.m., local time, on November 1, 1973.

At that time, consideration will be given to the following:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

The public is invited to attend. Limited appearance statements will not be accepted at this proceeding but will be accepted at the commencement of the evidentiary hearing to be scheduled at a later date.

It is so ordered.

Issued at Washington, D.C., this 4th day of October 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-21591 Filed 10-10-73;8:45 am]

[Docket No. 70-1432]

WESTINGHOUSE ELECTRIC CORP.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled, "Recycle Fuels Plant Environmental Report" dated July 1973, submitted by Westinghouse Electric Corporation, is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Anderson County Library, 202 East Greenville Street, Anderson, South Carolina. The report is also being made available to the public at the State Clearinghouse, Office of the Governor, Division of Administration, 1205 Pendleton Street, 4th Floor, Columbia, South Carolina, and at the Metropolitan Clearinghouse, South Carolina Appalachian Council of Governments, Drawer 6668, 11 Regency Hills Drive, Greenville, South Carolina 29606.

The report discusses the environmental considerations related to the proposed construction and operation of the Recycle Fuels Plant located in Anderson County, South Carolina. The Recycle Fuels Plant is being designed and constructed to fabricate mixed oxide fuel rods for use in nuclear reactors.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a notice of its availability. The notice will request comments from interested persons on the proposed action and on the draft environmental statement. The notice will also contain a statement to the effect that the comments of Federal agencies and State and local officals and interested persons thereon will be available when received.

Dated at Bethesda, Md., this third day of October 1973.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.73-21592 Filed 10-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25577]

EASTERN-SEABOARD INTERCHANGE AGREEMENT

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 19, 1973, at 10 a.m. (local time), in Room 726 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served October 3, 1973, and other documents in this docket on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 4, 1973.

[SEAL] ROSS I. NEWMANN,
Administrative Law Judge.

[FR Doc.73-21599 Filed 10-10-73;8:45 am]

[Docket No. 25948; Order 73-10-20]

OCEANIC FORWARDING CO. AND AIR-OCEANIC SHIPPERS

Order of Investigation and Suspension Regarding Increased C.O.D. and Signature Service Charge

Adoped by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of October 1973.

By tariff revisions[1] filed August 30, and marked to become effective October 7, 1973, Oceanic Forwarding Company, d/b/a Air-Oceanic Shippers (Oceanic), an air freight forwarder, proposes, inter alia, to increase (1) its minimum charge for collecting and remitting sums collected from C.O.D. shipments from $2.00 to $5.00 per shipment; and (2) its signature service charge from $5.00 to $10.00.[2]

The proposed C.O.D. minimum charge of $5.00 per shipment is considerably above those in effect for other forwarders, which range typically from $2.00 to $4.00 per shipment, and all direct carriers, which charge $1.00 per shipment. Oceanic's proposed signature service charge of $10 per shipment also exceeds industry standards. Other forwarder charges range from $1.00 to $5.00 per shipment and the direct carriers charge $1.00 per shipment. Oceanic presents absolutely no support for the increased charges it has proposed, ranging as much as 250 percent above its present charges.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the charges proposed by Oceanic may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rates should not be permitted to become effective, pending investigation, and the tariff filing will be suspended.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, that:

1. An investigation is instituted to determine whether the provisions in Rules Nos. 100(c) and 125(d) on 1st Revised Page 6 and 1st Revised Page 7 of Oceanic Forwarding Company d/b/a Air-Oceanic Shippers C.A.B. No. 3, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rules Nos. 100(c) and 125(d) on 1st Revised Page 6 and 1st Revised Page 7 of Oceanic Forwarding Company d/b/a Air-Oceanic Shippers C.A.B. No. 3 are suspended and their use deferred to and including, January 5, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 25948 be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Oceanic Forwarding Company d/b/a Air Oceanic Shippers, which is hereby made a party to Docket 25948.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-21600 Filed 10-10-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts State Advisory Committee will convene at 12:00 noon on October 11, 1973, in the large conference room on the fifth floor of the RKO General Building, Bullfinch Place, Boston, Massachusetts 66109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission in Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the status of and update program plans for continuing work on activities being undertaken by the Massachusetts State Advisory Committee: Employment—Massachusetts Civil Service System, Programs for the Mentally Retarded, and Urban-Suburban Studies.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 28, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-21793 Filed 10-10-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on October 11 and 12, and on October 25 and 26, 1973. The meetings will be open to the public on a first-come, first-served basis at 9:30 a.m., room 8009, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of health industry wage cases currently pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on October 10, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-21860 Filed 10-10-73;10:37 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19684]

ITT WORLD COMMUNICATIONS INC.

Order Extending Time for Filing Comments

In the matter of ITT World Communications Inc. Petition under section 201(a) of the Communications Act of 1934 for connection with RCA Global Communications, Inc. to enable ITT World Com-

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[1] Revisions to Oceanic Forwarding Company d/b/a Air-Oceanic Shippers' Tariff C.A.B. No. 3.

[2] This service provides that each employee or agent of the carrier will execute a signed receipt upon accepting custody of a shipment and shall obtain a signed receipt upon relinquishing custody of the shipment to another employee or agent, or the consignee.

[3] The Board has in the past suspended a number of similar proposals by both direct carriers and forwarders on the ground of inadequate or complete lack of justification, e.g., increased signature service charge proposed by American Airlines, Order 71-7-67, increased C.O.D. fees proposed by freight forwarders—Shulman Air Freight, Order 70-6-26 and Five Star Air Freight, Order 72-4-53.

munications Inc. to provide telex and message telegraph services to Guam, Docket No. 19684.

1. By telex dated September 27, 1973 (38 FR 26765), ITT World Communications Inc. (ITTWC) requests an extension of time to October 31, 1973, within which written briefs may be filed with the Commission as required by the Memorandum Opinion and Order released in this proceding July 31, 1973 (FCC–811).

2. ITTWC represents that its request for an extension is made because the parties to the proceeding are close to a settlement that would eliminate the need for the subject briefs. ITTWC also represents that attorneys for RCA Global Communications, Inc. and Western Union International, Inc., are agreeable to this request.

3. We find that good cause has been shown for the requested extension of time.

4. *Accordingly, it is ordered,* Pursuant to § 0.303(c) of the Commission's rules pertaining to delegations of authority, that the request of ITTWC is granted; and

(A) The time in which to file written briefs pursuant to the Commission's Memorandum Opinion and Order released July 31, 1973, is extended until October 31, 1973; and

(B) The time in which to file reply briefs is extended until five days thereafter.

Adopted September 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73–21603 Filed 10–10–73;8:45 am]

[FCC 73–1031]

U.S.-MEXICO FM BROADCASTING AGREEMENT

Interim Policy for FM Facilities for Affected Area

OCTOBER 4, 1973.

On August 9, 1973, by action taken in accordance therewith, the U.S.-Mexico FM Broadcasting Agreement went into force and effect. As stated in Public Notice No. 05769, the Agreement concerns the allotment and use of FM broadcast channels within 199 miles (320 kilometers) of the common border between the two countries.

By an Order adopted today, the first step in effectuating the Agreement is being taken. The Order amends the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) for Arizona, California, New Mexico, and Texas to reflect the channel allotments agreed to for the border zone. Because the Agreement also covers noncommercial educational FM channel allotments (201–220) and assignments, Section 73.507 is being added to set forth the Class A, B, and C noncommercial educational FM channels assigned to communities in the border zone of these four states. The Agreement also includes seven Class D allotments for existing stations in California, but these are not included in § 73.507.

Other rules must be amended to align them with various terms of the Agreement. For example, the procedure outlined in Note 1 to § 1.573 has to be revised, since quite clearly anyone seeking an educational noncommercial facility in the border zone except Class D must either apply for a channel assignment in § 73.507 or, if there is no assignment at the community of choice, first go through rulemaking (see Subpart C of Part 1 of the Commission's rules and regulations) subject to the notification procedure in accordance with provisions of the Agreement. Our rules also should be amended to incorporate the mileage separations for Class D channels where applicable.

In the circumstances, it is appropriate to hold in abeyance action with respect to applications for noncommercial educational stations as well as petitions for rulemaking for noncommercial educational assignments in the border zone. More specifically, any such application or petition for rulemaking not already accepted for filing will not be accepted (although one may be tendered) pending determination of what change is to be made to Note 1 to § 1.573 and other related rules and regulations substantively. Nor will the Commission take any action with respect to any such application or petition for rulemaking until appropriate rule changes have been made.

It is anticipated that action will be completed (or initiated, if a notice of proposed rulemaking is deemed necessary) no later than December 31, 1973.

Action by the Commission October 3, 1973. Commissioners Burch (Chairman), Johnson, H. Rex Lee, Reid, Wiley and Hooks.

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

[FR Doc.73–21602 Filed 10–10–73;8:45 am]

FEDERAL MARITIME COMMISSION

CHANDRIS AMERICA LINES, S.A.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–83 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No C–1,078.

Chandris America Lines, S.A., c/o Chandris America Lines Inc., 17 Battery Place, New York, New York 10004.

Whereas, Chandris America Lines, S.A. has ceased to operate the pasenger vessel R.H.M.S. ATLANTIS.

It is ordered, That Certificate (Performance) No. P–83 and Certificate (Casualty) No. C–1,078 covering the R.H.M.S. ATLANTIS be and are hereby revoked effective October 3, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–21608 Filed 10–10–73;8:45 am]

DEUTSCHE ATLANTIK SCHIFFAHRTS-GESELLSCHAFT M.B.H. & CO.

Notice of Issuance of Certificate [Casualty]

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Deutsche Atlantik Schiffahrts-Gesellschaft m.b.H. & Co. (German Atlantic Line), Ballindamm 17, 2 Hamburg 1, West Germany.

Dated October 4, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–21607 Filed 10–10–73;8:45 am]

[Dockt No. 73–63]

JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE DUAL RATE SYSTEM AND FORM OF CONTRACT

Order of Investigation and Hearing

The Commission recently approved an amendment to the Japan/Korea-Atlantic & Gulf Freight Conference, formerly the Japan-Atlantic & Gulf Freight Conference, Dual Rate System and Form of Contract for the trade from Japan and Korea to United States Atlantic and Gulf ports. The amendment permits the establishment of a spread or differential of 9.5 percent between contract and noncontract rates.

Pursuant to notice appearing in the FEDERAL REGISTER comments on the proposed amendment were submitted on behalf of Motorola, Inc., and the Electronics Industries Association. The comments dealt solely with the establishment of a dual rate system in the trade and did not mention the reasonableness of a contract spread of 9.5 percent. However, the dual rate system in issue was approved by the Commission in Docket Nos. 1078 and 1080, Exclusive Patronage Contracts, 8 F.M.C. 337 (1964)[1], and the modification under consideration only sought permission to reduce the spread between contract and noncontract rates

[1] Although approved in 1964 the system was never implemented by the Conference reportedly due to the fact that the Fair Trade Commission of Japan has refused to sanction a system with a spread or differential greater than 9.5 percent.

from 15 percent to 9.5 percent. Accordingly, the Commission decided to approve the specific modification sought but to treat the comments as petitions for the institution of a proceeding to determine whether the dual rate system should be disapproved.

The comments raised various issues among which were:

1. Whether there is a need for a dual rate system in the trade;

2. Whether the implementation of the presently approved dual rate system will result in a reduction and/or elimination of competition between conference and nonconference carriers; and

3. Whether the competition of independent carriers is essential for the maintenance of reasonable and stable rates, regularity of service, and adequate tonnage for the needs of the trade.

Upon consideration of the above matters the Commission is of the opinion that the Japan/Korea-Atlantic & Gulf Freight Conference Dual Rate System and Form of Contract should be made the subject of a public investigation and hearing to determine whether it is detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports.

It is therefore ordered, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, as amended, that an investigation and hearing is hereby instituted to determine whether the Japan/Korea-Atlantic & Gulf Freight Conference Dual Rate System and Form of Contract should be disapproved or modified.

It is further ordered, That the Japan/Korea-Atlantic & Gulf Freight Conference and its member lines, listed in Appendix A below, are hereby made respondents in this proceeding.

It is further ordered, That the parties who commented on the approval of the modification of the subject dual rate system, also listed in Appendix A below, are hereby named as petitioners.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding administrative law judge.

It is further ordered, That (I) a copy of this Order be forthwith served upon the respondents and petitioners herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondents, petitioners, and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

RESPONDENTS

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE
2nd Floor, Sumitomo Seimei Yaesu Bldg.
3, Yaesu 4-chome, Chuo-Ku
Tokyo 104, Japan

AMERICAN EXPORT LINES, INC.
17 Battery Place
New York, N.Y. 10004

AMERICAN PRESIDENT LINES, LTD.
601 California Street
San Francisco, California 94108

BARBER LINES A/S
Barber Steamship Lines, Inc., Agents
17 Battery Place
New York, N.Y. 10004

BLUE SEA LINE-JOINT SERVICE
Furness, Withy, Agencies (U.S.A.) General Agents
5 World Trade Center
New York, N.Y. 10048

JAPAN LINE, LTD.
Japan Line (New York) Service, Ltd., Agents
One World Trade Center
Suite 2867
New York, N.Y. 10048

KAWASAKI KISEN KAISHA, LTD.
"K" Line—Kerr Corporation General Agents
29 Broadway
New York, N.Y. 10006

LYKES BROS. STEAMSHIP CO., INC.
Lykes Center
300 Poydras Street
New Orleans, Louisiana 70130

MITSUI O.S.K. LINES, LTD.
One World Trade Center
Suite 2211
New York, N.Y. 10048

A. P. MOLLER-MAERSK LINE
Moller Steamship Company, Inc. General Agents
One World Trade Center
Suite 3527
New York, N.Y. 10048

NIPPON YUSEN KAISHA, LTD.
One World Trade Center
Suite 5031
New York, N.Y. 10048

SEA-LAND SERVICE, INC.
Terminal and Fleet Streets
P.O. Box 1050
Elizabeth, New Jersey 07207

UNITED STATES LINES, INC.
1 Broadway
New York, N.Y. 10004

YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.
% Texas Transport & Terminal Co., Inc.
21 West Street
New York, N.Y. 10006

ZIM CONTAINER SERVICE P. E.
Zim-American Israeli Shipping Co., Inc. General Agents
One World Trade Center
Suite 2969
New York, N.Y. 10048

PETITIONERS

ELECTRONIC INDUSTRIES ASSOCIATION
2001 Eye Street, N.W.
Washington, D.C. 20006

MOTOROLA INC.
9401 West Grand Avenue
Franklin Park, Illinois 60131

[FR Doc.73-21610 Filed 10-10-73;8:45 am]

[Docket No. 73-62]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA DUAL RATE SYSTEM AND FORM OF CONTRACT

Order of Investigation and Hearing

The Commission recently approved an amendment to the Trans-Pacific Freight Conference of Japan/Korea, formerly the Trans-Pacific Freight Conference of Japan, Dual Rate System and Form of Contract for the trade from Japan and Korea to United States Pacific Coast, Alaska and Hawaii ports. The amendment permits the establishment of a spread or differential of 9.5 percent between contract and noncontract rates.

Pursuant to notice appearing in the FEDERAL REGISTER comments on the proposed amendment were submitted on behalf of Admiral Corporation, Motorola, Inc., RCA Corporation, Zenith Radio Corporation and the Electronics Industries Association. The comments dealt solely with the establishment of a dual rate system in the trade and did not mention the reasonableness of a contract spread of 9.5 percent. However, the dual rate system in issue was approved by the Commission in Docket Nos. 1078 and 1080, *Exclusive Patronage Contracts*, 8 F.M.C. 337 (1964)[1], and the modification under consideration only sought permission to reduce the spread between contract and noncontract rates from 15 percent to 9.5 percent. Accordingly, the Commission decided to approve the specific modification sought but to treat the comments as petitions for the institution of a proceeding to determine whether the dual rate system should be disapproved.

The comments raised various issues among which were:

1. Whether there is a need for a dual rate system in the trade;

2. Whether the implementation of the presently approved dual rate system will result in a reduction and/or elimination of competition between conference and nonconference carriers; and

3. Whether the competition of independent carriers is essential for the maintenance of reasonable and stable rates, regularity of service, and adequate tonnage for the needs of the trade.

Upon consideration of the above matters the Commission is of the opinion that the Trans-Pacific Freight Conference of Japan/Korea Dual Rate System

[1] Although approved in 1964 the system was never implemented by the Conference reportedly due to the fact that the Fair Trade Commission of Japan has refused to sanction a system with a spread or differential greater than 9.5 percent.

and Form of Contract should be made the subject of a public investigation and hearing to determine whether it is detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports.

It is therefore ordered, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, as amended, that an investigation and hearing is hereby instituted to determine whether the Trans-Pacific Freight Conference of Japan/Korea Dual Rate System and Form of Contract should be disapproved or modified.

It is further ordered, That the Trans-Pacific Freight Conference of Japan/Korea and its member lines, listed in Appendix A below, are hereby made respondents in this proceeding.

It is further ordered, That the parties who commented on the approval of the modification of the subject dual rate system, also listed in Appendix A below, are hereby named as petitioners.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding administrative law judge.

It is further ordered, That, (I) a copy of this Order be forthwith served upon the respondents and petitioners herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondents, petitioners, and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

RESPONDENTS

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA
2nd. Floor, Sumitomo Seimei Yaesu Bldg.
3, Yaesu 4-chome, Chuo-ku
Tokyo 104, Japan

AMERICAN MAIL LINE LTD.
1010 Washington Bldg.
Seattle, Washington 98101

AMERICAN PRESIDENT LINES, LTD.
601 California Street
San Francisco, California 94108

BARBER LINES A/S
Overseas Shipping Company, General Agents
One California Street
San Francisco, California 94111

COMPANIA PERUANA DE VAPORES
Kerr Steamship Company, Inc., General Agents
One California Street
San Francisco, California 94111

JAPAN LINE, LTD.
Japan Line (U.S.A.), Ltd.
One California Street
San Francisco, California 94111

KAWASAKI KISEN KAISHA, LTD.
"K" Line—Kerr Corporation, General Agents
One California Street
San Francisco, California 94111

KNUTSEN LINE—Joint Service
Knut Knutsen O.A.S.
Bakke Steamship Corporation, General Agents
650 California Street
San Francisco, California 94108

MITSUI O.S.K. LINES, LTD.
Williams, Diamond & Co., General Agents
215 Market Street
San Francisco, California 94105

NIPPON YUSEN KAISHA, LTD.
Matson Agencies, Inc. General Agents
100 Mission Street
San Francisco, California 94105

PACIFIC FAR EAST LINE, INC.
One Embarcadero Center
San Francisco, California 94111

PHOENIX CONTAINER LINERS LTD.
Kerr Steamship Company, Inc. General Agents
One California Street
San Francisco, California 94111

SEA-LAND SERVICE, INC.
Terminal and Fleet Streets
P.O. Box 1050
Elizabeth, New Jersey 07207

SEATRAIN INTERNATIONAL, S.A.
1395 Middle Harbor Road
Oakland, California 94607

SHOWA SHIPPING CO., LTD.
Norton, Lilly & Co., Inc. General Agents
425 California Street
San Francisco, California 94104

STATES STEAMSHIP COMPANY
320 California Street
San Francisco, California 94104

TRANSPORTACION MARITIMA MEXICANA, S.A.
Williams, Diamond & Co. General Agents
215 Market Street
San Francisco, California 94105

UNITED STATES LINES, INC.
1 Broadway
New York, N.Y. 10004

YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.
Lilly Shipping Agencies, General Agents
One California Street
San Francisco, California 94111

ZIM CONTAINER SERVICE F.E.
100 California Street
San Francisco, California 94111

PETITIONERS

ADMIRAL CORPORATION
3800 West Cortland Street
Chicago, Illinois 60644

ELECTRONIC INDUSTRIES ASSOCIATION
2001 Eye Street NW.
Washington, D.C. 20006

MOTOROLA INC.
9401 West Grand Avenue
Franklin Park, Illinois 60131

RCA CORPORATION
30 Rockefeller Plaza
New York, N.Y. 10020

ZENITH RADIO CORPORATION
1900 North Austin Avenue
Chicago, Illinois 60639

[FR Doc.73-21609 Filed 10-10-73;8:45 am]

DEUTSCHE ATLANTIK SCHIFFAHRTS-GESELLSCHAFT M.B.H. & CO.

Notice of Issuance of [Performance] Certificate

Security for the protection of the public idemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Deutsche Atlantik Schiffahrts-Gesellschaft m.b.H. & Co., (German Atlantic Line), Ballindamm 17, 2 Hamburg 1, West Germany.

Dated October 4, 1973.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-21606 Filed 10-10-73;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2489]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Application for Approval of Revised Exhibit K

OCTOBER 2, 1973.

Public notice is hereby given that application was filed October 10, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (Correspondence to: Mr. Seymour H. Robinson, Vice President—Operations and Construction, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vermont 05701) for approval of revised Exhibit K for Project No. 2489, known as Cavendish Hydroelectric Plant, located in the Township of Cavendish, Windsor County, Vermont, on the Black River.

Applicant requests Commission approval of a revised Exhibit K map. The revised exhibit reflects a change in land rights which took place on August 15, 1967, when a portion of a project access road from Route 131 into the Cavendish plant was deeded to the Town of Cavendish. The deeded segment of road, which is approximately 873 feet long, now serves the waste water treatment plant for the Town of Cavendish.

Any person desiring to be heard or to make protest with reference to said application should on or before November 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, peti-

tions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21520 Filed 10-10-73;8:45 am]

[Project No. 2412]

DAN RIVER, INC.

Application for Withdrawal of Application for License

OCTOBER 2, 1973.

Public notice is hereby given that application was filed January 7, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by Dan River, Inc. (Correspondence to Mr. R. M. Stephens, Executive Vice President, Dan River, Inc., Danville, Virginia 24541), for withdrawal of its application for license (minor) for the constructed Riverside Project No. 2412 located on Dan River in the City of Danville, Pittsylvania County, Virginia.

Applicant had originally filed an application for a minor license on September 23, 1963, for its Riverside Project which affects navigable waters of the United States. The project consists of a low diversion dam, a power canal, a forebay, and three powerhouses having 6 small generating units totaling 1,195 kw.

In its application for withdrawal, Applicant stated that all project generating facilities are inoperable and not economically feasible to repair. The power plant on the left bank of the river, housing two generating units totaling 350 kw., has not been operable since April, 1971. The four generating units totaling 845 kw. and located in the two powerhouses on the right bank of the river have been abandoned. Power generated by the project was used by the Applicant in its textile manufacturing operations.

Applicant proposes to continue use of the forebay to store filtered water used in its manufacturing processes. Applicant has also agreed to convey most of the bed of the power canal to the City of Danville for the construction of a highway.

Any person desiring to be heard or to make protest with reference to said application should on or before November 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21525 Filed 10-10-73;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Further Extension of Time and Postponement of Hearing

OCTOBER 3, 1973.

On September 26, 1973, El Paso Natural Gas Company filed a motion for continuance of a prehearing conference fixed by notice issued August 30, 1973. The motion states that none of the intervenors has any objection to the motion.

Upon consideration, notice is hereby given that the prehearing conference is postponed to October 16, 1973, at 10:00 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21521 Filed 10-10-73;8:45 am]

[Docket No. CP73-314]

EL PASO NATURAL GAS CO.

Tariff and Service Agreement Filing

OCTOBER 3, 1973.

Take notice that on September 14, 1973, El Paso Natural Gas Company (El Paso) filed pursuant to Part 154 of the Commission's regulations Under the Natural Gas Act, and in conformity with §§ 154.26 and 154.63 thereof, certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 3, applicable to its Northwest Division System and certain storage gas service agreements providing for service rendered from the Jackson Prairie Storage Project. El Paso states that the purpose of the filing is to provide tariff sheets and service agreements which reflect the expansion of the seasonal withdrawal period of the Jackson Prairie Storage Project and provide for an increase in the firm winter season rendered by El Paso to its Northwest Division System customers under its Rate Schedule SGS-1.

El Paso states that by order issued August 29, 1973 at Docket No. CP73-314, et al., the Commission, inter alia, authorized El Paso to transport and sell natural gas to its Rate Schedule SGS-1 customers for resale from October 16 until April 15 in quantities not to exceed 240,000 Mcf of gas per day and 7.6 million Mcf of gas during the term. The instant filing is made pursuant to Part 154 of the Commission's regulations under the Natural Gas Act and El Paso states that the sheets tendered in its filing are identical, except as to a change in the Form of Service Agreement, with those pro forma sheets contained in its application. The tendered seven (7) storage gas service agreements provide for the terms and conditions of El Paso's deliveries from the Jackson Prairie Storage Project. El Paso requests that the effective date of its tariff sheets and service agreements be designated as October 16, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before October 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21522 Filed 10-10-73;8:45 am]

[Project No. 2593]

J. P. LEWIS CO., AND LATEX FIBER INDUSTRIES, INC.

Application for Transfer of Minor License

OCTOBER 2, 1973.

Public notice is hereby given that application was filed August 16, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the J. P. Lewis Company (Licensee) and Latex Fiber Industries, Inc. (Transferee) (Correspondence to: Mr. Richard C. Cummings, Secretary, the J. P. Lewis Company, Beaver Falls, New York 13305) for transfer of minor license of the Beaver River Project No. 2593, located on the Beaver River in the towns of Croghen and New Bremen, in the hamlet of Beaver Falls, Lewis County, New York.

The J. P. Lewis Company has sold its two paper mills to its affiliated corporation, the Latex Fiber Industries, Inc., and included among the assets being transferred is the constructed hydroelectric project known as Beaver River Project which has a capacity of 1,500 kw.

The Beaver River Project consists of: (1) A concrete gravity ungated ogee spillway dam having a maximum height of 25 feet to spillway crest elevation 799.0 feet (U.S.G.S. datum); (2) a short headrace at left abutment with three sliding timber gates (overall length of dam and intake is 400 feet); (3) a reservoir that at normal headwater level has a surface area of approximately 48 acres; (4) a concrete and block powerhouse with a single automatic unit, a vertical adjustable blade turbine directly connected to a generator rated 1875 Kva, 0.8 pf, 240 rpm; and (5) appurtenant facilities.

All of the power developed by this project is transmitted directly to the Licensee's paperboard mill for purposes of manufacturing.

Any person desiring to be heard or to make protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21524 Filed 10-10-73;8:45 am]

[Docket No. DA-215]

WASHINGTON

Order Further Vacating Land Withdrawals

OCTOBER 3, 1973.

By order issued December 30, 1968, (40 FPC 1515) the Commission vacated the land withdrawals for Project Nos. 44, 1393, 2144, and 2250 insofar as they pertain to lands lying outside the boundary of Project No. 2144 (City of Seattle's Boundary Hydroelectric Project on the Pend Oreille River) as licensed, as shown on map Exhibit K sheets one through nine (FPC Nos. 2144-72 through 80). In order to simplify the maintenance of the public land records, the Bureau of Land Management has requested that the remainders of the withdrawals for Project Nos. 44, 1393, and 2250 be vacated.

The applications for license for Project Nos. 44 and 2250 were denied and the license for Project No. 1393 is no longer in effect. The withdrawals for these projects were retained insofar as they overlap licensed Project No. 2144 because a formal notice of land withdrawal had not been issued for Project No. 2144 as of December 30, 1968.

A formal notice of land withdrawal for Project No. 2144 was issued on January 13, 1969. This constructed project affects United States lands in Tps. 39 and 40 N., R. 43 E., Willamette Meridian, Washington.

The Commission finds

The remainders of the land withdrawals for Project Nos. 44, 1393, and 2250 serve no useful purpose and should be vacated in their entirety.

The Commission orders

The remainders of the land withdrawals pursuant to the applications for Project Nos. 44, 1393, and 2250 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21518 Filed 10-10-73;8:45 am]

[Docket Nos. DA 496, DA-499]

POWER SITE WITHDRAWALS IN DINOSAUR NATIONAL MONUMENT

Finding and Order Regarding Revocation of Power Site

OCTOBER 3, 1973.

The National Park Service, Department of the Interior, has requested the revocation of all power site withdrawals within the Dinosaur National Monument, Colorado and Utah, thereby requiring Commission consideration under section 24 of the Federal Power Act. The Park Service request was made in connection with a proposed wilderness designation of portions of Dinosaur National Monument.

Dinosaur National Monument, as established on October 4, 1915, by proclamation of President Wilson, consisted of 80 acres which are not withdrawn for power purposes. On July 14, 1938, the Monument was enlarged by 203,885 acres by proclamation of President Roosevelt. Approximately 68,664 acres within the July 14, 1938, addition are variously withdrawn in Power Site Reserve Nos. 5, 42, 121, 721, and 732, Power Site Classification Nos. 3, 60, 87, and 93, and pursuant to the filing of an application for preliminary permit for Project No. 524 (proceedings for Project No. 524 ended without the filing of an application for license).

The Commission's current inventory of undeveloped hydroelectric sites lists two potential projects (Split Mountain and Echo Park) in this reach of the Green River having a combined potential of 285,000 kw. Development of these sites has been strongly opposed by conservationists and a Bureau of Reclamation proposal to develop the Echo Park reservoir site as part of the Upper Colorado River Storage Project was rejected by Congress.

Development of the Echo Park and Split Mountain sites is considered unlikely because of the impact such development would have on Dinosaur National Monument. Inasmuch as the Monument withdrawal serves to preserve the lands in their natural state, the power site withdrawals are considered unnecessary. Revocation of the power site withdrawals will simplify the administration of the Dinosaur National Monument.

The Commission finds.

The power site withdrawals in Dinosaur National Monument no longer serve a useful purpose and it has no objection to the revocation of Power Site Reserve Nos. 5, 42, 121, 721, and 732, and Power Site Classification Nos. 3, 60, 87, and 93 insofar as they pertain to lands within the Monument.

The Commission orders.

The withdrawal pursuant to the application for Project No. 524 is hereby vacated insofar as it pertains to lands in Dinosaur National Monument.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21519 Filed 10-10-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Proposed Rate Settlement

OCTOBER 3, 1973.

The Sylvania Corporation (Sylvania) on September 12, 1973, tendered for filing an Agreement As to Rates, containing its proposed First Revised Volume No. 1 of its FPC Gas Tariff. The revised tariff contains a proposed First Revised Sheet No. 4 and Original Sheet No. 5 which set forth the provisions of Rate Schedule G-1 and the rate, 55.27 cents per Mcf, applicable to all gas deliveries to Sylvania's single customer, its affiliate, United Natural Gas Company, to be effective as of August 13, 1973.

Sylvania states that the agreement resulted from conferences held on June 27 and July 31, 1973, and that it reflects jurisdictional revenues of approximately $1,487,518 annually, based upon the test period ended December 31, 1973, adjusted.

A copy of the agreement has been served upon Sylvania's jurisdictional customer, United Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed, or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commisson and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-21523 Filed 10-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3)

of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Hancock, Hancock, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 24, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21527 Filed 10-10-73;8:45 am]

FIRST ARKANSAS BANKSTOCK CORP.

Order Approving Acquisition of National Credit Corporation

First Arkansas Bankstock Corp, Little Rock, Arkansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of National Credit Corporation, "An Industrial Loan Institution" (Company), Pine Bluff, Arkansas, a company that engages in the activities of an industrial loan company, including the making of loans, soliciting investment certificates, the sale of credit life and credit accident and health insurance directly related to an extension of credit by it and the sale of physical damage insurance on certain personal property taken as security in connection with loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(2) and (a)(9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 20124). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the largest banking organization in the State, controls three banks with aggregate deposits of approximately $343 million, representing 8.1 percent of total deposits in commercial banks in Arkansas.[1] Applicant also controls nonbanking subsidiaries engaged in equipment leasing, owning and operating Applicant's business offices, travel agency services,[2] and mortgage banking.

Company issues "certificates of investment", and with funds derived therefrom and through commercial bank borrowings, makes personal loans secured primarily by automobiles, household goods, mobile homes and campers, and second mortgages on real estate. Company, with assets of $1.7 million and total outstanding loans of $1.5 million, derives all but about 3 percent of its business from its primary service area—Pine Bluff and a small area surrounding the city. Company is the only industrial loan company in the Jefferson County market area, and is the second largest of four consumer finance companies serving that area.

Since the Arkansas usury law limits the effective interest rate on loans to 10 percent, there is some competition between consumer finance companies and commercial banks for these types of loans. However, Applicant's closest subsidiary bank is located approximately 42 miles from Company in the Pulaski County market and that bank derives less than 0.1 percent of its total consumer loans from Company's primary service area. On the basis of the facts, it does not appear that any significant existing competition would be eliminated upon consummation of this proposal.

The Arkansas usury law makes entry into the consumer finance business somewhat unattractive. Arkansas law also prohibits the chartering of any new industrial loan institutions, such as Company, which can obtain funds through the issuance of certificates of investment. Accordingly, it appears unlikely that Applicant would enter Company's area de novo or through acquisition of a consumer finance company. The Board concludes that the proposed acquisition would have no adverse effects upon potential competition. Further, it does not appear that Applicant's acquisition of Company will have any adverse effects on credit presently made available to independent finance companies by Applicant's subsidiary banks.

Company is also engaged in the sale of credit life, credit health and accident insurance directly related to its extensions of credit and the sale of physical damage insurance on certain personal property taken as security in connection with its loans. These insurance activities have been determined by the Board to be closely related to banking under § 225.4(a)(9)(ii) of Regulation Y. In connection with this application, the Board received two letters of protest objecting to Company's insurance activities. One protestant stated that the sale of physical damage insurance by Company would give Applicant an unfair competitive advantage; the other protestant claimed that consummation of the proposal would be detrimental to local institutions. In view of the limited nature of Company's insurance business, as well as the limited amount of physical damage insurance sold by Company, it does not appear that the continuation of the above mentioned insurance activities of Company upon approval of the proposal would have any adverse effect on existing or potential competition. Further, it does not appear that the continuation of such insurance activities would have any significant adverse effect on any competing institution.

Company has been engaged in the sale of level term credit life insurance in connection with extensions of credit. Due to the nature of such insurance, the Board has previously stated that it does not regard the sale of level term credit life insurance in connection with installment lending as being directly related to an extension of credit under § 225.4(a)(9)(ii) of Regulation Y.[3] This does not exclude the limited sale of such insurance as a matter of convenience to the purchaser, so long as the premium income from such sale, when combined with the premium income derived from the sale of other "convenience" insurance by Applicant or its subsidiaries does not constitute a significant portion of the aggregate insurance premium income of Applicant from insurance sold pursuant to § 225.4(a)(9)(ii) of Regulation Y. However, Applicant has committed that upon consummation of this proposal Company will cease to engage in the sale of level term credit life insurance.

There is no evidence in the record to indicate that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application, by giving Company access to increased managerial resources, would likely result in Company competing more aggressively for loans and deposits and would also enable Company to expand upon the services it presently offers. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable with respect to the industrial loan and certain of the insurance agency activities. Accordingly, the application is hereby approved subject to the condition and in reliance upon Applicant's commitment that Company terminate its sale of level term credit life insurance upon consummation of the transaction. This determination is additionally subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this order, unless such period is extended for good cause by the

[1] All financial data are as of December 31, 1972.

[2] Applicant acquired its travel agency subsidiary prior to June 30, 1971. (See § 225.4(e) of Regulation Y.)

[3] In the matter of Fidelity Corporation of Pennsylvania (1973 Federal Reserve *Bulletin* 472).

Board or by the Federal Reserve Bank of St. Louis.

By Order of the Board of Governors,[4] effective October 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21528 Filed 10-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Denying Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to University State Bank (Bank), Houston, Texas. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, controls eleven banks with total deposits of $2.5 billion, which represents 7.2 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1972.) Approval of this application would not significantly increase Applicant's share of Statewide deposits.

Bank ($44.8 million in deposits) is the twenty-sixth largest of 152 banks in the Houston banking market (approximated by the Houston Standard Metropolitan Statistical Area), and controls 0.6 percent of deposits in commercial banks in that market. Applicant's nearest subsidiary, Houston-Citizens Bank & Trust Company (H-C) (deposits of $208 million), is located in the Houston Banking market, 4.6 miles from Bank. H-C is the fifth largest bank in Bank's service area. All of Bank's accounts derive from the service area of H-C which, although primarily a wholesale bank, offers a full range of retail or individual banking services. Forty-three percent of H-C's time deposit accounts, 32 percent of H-C's commercial loan accounts, 23 percent of H-C's savings deposit accounts, and 12 percent of H-C's demand deposit accounts, derive from Bank's service area.

By Order of today's date, the Board has granted its prior approval of Applicant's proposed acquisition of First State Bank of Bellaire (Bellaire Bank), Bellaire, Texas, which is also located in the Houston banking market. Bellaire Bank, but for its affiliation with Bank since 1950, would be a direct competitor of Bank. Located only four miles apart, the two banks have over-lapping service areas, and both are primarily engaged in the provision of retail banking services. The existing affiliation between Bank and Bellaire Bank is not such that it may be expected to continue for a long period of time, absent approval of both applications by the Board. Therefore, approval of both applications would have the effect of forestalling eventual dissolution of the affiliation and thereby adversely affect the development of future competition between Bank and Bellaire Bank. Denial of the instant application on the other hand would preserve both existing and future competition between Bank and Bellaire Bank. By accelerating the dissolution of the affiliation between Bank and Bellaire Bank, and thereby the development of competition between the two banks, denial of the instant application may actually enhance competition.

The financial and managerial resources of Applicant, its subsidiaries, and Bank are satisfactory, and future prospects appear favorable. There is no evidence in the record [1] to suggest that the convenience and needs of the community to be served are not presently being served. Although Bank's ability to provide new services might be enhanced by access to Applicant's financial and managerial resources, the probable effect of the proposed acquisition in meeting the convenience and needs of the community to be served does not clearly outweigh the anticompetitive effects of the proposed transaction. It is the Board's judgment that consummation of the proposed transaction would not be in the public interest, and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors [2] effective October 1, 1973.

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21529 Filed 10-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Dallas County State Bank, Carrollton, Texas (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, presently controls 14 banks [1] with aggregate deposits approximating $2.7 billion,[2] representing 7.9 percent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by .07 percent and would not result in a significant increase in the concentration of banking resources in Texas.

By order dated November 30, 1972, the Board approved the formation of Applicant subject to the Board's understanding that Applicant would file separate applications for each of certain minority interests in banks located in Dallas County, Texas, that Applicant held at the time of its formation and that Applicant sought to retain.[3] The application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank.

Bank (approximately $25 million in deposits) is the 35th largst of 110 banks in the Dallas banking market (approximated by the Dallas RMA)[4] and controls .34 percent of the deposits in commercial banks in the market. Applicant is the second largest banking organization in the market and presently controls deposits of approximately $2 billion (representing 26.9 percent of total deposits in commercial banks in the market) through its lead bank, First National

[4] Voting for this Action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] Governor Sheehan's dissenting statement filed as part of the original. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher and Holland. Voting against this action: Governs Deane and Sheehan. Absent and not voting: Chairman Burns.

[1] In addition to its 14 subsidiary banks, Applicant indirectly controls interests of less than 25 percent in five banks (including Bank), with aggregate deposits of $67.2 million (as of December 31, 1972).

[2] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through September 20, 1973.

[3] See 1972 Federal Reserve Bulletin 1028.

[4] RMA refers to Ranally Metro Area which is defined as the central city plus every community, 8 percent or more of the total population of which, or 15 percent or more of the labor force of which, commutes to the central city based on the Census of Population. No community, 35 percent or more of the labor force of which is engaged in agriculture, is included in an RMA.

Bank of Dallas, and four other subsidiary banks. Applicant's rank in the market would not be changed by consummation of the proposed acquisition.

In view of the close affiliation between Applicant and Bank, which affiliation has existed since 1963, and presently manifests itself in the ownership of 20 percent of the voting stock of Bank by Applicant's trusteed affiliate, it appears that there is no meaningful present competition between any of Applicant's subsidiary banks and Bank; nor does it appear likely that any such competition would develop in the future. Irrespective of the affiliation of Bank with Applicant, consummation of the proposed transaction is unlikely to have a significant adverse effect on existing or future competition in the Dallas market in view of the small size of Bank's market share and the difference in principal functions between Bank and Applicant's lead bank, the former serving primarily as a source of individual or retail banking services, the latter as a source of corporate or wholesale banking services. The Board concludes that consummation of the proposal would not eliminate existing or future competition, nor would it have significantly adverse effects on any competing bank.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the residents of the Dallas banking market are not currently being met, the proposed affiliation will give Bank access to Applicant's greater financial resources and is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21530 Filed 10-10-73;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

FIRST KEYSTONE CORP.

Formation of Bank Holding Company

First Keystone Corporation, Totowa, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of First National Bank of New Jersey, Totowa, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 24, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21533 Filed 10-10-73;8:45 am]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Security-Atlantic Life Insurance Co.

First & Merchants Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Security-Atlantic Life Insurance Company, Phoenix, Arizona ("Company"), a company that will engage de novo in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lending subsidiaries.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 18590). The time for filing comments and views has expired, and none has been timely received.

Effective December 11, 1972, the Board amended § 225.4 of Regulation Y to add the activity of "acting as underwriter for credit life and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system" to the list of activities the Board has determined to be closely related to banking (12 CFR 225.4(a)(10)).

Applicant controls three[1] banks with total deposits of $1.0 billion, representing 9.4 percent of total deposits in commercial banks in the State, and is the third largest banking organization in Virginia. (All banking data are as of December 31, 1972 and reflect bank holding company formations and acquisitions approved by the Board through June 30, 1973.) Applicant, through its nonbanking subsidiaries, engages in the activities of origination, sale and servicing of first mortgage loans, second mortgage lending, construction financing, advisor to a real estate investment trust, and agent for the sale of credit life and disability insurance and physical damage insurance, all in connection with extensions of credit by Applicant's lending subsidiaries.

Company will be formed as an Arizona insurance corporation with initial capital of $300,000. As Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries.[2] Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite in the States where Applicant's subsidiaries do business and will thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that the proposed reinsurance subsidiary (Company) and the direct underwriter, which issues the credit life and credit accident and health insurance policies made available by its lending subsidiaries, will reduce the rates charged for credit life insurance by 10.3 percent in Virginia, by 9.6 percent in Georgia, by 5.7 percent in Maryland and by 4.6 percent in Ohio. In addition, Applicant has stated that it will reduce the rates charged for credit accident and health insurance by 5 percent in Virginia and will also make improvements in policy coverage. The Board believes that the reduced cost of such insurance

[1] In addition, Applicant has recently received Board approval to acquire The Peoples Bank of Stafford, Falmouth, Virginia (deposits of $15.7 million), Mountain Trust Bank, Roanoke, Virginia (deposits of $83.4 million), and First & Merchants National Bank of Tidewater, Chesapeake, Virginia, a proposed new bank, by Orders dated July 3, 26, and 27, 1973, respectively.

[2] Applicant has applied to the Board for permission to offer credit life insurance in four States and credit accident and health insurance in only one State.

coverage is procompetitive and is in the public interest. The Board concludes that such public benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective October 2, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-21531 Filed 10-10-73;8:45 am]

INDUSTRIAL NATIONAL CORP.

Proposed Acquisition of the Assets of Mortgage Associates, Inc.

Industrial National Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all the assets of Mortgage Associates, Inc., Milwaukee, Wisconsin. Notices of the application were published in newspapers on the following dates:

Rockford, Ill.....	Rockford Morning Star.	July	2, 1973
Clayton, Mo.....	St. Louis Post Dispatch.	July	3, 1973
St. Petersburg, Fla.	St. Petersburg Times.	July	2, 1973
South Bend, Ind..	South Bend Tribune..	Do.	
Tampa, Fla.....	Tampa Tribune.....	July	4, 1973
Waukegan, Ill....	Keystone Printing Service.	July	5, 1973
Madison, Wis.....	Wisconsin State Journal.	July	3, 1973
Atlanta, Ga.....	Atlanta Constitution..	July	10, 1973
Houston, Tex....	Houston Chronicle....	July	9, 1973
Raleigh, N.C.....	The News and Observer Publishing Co.	July	10, 1973
Memphis, Tenn..	Memphis Press.....	July	9, 1973
Appleton, Wis....	Appleton Post Crest..	July	5, 1973
Oaklawn, N. Aurora, Ill.	Chicago Tribune—Chicago Today.	July	4, 1973
Chicago, Ill.....	Chicago Tribune.....	Do.	
Dallas, Tex.....	Dallas Texas Herald..	July	8, 1973
Glenwood, Ill....	Star Tribune.....	July	1, 1973
Grand Rapids, Mich.	Grand Rapids Press..	July	3, 1973
Lansing, Mich....	The State Journal.....	Do.	
Las Vegas, Nev..	Las Vegas Review Journal.	June	29, 1973
Milwaukee, Wis..	Milwaukee Journal....	July	13, 1973
Bloomington, Minn.	Minneapolis Star.....	June	29, 1973
Moline, Ill.....	Moline Dispatch.....	July	2, 1973
Oklahoma City, Okla.	Oklahoman and Times.	June	29, 1973
Phoenix, Ariz....	Arizona Weekly Gazette.	July	3, 1973

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Applicant states that the proposed subsidiary would engage in the activities of: (1) Origination and sale of residential and commercial mortgages; (2) origination and sale of loans for the purchase of mobile homes; (3) consumer finance; and (4) servicing of mortgage loans and mobile home loans. In addition, Applicant states that the proposed subsidiary would engage in the sale of insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser, including the sale of the following types of insurance: Mortgage accident and health insurance, mortgage life insurance, credit life insurance, casualty insurance, and casualty insurance on mobile homes. Applicant states that these activities are among the activities that have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Mortgage Associates, Inc., has been engaged in real estate development and property management activities, but Applicant states that such activities are being phased out and in no event will they be continued beyond two years from the date of any consummation of the proposal.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 28, 1973.

Board of Governors of the Federal Reserve System, October 2, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-21538 Filed 10-10-73;8:45 am]

JACOB SCHMIDT CO. AND AMERICAN BANCORPORATION, INC.

Order Approving Acquisition of Lake City Agency, Inc.

Jacob Schmidt Company and American Bancorporation, Inc., both of St. Paul, Minnesota (hereinafter jointly referred to as Applicant), are bank holding companies within the meaning of the Bank Holding Company Act[1] and have applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Lake City Agency, Inc., Lake City, Minnesota (Agency), a company that engages in the activities of a general insurance agency in a community of less than 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notices of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, have been duly published (38 FR 532, 821). The time for filing comments and views has expired, and none has been timely received.

Applicant, the fourth largest banking organization in Minnesota, controls four banks with aggregate deposits of $275.1 million, representing 2.4 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1972 and reflect bank holding company formations and acquisitions approved through August 31, 1973.)

The Board approved Applicant's acquisition of Lake City State Bank (Bank), Lake City, Minnesota[2] on January 4, 1972 (1972 Fed. Res. Bulletin 154). Agency is located on the premises of Bank, pays rent to Bank, and has been operated in conjunction with Bank since Agency's incorporation in 1970. Prior to 1970, Agency had been operated as a proprietorship by the then controlling owner of Bank. Agency also owns property upon which future quarters of Bank are being constructed. Bank, itself, engages directly in sale of credit life and accident and health insurance while Agency does not sell this type of insurance. There does not appear to be any existing competition between Applicant or its subsidiaries and Agency, nor does it appear that significant future competition would be foreclosed by consummation of the proposal.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application would enable Applicants and Bank to continue to provide a convenient alternative source of insurance agency services in a community with a population of less than 5,000 persons.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved.

[1] Jacob Schmidt Company owns 51.4 percent of the voting shares of American Bancorporation, Inc., and would acquire indirect control of Lake City Agency, Inc.

[2] Lake City, Minnesota, had a population of less than 4,000 persons in 1970.

This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis.

By order of the Board of Governors,[1] effective October 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21532 Filed 10-10-73;8:45 am]

SUMMIT BANCORPORATION

Formation of Bank Holding Co.

The Summit Bancorporation, Summit, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Summit and Elizabeth Trust Company, Summit, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 24, 1973.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21534 Filed 10-10-73;8:45 am]

UNION COMMERCE CORP.

Order Approving Acquisition of Bjork Associates, Inc.

Union Commerce Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all the issued and outstanding common stock of Bjork Associates, Inc., New York, New York, (Bjork), which provides portfolio investment advisory and portfolio investment management services, presently to a corporate employee benefit program and a charitable foundation.[2] Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4) and (5)).[3]

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 F.R. 21826). The time for filing comments and views has expired and none has been timely received.

Applicant controls two banks, including Union Commerce Bank ("Bank"), Cleveland, Ohio, which, as of December 31, 1972, was the fourth largest bank in Ohio and in the Cleveland market with total deposits of $1.0 billion.[4] Both banks provide investment advisory services through their respective trust departments in their respective markets. Ninety percent of Bank's trust business originates in Cuyahoga County, Ohio, and only 0.3 percent originates in New York State. Virtually all of the trust business of Applicant's other subsidiary bank originates in the Cincinnati area, and none of that bank's trust business is derived from the New York State area served by Bjork.

Bjork has its only office in New York, New York. It serves only two clients, one located in Rochester, New York, the other in Cleveland, Ohio. It competes with at least 21 firms in Cleveland and with at least nine firms in the Rochester area. Neither Applicant's banking subsidiaries nor Bjork control substantial shares of their respective investment advisory markets; nor would their combined shares in these markets be substantial upon consummation of the proposal herein. In view of the small size of Bjork's and Applicant's investment advisory services, the proposed acquisition would not eliminate significant existing competition in any relevant market.

Although Applicant has the financial resources to enter the geographic markets where Bjork operates, on a de novo basis, there are no significant barriers to entry, and a large number of other potential entrants are available to enter the markets. In view of these circumstances, and the small size and limited resources of Bjork, it appears unlikely that the proposed acquisition would have any adverse effects on probable future competition.

Bjork is a small company with assets of $35,205 as of March 31, 1973. It began operations in December, 1971, and, for the first four months of this fiscal year, sustained a loss of $774. The proposed affiliation, by making available to Bjork the financial resources of Applicant, should enable Bjork to expand and improve its services, to the benefit of the public.

Theer is no evidence in the record that consummation of the acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Accordingly, the application is hereby approved on the condition that Bjork terminate its above-described management consulting activities within thirty days of the effective date of this order. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall not be consummated later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to authority delegated hereby.

By order of the Board of Governors,[1] effective October 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21535 Filed 10-10-73;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Acquisition of Bank

United Virginia Bankshares Inc., Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the proposed successor by merger to Peoples Bank of Gretna, Gretna, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1973.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[2] Applicant intends to expand Bjork's clientele to include employee benefit trusts, private foundations, educational endowments, and individuals.

[3] Bjork presently provides advice as to mergers and acquisitions and business brokerage consulting services. As that activity is considered "management consulting", it is not "so closely related to banking or managing or controlling banks as to be a proper incident thereto" (see 12 CFR 225.4(a)(5), n.2). Bjork will discontinue this activity within thirty days after the effective date of this Order.

[4] Applicant's other subsidiary bank is The Southern Ohio Bank, Cincinnati, Ohio (deposits of approximately $130 million), the fifth largest bank in the Cincinnati banking market. Applicant also has a non-banking subsidiary that is a small business investment company.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, October 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21536 Filed 10-10-73;8:45 am]

ZIONS UTAH BANCORPORATION

Proposed Acquisition of Central Finance Corp.

Zions Utah Bancorporation, Salt Lake City, Utah, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Central Finance Corporation, Portland, Oregon. Notice of the application was published on August 16, 1973, in The Daily Journal of Commerce, a newspaper circulated in Portland, Oregon.

Applicant states that the proposed subsidiary would engage in the activities of making consumer instalment loans, purchasing consumer instalment sales finance contracts, financing dealer inventory, and acting as agent in the sale of credit life, accident and health insurance to its direct consumer borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 28, 1973.

Board of Governors of the Federal Reserve System, October 2, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-21537 Filed 10-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to First State Bank of Bellaire, Bellaire, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 11 banks with aggregate deposits of $2.5 billion, representing 7.2 percent of total deposits of commercial banks in Texas.[1] Acquisition of Bank (deposits of $68.8 million) would not significantly increase the concentration of banking resources in the State.

Bank is located in the Houston banking market where it ranks as the eighteenth largest bank, with less than 1 percent of market deposits.[2] Applicant presently has a banking subsidiary in this market, Houston Citizens Bank & Trust Company, which is the fifth largest bank in the market, with about 3 percent of market deposits. Though acquisition of Bank by Applicant would give it approximately 4 percent of market deposits, this would not be a significant market share in the context of the Houston banking market. Applicant, after acquisition of Bank, would still have less than half of the market share controlled by the third ranking organization in the Houston market. Numerous entry points for banking organizations wishing to enter this market would remain after approval of the acquisition of Bank by Applicant. Additionally, approval of this acquisition may enable Applicant to provide more vigorous competition for the three largest banking organizations which between themselves control almost 50 percent of market deposits. Moreover, consummation of this transaction coupled with denial of the application by Applicant to acquire University State Bank, Houston, Texas, as reflected in our Order of this date, would weaken the existing relationship between University State Bank and Bank. These two banks are only four miles apart and there is a large overlap of service area between the two. Termination of the existing relationship between University State Bank and Bank should have a positive effect on competition. The Board concludes that consummation of the transaction would not have a significantly adverse effect on existing or potential competition.

The financial condition, managerial resources and prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory, particularly in light of Applicant's commitment to increase the capital of Bank. This factor lends support for approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 1, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-21545 Filed 10-10-73;8:45 am]

[1] All banking data are as of December 31, 1972, and represent bank holding company formations and acquisitions approved by the Board through July 31, 1973.

[2] The Houston banking market is the relevant banking market and is approximated by the Houston SMSA.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

RICE AVENUE STATE BANK

Order Approving Application for Merger of Banks

Rice Avenue State Bank, Bellaire, Texas, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with First State Bank of Bellaire, Bellaire, Texas, under the name of First State Bank of Bellaire.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the applica-

tion in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First International Bancshares, Inc., Dallas, Texas, to acquire the successor by merger to First State Bank of Bellaire, provided that said merger shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 1, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 73-21546 Filed 10-10-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 5, 1973.

Pursuant to Public Law 92-463, The Federal Advisory Committee Act, notice is hereby given that a meeting of the National Council on the Humanities, will take place in San Francisco, California, on October 25 and 26, 1973.

The meeting will be held in the Post Room, Barrett Motor Hotel, 501 Post Street, San Francisco, California. The morning session will convene at 9:30 a.m., on Thursday, October 25, and will be open to the public. The agenda for the morning session will be as follows:

I. Minutes of Previous Meeting
II. Reports
A. Introduction and Summary of Recent Business
B. Appropriation and Reauthorization Legislation
C. Gifts and Matching Funds
D. Election Procedures—The Jefferson Lecture
E. Reports on Chairman's Grants
F. Film and Television Program
G. Continued Business—NEH Relationship with Two-Year Colleges
H. Science, Technology, and Human Values Program
I. Selected Project Evaluations
III. Reports from Retiring Council Members

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

Based on section b (3), (4), and (6) of 5 U.S.C. 552, the session on Friday, October 26, will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code (202)-382-2013.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-21567 Filed 10-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2199]

AETNA INCOME FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Aetna Income Fund (the "Applicant"), 151 Farmington Avenue, Hartford, Connecticut 06115, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act in June 1971 by filing a notification of registration. Applicant also filed a registration statement on Form S-5 under the Securities Act of 1933. This latter statement never became effective.

On March 2, 1973, Applicant's board of directors voted that Applicant be liquidated and dissolved. Applicant's registration statement under the Securities Act of 1933 was withdrawn on August 9, 1973, and no public offering or sale of shares of Applicant has been or will be made.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following October 29, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21585 Filed 10-10-73;8:45 am]

[812-3516]

DUPONT WALSTON INC.

Notice of Filing of Application for an Order of Exemption

Notice is hereby given that DuPont Walston Incorporated ("Applicant"), 833 Wilshire Boulevard, Los Angeles, California 90017, a registered broker-dealer, in connection with a proposed public offering of shares of Common Stock, par value $1.00 per share ("Shares") of Utility Shares of America, Inc. ("Company"), a registered, closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting certain transactions from section 30(f) of the Act to the extent that such Section adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is the prospective representative ("Representative") of a group of underwriters ("Underwriters") to be formed in connection with the proposed public offering. Applicant contemplates that each underwriter, including the Representative, will execute an Agreement Among Underwriters and that the Representative, acting both for itself and as Representative of the several Underwriters, will execute an Underwriting Agreement with the Company, Pacific Investment Management Company, the Company's investment adviser ("Adviser") and Pacific Mutual Life Insurance Company, the Adviser's parent.

Applicant also states that it is possible that the Underwriting Commitment of any one or more of the Underwriters, including the Representative, will exceed 10 percent of the aggregate number of

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

shares of the Company's Common Stock. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by Section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain Underwriters from the operation of section 16(b). Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant also states that such purchases, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant further states that although it is anticipated that the requirements of Rule 16b–2(a)(1) and (2) will be met, one or more of the Underwriters, through their participation in the distribution of the Shares of the Company, may not be entitled to rely upon Rule 16b–2 to exempt them from section 16(b) of the Exchange Act. The requirements in Rule 16b–2(a)(3) that the aggregate participation of Underwriters not within section 16(b) of the Exchange Act be at least equal to the participation of Underwriters exempted therefrom under Rule 16b–2 may not be met because it is possible that one or more of the Underwriters may purchase more than 10 percent of the aggregate number of the shares of the Company's Common Stock to be outstanding after the closing, as a result of obligations to purchase additional shares due to defaults by other Underwriters. Moreover, one or more of the Underwriters who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of shares of the Company's Common Stock to be outstanding after the closing, may, as Underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Such a distribution would not meet the requirement of Rule 16b–2(a)(3).

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets other than cash or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the shares will be offered and sold. No partner, director or officer of Applicant is a director or officer of either the Company or the Adviser or Pacific Mutual Life Insurance Company, and Applicant states that it is not anticipated that any partner, director or officer of any other Underwriter will be a director or officer of the Company, the Adviser or Pacific Mutual Life Insurance Company.

Applicant maintains that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which Section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 25, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication, should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21586 Filed 10-10-73;8:45 am]

[70-5388]

EASTERN UTILITIES ASSOCIATES AND BLACKSTONE VALLEY ELECTRIC CO.

Notice of Proposed Issue and Sale of Short Term Note to Bank by Holding Company, and Open Accunt Advance by Holding Company to Subsidiary

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and its electric utility subsidiary company, Blackstone Valley Electric Company ("Blackstone") P.O. Box 1111, Lincoln, Rhode Island 02685, have filed a declaration and an amendment thereto with this Commission designating sections 6(a), 7, 12(b), 12(e), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes a series of transactions regarding a reallocation of the securities of Montaup Electric Company ("Montaup"). As the initial steps, EUA will borrow $14,500,000 from The Chase Manhattan Bank (N.A.) ("Chase") and will issue to Chase its note in that amount, maturing in not more than 90 days, bearing interest at 11.5 percent of the prime rate in effect at Chase from time to time, and prepayable in whole or in part at any time without penalty. There is no compensating balance required in connection with the loan. Assuming a prime rate of 10%, the interest rate on the loan would be 11.5 percent.

EUA will make an advance of $14,500,000 on open account to Blackstone which will be subordinated to rights of holders of preferred stock of Blackstone. Blackstone proposes to use the funds so advanced to pay its First Mortgage and Collateral Trust Bonds, 3 percent Series due November 1, 1973 and 9 percent Second Series due November 1, 1973, said Bonds aggregating $14,515,000 in principal amount.

Declarants state that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given, that any interested person may, not later than October 29, 1973, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles

from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended and as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21587 Filed 10-10-73;8:45 am]

[812-3324]

FUNDAMATIC INVESTORS, INC.

Notice of Application for Continuation of Prior Order and Order Granting Temporary Relief

Notice is hereby given that Fundamatic Investors, Inc. ("Applicant"), c/o Sidney R. Pine, Valicenti Leighton Reid & Pine, 437 Madison Avenue, New York, New York 10022, a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting the following: (a) The continued suspension of the right of redemption of Applicant's outstanding redeemable securities; and (b) the continued suspension of payment for shares which have been submitted for redemption but for which payment has not been made, such order to continue until December 31, 1973. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Commission has previously, by order dated March 28, 1973 (Investment Company Act Release No. 7742), granted relief permitting applicant to suspend redemption and to postpone payment upon redemption. Pursuant to its terms, that Order was to expire 60 days from its date or such later time as the Commission might by order determine. On May 14, 1973, Applicant filed an application for a renewal of that Order.

The Commission filed a complaint against Applicant in the United States District Court for the Southern District of New York ("Court") on October 26, 1972, seeking to enjoin certain alleged violations of various provisions of the Act and the appointment of a receiver and trustee of the assets of Applicant. On November 10, 1972, the court issued a preliminary injunction against further violations of the Act and appointed a receiver as requested by the Commission. Applicant states that it is still not reasonably practicable for it to determine the value of its net assets within the meaning of section 22(e)(2)(B), and that, therefore, it is not possible for Applicant properly to compute its net assets value per share.

Applicant has submitted a plan to the Court which, if approved, will result in the sale of Applicant's portfolio securities and the application of the proceeds thereof to payment of Applicant's liabilities, with the remaining proceeds, if any, to be distributed to Applicant's shareholders on a *pro rata* basis. Applicant submits that, if the plan is approved by the Court, after a hearing on the fairness of the plan, its effectuation may not be accomplished until December 31, 1973.

Section 22(e) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant also requests that the Commission issue, together with this notice, a temporary order permitting (a) suspension of the right of redemption of Applicant's outstanding redeemable securities, and (b) suspension of payment for shares which have been submitted for redemption but for which payment has not been made, such order to continue in effect until further action is taken by the Commission.

The Commission has considered the matter and hereby finds, on the basis of information stated in the application, and in view of the nature of the application, that it is necessary for the protection of security holders of Applicant that there be issued together with the notice of the application a temporary order permitting the suspension of the right of redemption and postponement of payment until further order of the Commission upon this application.

Accordingly, it is ordered, Pursuant to section 22(e)(3) of the Act, that Applicant be, and is, hereby, permitted until further order of the Commission (1) to suspend the right of redemption of its outstanding redeemable securities, and (2) to suspend payment for shares which have been submitted for redemption but for which payment has not been made.

Notice is further given that any interested person may, not later than October 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21588 Filed 10-10-73;8:45 am]

[70-5391]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issue and Sale of Common Shares by Holding Company

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to issue and sell 1,250,000 additional shares of its authorized but unissued common shares, par value $1.00 per share. The proceeds of the sale of the common shares are to be added to the general funds of NEES and used for any or all of the following purposes: (i) Investment in its subsidiaries through loans to such subsidiaries, purchase of additional shares of their capital stock, or capital contribuitons, (ii) payments of short-term indebtedness of NEES, incurred to make such investments in subsidiaries, or (iii) general purposes of the company. The declaration states that such common shares will be sold under competitive bidding to be carried out in accordance with the requirements of Rule 50.

The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons

for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon NEES at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-21589 Filed 10-10-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1014]

SOUTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of South Carolina;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Laurens County, South Carolina, and adjacent affected areas, suffered damage or destruction resulting from flooding caused by heavy rains and overflow of river on September 13, 14 and 15, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration, District Office, 1801 Assembly Street, Columbia, S.C. 29201.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 29, 1973.

Dated September 28, 1973.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.73-21543 Filed 10-10-73;8:45 am]

INVESTMENT COMPANY NATIONAL ADVISORY COUNCIL

Notice of Meeting

A meeting of the Small Business Administration Small Business Investment Company National Advisory Council will be held on Tuesday, October 23, at 9 a.m. in the Administrator's Conference Room 1003 of the Small Business Administration, 1441 L Street Northwest, Washington, D.C., to discuss new regulations and other matters which the council members may propose and which fall within the authority of the council to advise the Small Business Administration.

Dated October 3, 1973.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.73-21544 Filed 10-10-73;8:45 am]

TARIFF COMMISSION

[TEA-I-27, Supplemental]

BALL BEARINGS, INCLUDING BALL BEARINGS WITH INTEGRAL SHAFTS

Notice of Investigation

At the request of the President (reproduced herein), the United States Tariff Commission, on October 4, 1973, instituted an investigation pursuant to section 351(a)(4) of the Trade Expansion Act of 1962, to furnish supplemental material to the July 1973 Report to the President on Investigation No. TEA-I-27, Antifriction Balls and Ball Bearings, including Ball Bearings with Integral Shafts, and Parts Thereof (Tariff Commission Publication 597).

The text of the President's letter of September 28, 1973, to the Commission follows:

Since receipt on July 20, 1973, of the report of the Tariff Commission on its escape clause investigation of Antifriction Balls and Ball Bearings, including Ball Bearings with Integral Shafts and Parts thereof, the Executive Branch has been conducting an extensive examination of all aspects of this case. In the course of this examination, certain recent developments have been noted which must be considered in reaching a decision. In particular, certain evidence, while incomplete, suggests that substantial price increases on imported ball bearings resulting from currency adjustments and higher costs abroad have combined with a strong domestic demand to generate a rise in domestic production and to reduce the competitive pressures on U.S. producers.

In view of the importance of the ball bearing industry in the domestic economy as well as the large amount of trade involved, more current data is needed on certain key aspects of this case. I am therefore requesting the Tariff Commission, under section 351(a)(4) of the Trade Expansion Act of 1962, to furnish the necessary additional information in a supplementary report.

Listed below is the supplemental material which should be prepared. Such material, except for items 5 and 6, should cover only products on which the Commission found affirmatively.

1. *U.S. producers' shipments.* Date showing 1973 trends in quantity and value, broken down by size categories, together with a comparison of such data with the same months of 1972, and an estimate of the extent of unutilized capacity in the domestic industry.

2. *Prices.* A comparison of current selling prices of U.S. producers and importers for the most popular types and sizes of ball bearings, including data on the extent to which the prices of imports have been raised since the currency realignment of February 1973.

3. *Costs.* A comparison of U.S. producers' costs and importers' costs in 1973 for representative ball bearings, if possible for several of the models on which price data are obtained.

4. *Trade.* Data on trends in quantity and value of imports and exports in 1973 compared with the same months of 1972, by tariff items and by principal trading partners.

5. *Profit and loss.* Data on earnings of U.S. producers for as recent a data as possible.

6. *Employment.* Data on changes in the number of production employees and manhours worked since the end of 1972.

In addition to the above data, I would appreciate the inclusion in the supplementary report of any other material on recent developments which the Commission considers relevant to a decision in this case. Because the case is so important for the industry, I would urge you to furnish the information requested as soon as possible.

Sincerely,

RICHARD NIXON.

Written submission. Interested parties may submit written statements of information and views of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on November 13, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in section 201.6 of the Commission's rules of practice and procedure.

Issued October 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-21561 Filed 10-10-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL

Meeting of Committee on Industrial Safety

A meeting of the Labor Research Advisory Council's Committee on Industrial Safety will be held on November 6 at 10:00 a.m. in Room 4454 General Accounting Office Building, 441 G Street, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda for the meeting follows:

1. Introductory Remarks.
2. Annual Survey Program: July–December 1971 survey, 1972 survey, 1973 survey.
3. Quality Measurement Survey.
4. Proposed Recordkeeping Revision.
5. State Grants Activities.
6. New York State Study.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961–2247.

Signed at Washington, D.C., this 4th day of October 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73–21552 Filed 10–10–73;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HEAT STRESS

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Heat Stress, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Wednesday October 24, 1973, starting at 9:00 a.m. in Room 216 A, B, C, & D Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C. and on Thursday October 25, 1973 starting at 9:00 a.m. in Conference Room B, Department Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The agenda provides for committee review of a preliminary draft of a recommended Heat Stress standard.

The meeting will be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary. Any such submission received by October 19, 1973, will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the Committee are asked to defer their presentations until the next meeting, tentatively scheduled for November 1973. This is necessary to ensure that adequate time be allotted to the consideration of the main agenda item.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committees, OSHA–OSMC
Railway Labor Building—Room 509
U.S. Department of Labor, Washington, D.C. 20210

Signed at Washington, D.C., this 4th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–21553 Filed 10–10–73;8:45 am]

[V–73–24]

GRUBB & ELLIS DEVELOPMENT CO.

Notice of Application for Variance

Notice of application. Notice is hereby given that Grubb & Ellis Development Company, 1939 Harrison Street, Suite 500, Oakland, California 94612 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.66(b)(3) concerning powered platforms for exterior building maintenance.

The address of the place of employment that will be affected by the application is as follows:

Grubb & Ellis Development Company
1333 Broadway
Oakland, California 94612

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which requires that all new powered platforms for exterior building maintenance meet the design, construction, installation and maintenance requirements of Parts II and III of ANSI A120.1–1970.

The applicant states that the vertical rise of the platform on its building will vary from 117 to 137 feet. Much of the east elevation has recessed store front windows which are impossible to wash from the platform. The curtain wall has a recessed spandrel beam at each floor which makes impossible the inclusion of the continuous T-rails or indented mullions required by Paragraph 11.2.1 of ANSI A120.1–1970 on buildings having powered platforms with a rise of at least 130 feet.

The applicant proposes to use a platform equipped with angulated roping. The platform suspension point is 6" in from the center of the stirrup so the platform has initial pull-in. At the 8th and 4th floors eye-bolts will be installed for tying-in the wire ropes for added pull-in as the platform descends. The drawings also show that the platform is equipped with building face wheels.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street, NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area offices:

REGIONAL OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

AREA OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street
Room 1706
San Francisco, California 94102

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance, not later than November 12, 1973.

In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance not later than November 12, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Standards, Room 504.

Signed at Washington, D.C., this 4th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–21594 Filed 10–10–73;8:45 am]

[V–73–25]

STAR TEXTILE AND RESEARCH, INC.

Notice of Application for Variance

Notice of application. Notice is hereby given that Star Textile and Research, Inc., Cohoes, New York 12047 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.178(m)(9) concerning overhead guards on trucks and 29 CFR 1910.262(d)(4) concerning removal of foreign ferrous material from textile opener lines.

The address of the place of employment that will be affected by the application is as follows:

Star Textile and Research, Inc.
Plant No. 1
Saratoga and Courtland Streets
Cohoes, New York 12047

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.178 (m)(9) which requires an overhead guard on trucks for protection against falling objects; and by 29 CFR 1910.262 (d)(4) which requires magnetic or tramp iron separators or other means for removing foreign ferrous material from textile opener lines.

Concerning 29 CFR 1910.178(m)(9), the applicant states that it uses overhead guards on its trucks in most locations. However, in Plant No. 1 warehouse and Plant No. 1 third floor there is not sufficient clearance for trucks with overhead guards. However, the applicant states that the trucks handle only bales of 200–1000 lbs., 2x3x3 to 6 ft., which are lifted with hydraulic bale clamps.

If the clamps fail, the bale can only fall vertically in front of the truck. No small or loose packages are lifted, and nothing is stacked on pallets, so there is no danger from falling packages.

Concerning 29 CFR 1910.262(d)(4) the applicant states that it processes only synthetic fibers which contain only non-ferrous foreign material. Therefore, magnetic or tramp iron separators would not be useful. The applicant further states that the fibers are handled four times while being prepared for the picking machine. This eliminates the possibility of foreign material being fed into the picking machine.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

REGIONAL OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance, not later than November 12, 1973.

In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance not later than November 12, 1973.

In conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 4th day of October, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21595 Filed 10-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 80]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 5, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before November 12, 1973. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

No. MC 491 (Sub-No. 2), filed July 6, 1973. Applicant: MARSH EXPRESS, INC., P.O. Box 447, Glassboro, New Jersey 08028. Applicant's representative: Jacob P. Billig, 1108 16th Street, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Toys and parts thereof, and containers, and equipment, materials, and supplies* used or dealt in by Tyco Industries, between Philadelphia, Pa., and its commercial zone, on the one hand, and, on the other, the plantsite and facilities of Tyco Industries at West Deptford Township, N.J.

NOTE.—Applicant states that the requested authority will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 1668 (Sub-No. 5), filed July 27, 1973. Applicant: RITEWAY EXPRESS, INC., 285 Old Hook Road, Westwood, N.J. 07675. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Rockland County, N.Y., on the one hand, and, on the other, points in Dutchess, Putnam, and Sullivan Counties, N.Y.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in MC 1668 and Subs 3 and 4 at points in Rockland County, N.Y. to serve the New York and New Jersey area covered by applicant's present authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2900 (Sub-No. 240), filed June 21, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and materials* useful in installation thereof, from Abbeville, S.C., to points in Alabama, Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, restricted to the transportation of shipments originating at Abbeville, S.C., and destined to the named points.

NOTE.—Common control may be involved. Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 2900 (Sub-No. 241), filed June 21, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings and materials* useful in the installation thereof; and (2) *iron and steel articles* (except commodities which because of size and weight require the use of special equipment), from Holt, Ala., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the named origin.

NOTE.—Common control may be involved. Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 5470 (Sub-No. 82), filed June 12, 1973. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and silicon metals*, in dump vehicles, from Ashtabula, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, and Michigan.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Ashtabula, Ohio; (1) with MC 5470 from points in Pennsylvania and New York west of U.S. Highway 15; (2) Sub-No. 11 from Niagara Falls, N.Y., and Graham, W. Va.; (3) Sub-No. 40 from Erie, Pa.; (4) Sub-No. 45 from Bridgeport, Conn., Newport News, Va., and Newark, N.J.; to provide a through service to points in Illinois, Indiana, Iowa, Kentucky and Michigan; and (5) Sub-No. 51 from Charleston, S.C. and (6) Sub-No. 56 from Alloy, W. Va.; to serve points in Iowa, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 22426 (Sub-No. 14), filed July 20, 1973. Applicant: LONGVIEW MOTOR TRANSPORT CO., a Corporation, P.O. Box 1366, Longview, Wash. Applicant's representative: Kenneth G. Thomas, 620 Southwest Fifth Avenue, Suite 1010, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities in cargo vans, and containers and empty cargo vans, and containers*, restricted to shipments having a prior or subsequent movement by water or air, between Longview, Wash., on the one hand, and, on the other, Seattle and Tacoma, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necesasry, applicant requests it be held at Portland, Oreg.

No. MC 42261 (Sub-No. 115) (correction), filed August 6, 1973, published in the FEDERAL REGISTER issue of September 20, 1973, and republished as corrected this issue. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, such as plastic powder, flakes, granules, lumps, pellets, or solid mass, in bulk, in plastic liners, in van type vehicles, on traffic having a prior or subsequent movement by water from the plantsite of General Electric Company, located at or near Selkirk, N.Y., to points in New York Harbor as defined in Ex Parte No. 140.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to indicate applicant seeks to restrict its operations to traffic having a subsequent as well as prior movement by water. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 42537 (Sub-No. 49), filed July 16, 1973. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, P.O. Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, 900 Circle Tower Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles and new trucks* in initial movements in truckaway service and *new bodies, new cabs, new chassis and parts thereof*, from the manufacture and assembly facilities of Chrysler Corporation in Wayne and Macomb Counties, Mich., and the ports of entry on the international boundary line between the United States and Canada, located near Detroit, Mich., to points in Wisconsin; and (2) *automobiles and trucks* in secondary movements in truckaway service, *bodies, cabs, chassis, and parts thereof*, between points in Wayne and Macomb Counties, Mich., on the one hand, and, on the other, points in Wisconsin; (1) and (2) above restricted to the transportation of traffic originating at Chrysler Corporation plants.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 44735 (Sub-No. 8), filed July 25, 1973. Applicant: KISSICK TRUCK LINES, INC., 1600 Genesee, Kansas City, Mo. 64101. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Kansas City, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Nebraska, and Oklahoma, restricted against tacking with existing authority at points within the Kansas City-Missouri, Kans., commercial zone as defined by the Commission.

NOTE.—Applicant states that the requested authority can be tacked at Chicago, Ill., with applicant's existing authority (Sub-No. 4) to provide service between points in the Chicago, Ill., commercial zone as defined by the Commission; and with (Sub-No. 6) to provide service between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Jefferson City, Mo.

No. MC 51146 (Sub-No. 332), filed July 13, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles Singer, Suite 100, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, distributed, or used by Minnesota Mining and Manufacturing Company (except commodities in bulk), between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, lower peninsula of Michigan, Mississippi, Missouri, New Mexico, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the plantsite and storage facilities of Minnesota Mining and Manufacturing Company at or near Knoxville, Iowa, restricted to traffic originating at and destined to the territory described above, in a non-radial movement.

NOTE.—Common control was approved in MC-F-10280 and MC-F-11307. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 334), filed August 17, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat byproducts*, from Green Bay,

Wis., to points in Minnesota, Iowa, Illinois (excep Chicago, Ill. and its commercial zone), Michigan, Indiana, Kentucky, West Virginia, Virginia, South Carolina, Maryland, Delaware, Pennsylvania, Ohio, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia; (2) *cheese, cheese products, and specialty gift packages,* from Waupaca, Madison, and Monroe, Wis., to points in Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Connecticut, Rhode Island, Indiana, Michigan, Ohio, New Jersey, West Virginia, and the District of Columbia; and (3) *canned goods,* (a) from points in Manitowoc, Sheboygan, Columbia, Milwaukee, Fond du Lac, Waukesha, and Calumet Counties, Wis., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Missouri, Arkansas, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and the District of Columbia; (b) from points in Outagamie County, Wis., to the destinations named in (3)(a) above (except St. Louis, Mo., and points in Illinois); and (c) from points in Jefferson County, Wis., to the destinations named in (3)(a) above (except St. Louis, Mo., and points in Illinois, Indiana, and Ohio).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Green Bay, Fond du Lac, and Appleton, Wis., to serve Appleton, Green Bay, Neenah, Menasha, Fond du Lac, Oshkosh, West Bend, and Waupun, Wis. Chicago, Ill., could also be served by tacking at Green Bay, Fond du Lac, or Appleton, Wis., although such operation would not seem feasible to serve the destination States involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52861 (Sub-No. 30), filed July 17, 1973. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Edward R. Kirk, 88 East Broad Street, Suite 1660, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pig iron,* in bulk, in dump vehicles, from the plantsite of the Hanna Furnace Corporation, located at Detroit, Mich., to points in Ohio (except Cuyahoga, Geauga, Lorain, and Portage Counties, Ohio).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at the plantsite of the Hanna Furnace Corporation, located at Detroit, Mich. but no new service could be performed. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 55896 (Sub-No. 41), filed July 6, 1973. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48108. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Ohio, on the one hand, and on the other, Fort Wayne, Richmond, and Union City, Ind.

NOTE.—Applicant states that the sole purpose of this application is to obtain the additional gateways of Richmond, Union City, and Fort Wayne, Ind., and does not seek any additional service. Applicant states that the requested authority can be tacked with its existing authority at Richmond, Union City, and Fort Wayne, Ind., to serve points in Indiana and Illinois, however no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 59117 (Sub-No. 41) (Amendment), filed August 9, 1973, published in the FEDERAL REGISTER issue of October 4, 1973, and republished as amended this issue. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* from the plantsite of Farmland Industries, Inc., Nitrogen Plant, located at or near Enid, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, Louisiana, and Texas, restricted to traffic originating at the above named origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the State of Louisiana in the destination territory above. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 74321 (Sub-No. 90), filed August 6, 1973. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Self-propelled cranes, power hammers, and material handling equipment* and (2) *accessories, attachments, and parts,* when moving in mixed loads with the commodities described in (1) above, from Lenexa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Lenexa, Kans., under Sub 10, 32, 34, and 46 on size and weight or self-propelled articles, to provide a through service from points in New Mexico, Louisiana, Texas, Oklahoma, Colorado, Kansas, Nebraska, Navajo or Apache County, Ariz. or San Juan County, Utah, to points in the United States (except Alaska, Hawaii, or Kansas). Applicant further states that the requested authority can be tacked at Lenexa, Kans., under Sub-25 on self-propelled articles to provide a through service from points in Texas, to points in the United States (except Alaska, Hawaii, or Kansas). If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Denver, Colo.

No. MC 83539 (Sub-No. 378), filed August 27, 1973. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe,* from points in Umatilla County, Oreg., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming.

NOTE.—Common control was approved by the Commission in Docket No. MC–F–9241. Applicant states that the requested authority may be tacked with its existing authority in Sub-No. 194, restricted to those commodities whose weight or size require the use of special equipment, at points in Umatilla County, Oreg., Washington, Idaho, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont. to provide service between these points. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 83835 (Sub-No. 109), filed July 20, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Parts of trucks* designed for off-highway use, from the plantsite of Unit Rig & Equipment Co., located at Tulsa, Okla., to Niagara Falls, N.Y.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Tulsa, Okla.

No. MC 95084 (Sub-No. 94), filed July 10, 1973. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment,* (2) *loaders and attachments,* and (3) *parts, accessories, and attachments* for commodities described in (1) and (2) above, from West Bend, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) at Bloomington, Chicago, Kewanee, Moline, Morton, Rockford, Sandwich, and Streator, Ill. to serve various points west of the Mississippi, (2) at Manhattan, Kans., to serve points in Colorado, and (3) at Fort Dodge, Iowa, to provide a through service from West Bend, Wis., to points in Colorado, Nebraska, and Kansas, though no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Minneapolis, Minn., or Kansas City, Mo.

No. MC 95540 (Sub-No. 886), filed July 16, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Donald G. Schubele (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products* (except hides and commodities in bulk), from points in Colorado, to points in the United States in and east of Ohio, Kentucky, Tennessee, Mississippi, and Louisiana (except Maine, Vermont, New Hampshire, and Rhode Island.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 95540 (Sub-No. 887), filed July 20, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, and in tank vehicles), from the plant site and/or storage facilities of DAK Foods, Inc., and the plant site and/or storage facilities of Plumrose, Inc., located at points in New Jersey, to points in Florida and Georgia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 888), filed July 9, 1973. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1940 Monroe Drive, NE., Atlanta, Ga. 30301. Applicant's representative: Lyle E. Welch, 2715 Ellis Street, Ft. Worth, Tex. 76106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium, and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Inc., located at Albany, Atlanta, Doraville, and Decatur, Ga., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 96498 (Sub-No. 34), filed July 5, 1973. Applicant: BONIFIELD BROS. TRUCK LINES, INC., P.O. Box 40, West Frankfort, Ill. 62896. Applicant's representative: F. Neil Aschemeyer, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wickliffe and Fulton, Ky. From Wickliffe over U.S. Highway 51 to Fulton, and return over the same route, serving all intermediate points; (2) Between Wickliffe, and Paducah, Ky.: From Wickliffe over U.S. Highway 60 to Paducah, and return over the same route, serving no intermediate points; (3) Between Wickliffe and Paducah, Ky.: From Wickliffe over Kentucky State Highway 286 to junction U.S. Highway 62, thence over U.S. Highway 62 to Paducah, and return over the same route, serving no intermediate points; (4) Between Paducah, Ky., and South Fulton, Tenn.: From Paducah over U.S. Highway 45 to Fulton, and return over the same route, serving all intermediate points; (5) Between Metropolis, Ill., and South Fulton, Tenn.: From Metropolis over Interstate Highway 24 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Purchase Parkway, thence over Purchase Parkway to South Fulton, and return over the same route, serving all intermediate points; (6) Between Wickliffe and Murray, Ky.: From Wickliffe over Kentucky State Highway 121 to Murray, and return over the same route, serving all intermediate points; (7) Between South Fulton, Tenn. and Murray, Ky.: From South Fulton over U.S. Highway 45 to junction Kentucky State Highway 94, thence over Kentucky State Highway 94 to Murray, and return over the same route, serving no intermediate points; and (8) Between Paducah and Murray, Ky.: From Paducah over U.S. Highway 62 to junction Purchase Parkway, thence over Purchase Parkway to junction U.S. Highway 641, thence over U.S. Highway 641 to Murray, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Paducah, Ky.

No. MC 99208 (Sub-No. 11), filed May 7, 1973. Applicant: SKYLINE TRANSPORTATION, INC., P.O. Box 3569, 131 Quincy Ave., Knoxville, Tenn. 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring speical equipment because of size or weight), (1) Between Harlan, Ky., and Cincinnati, Ohio; (a) From Harlan, Ky., over U.S. Highway 421 to junction U.S. Highway 119; thence over U.S. Highway 119 to junction U.S. Highway 25E (south of Pineville, Ky., for purposes of joinder only), thence over U.S. Highway 25E to junction Interstate Highway 75 (via access road), thence over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route, serving the intermediate point of Pineville, Ky., and serving Barbourville, Ky., as an off-route point; (b) From Harlan, Ky., over U.S. Highway 421 to junction Daniel Boone Parkway, thence over Daniel Boone Parkway to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route authority in (1) (a) above; (2) Between Harlan, Ky., and Charleston, W. Va.; (a) From Harlan, Ky., over U.S. Highway 421 to junction U.S. Highway 119, thence over U.S. Highway 119 to Charleston, W. Va., and return over the same route, serving no intermediate points; (b) From Harlan, Ky., over U.S. Highway 421 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Interstate Highway 64, thence over Interstate Highway 64 to Charleston, W. Va., and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular route operations in (2) (a) above; (c) From Harlan, Ky., over U.S. Highway 421 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 25E south of Pineville, Ky., for purposes of joinder only, thence over U.S. Highway 25E to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 64 at or near Lexington, Ky., thence over Interstate Highway 64 to Charleston, W. Va., and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations in (2) (a) above; (3) Between Middlesboro, Ky., and Cincinnati, Ohio: From Middlesboro, Ky., over U.S. Highway 25E to juncton Interstate Highway 75 (via access road), thence over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route, serving the intermediate point of Pineville, Ky., and the off-route point of Barbourville, Ky.; and (4) between Middlesboro, Ky., and Charleston, W. Va.: From Middlesboro, Ky., over U.S. Highway 25E to junction Interstate Highway 75 (via access road), thence over Interstate Highway 75 to junction Interstate Highway 64 at or near Lexington, Ky., thence over Interstate Highway 64 to Charleston, W. Va., and return over the same route serving the Intermediate point of Pineville, Ky., and the off-route point of Barbourville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Ky.

No. MC 105045 (Sub-No. 43), filed August 2, 1973. Applicant: R. L. JEFFRIES TRUCKING CO., INC., a Corporation, P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum articles*, from the plantsite and warehouse facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill., to points in Connecticut, Delaware, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing size and weight authority in (1) Sub-No. 1 at Indiana, Illinois, and Kentucky to provide a through service from the plantsite at Grundy County, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas; and (2) Sub-No. 33 at Pennsylvania, West Virginia, Maryland, Virginia, and the District of Columbia to provide service between these points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105501 (Sub-No. 9), filed July 30, 1973. Applicant: TERMINAL WAREHOUSE COMPANY, a Corporation, 498 First Street NW., New Brighton, Minn. 55112. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Illinois, Indiana, Kentucky, Missouri, Ohio, Pennsylvania, and Wisconsin, to points in Iowa, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105940 (Sub-No. 7), filed July 3, 1973. Applicant: SAFEWAY TRUCKING CORPORATION, Building No. 221, Elizabeth Port Authority Marine Terminal, McLester Street, Elizabeth, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between the site of East Coast Warehouse and Distribution Corp. at Elizabeth, N.J., on the one hand, and, on the other, points in New Jersey.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at the site of East Coast Warehouse and Distribution Corp. at Elizabeth, N.J. (1) in Sub-No. 4 to serve points in Nassau and Westchester Counties, N.Y. (except within the New York commercial zone), and (2) in Sub-No. 6 to serve points in Suffolk, Orange, and Rockland Counties, and New York, N.Y., and Fairfield, Hartford, and New Haven Counties, Conn. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 106676 (Sub-No. 3), filed July 9, 1973. Applicant: DON MOORE, doing business as MOORE TRANSPORTATION COMPANY, a corporation, 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Oilfield equipment and pipe, when moving as oilfield equipment; pipe when it is to be used in the construction of pipe lines of any and every other character or use other than oilfield equipment, between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than four inches (4") in diameter and is also less than twenty-eight feet (28') in length; trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laying, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, as follows:

The holder of this authority may transport the above-named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof; absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casinghead, Christmas tree, stuffing, knock-off, screen setting, seating and set shoe; asphalt plant; asphalt or pipe line coating, in barrels or drums; bailers; barges; benders, pipe; blowout preventers; boons, crane, truck, dragline, derrick and tractor; brakes and parts; bridges, portable; buckets, clam shell, dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; cross-ties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightener; ladders, derrick; light plants; machinery, pipe screeing, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery; water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats;

Mud houses; mud mixers; mud tanks; mufflers (heavy); mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles, gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes; radiators (heavy); reamers; reinforcing steel; retorts, iron or steel; river clamps; rod, reinforcing and sucker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screen; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels, suctions; spears and fishing tools; take-offs, power; tool joints; towers, treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader;

boring machines or mills, including parts and equipment; dam and power plant machinery and equipment (control gates); collars, including drill or pipe; counterbalances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses, trailer, mounted units, including mounted workover units, treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment as follows:

The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities or equipment," is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof, between points in Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. This is a matter related to a finance proceeding in MC-FC 74648. Applicant seeks by this application to convert its Certificate of Registration into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107064 (Sub-No. 97), filed August 17, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers, and liquid fertilizer ingredients*, from Gray, Kans., to points in Colorado, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority can be tacked at points in Moore County, Tex., in Sub 37 on fertilizer, fertilizer solutions, in bulk, in tank and/or hopper type vehicles, to serve points in Arizona, and in Sub 38 at points in Terry, Lubbock, Hale, and Deaf Smith Counties, Tex., on fertilizer solutions, liquid fertilizer ingredients, and liquid phosphoric acid, in bulk, in tank vehicles, to serve points in Mississippi, Missouri, Alabama, Georgia, South Carolina, Tennessee (except Kingsport), Arkansas, Kentucky, Indiana, Illinois, Iowa, Nebraska, Kansas, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107515 (Sub-No. 865), filed July 12, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products* (except hides), from points in Colorado to points in the United States in and east of Ohio, Kentucky, Tennessee, Mississippi, and Louisiana (except Maine, Vermont, New Hampshire, and Rhode Island).

NOTE.—Common control was approved by the Commission in Docket No. MC-F-11214 and MC-F-11600. Dual operations also may be involved. Applicant states that the requested authority can be tacked with its existing authority, but that no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., and that an additional hearing be held at Atlanta, Ga.

No. MC 108676 (Sub-No. 54) (correction), filed June 24, 1973, published in the FEDERAL REGISTER issue August 30, 1973, and republished as corrected, this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer chassis and attachable parts* for trailer chassis, from Bristol, Va., to Knoxville, Tenn.; (2) (a) *steel culvert pipe, parts and accessories* and (b) *steel sheet, guard rails, and parts and accessories* for such commodities, from Jeffersonville, Ind., and Girard, Ohio, to points in Tennessee, on and east of U.S. Highway 27; and (3) *self-propelled motor vehicles*, each weighing less than 15,000 pounds, from the plant site of Long-Airdox, Inc., at or near Knoxville, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate in (1) above: (a) the correct origin point of Bristol, Va., previously published in error; and (b) the addition of the commodity attachable parts for trailer chassis, erroneously omitted in the original notice. Applicant states that the requested authority in (2) above can be tacked with its existing authority at points in Tennessee to serve points in Alabama, Georgia, North Carolina, South Carolina, and Virginia, but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 109397 (Sub-No. 287), filed July 16, 1973. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Business Route I-44 East), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, and plywood, accessories, materials, and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, supplies, and accessories* used in the manufacture and installation of the commodities described in (1) above, from the destination points specified in (1) above to the plant and warehouse sites of Abitibi Corporation, located at Calhoun County, Fla., restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Detroit, Mich., or Atlanta, Ga.

No. MC 109533 (Sub-No. 55), filed July 26, 1973. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over (A) regular or (B) irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and those requiring the use of special equipment), (A) REGULAR ROUTES: Between Bluefield, W. Va., and Charleston, W. Va.: From Bluefield over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over West Virginia Turnpike (Interstate Highway 77) to Charleston, and return over the same route, serving no intermediate points; or (B) IRREGULAR ROUTES: Between points in the Charleston, W. Va., Commercial Zone. RESTRICTION: The authority granted above shall not be severable by sale or otherwise from the irregular route authority contained in applicant's Sub-No. 45 Certificate.

NOTE.—Applicant states that the irregular route authority sought herein can be tacked with its existing irregular route authority in Sub-No. 45 at Charleston, W. Va., to serve Bluefield, W. Va. Interested parties should file protests with reference to either parts (A) or (B) as appropriate. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 110), filed August 8, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lehigh and Northampton Counties, Pa., to points

in Ohio, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, Colorado, South Dakota, and North Dakota, restricted to traffic originating at Lehigh and Northampton Counties, Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111496 (Sub-No. 13), filed August 16, 1973. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55414. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Fargo, N. Dak., and Williston, N. Dak.: From Fargo, N. Dak., over U.S. Highway 81 to Grand Forks, N. Dak., thence over U.S. Highway 2 to Williston, N. Dak., and return over the same route, serving all intermediate points (except Stanley, N. Dak. and those intermediate between Minot and Stanley, N. Dak.); (2) Between Fargo, N. Dak., and Grand Forks, N. Dak.: From Fargo, N. Dak., over Interstate Highway 29 to Grand Forks, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations; and (3) Between Minot, N. Dak., and Fortuna, N. Dak.: From Minot, N. Dak., over U.S. Highway 52 to junction U.S. Highway 52 and North Dakota Highway 5 near Lignite, N. Dak., thence west over North Dakota Highway 5 to Fortuna, and return over North Dakota Highway 5 to junction U.S. Highway 85, thence over U.S. Highway 85 to the east junction of U.S. Highway 85 and North Dakota Highway 50, thence over North Dakota Highway 50 and unnumbered County Road to junction U.S. Highway 52, thence south over U.S. Highway 52 to Minot, serving Minot and all intermediate and off-route points of Lignite, Colgan, Ambrose, Columbus, Larson, Corinth, Wildrose, and Hamlet restricted against service to points on U.S. Highway 52 (except Minot, N. Dak.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 111871 (Sub-No. 8), filed August 29, 1973. Applicant: SOUTHEASTERN FREIGHT LINES, a Corporation, P.O. Box 5887, Columbia, S.C. 29250. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, Ga., and Charlotte, N.C.: From Atlanta, Ga., over Interstate Highway 85 to Charlotte, N.C., and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbia, S.C., Atlanta, Ga., or Charlotte, N.C.

No. MC 112520 (Sub-No. 273), filed July 6, 1973. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Florida and Georgia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub-Nos.: 61 at Pace Junction, Fla., on aqueous ammonia to serve Mobile, Ala.; 68 at Pace, Fla., on aqueous ammonia to serve points in Alabama and Mississippi; 74 at Pace, Fla., on anhydrous ammonia and nitrogen fertilizer solution to serve points in Alabama; 75 at Pace, Fla., on anhydrous ammonia and nitrogen fertilizer solution to serve points in Alabama, Louisiana, and Mississippi; 160 at Occidental, Fla., on anhydrous ammonia to serve points in Alabama; 169 at Tift County, Ga., on liquid fertilizer to serve points in Alabama; 172 Dougherty County, Ga., on anhydrous ammonia to serve points in Alabama; 213 at points in Decatur County, Ga., on anhydrous ammonia to serve points in Alabama; 232 at Albany, Ga., on fertilizer and fertilizer materials, to serve points in Alabama; 239 at points in Sumter County, Ga., on fertilizer solution, to serve points in Alabama; 87 at points in Escambia County, Fla., to provide a through service from Luling, La., on liquid chemicals (with exceptions) to serve points in Georgia; 102 at points in Florida to provide a through service from the plantsite of American Cyanamid at Avondale, La., on liquid acid and chemicals, to serve points in Georgia; 191 at Port St. Joe, Fla., on liquid chemicals (with exceptions) to serve points in Alabama, Louisiana, and Mississippi; 204 at the plantsite of Monsanto Company located at or near Gonzalez and Pensacola, Fla., on liquid acids and chemicals to serve points in Louisiana and Texas; 208 at the terminal and storage facilities of Wyandotte Chemical located in Escambia County, Fla., on liquid chemicals to serve points in Alabama; 10 at points in Florida on sulphuric acid to provide a through service from Mobile, Ala., to points in Georgia; 207 at the plantsite of Cotton Producers Association in Crisp and Effingham Counties, Ga., on hydrofluosilicic acid to serve points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Nebraska, Ohio, Tennessee (on and west of U.S. Highway 27), Illinois and Missouri (except St. Louis, Mo.-East St. Louis, Ill., commercial zone);

242 at the plantsite of Cotton Producers Association in Crisp and Effingham Counties, Ga., on hydrofluosilicic acid to serve points in North Carolina, South Carolina, Virginia, and Tennessee (east of Highway U.S. 27); 245 at facility of International Minerals & Chemicals at Americus, Ga. on hydrofluosilicic acid to serve points in Alabama; 10 at Panama City, Fla., on rosin, tall oil, tall oil products, resinous compounds, resinous oils, and pinene to serve Mobile Ala.; 15 at Valdosta, Ga., on plastic synthetic to serve El Dorado, Ark.; 16 at Port St. Joe, Fla. on rosin, tall oil, tall oil products, resinous compounds, resinous oils and pinene to serve points in Alabama, Louisiana, and Mississippi; 17 at Pensacola, Fla., on rosin to provide a through service from Prichard, Ala., to points in Georgia and to serve Bayminette, Ala.; 18 at Pensacola, Fla., on rosin derivatives, tall oil products and, resinous compounds to serve points in Alabama, Mississippi, North Carolina, South Carolina, and Texas; 25 at Valdosta, Ga., on rosin oil, plastic synthetic and ester gum to serve points in Alabama, Arkansas, Indiana, Kentucky, Mississippi, Missouri, Ohio, and Illinois (except Jacksonville); 34 at Panama City, Fla., on tall oil rosin to serve Moss Point, Miss.; 62 at Valdosta, Ga., on tall oil, rosin to serve Mobile, Ala.; 116 at Panama City, Fla., on rosin, soap, rosin, and toluene mix, rosin and benzene mix to serve points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas (except Harris County); 183 at Florida east of Apalachicola River (except Jacksonville, Panama City, and Port St. Joe) on tall oil and tall oil products to serve points in South Carolina, North Carolina, and Virginia; 238 at Appling County, Ga., on rosin solution to serve points in Arkansas, Ohio, and Indiana; 1 at Mobile, Ala., and Moss Point, Miss., and (points within 5 miles of each) to Panama City, Fla., and (points within 5 miles) on black liquor and pulp mill liquid to serve points in Georgia; 2 at Port St. Joe, Fla., on black liquor to serve Bayminette and Fox, Ala., and on waste liquor to provide a through service from Bayminette and Fox, Ala., to points in Georgia; 4 at Panama City, Fla., on waste liquor, spent acids, and liquid waste neutral salts to provide a through service from LeMoyne, Ala., to points in Georgia; 81 at Pensacola, Fla., and plantsite of Air Products and Chemicals in Pace, Fla., on methanol to serve points in Texas;

106 at Santa Rosa County, Fla., on methanol to serve points in Alabama, Louisiana, and Mississippi; 193 at Deer Park, Tex., to Gonzalez, Fla., on anhydrous hydrogen chloride to serve points in Georgia; 231 at Santa Rosa County, Fla., on molten sulphur to serve LeMoyne, Ala.; 252 at Escambia and Santa Rosa Counties, Fla., on molten sulphur to serve points in Alabama, Louisiana, and Mississippi (except Santa Rosa County to LeMoyne); 219 at plantsite of Occidental Chemical at White Springs, Fla. on phosphatic feed ingredients to serve points in Tennessee, Kentucky, Louisiana, Pennsylvania, and New Jersey; 122 at Pensacola, Fla., on creosote oil to serve points in Alabama; 189 at Port St. Joe, Fla., on sulphate of alumina to serve Brewton, Ala.; 196 at Bainbridge, Ga., on animal feed and animal feed supplements to serve points in Alabama, South Carolina, and Tennessee; 247 at Donalsonville, Fla., on animal feed and animal feed supplements to serve points in Alabama. Applicant further states it would be possible to tack the authority sought herein with other authorities it now holds, but operations under such combinations of authority would be extremely circuitous, therefore it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Panama City, Fla.

No. MC 112713 (Sub-No. 153), filed July 2, 1973. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, those of unusual value, and those requiring special equipment), serving the plantsite of Anaconda Aluminum Company near Sebree, Ky., as an off-route point in connection with carrier's regular-route operations.

NOTE.—Common control was approved in Docket No. MC-F-11641. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 113678 (Sub-No. 510), filed July 26, 1973. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Yankton Sioux Industries at or near Wagner, S. Dak., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Kansas, Maine, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia; and (2) *equipment, materials, and supplies*, from the above named origin points, to Wagner, S. Dak.; restricted to traffic originating at the above-named origins and destined to the above named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., Omaha, Nebr., or Denver, Colo.

No. MC 113855 (Sub-No. 280), filed July 19, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above, from the plantsite of the A. O. Smith Corporation, De Kalb, Ill., to points in Alaska, Arizona, California, Idaho, Nevada, Oregon, Washington, Minnesota, South Dakota, North Dakota, Montana, Wyoming, and Utah.

NOTE.—Applicant states that the requested authority can be tacked but that a restriction against tacking would be appropriate. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114106 (Sub-No. 100), filed July 2, 1973. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, P.O. Box 849, Lexington, N.C. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic granules or pellets*, in bulk, from points in Darlington County, S.C., to points in North Carolina.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC-115176 and subs thereto, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 114211 (Sub-No. 203), filed July 23, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *agricultural, industrial and construction machinery and equipment*, (4) *trailers* designed for the transportation of the above-described commodities (except those trailers to be drawn by passenger automobiles), (5) *attachments* for the above-described commodities, (6) *internal combustion engines*, and (7) *parts* of the above-described commodities when moving in mixed loads with such commodities, between Buffalo and Niagara Falls, N.Y., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of shipments originating at the facilities of Deere & Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 158) (correction), filed July 23, 1973, published in the FEDERAL REGISTER issue of August 30, 1973, and republished, as corrected, this issue. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, boilers*, household heating, *hot water storage tanks, and garbage disposals*, from Kankakee, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; restricted against the transportation of commodities which because of size or weight, require the use of special equipment.

NOTE.—The purpose of this republication is to indicate applicant's correct docket No. in MC-114457 (Sub-No. 158), in lieu of No. MC-114458 (Sub-No. 158) which was previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Milwaukee, Wis., or St. Paul, Minn.

No. MC 115654 (Sub-No. 22), filed July 6, 1973. Applicant: TENNESSEE CARTAGE COMPANY, INC., 809 Ewing Ave., Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, Suite 1822 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated located at Doraville, Decatur, Atlanta, and Albany, Ga., to points in Illinois, Indiana, Alabama, Kentucky, Michigan, Ohio, and Tennessee, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 116544 (Sub-No. 141), filed July 24, 1973. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. 64836. Applicant's representative: Floyd F. Knutson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, fruit and citrus products; frozen, fruit and citrus products; and fruit and citrus products not canned and not frozen*, from points in Hildago, Cameron, Willacy, and Starr Counties, Tex., to points in Texas on and north of U.S. Highway 80, and points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Tennessee, Kentucky, Mississippi, Alabama, Florida, and Georgia.

NOTE.—Common control was approved in Docket Nos. MC-F-11513, and MC-F-11820. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116810 (Sub-No. 8), filed July 19, 1973. Applicant: BAIR TRANSPORT, INC., Box 216, Riverside, N.J. 08075. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General*

commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Scranton, Pa., and Danbury, Conn.: From Scranton, Pa., over Interstate Highway 84 to Danbury, Conn., serving no intermediate points, but serving the off-route points in Pennsylvania east of the Susquehanna River and north of Interstate Highway 80, and those off-route points in Massachusetts on and east of U.S. Highway 5, and that part of Connecticut on and east of U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn., and Providence, R.I.

NOTE.—The purpose of the instant application is to eliminate the necessity of providing service through the New York, N.Y., gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 481), filed July 2, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Inc., located at Albany, Atlanta, Doraville, and Decatur, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/MARS, Division of Mars, Incorporated.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Camden, N.J., or Washington, D.C.

No. MC 117765 (Sub-No. 164), filed August 8, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, and *advertising materials and articles* distributed or used by wholesale or retail suppliers, marketers, or distributors of petroleum products, when moving in the same vehicle and at the same time with petroleum products, in containers, from Ponca City, Okla., to points in Illinois, Indiana, Iowa, and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 118831 (Sub-No. 105), filed July 19, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, North Carolina 27262. Applicant's representative: Robert E. Shaw, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Charlotte, N.C., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—Common control was approved in MC-F-7867. Applicant states that the requested authority can be tacked with its existing authority at: (1) Charlotte, N.C. (a) in Sub-Nos. 22 (on liquid chemicals), 32 (on dry commodities), 53 (on lime), 59 (on prilled urea, caustic soda, acetic acid, salt, trichloroethylene, corn starch, and corn syrup) to serve points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, though no new service would be provided; (b) in Sub-No. 54 (on liquid chemicals) to provide a through service from Richmond County, Ga., to the States named above; (c) in Sub-No. 36 (on salt cake) to provide a through service from Raleigh and Greensboro, N.C., to the States named above; (d) in Sub-No. 44 (on liquid chemicals, except petrochemicals) to provide a through service from points in South Carolina to the States named above; (e) in Sub-No. 27 (on dry chemicals) to provide a through service from points in Kanawha County, W. Va., to the States named above; (f) in Sub-No. 38 (on urea) to provide a through service from Wilmington, N.C., to the States named above; (g) in Sub-No. 58 (on chemicals) to provide a through service from Robertson County, Tenn. to Kansas and Wisconsin; (h) in Sub-No. 73 (on chemicals and on dry chemicals, fertilizer, and dry fertilizer materials) to provide a through service from various plantsites within the Norfolk Commercial Zone to the States named above; (i) in Sub-No. 79 (on liquid chemicals) to provide a through service from the plantsite of R. T. Vanderbilt Co., Inc., at or near Murray, Ky., to the States named above, though no new service would be provided; and (j) in Sub-No. 88 (on dry synthetic plastic resins) to provide a through service from points in Greenville County, S.C., to the States named above; and (2) at Charlotte, N.C., and the States named above in Sub-No. 55 (on chemicals) to serve points in all remaining States, though no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte or Raleigh, N.C.

No. MC 118756 (Sub-No. 3), filed November 2, 1972. Applicant: McCANDLISH, INC., 302 Mulberry Street, Bremen, Ohio 43107. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, accessories and parts thereof*, between the plantsite and shipping facilities of Bremen Manufacturing Co., Inc., located at Bremen, Ohio, on the one hand, and, on the other, points in West Virginia, Michigan, Pennsylvania, Kentucky, Indiana, and Maryland, restricted to traffic originating at or destined to the above named plantsite and shipping facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119774 (Sub-No. 73), filed August 23, 1973. Applicant: EAGLE TRUCKING COMPANY, a corporation, 301 E. Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical substations, and related parts, attachments, and accessories* used in the assembly and construction thereof, from Springdale, Ark., to points in Illinois, Wisconsin, Missouri, Michigan, Ohio, Indiana, Kentucky, Tennessee, North Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and (2) *equipment, materials, and supplies* (except commodities in bulk), used in the manufacture and assembly of articles named in (1) above, from points in the destination States named in (1) above, to Springdale, Ark.

NOTE.—Common control may be involved. Applicant states that the required authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Ft. Smith, Ark., or Pittsburgh, Pa.

No. MC 119777 (Sub-No. 268) (correction), filed July 27, 1973, published in the FEDERAL REGISTER of September 20, 1973, and republished as corrected, this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hay balers, construction machinery, tree spades, stump cutters, irrigation equipment, drainage systems, log splitters, log chippers*, and (2) *attachments, parts, and supplies* used in operation of commodities in (1) above, from Pella, Iowa, to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—The purpose of this republication is to indicate that "Hay bales", in item (1), should read, as corrected, "Hay balers". Applicant also holds contract carrier authority in MC 126970 and Subs 1 and 3 thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Lexington, Ky.

No. MC 119875 (Sub-No. 2), filed July 23, 1973. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. No. 2, Wescoesville, Pa. 18106. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (except commodities in bulk), in

vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, located at Elizabethtown, Pa., to points in Maryland.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at the plantsite and warehouse facilities of M&M/Mars, located at Elizabethtown, Pa., to provide a through service from Hunterdon and Warren Counties, N.J., to points in Maryland. If a hearing is deemed necessary, applicant requests it be held at either Allentown, Philadelphia, or Scranton, Pa.

No. MC 119777 (Sub-No. 260) (correction), filed June 18, 1973, published in the FEDERAL REGISTER issue of August 30, 1973, and republished as corrected this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), from Ashland, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin.

NOTE.—The purpose of this republication is to include Tennessee in the destination territory described above, erroneously omitted in the previous notice. Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Ashland, Ky., to provide a through service from Cleveland, Canton, Youngstown, and Warren, Ohio, and points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in the destination state named above. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 123048 (Sub-No. 275), filed July 26, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*, (2) *attachments* for (1) above, and (3) *parts* for (1) and (2) above, from Brodhead, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 129), filed July 2, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air duct*, from Kansas City, Kans., to points in Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Kansas City, Kans., and points in Minnesota, Wisconsin, North Dakota, and South Dakota, to serve points in the United States (except Alaska and Hawaii). Applicant also states that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123407 (Sub-No. 133), filed July 26, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building, and paving materials* (except commodities in bulk), from Mount Vernon, Ind., to points in Michigan, Ohio, Kentucky, West Virginia, Virginia, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Maryland, Pennsylvania, and Indiana, and (2) *materials and supplies* used in the manufacture of the above named commodities (except commodities in bulk), from the destination states named above to Mount Vernon, Ind.

NOTE.—Common control was approved in Docket No. MC-F-71814. Applicant states that the requested authority can be tacked with its existing authority at all of the above named points to serve points in the United States (except Alaska and Hawaii), however applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123407 (Sub-No. 135), filed July 19, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Coatesville, Pa.; Brackenridge, Pa.; West Leechburg, Pa.; Bagdad, Pa.; and New Castle, Ind., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Texas, Wisconsin, and Louisiana.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the above named origin and destination territories, to serve points in the United States (except Alaska and Hawaii). Applicant also states that he has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 564), filed July 26, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Georgia and (2) *cement*, from Mobile, Ala., to points in Florida and Mississippi, and return shipments of cement from the above-named destination States to Mobile, Ala.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in Thomas and Effingham Counties, Ga., on sand, to serve points in Florida and South Carolina; at points in Lee and Lowndes Counties, Miss., on cement, to serve points in Arkansas and Louisiana, and further states that it can be tacked with Sub-Nos. 2, 7, 13, 65, 240, and 380, at Mobile, Ala., to serve points in Florida and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 124211 (Sub-No. 230), filed July 19, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* dealt in and used by distributors and dealers of recreational motor vehicles, designed for off-highway use, motorcycles and motorbikes, between Council Bluffs, Denison, and Ft. Dodge, Iowa, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Kentucky (except Louisville and points in Kentucky within the Cincinnati, Ohio, commercial zone as defined by the Commission), and Kansas City, Mo. (except from Los Angeles, Gardena, Wilmington and Santa Clara, Calif.), to Council Bluffs, Denison, and Ft. Dodge, Iowa, (2) *alcoholic beverages, and beverage preparations*, from points in Johnson and Wyandotte Counties, Kans.; Clay, Jackson, and Platte Counties, Mo.; and Creek, Pawnee, and Tulsa Counties, Okla., to points in the United States (except Alaska and Hawaii), and (3) *paper, and burlap bags, cordage, twine, and yarn*, from Omaha, Nebr., to points in Colorado, Kansas, Missouri, Nebraska, and Wyoming, restricted against tacking with any of applicant's existing authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124711 (Sub-No. 20), filed July 18, 1973. Applicant: BECKER AND SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 606 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas, and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with applicant's lead certificate at Lawrence, Kans., to serve points in Missouri; at a plantsite in Kansas City, Kans., to serve points in Missouri with applicant's Sub-No. 3; at a plantsite in Atchison, Kans., to serve points in Iowa, Missouri, and Nebraska under applicant's Sub-No. 6; under Applicant's Sub-No. 7 at White Cloud, Kans., to serve points in Iowa, Nebraska, and Missouri; and under applicant's Sub-No. 8 at Lawrence, Kans., to serve points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at either Tulsa, or Oklahome City, Okla., or Kansas City, Mo.

No. MC 126672 (Sub-No. 3), filed July 16, 1973. Applicant: SICOTTE TRANSPORTS LTD., 11175 Parkway Boulevard, Ville D'Anjou 437, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost, Repentigny, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, in tank vehicles, and in bags, from ports of entry on the international boundary line between United States and Canada, located at or near Derby Line and Highgate Springs, Vt., Champlain, Trout River, Rooseveltown, Ogdensburg, Alexandria Bay, and Niagara Falls, N.Y., and Jackman, Maine, to points in New Hampshire, Vermont, New York, and Maine, restricted to traffic in foreign commerce originating in the Province of Quebec for the account of Wyandotte Cement Inc.

NOTE.—Common control may be involved. Applicant states that the requested authority If a hearing is deemed necessary, applicant cannot be tacked with its existing authority, requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 129680 (Sub-No. 4), filed May 2, 1973. Applicant: FRANK H. MORRIS, doing business as MORRIS TRANSPORTATION, 188 Broad Street, Wethersfield, Conn. 06109. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building components*, from Gloucester City, N.J., to points in Connecticut and in Hampden County, Mass., under a continuing contract or contracts with Shepard Steel Co., Inc., and New England Steel Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 133751 (Sub-No. 4), filed July 20, 1973. Applicant: RENO-LOYALTON-CALPINE STAGE LINES, INC., P.O. Box 2728, Sacramento, Calif. 95812. Applicant's representative: Michael J. Stecher, 140 Montgomery St., San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) Between Hallelujah Junction and Greenville, Calif.: From the junction of California Highway 70 and U.S. Highway 395 (known as Hallelujah Junction), thence over U.S. Highway 395 to Susanville, Calif., thence over California Highway 36 to junction California Highway 89, thence over California Highway 89 to Greenville, Calif., and return over the same route; and (2) Between the junction of California Highways 36 and 147, and the junction of California Highways 147 and 89: From the junction of California Highways 36 and 147 over California Highway 147 to junction California Highway 89; serving all intermediate points and off-route points in Plumas and Lassan Counties south of U.S. Highway 395 and California Highway 36 in connection with (1) and (2) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Susanville, Calif., or Reno, Nev.

No. MC 134238 (Sub-No. 8), filed August 13, 1973. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream novelties, ice cream, water ices, and dairy products* moving in refrigerated vehicles, from the plantsite of Kroger Co., located at or near Cincinnati, Ohio, to points in Pennsylvania; and (2) *returned, rejected, or damaged shipments* of the commodities named in (1) above, from the abovenamed destinations, to the plantsite of Kroger Co., located at or near Cincinnati, Ohio, under contract with Kroger Co. of Cincinnati, Ohio.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134875 (Sub.-No. 4), filed July 16, 1973. Applicant: JOHN W. SMOOT, Mount Jackson, Va. Applicant's representative: Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Basic fertilizer solutions and basic liquid feed solutions in tank type trailers, and granular fertilizer*, in bags and in bulk, from the plantsite of Valley Fertilizer and Chemical Co., Inc., at or near Mt. Jackson, Va., to points in Maryland, West Virginia, Pennsylvania, the District of Columbia, New Jersey, Delaware, Vermont, North Carolina, South Carolina, Connecticut, Rhode Island and New York.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Winchester, Va., or Washington, D.C.

No. MC 136512 (Sub-No. 4), filed August 13, 1973. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers, snow throwers, lawn blowers and vacuums, leaf and grass shredding machinery, tillers, turf aerators, tractors, vacuum cleaners and parts* thereto, from Windom, Minneapolis, St. Paul, and Burnsville, Minn., to points in Oklahoma and Texas.

NOTE.—Common control was approved in MC-F-11404. Applicant indicates that the requested authority can be tacked at Minneapolis, Minn., with its authority in MC-136512 and Sub 1, but no new service could be provided. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136916 (Sub-No. 6), filed August 27, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, in bulk, from Newton, N.J., and points within 5 miles thereof, to points in New Jersey, Connecticut, Massachusetts, Rhode Island, New York, Delaware, Maryland, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia, restricted to shipments having a prior movement by rail, (2) *salt and salt products*, in bulk, from the facilities of Morton Salt Company, located at Perth Amboy, N.J., to points in Maine, Vermont, New Hampshire, and Virginia, (3) *salt and salt products*, in packages, and *pepper and animal and poultry feed supplements*, in packages, in mixed loads with the commodities in (1) above, from the facilities of Morton Salt Company, located at Perth Amboy, N.J., to points in Maine, Vermont, New Hampshire, and Virginia, and (4) *salt and salt products*, from the facilities of International Salt Co., located at Jersey City, N.J., to points in Maine, Vermont, New Hampshire, and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearng is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138049 (Sub-No. 1), filed June 11, 1973. Applicant: R & S TRUCK SERVICE, INC., Corner Market & Fourth Ave., Lexington, N.C. 27292. Applicant's representative: John H. Smith, 704 West Fifth Ave., Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, tractors, buses, and trailers* (except trailers designed to be drawn by passenger automobiles), as replacement vehicles for wrecked or disabled trucks, tractors, buses, and trailers, from points in Davidson, Randolph, and Rowan Counties, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Ver-

mont, Virginia, West Virginia, and the District of Columbia, and (2) *wrecked and disabled trucks, tractors, buses, and trailers*, from points in the above-named destination states, to points in Davidson, Randolph, and Rowan Counties, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138274 (Sub-No. 3), filed July 3, 1973. Applicant: SHIPPERS BEST EXPRESS, INC., 1656 W. 14600 South, Riverton, Utah 84065. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Washington, California, Oregon, Nevada, Idaho, and Utah.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138308 (Sub-No. 2), filed July 26, 1973. Applicant: K. L. M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, P.O. Box 22628, 717 Deposit Guaranty Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruit, cheese, cured meat, fruit preserves, flower bulbs, fruit syrups, bakery goods, candy and confectionery, live plants, and edible nuts* in shells and any combination thereof, all items being packaged as Christmas gifts, from the plant site and/or warehouse facilities of Harry and David, located at or near Medford, Oreg., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 128592 and (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or San Francisco, Calif.

No. MC 138446 (Sub-No. 1), filed July 30, 1973. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and household goods as defined by the Commission), between Walcott, Iowa, and Rock Island, Ill., restricted to shipments originating at or destined to the facilities of French and Hecht Division, Kelsey-Hayes, located at or near Walcott, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138635 (Sub-No. 7) (correction), filed August 8, 1973, published in the FEDERAL REGISTER issue of September 27, 1973, and republished as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006.

NOTE.—The purpose of this republication is to show carrier's correct name as shown above in lieu of *California* Western Express, Inc. which was in error. The rest of the notice remains as previously published.

No. MC 138769 (Sub-No. 1), filed July 27, 1973. Applicant: GENERAL-VOORHEES-SHAUGHNESSY, doing business as G V S, P.O. Box 3845, Seattle, Wash. 98124. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modules weighing up to 800 tons, together with ancillary equipment and supplies, together with return of containers, loading ramps, and/or support trestles, together with ancillary equipment and supplies requiring the use of self-propelled and self-jacking crawler transporters of 500 tons capacity each and/or the use of backup equipment, including but not limited to the use of crawlers of lesser capacity and Athey wagons, together with such additional standard equipment* as is necessary to perform the above described movement, from Prudhoe Bay to North Slope, Alaska, under contract with BP Alaska, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138923 (Sub-No. 1), filed July 23, 1973. Applicant: RONALD SCHAMBERGER, INC., 160 South 10th West, Salt Lake City, Utah 84104. Applicant's representative: Denis R. Morrill, 455 South Third East, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the plantsite facilities of the Interstate Brick Company, located southwest of Salt Lake City, Utah, to Los Angeles, San Francisco, and Sacramento, Calif., Commercial Zones, under contract with Interstate Brick, a division of Entrada Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 139005, filed July 20, 1973. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 S. Halsted, Riverdale, Ill. 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, between Muskegon and Kalamazoo, Mich., and points in Illinois, Indiana, Kentucky, Iowa, Ohio, Wisconsin, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139015, filed July 25, 1973. Applicant: YELLOW VAN MOVERS, INC., 245 South Rock Island, Wichita, Kans. 67202. Applicant's representative: C. Zimmerman, 413 Brown Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between Wichita, Kans. on the one hand, and, on the other, points in Allen, Barber, Barton, Bourbon, Butler, Chase, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Edwards, Elk, Ford, Greenwood, Harper, Harvey, Hodgeman, Kingman, Kiowa, Labette, Marion, McPherson, Montgomery, Neosho, Ness, Pawnee, Pratt, Reno, Rice, Rush, Sedgwick, Stafford, Sumner, Wilson, and Woodson Counties, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 139093, filed August 27, 1973. Applicant: JACK A. LANG, doing business as W. W. "SHAG" LANG, P.O. Box 1209, Craig, Colo. 81625. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barite and bentonite*, in bags, (1) from Battle Mountain, Nev., and Graybull, Wyo., to Craig, Colo., and (2) from Craig, Colo., to points in Carbon County, Wyo., under contract with Magcobar Operations, Oilfield Products Division of Dresser Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

APPLICATION (S) FOR FILING WATER CARRIER

No. W-595 (Sub-No. 4), filed September 26, 1973. Applicant: NORFOLK, BALTIMORE AND CAROLINA LINE INCORPORATED, 937 East Water Street, Norfolk, Va. 23510. Applicant's representatives: William O. Turney and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of (a) *general commodities in containers or in trailers, having a prior or subsequent movement by ocean carriers, and (b) empty containers, trailers, chassis, and bogies*, between ports and points along the Atlantic Coast and tributary waterways and the Atlantic Intracoastal Waterway, (a) between the port area of Philadelphia, Pa. and the port area of Baltimore, Md., inclusive, and (b) between the port area of Charleston, S.C., and the port area of Jacksonville, Fla., inclusive.

NOTE.—Applicant states that the requested authority can be tacked with Baltimore, Md., and Charleston, S.C., to provide through service between ports and points along the Atlantic Coast and tributary waterways, and the Atlantic Intercoastal Waterway, between the port area of Philadelphia, Pa., and the port area of Jacksonville, Fla., inclusive. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION(S) FOR FILING OF FREIGHT FORWARDER

No. FF-445, filed September 26, 1973. Applicant: INTERSTATE WORLD FORWARDERS, INC., 23228 Hawthorne Boulevard, Torrance, Calif. 90505. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used Household Goods and Unaccompanied Baggage*, and (b) *Used Automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21617 Filed 10-10-73;8:45 am]

[Notice 359]

ASSIGNMENT OF HEARINGS

OCTOBER 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124211 Sub 228, Hilt Truck Line, Inc., now being assigned hearing November 26, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-C-5460 Sub 2, Mayflower Transit Lines, Inc.—Revocation of Certificate—now being assigned hearing November 27, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 101219 Sub 50, Merit Dress Delivery, Inc., now being assigned hearing November 28, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-C-8074, Manhattan Transit Co. *v.* Aro Coaches, Inc., and MC-C-8074 Sub 1, Hudson Transit Lines, Inc., Et Al. *v.* Aro Coaches, Inc., now being assigned hearing November 29, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-74 (Sub-No. 9), Valley Transit Company, Inc., now assigned October 8, 1973, at McAllen, Tex., is postponed to October 15, 1973 (2 weeks), at McAllen, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.21619 Filed 10-10-73;8:45 am]

[Notice 360]

ASSIGNMENT OF HEARINGS

OCTOBER 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

MC 114416 Sub 6, Elkins Transport Service, Inc., now being assigned hearing December 12, 1973 (3 days), at Seattle, Washington, instead of December 14, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21620 Filed 10-10-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 5, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42756—*Plasticizers or Solvents from Taft, Louisiana.*

Filed by Southwestern Freight Bureau, Agent (No. B-437), for interested rail carriers. Rates on plasticizers or solvents, in tank-carloads, as described in the application, from Taft, Louisiana, to Charleston and South Charleston, West Va.

Grounds for relief—Rate relationship.

Tariff—Supplement 90 to Southwestern Freight Bureau, Agent, tariff 38-D, I.C.C. No. 5044. Rates are published to become effective on November 13, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21622 Filed 10-10-73;8:45 am]

[Ex Parte No. 300]

INCREASES IN CHARGES FOR MECHANICAL PROTECTIVE SERVICE, 1973

Notice of Filing of Petition

OCTOBER 5, 1973.

Notice is hereby given that the Nation's railroads, on October 1, 1973, filed a petition with the Interstate Commerce Commission for authority to publish increases in charges for mechanical protective services of 30 percent on nonfrozen commodities and 10 percent on frozen commodities on an interim basis. It is proposed that subsequently selective increases will be published in lieu thereof.

Any interested person may file replies to that petition on or before November 8, 1973. The original and 20 copies of the reply should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423,[1] and a copy should be served upon Mr. Harry L. DeLung, Jr., 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036, except that all parties able to do so should serve 25 copies on the representative for the petitioning railroads. In all cases, where service is made by mail, the documents should be mailed in time to be received on November 8, 1973. Each reply should contain a certificate of service stating that it has been timely filed with the Commission and served on the railroads' representative as herein provided; replies not so served will not be considered.

Replies should be addressed to the question of whether the petition requesting permission to file tariffs should be granted. Failure to reply at this time will not preclude any interested persons from later participation in this proceeding, including the filing of protests if tariffs are permitted to be filed.

A copy of this notice will be served upon the petitioners, all parties to Ex Parte No. 288, Protective Service Charges, 1972, and Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, and upon all known consumer groups. Notice of the filing of the petition will 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 delivering a copy thereof to the Director, Office of the Federal Register, for publication therein. The petition and replies received will be available for inspection at the offices of the Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21623 Filed 10-10-73;8:45 am]

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 5, 1973.

The following letter-notices of proposals (except as otherwise specifically

[1] A lesser number of copies may be filed upon a showing of good cause.

noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publicaton.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 666), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 17, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From the junction of U.S. Highway 25W and Interstate Highway 40 approximately three miles west of Dandridge, Tenn., over Interstate Highway 40 to Asheville, N.C., with the following access routes: (a) From Dandridge, Tenn., over U.S. Highway 25W to junction Tennessee Highway 92, thence over Tennessee Highway 92 to junction Interstate 40, (b) from Dandridge, Tenn., over U.S. Highway 25W to junction Tennessee Highway 113, thence over Tennessee Highway 113 to junction Interstate Highway 40, and (c) from Newport, Tenn., over Tennessee Highway 32 to junction Interstate Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the junction of Interstate Highway 40 and U.S. Highway 25W over U.S. Highway 25W to junction U.S. Highway 25 at Newport, Tenn., thence over U.S. Highway to Asheville, N.C., and return over the same route.

No. MC–41638 (Deviation No. 5), DE LUXE TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Indiana 46202, filed September 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From the junction of Interstate Highway 55 and Illinois Highway 48 over Interstate Highway 55 to Chicago, Ill., with the following access route: from the junction of Interstate Highways 80 and 57 over Interstate Highway 80 to junction Interstate Highway 55, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Chicago, Ill., over city streets to Hammond, Ind., thence over Sibley Boulevard to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 54, thence over U.S. Highway 54 via Kankakee and Onarga, Ill., to Fullerton, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 203 (formerly City U.S. Highway 66), thence over Illinois Highway 203 to East St. Louis, Ill., thence over Veterans Memorial Bridge (formerly Eads Bridge) to St. Louis, Mo., and (2) from Decatur, Ill., over U.S. Highway 51 to junction Illinois Highway 16 near Pana, Ill., thence over Illinois Highway 16 to Litchfield, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–21624 Filed 10–10–73;8:45 am]

[Notice 32]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 5, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 12, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–1824 (Deviation No. 17), PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Maryland 21655, filed September 14, 1973. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Interchange No. 55 of Interstate Highway 90 near Buffalo, N.Y., over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Pittsburgh, Pa., over U.S. Highway 19 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 130, serving no intermediate points, but serving the off-route point of Buffalo, N.Y., and (2) From Ford City, Pa., over Pennsylvania Highway 66 to Kittanning, Pa., thence over U.S. Highway 422 to junction unnumbered highway (formerly U.S. Highway 422) near Prospect, Pa., thence over unnumbered highway to junction U.S. Highway 422, thence over U.S. Highway 422 to Cleveland, Ohio, serving all intermediate points, and return over the same routes.

No. MC–29120 (Deviation No. 13), ALL-AMERICAN TRANSPORT, INC., P.O. Box 769, Sioux Falls, South Dakota 57101, filed September 19, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, *household goods* as defined by the Commission, and *commodities in bulk*, over a deviation route as follows: From the junction of Interstate Highway 235 and Interstate Highway 35 at or near Des Moines, Iowa, over Interstate Highway 35 to junction Interstate Highway 494, thence over Interstate Highway 494 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 75 at or near Moorhead, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Sioux Falls, S. Dak., over Interstate Highway 29 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 235, thence over Interstate Highway 235 to junction Iowa Highway 163, thence over Iowa Highway 163 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., serving no intermediate points, and serving points in Madison and St. Clair Counties, Ill., as off-route points, (2) From Sioux Falls, S. Dak., over U.S. Highway 77 to Brookings, S. Dak., thence over U.S. Highway 14 to junction U.S. Highway 81, thence over U.S. Highway 81 to Watertown, S. Dak., serving all intermediate points, and (3) from Watertown, S. Dak., over U.S. Highway 212 to junction U.S. Highway 75, thence over U.S. Highway 75 to Moorhead, Minn., thence

over U.S. Highway 10 to Fargo, N. Dak., serving the off-route point of West Fargo, N. Dak., and all intermediate points except those between Moorhead and Breckenridge, Minn., including Breckenridge, and those between Watertown and Madison, Minn., including Madison.

No. MC-30605 (Deviation No. 24), THE SANTA FE TRAIL TRANSPORTATION COMPANY, P.O. Box 56, Wichita, Kansas 67201, filed September 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Central, N. Mex., over U.S. Highway 180 to junction Interstate Highway 10, thence over Interstate Highway 10 to Las Cruces, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Hot Springs, N. Mex., over U.S. Highway 85 to Hatch, N. Mex., serving all intermediate points, and those off-route points within five miles of the above-specified route, subject to commodity specification P, (2) from Silver City, N. Mex., over New Mexico Highway 180 to junction U.S. Highway 85, serving the intermediate points of Santa Rita, N. Mex., and those between Santa Rita and junction U.S. Highway 85 and New Mexico Highway 180, without restriction; intermediate points on New Mexico Highway 180 between Silver City and Santa Rita and the off-route points of Fort Bayard, Pierro, and Hanover, N. Mex., in connection with the carrier's presently authorized regular route operations between Denver, Colo., and Silver City, N. Mex., restricted to traffic moving to and from Albuquerque, N. Mex., and points north thereof on the carrier's presently authorized regular route to and from Denver, Colo., and (3) from Hatch, N. Mex., over U.S. Highway 85 to Las Cruces, N. Mex., thence over U.S. Highway 80 to El Paso, Tex., serving all intermediate points, with those between Las Cruces and El Paso, including El Paso, and off-route points in New Mexico within five miles of the above-specified route, subject to commodity specification R, and return over the same routes.

No. MC-89723 (Deviation No. 27) MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Missouri 63103, filed September 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hiawatha, Kans., over U.S. Highway 36 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 9, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follow: (1) From Atchison, Kans., over U.S. Highway 73 to the Kansas-Nebraska State line, and (2) from Atchison, Kans., over U.S. Highway 73 to junction unnumbered highway north of Parnell, Kans., thence over unnumbered highway via Parnell, Farmington, and Monrovia, Kans., to junction U.S. Highway 159, thence over U.S. Highway 159 to junction Kansas Highway 9, thence over Kansas Highway 9 to Blue Rapids, Kans., and return over the same routes. Service performed by Missouri Pacific Truck Lines, Inc., under this authority is limited to that which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Company, and said motor carrier is not authorized to serve any point not a station on the rail lines of the said railroad.

No. MC-89723 (Deviation No. 26), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Missouri 63103, filed September 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waco, Texas, over Interstate Highway 35 to Round Rock, Texas, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Waco, Tex., over Texas Highway 6 to Marlin, Tex., (2) from Mart, Tex., over unnumbered highway via Otto, Tex., to junction Texas Highway 6, thence over Texas Highway 6 to Navasota, Tex., and (3) from Longview, Tex., over U.S. Highway 259 to Henderson, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 to Laredo, Tex., and return over the same routes. Service performed by Missouri Pacific Truck Lines, Inc., under this authority is limited to that which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Company, and said motor carrier is not authorized to serve any point not a station on the rail lines of the said railroad. The Waco and Hearne-Valley Junction Key Point restrictions in (3) above do not apply to shipments having an immediately prior or subsequent movement by rail.

No. MC-112713 (Deviation No. 22), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kansas 66207, filed September 19, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Class A and B explosives, general commodities*, with certain exceptions, *household goods* as defined by the Commission, and *commodities in bulk*, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction U.S. Highway 266 near Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 69 and Interstate Highway 40 near Checotah, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shwanetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mt. Vernon, Ill., over U.S. Highway 460 via McLeansboro, Ill., to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga., serving the intermediate and off-route points of Alton, Belleville, and East St. Louis, Ill.; Clarksville, Nashville, Murfreesboro, Manchester, Hillsboro, Monteagle, Jasper, Tyner, and Chattanooga, Tenn.; points in Tennessee within 5 miles of Chattanooga; points in that part of Davidson County, Tenn., bounded by Old Hickory Boulevard (except Old Hickory, Supontonia, and Madison Sanitarium, Tenn.); Rome, Lindale, and Rossville, Ga.; points within 15 miles of Atlanta, Ga.; Ringold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic; and Ferguson, Robertson and Affton, on the one hand, and, on the other, Ringold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic only, (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans., serving all intermediate points, (3) from Kansas City, Mo., over U.S. Highway 69 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 66 (formerly U.S. Highway 66) near Edmond, Okla., thence over Oklahoma Highway 66 to Edmond, Okla., thence over Oklahoma Highway 77 (formerly U.S. Highway 66) to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 75 to Houston, Tex., serving all intermediate points, and (4) from Vinita, Okla., over U.S. Highway 69 to Atoka,

Okla., thence over U.S. Highway 75 to Dallas, Tex., serving all intermediate points, and return over the same routes.

No. MC-112713 (Deviation No. 23), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kansas 66207, filed September 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of Classes A and *B explosives, general commodities*, with certain exceptions, *household goods* as defined by the Commission, and *commodities in bulk*, over a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 60 to Springfield, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) from St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mt. Vernon, Ill., over U.S. Highway 460 via McLeansboro, Ill., to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga., serving the intermediate and off-route points of Alton, Belleville, and East St. Louis, Ill.; Clarksville, Nashville, Murfreesboro, Manchester, Hillsboro, Monteagle, Jasper, Tyner, and Chattanooga, Tenn.; points in Tennessee within 5 miles of Chattanooga; points in that part of Davidson County, Tenn., bounded by Old Hickory Boulevard (except Old Hickory, Supontonia, and Madison Sanitarium, Tenn.); Rome, Lindale, and Rossville, Ga.; points within 15 miles of Atlanta, Ga.; Ringold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic; and Ferguson, Robertson and Affton, on the one hand, and, on the other, Ringold, Dalton, Calhoun, Cartersville, Acworth, Marietta, and Smyrna, Ga., restricted to southbound traffic only, and (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans., serving all intermediate points, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21628 Filed 10-10-73;8:45 am]

[Notice 79]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 5, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 75320 (Sub-No. 163) (REPUBLICATION) filed February 12, 1973, published in the FEDERAL REGISTER issue of March 29, 1973, and republished this issue. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. An Order of the Commission, Operating Rights Board, dated September 24, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household good as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Chicago, Ill., and Nashville, Tenn., from Chicago, over Interstate Highway 94 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, and return over the same route, serving no intermediate points and serving Nashville for purposes of joinder with applicant's authority in No. MC-75320 (Sub-No. 157), as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) between Chicago, Ill., and Tuscaloosa, Ala., from Chicago, over Interstate Highway 94 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., thence over U.S. Highway 31 to Cullman, Ala., and thence over Alabama Highway 69 to Tuscaloosa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (3) between Chicago, Ill., and Birmingham, Ala., from Chicago, over Interstate Highway 94 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., thence over Interstate Highway 65 (also U.S. Highway 31) to Birmingham, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133599 (Sub-No. 3) (REPUBLICATION), filed April 19, 1972, published in the FEDERAL REGISTER issue of May 25, 1972, and republished this issue. Applicant: BIG VALLEY SUPPLY & ENTERPRISED, LTD., 4150 F-14A Street SE., Calgary 25, AB, Canada. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, South 14th Street, Lincoln, Nebr. 68501. An Order of the Commission, Division 1, Acting as an Appellate Division, dated September 17, 1973, finds that operation by applicant, in foreign commerce only, as a *contract carrier* by motor vehicle, over irregular routes (1) *of all-terrain vehicles, amphibious vehicles, off-highway vehicles, and trailers equipped with tracks* (except boats, snowmobiles, and motor cycles), and (2) *of parts and accessories of the commodities described in (1) above*, (a) between ports of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., Sweetgrass, Mont., Blaine, Wash., Detroit, Mich., Noyes, Minn., and Pembina, N. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (b) between the port of entry on the International

Boundary line between the United States (Alaska) and Canada (Yukon Territory) southeast of Tetlin Junction, Alaska, on Alaska Highway 2, on the one hand, and, on the other, points in Alaska, under a continuing contract or contracts with Flextrac Nodwell, Ltd., of Calgary, Alberta, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110817 (Sub-No. 17) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION AND ADD A COMPLIMENTARY RESTRICTION), filed September 17, 1973. Petitioner: E. L. FARMER & COMPANY, a Corporation, P.O. Box 3512, Odessa, Tex. 79760. Petitioner's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Petitioner presently holds a motor *common carrier* certificate in No. MC 110817 (Sub-No. 17) issued July 3, 1973, authorizing as pertinent, transportation, over irregular routes, of *heavy machinery and equipment* requiring the use of special equipment, between points in Arkansas, Louisiana, and Texas. By the instant petition, petitioner seeks to modify its commodity description to read: "Commodities, the transportation of which requires the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment and self-propelled articles each weighing 15,000 pounds or more". Petitioner further seeks to add a complimentary restriction to the modified commodity description to read: "restricted to commodities which are transported on trailers". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126545 (Sub-No. 7) (NOTICE OF FILING OF PETITION TO MODIFY A TERRITORIAL DESCRIPTION), filed September 27, 1973. Petitioner: GLENERY, INC., 173 Hickory Street, Kearny, N.J. 07032. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *contract carrier* permit in No. MC 126545 (Sub-No. 7) issued May 9, 1973, authorizing transportation, over irregular routes, of *precipitated blank fixe*, in bags, between points in the New York, N.Y., Harbor Zones, as defined in 49 CFR 1070.1(a), on the one hand, and, on the other, Trenton, N.J., under a continuing contract or contracts with Chemetron Corporation, of Holland, Mich. By the instant petition, petitioner seeks to modify its permit by substituting Stokertown, Pa., in lieu of Trenton, N.J., as a destination point in the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 12, 1973.

No. MC 134872 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY A RESTRICTION), filed September 13, 1973. Petitioner: GOSSELIN EXPRESS, LTD., 141 Smith Boulevard, Thetford Mines, Province of Quebec, Canada. Petitioner's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Petitioner presently holds a motor *common carrier* certificate in No. MC 134872 (Sub-No. 1) issued December 21, 1972, authorizing transportation, over irregular routes, of *snowmobiles*, (1) from the ports of entry on the International Boundary line between the United States and Canada located in Michigan, New York, and Vermont, and near Jackman, Maine, to points in Connecticut, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin; and (2) from points in Michigan, Minnesota, and Wisconsin, to the ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, restricted in (1) and (2) above, against the transportation of shipments originating at or destined to points in Beauce, Frontenac, and Kemouraska Counties, Quebec, and points in the Province of Ontario, Canada. By the instant petition, petitioner seeks removal of the restriction as it applies in (1) and (2) above on shipments destined to the Province of Ontario, Canada, leaving the restriction as it applies in (1) and (2) above on shipments originating at the Province of Ontario, Canada, standing. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 12, 1973.

No. MC 135568 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE), filed September 13, 1973. Petitioner: CHRISTIE RIGGING & TRUCKING CO., a Corporation, 375 Ledyard Street, Hartford, Conn. 06114. Petitioner's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Petitioner presently holds a motor *common carrier* certificate in No. MC-135568, issued August 28, 1973, authorizing as transportation, by motor vehicle, over irregular routes, of *machinery*, between New Haven, Conn., and points in Connecticut within 40 miles of New Haven, on the one hand, and, on the other, New York, N.Y., Boston, Mass., and Providence, R.I. By the instant petition, petitioner seeks to modify its commodity description to read: "*Commodities*, the transportation of which because of size or weight, requires the use of special equipment or special handling and self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported on trailers)". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 12, 1973.

No. MC 136844 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed September 24, 1973. Petitioner: HENRY BRISTOL, doing business as B & B TRANSPORT & LEASE, Box 149, Route 1 Reinking Rd., Hampshire, Ill. 60140. Petitioner presently holds a motor *contract carrier* permit in No. MC 136844 (Sub-No. 1) issued August 29, 1973, authorizing transportation, over irregular routes, of *equipment, materials, and supplies* used in the conduct of retail restaurant establishments, between the facilities of Illinois Range Company, located at Mt. Prospect, Ill., and Bristol, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Illinois Range Company of Mt. Prospect, Ill. By the instant petition, petitioner seeks to modify its commodity description to read: "equipment, materials, and supplies used in the conduct of food establishments." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 12, 1973.

No. MC 136916 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed August 29, 1973. Petitioner: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner presently holds a motor *common carrier* certificate in No. MC 136916 (Sub-No. 5) as acquired in Section 5 proceeding, No. MC-F-11340, approved June 7, 1972, by the Commission, modified November 9, 1972, and consummated April 16, 1973. By this certificate, petitioner has authority to conduct operations, over irregular routes, transporting *salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia. By the instant petition, petitioner seeks to modify its com-

modity description to read: "Salt, salt products, calcium chloride and mixtures thereof". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before November 12, 1973.

No. MC 138056 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO EXTEND AUTHORITY), filed August 30, 1973. Petitioner: DICK SIMON TRUCKING, INC., 3700 S. 4355 West, Granger, Utah 84120. Petitioner's representative: Irene Worr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *contract carrier* permit in No. MC 138056 (Sub-No. 1), issued June 21, 1973, authorizing transportation, over irregular routes, of *frozen cherries and bottled and canned fruit juices*, from the plant site of Payson Fruit Growers Association at or near Payson, Provo and Moroni, Utah, to points in California, under a continuing contract or contracts with Payson Fruit Growers Association, of Payson, Utah. By the instant petition, petitioner seeks to extend its existing authority to include: (1) frozen cherries, from the plant site of Payson Fruit Growers Association at or near Payson, Utah, and from Provo, Utah, to points in Oregon, Washington, Arizona, Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Oklahoma, Kansas, Iowa, Texas, New Mexico, Idaho, Montana, and Nevada; and (2) packaging materials, from points in Oregon, Washington, Arizona, Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Oklahoma, Kansas, Iowa, Texas, New Mexico, Idaho, Montana, and Nevada, to the plant site of Payson Fruit Growers Association at or near Payson, Utah, under a continuing contract or contracts with Payson Fruit Growers Association, of Payson, Utah. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before November 12, 1973.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2253 (Sub-No. 60), filed August 7, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods defined by the Commission, commodities in bulk, and those commodities which because of size or weight require special equipment): (1) Between points in Illinois on, east, and north of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 14 to intersection Illinois Highway 23, thence along Illinois Highway 23 to intersection U.S. Highway 52, thence along U.S. Highway 52 to Manhattan, Ill., thence along an unnumbered Highway to intersection Illinois Highway 1, thence along Illinois Highway 1 to intersection U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line; (2) between points in the above-described area in (1), on the one hand, and, on the other, points on U.S. Highway 20 to Rockford, Ill.; and (3) between points in the above-described area in (1), on the one hand, and, on the other, points in Illinois.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in the Chicago, Illinois, Commercial Zone to provide service between points in the territory sought herein on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia. This is a matter directly related to the purchase proceeding in MC-F 11950, published in the FEDERAL REGISTER issue of August 22, 1973. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 80430 (Sub-No. 149), filed September 4, 1973. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 851, La Crosse, Wis. 54601. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, household goods as defined by the Commission, articles of unusual value and those requiring the use of special equipment); (1) Between points in Lake, HcHenry, Boone, DeKalb, Kane, DuPage, Cook, Will, Kendall, and Grundy Counties, Ill.; that part of Ogle and Lee Counties on and east of U.S. Highway 51, and that of LaSalle County on and north of U.S. Highway 6; and (2) between the above-named points in (1), on the one hand, and, on the other, points in Illinois.

NOTE.—Applicant states that by tacking the requested authority herein at points in Illinois, it could provide a through service between the named points on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Kentucky, Tennessee, Georgia, Alabama, Florida, and Rhode Island. By this instant application, applicant seeks to convert a Certificate of Registration into a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5 proceeding in MC-F-11957, published in the FEDERAL REGISTER issue of August 22, 1973. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 85821 (Sub-No. 2), filed July 11, 1973. Applicant: BAY CITIES TRANSPORTATION COMPANY, Pier 50, San Francisco, Calif. 94107. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between San Francisco, on the one hand, and, Oakland and Alameda, on the other hand, via San Francisco-Oakland Bay Bridge and streets and highways within said cities; and (2) Between San Francisco, Oakland, and Alameda, on the one hand, and, Mare Island, on the other hand, via the following route: (a) From San Francisco to Vallejo Junction via U.S. Highway 40, incldng connecting streets and highways within Oakland and Alameda; (b) From Vallejo Junction to Vallejo via State Highway 29; and (c) From Vallejo to Mare Island via Mare Island Causeway; and (B) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, office fixtures and commodities transported in mechanically refrigerated equipment), Between points in the following described area: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly, and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one miles easterly of and paralleling State Sign Route 9 to its intersection with

"B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay, thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

NOTE.—Common control may be involved. This is a matter directly related to a Section 5 proceeding in Finance Docket 27420. By the instant application, applicant seeks to convert its Certificate of Registration into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 33), filed July 5, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and commodities, the transportation of which, because of size and weight, require the use of special equipment), between Philadelphia International Airport at or near Philadelphia, Pa., and the Northeast Philadelphia Airport located in Philadelphia County, Pa., on the one hand, and on the other, points in that part of Pennsylvania within a territory bounded by a line beginning at the Pennsylvania-Maryland State Line and extending north along the Chester-Lancaster County Line to its intersection with the Chester-Berks County Line thence along the Chester-Berks County Line to its intersection with U.S. Highway 422, thence west along U.S. Highway 422 to its intersection with Pennsylvania Highway 662, thence north along Pennsylvania Highway 662 to its intersection with Pennsylvania Highway 73, thence west along Pennsylvania Highway 73 to its intersection with Pennsylvania Highway 61, thence north along Pennsylvania Highway 61, to its intersection with unnumbered highway at or near Mohrsville.

Thence west along unnumbered highway through Centerport and Shartlesville to its intersection with Interstate Highway 78, thence southwest along Interstate Highway 78 to its intersection with Pennsylvania Highway 183, thence north along Pennsylvania Highway 183 to its intersection with Pennsylvania Highway 895, thence west along Pennsylvania Highway 895 to its intersection with Pennsylvania Highway 443, thence southwesterly along Pennsylvania Highway 443 to its intersection with U.S. Highway 22, thence south along U.S. Highway 22 to its intersection with Interstate Highway 81, thence west along Interstate Highway 81 to its intersection with U.S. Highway 15, thence south along U.S. Highway 15 to its intersection with Pennsylvania Highway 641, thence southwest along Pennsylvania Highway 641 to Mechanicsburg, thence south along Pennsylvania Highway 114 to its intersection with U.S. Highway 15, thence south along U.S. Highway 15 to its intersection with Pennsylvania Highway 74, thence south along Pennsylvania Highway 74 to its intersection with Pennsylvania Highway 194, thence south along Pennsylvania Highway 194 to its intersection with Pennsylvania Highway 94, thence south along Pennsylvania Highway 94 to the Pennsylvania-Maryland State Line, thence east along the Pennsylvania-Maryland State Line to point of beginning.

NOTE.—The instant application is a matter directly related to MC-F-11936 published in the FEDERAL REGISTER issue of July 19, 1973. Applicant states that the requested authority can be tacked at Philadelphia, Pa., for service to major airports on the east coast. If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11964 (O.N.C. FREIGHT SYSTEMS, INC.—PURCHASE (PORTION)—B&W FREIGHT LINES), published in the August 29, 1973, issue of the FEDERAL REGISTER on page 23372. Application filed September 27, 1973, for temporary authority under section 210a(b).

No. MC-F-11980. (Correction) (COMMODORE CARTAGE COMPANY—PURCHASE—ALLIED INDUSTRIAL CONTRACTORS, INC.), published in the September 12, 1973, issue of the FEDERAL REGISTER on page 25243. Prior notice should be modified to read as follows: Vendee is authorized to operate as a common carrier in Michigan, in lieu of vendee is an affiliate of ALLIED DELIVERY SERVICE, INC.

No. MC-F-11999. Authority sought for purchase by FREILER INDUSTRIES, INC., P.O. Box 636, Amite, La. 70422 of the operating rights of HUNTER TRUCK LINES, INC., Ponchatoula, La. 70454, and for acquisition by HERBERT C. FREILER, also of Amite, La. 70422, of control of such rights through the purchase. Applicants' attorney: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Operating rights sought to be transferred: *Lumber, lumber products, poles, and piling*, as a *common carrier*, over irregular routes, from points in St. Tammany and Tangipahoa Parishes, La., to points in Texas, Arkansas, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Missouri, Indiana, Illinois, Ohio, and Michigan. Vendee is authorized to operate as a *common carrier* in Louisiana, Mississippi, Missouri, Texas, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma.

Applicants in their recently filed application seek approval of the purchase by FREILER INDUSTRIES, INC., of the operating authorities of HUNTER TRUCK LINES, INC. This proceeding has been entitled FREILER INDUSTRIES, INC.—PURCHASE—HUNTER TRUCK LINES, INC., and numbered No. MC-F-11999. The authorities sought correspond to those which Freiler is presently operating under temporarily authority authorized in No. MC-FC-74462.

No. MC-F-12003. Authority sought for purchase by LIDELCO, INC., 92 Central Ave., East Farmingdale, N.Y. 11735, of the operating rights of MERIT FREIGHT, INC., 31 Fargo St., Boston, Mass. 02210, and for acquisition by NELLIE M. MILES, also of East Farmingdale, N.Y. 11735, of control of such rights through the purchase. Applicants' attorney: William Biederman, 280 Broadway, New York, N.Y. 10007. Operating rights sought to be transferred. *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Springfield, Mass., and New London, Conn., between Springfield and Greenfield, Mass., between Springfield and Williamstown, Mass., between Springfield, Mass., and Providence, R.I., between Springfield, Mass., and Providence, R.I., between Boston, Mass., and Providence, R.I., between Boston and Lynn, Mass., between Boston and Melrose, Mass., between Boston and Quincy,

Mass., between Boston and Wellesley, Mass., between Boston and Weston, Mass., serving all intermediate points; between Boston and Springfield, Mass., between Boston, Mass., and Hartford, Conn., serving no intermediate points; *wearing apparel and cloth used in the manufacture thereof*, between Bridgeport, Conn., and Stamford, Conn., serving the intermediate point of Norwalk, Conn., and the off-route point of New Canaan, Conn.; *general commodities*, with exceptions, over irregular routes, between Boston and Springfield, Mass., on the one hand, and, on the other, Union, Jewett City, and Canaan, Conn., Westerly, Newport, and Bristol, R.I., and points in Massachusetts. Vendee is authorized to operate as a common carrier in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12004. Authority sought for purchase by GRANT TRUCKING, INC., Box 256, Oak Hill Ohio 45656, of the operating rights of CARROLL TRUCKING COMPANY, 3203 U.S. Route 60-East, Huntington, W. Va. 25703, and for acquisition by DARRELL D. DETTY, 411 Mill Lawn Ave., Oak Hill, Ohio 45656, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, Ohio 43215. Operating rights sought to be controlled: *Concrete pipe and other concrete products*, as a *common carrier* over irregular routes, from Ceredo, W. Va., to points in a defined area of Kentucky; *reinforcement steel and steel rails*, from Huntington, W. Va., to points in Ohio and Kentucky; *commodities* which, because of size or weight, require the use of special equipment, and *Related Contractor's Materials and Supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment, except aircraft and missiles and parts thereof, between points in West Virginia, and points in a defined area of Ohio and Kentucky; *telephone, telegraph, and electric line materials, and supplies*, between points and places in a defined area of West Virginia; *reinforcing steel, steel rails, and railway track, materials, and fittings, structural steel*, including fittings and bolts, from Huntington, W. Va., to points in Ohio, from Huntington, W. Va., to points in a defined area of Tennessee, Virginia, Pennsylvania, and Kentucky;

Corrugated iron or steel pipe, including fittings therefor, between Ashland, Ky., on the one hand, and, on the other, points in West Virginia, and points in a defined area of Virginia and Tennessee; *mine cars, industrial cars*, and *railway car or locomotive parts* as described in Appendix V, Group IV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *mine shovels scrapers, and scoops*, and, *parts*, of mine shovels, scrapers, and scoops, between Huntington, W. Va., on the one hand, and, on the other, points in a defined area of Tennessee, Virginia, and Pennsylvania; *reinforcement steel, steel rails, and railway track materials and fittings, structural steel, structural steel fittings, bolts, agricultural implement parts, steel posts, and iron steel bars*, from Huntington, W. Va., to points in North Carolina, and points in a defined area of Virginia, Tennessee, and Kentucky; *steel bars*, from Johnstown, Pa., to Huntington, W. Va.; *steel posts*, from Huntington, W. Va., to points in the Lower Peninsula of Michigan, except Detroit and Royal Oaks, Mich.; *metal buildings*, knocked down, from Ashland, Ky., to points in Virginia, except those in Buchanan, Russell, and Dickenson Counties; *mine roof bolts*, and *fittings* of mine roof bolts, from Johnstown, Pa., to points in defined area of West Virginia; *mattress spring assemblies*, from Huntington, W. Va., to Jasper, Ala., from Huntington, W. Va., to Tyler, Tex., Altoona and Wilkes Barre, Pa., Buffalo, N.Y., and Saginaw, Mich.:

Self-propelled articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in West Virginia, and points in a defined area of Ohio, and Kentucky, with restriction; *iron and steel* and *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Oklahoma, and Missouri (except St. Louis, Mo., and points in Missouri within the St. Louis commercial zone as defined by the Commission), with restriction; *iron and steel, and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those commodities which, because of size or weight, require special equipment, and except those articles of iron or steel which are building materials), from Huntington, W. Va., to points in Iowa, from Huntington, W. Va., to points in Kansas, South Dakota, and Wisconsin; *iron and steel articles*, except those which because of size or weight require the use of special equipment, from Huntington, W. Va., to points in Michigan north of U.S. Highway 21; *iron and steel, and iron and steel articles* (except those commodities which are building materials, and those commodities which, because of their size or weight, require the use of special equipment), from Huntington, W. Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas; *iron and steel articles*, from Huntington, W. Va., to points in Connecticut, Idaho, North Dakota, South Carolina, Tennessee, Utah, and Washington; *general commodities*, with exceptions, between points in West Virginia, and points in a defined area of Ohio and Kentucky, with restrictions. Vendee is authorized to operate as a *common carrier*, in Virginia, Pennsylvania, Ohio, West Virginia, Maryland, Indiana, Michigan, New York, Kentucky, Connecticut, Georgia, Illinois, Massachusetts, New Jersey, North Carolina, South Carolina, Tennessee, Texas, Wisconsin, Minnesota, Missouri, Alabama, Iowa, Maine, New Hampshire, Rhode Island, Vermont, Florida, Delaware, Louisiana, Kansas, Nebraska, Oklahoma, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12005. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, of a portion of the operating rights of KILLION MOTOR EXPRESS, INC., 2305 Ralph Ave., Louisville, Ky. 40216, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY and DAVID H. RATNER, both of 310 S. Michigan Ave., Chicago, Ill. 60604, of control of such rights through the purchase. Applicants' attorneys: Jack Goodman, 39 So. La Salle St., Chicago, Ill. 60603, and Louis E. Ackerson, 200 W. Broadway, Louisville, Ky. 40202. Operating rights sought to be transferred: *General commodities* with exceptions, as a common carrier over regular routes, between Louisville, Ky., and St. Louis, Mo., between Washington and Loogootee, Ind., and U.S. Naval Dump, near Burns City, Ind., serving various intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kansas, Colorado, Oklahoma, New Mexico, Arizona, Wyoming, Utah, Nebraska, Missouri, Texas, Nevada, Louisiana, Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Kentucky, Ohio, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12006. Authority sought for control by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, P.O. Box 4988, V–C Drive, Martinsville, Va. 24112, of FARSON MOTOR LINES, INC., P.O. Box 227, Ashland, Ky. 41101, and for acquisition by JAMES C. STONE, also of Martinsville, Va. 24112, of control of FARSON MOTOR LINES, INC., through the acquisition by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED. Applicants' attorney: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St. NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities* with exceptions, as a *common carrier* over irregular routes, between Huntington, W. Va., on the one hand, and, on the other, points in Boyd County, Ky., and Lawrence County, Ohio, between Ashland, Ky., and Huntington, W. Va., on the one hand, and, on the other, points in a defined area of Ohio, Kentucky and West Virginia; *automobile bumpers* in rough forgings and *bumper fittings*, between Huntington, W. Va., and Jackson, Mich.; *machinery, electrical equipment, dredging and welding equipment and supplies, hardware, steel, and fire brick, and machinery, materials, supplies, and equipment* incidental maintenance of facilities for the discovering, development, and production of natural gas and petroleum, between points in Cabell and Wayne Counties, W. Va., and points in a defined area of Kentucky; *iron and steel articles*, from Ashland, Ky., to St. Louis, Mo., and points in Indiana and Illinois, from Zanesville, Ohio, to St. Louis, Mo.;

petroleum lubricating oil and grease, in packages, from Cleveland, Ohio, to Leach and Catlettsburg, Ky.; rubber tires and tubes, tire recapping materials, and rubber repair materials, from Akron, Newark, and Mansfield, Ohio, to Leach and Catlettsburg, Ky.; *castings*, in truckloads, from Ironton, Ohio, to Detroit and Royal Oak, Mich.; *iron and steel, and articles of iron and steel manufacture*, from Ashland, Ky., to points in that part of Michigan on and south of Michigan Highway 21; *iron and steel and articles of iron and steel manufacture*, in truckloads, from Huntington, W. Va., to Detroit and Royal Oak, Mich.; *iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which because of size or weight require special equipment, from the plantsite of the Kentucky Electric Steel Company at or near Coalton, Boyd County, Ky., to points in Indiana, Illinois, Ohio, points in that part of Michigan on and south of Michigan Highway 21, and points in Cabell and Wayne Counties, W. Va. VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Pennsylvania, Georgia, West Virginia, Tennessee, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21625 Filed 10-10-73;8:45 am]

[Notice 371]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 30, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27422. By order of October 3, 1973, the Motor Carrier Board approved the transfer to Eder Barge & Towing, Inc., Milwaukee, Wis., of the operating rights in the Second Amended Certificate and Order in No. W-675 issued September 23, 1965, to Roen Steamship Company, a corporation, Sturgeon Bay, Wis., authorizing operations as a common carrier by water in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels, in the transportation of commodities generally, and (2) general towage by towing vessels, between ports and points along the Niagara River and on Lake Michigan, Lake Superior, Lake Huron, and Lake Erie, and interconnecting and tributary waterways. Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, D.C. 20036, attorney for applicants.

No. MC-FC-74649. By order of October 3, 1973, the Motor Carrier Board approved the transfer to Stuart Express Co., Inc., New York, N.Y., of the operating rights in Certificate No. MC-37292 issued April 25, 1950, to Direct Delivery Service, Inc., New York, N.Y., authorizing the transportation of ready-made garments and piece goods, between New York, N.Y., on the one hand, and, on the other, Elizabeth, Newark, and Paterson, N.J. Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. 11553, attorney for applicants.

No. MC-FC-74739. By order entered October 1, 1973, the Motor Carrier Board approved the transfer to Donald E. Frieburg, Glenwood City, Wis., of the operating rights set forth in Certificate No. MC-127956, issued June 15, 1966, to Robert Jeske, Glenwood City, Wis., authorizing the transportation of agricultural commodities and livestock, from points in the towns of Glenwood and Springfield, St. Croix County, Wis., to South St. Paul, St. Paul, Minneapolis, Hastings, Chaska, and Red Wing, Minn.; and general commodities, with the usual exceptions, from South St. Paul, St. Paul, Minneapolis, Hastings, Chaska, and Red Wing, Minn., to points in the towns of Glenwood and Springfield, St. Croix County, Wis. F. H. Kroeger, 2288 University Ave., St. Paul, Minn. 55114, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21621 Filed 10-10-73;8:45 am]

[Notice 136]

MOTOR CARRIER TEMPORARY AUTORITY APPLICATIONS

OCTOBER 4, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 245 TA), filed September 27, 1973. Applicant CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Morton Frozen Foods, Div. of Continental Baking Co., at Crozet, Va., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia, for 180 days. SUPPORTING SHIPPER: Morton Frozen Foods Div., Continental Baking Company, P.O. Box 731, Rye, N.Y. 10580. SEND PROTESTS TO: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5720 S.W. 17th St., Room 105, Miami, Fla. 33155.

No. MC 25798 (Sub-No. 246 TA), filed September 27, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Morton Frozen Foods, Division of Continental Baking Co., at Crozet, Va., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Morton Frozen Foods Div., Continental Baking Company, Post Office Box 731, Rye, N.Y. 10580. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th St., Room 105, Miami, Fla. 33155.

No. MC 26396 (Sub-No. 92 TA), filed September 27, 1973. Applicant: PEOPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 W. Park, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Plastic pipe and fittings*, from Denver, Colo., to points in Idaho, Oregon, California, and Washington, for 180 days. SUPPORTING SHIPPER: Cardinal Plastics, Inc., 5757 East 42nd Ave., Denver, Colo. 80216. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 29886 (Sub-No. 300 TA), filed September 28, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from Bow, N.H., to points in Pennsylvania, for 180 days. SUPPORTING SHIPPER: Kenneth C. Anderson, Treasurer, H. B. Reed & Co., Inc., 8149 Kennedy Avenue, Highland, Ind. 46322. SEND PROTESTS TO: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 67234 (Sub-No. 16 TA), filed September 25, 1973. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional fixtures and laboratory equipment*, from Albuquerque, N. Mex., to points in Arizona, Arkansas, Idaho, California, Colorado, Kansas, Montana, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. SUPPORTING SHIPPER: Envirco, Subsidiary of Bio Dynamics, Inc., 6701 Jefferson NE, P.O. Box 6468, Albuquerque, N. Mex. 87107 SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 95084 (Sub-No. 96 TA), filed September 26, 1973. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, equipment, and implements, and agricultural machinery equipment, and implement parts and attachments*, from Sioux Falls, S. Dak., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Schwartz Manufacturing Co., Lester Prairie, Minn. 55354; Gehl Company, West Bend, Wis. 53095. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 102616 (Sub-No. 881TA), filed September 27, 1973. Applicant: COASTAL TANK LINES, INC., P.O. Box 7211, 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: James Annand, 215 East Waterloo Road, Akron, Ohio 44319. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicles from Vicksburg, Miss., to Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: Chemical Leaman Tank Lines, Inc., Downingtown, Pa., SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, 181 Federal Office Bldg., Cleveland, Ohio 44199.

No. MC 105159 (Sub-No. 31 TA), filed September 27, 1973. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible cheese and inedible cheese products*, from the plantsite and warehouse facilities of Wildstein, a division of Brooke Bond Foods, Inc., located at or near Hainesport, N.J., to Everson, Pa., and Peoria, Ill., for 180 days. Supporting shipper: Brooke Bond Foods, Inc., Wildstein Div., 2 Nevada Drive, Lake Success, N.Y. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 107496 (Sub-No. 910 TA), filed September 26, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855, Box zip 50309, Des Moines, Iowa 50304. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Turner, Kans., to the Ft. Randall Dam site in Gregory and Charles Mix Counties, S. Dak., for 150 days. SUPPORTING SHIPPER: Stewart Sand & Material Company, 4049 Pennsylvania, Kansas City, Mo. 64111. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 110525 (Sub-No. 1070 TA), filed September 27, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in bulk, in tank vehicles, from Oklahoma City, Okla., to Garland, Tex., for 180 days. SUPPORTING SHIPPER: Southern California Chemical Co., Inc., 1000 Profit Drive, Garland, Tex. 75040. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Federal Bldg., Room 3238, Philadelphia, Pa. 19107.

No. MC 117119 (Sub-No. 485 TA), filed September 27, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products, and advertising premium* in vehicles equipped with mechanical refrigeration, from Covington, Tenn., to points in California, Oregon, Washington, New Mexico, Utah, Arizona, Idaho, Nevada, Colorado, Minnesota, Wisconsin, Michigan, and New Jersey, for 180 days. SUPPORTING SHIPPER: Charms, Inc., 135 Bloomfield Avenue, Bloomfield, N.J. 07003. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119634 (Sub-No. 9 TA), filed September 27, 1973. Applicant: DICK IRVIN, INC., P.O. Box F, 218 18th Avenue North, Shelby, Mont. 59474. Applicant's representative: Caarles R. Irvin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron for remelting purposes*, between ports of entry on the United States-Canadian boundary line located in Montana, on the one hand, and, on the other, points in Montana and Wyoming, for 180 days. SUPPORTING SHIPPER: Carl Weissman and Sons, Inc., 300 Third Avenue South, Great Falls, Mont. 59401. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 120978 (Sub-No. 6TA), filed September 28, 1973. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Duluth, Minn., to points in North Dakota, South Dakota, Montana, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Martrex, Inc., Klein Bros. Bldg., Chaska, Minn. 55318. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 120978 (Sub-No. 6 TA), filed September 26, 1973. Applicant: SCHWERMAN TRUCKING CO., 611

South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroquinone*, in bulk, from La Salle, Ill., to Bayport, Tex., for 180 days. SUPPORTING SHIPPER: Carus Chemical Company, 1500 Eighth St., La Salle, Ill. 61301. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 566 TA), filed September 27, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement dust*, in bulk, from Nazareth, Pa., to points in New Jersey (except Bayonne, Metuchen, Neptune, Elizabeth, and Port Reading) and New York (except Flushing and Staten Island), for 180 days. SUPPORTING SHIPPER: Cemdust, Box 154, Waldwick, N.J. 07463. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 567 TA), filed September 28, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel oil*, from Bremen, Ga., to Sheffield, Ala., and (2) *gasoline*, from Bremen, Ga., to Gadsden, Ala., for 180 days. SUPPORTING SHIPPER: Whitaker Oil Company, P.O. Box 93487, Atlanta, Ga. 30318. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127049 (Sub-No. 12 TA), filed September 26, 1973. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53024. Applicant's representative: William C. Dineen, 412 Empire Bldg., 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Semi-processed yarn*, between Dalton and La Fayette, Ga., and Ladysmith, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *Yarn*, from Dalton and La Fayette, Ga., and Ladysmith, Wis., to points in the United States (except Alaska and Hawaii); and (3) *Synthetic tops*, from points in Massachusetts and South Carolina, to Bloomsburg, Pa.; Fort Atkinson, Grafton, and Ladysmith, Wis., and La Fayette, Ga., for 180 days. SUPPORTING SHIPPER: Badger Mills, Grafton, Wis. 53024. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134282 (Sub-No. 12 TA), filed September 28, 1973. Applicant: ENNIS TRANSPORTATION CO., INC., Mailing: P.O. Box 447, Office: 106 Knight Hurst, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board paper*, from the plantsite and storage facilities of the Georgia Pacific Company at or near Pryor, Okla., to the plantsite and storage facilities of the Flintkote Company at or near Sweetwater, Tex., for 180 days. SUPPORTING SHIPPER: The Flintkote Company, 480 Central Avenue, East Rutherford, N.J. 07073. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 135665 (Sub-No. 2 TA), filed September 27, 1973. Applicant: LEESYL TRANSPORT, INC., 3319 Waltham Avenue, Kettering, Ohio 45429. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron products and accessories*, for the account of Leslie-Locke Building Products Co., from the plantsite of Leslie-Locke Building Products Co., Lodi, Ohio, to points in Connecticut, District of Columbia, Delaware, Indiana, Kentucky, Maine, Michigan, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, North Wilkesboro, N.C., and Tifton, Ga., for 180 days. SUPPORTING SHIPPER: Leslie-Locke Building Products Company, Ohio Street, Lodi, Ohio 44254. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 135665 (Sub-No. 3 TA), filed September 27, 1973. Applicant: LEESYL TRANSPORT, INC., 3319 Waltham Avenue, Kettering, Ohio 45429. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, for the account of A. Schulman, Inc., from Stryker, Ohio, to Anderson, Ind., for 180 days. SUPPORTING SHIPPER: A. Schulman, Inc., 3550 West Market Street, Akron, Ohio 44313. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 138413 (Sub-No. 2 TA), filed September 27, 1973. Applicant: JOHN TOWNROW, doing business as JOHN TOWNROW TRUCKING, 2660 West Ball Road, Anaheim, Calif. 92805. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the sale and installation of floor coverings (except commodities in bulk), from the plantsites and facilities of Carter Carpet Mills and Lewis Carpet Mills at Cartersville, Ga.; Callaway Carpet Mills at La Grange, Ga.; La Salle Deitch Co., Inc., at Elkhart, Ind.; Congoleum Industries at Kearney and Trenton, N.J.; Marcus Hook, Pa.; and Wilburton, Okla., and Robertson Carpet Corp., at Greenville, S.C., to points in Arizona, California, Idaho, and Oregon, for 180 days. SUPPORTING SHIPPER: La Salle-Deitch Co., Inc., 2460 Enterprise Street, Los Angeles, Calif. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 138955 (Sub-No. 1 TA), filed September 24, 1973. Applicant: HAROLD REINHARDT, doing business as REINHARDT TRUCKING, 506 South Main Street, Bethel, Ohio 45106. Applicant's representative: Bernard N. West, First National Bank Bldg., Bethel, Ohio 45106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, for the account of Construction Products Division, W. R. Grace & Co., from Brighton, Ohio, and Wilder, Ky. (both of which are within the Cincinnati, Ohio, commercial zone) and Columbus, Ohio, on the one hand, and, on the other, to all points in Indiana, Kentucky, and Ohio that are bounded on the north by Ohio Route 18 connecting with U.S. Highway 20, to Freemont, Ohio; westerly on U.S. Highway 6 to Interstate Highway 69; south on Interstate Highway 69 to Indianapolis, and thence southwest on Indiana Route 67 to U.S. Highway 41 at Vincennes, and thence south to the Kentucky Parkway and easterly to Interstate Highway 64 and thence north on Ohio Route 93 to U.S. Highway 21 and north on U.S. Highway 21 to the beginning point with U.S. Highway 18, for 180 days. SUPPORTING SHIPPER: Construction Products Division, W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, Mass. 02140. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 139124 TA, filed September 28, 1973. Applicant: ROBERT STILWELL/

GOPHER VALLEY TRUCKING, P.O. Box 66, 123 Elm Street, Sheridan, Oreg. 97378. Applicant's representative: Bernard F. Bednarz, 1535 State Street, Salem, Oreg. 97301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical compounds for automotive use, carburetors, plastic containers, and supplies*, from points in Oregon, to points in California, and from points in California, to points in Oregon, for 180 days. SUPPORTING SHIPPER: Jonhop, Inc., P.O. Box 563, 3920 S.W. 141st, Beaverton, Oreg. 97005. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 SW. Pine, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-21626 Filed 10-10-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 5, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, and pursuant changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commissions.

California Docket No. 54315, filed September 12, 1973. Applicant: EDWARD L. HESTON, doing business as HESTON TRUCKING CO., Sunnyside Drive, P.O. Box 406, Downieville, Calif. 95936. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, subject to exceptions and restrictions noted, as follows: I. Between Sacramento and points located within 5 miles thereof and all points and places on the following routes, or 3 miles laterally thereof: (1) State Highway 49 between North San Juan and its intersection with State Highway 70 at Vinton; (2) State Highway 89 between Sierraville and its intersection with State Highway 36, 5 miles west of Chester; (3) State Highway 36 between its intersection with State Highway 89, 5 miles west of Chester, and its intersection with Interstate Highway 395; (4) Interstate Highway 395 between Hallelujah Junction and Litchfield; (5) County Road A3 between Buntingville and Standish; (6) Unnamed County Road between Bassets and Grayeagle; (7) Off route point of Herlong located at the approximate intersection of County Roads A25 and A26. II. Service may be performed between certificated points via any and all available streets, highways, including all connecting streets and highways. III. Carrier shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B; (2) Automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Logs.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54320, filed September 12, 1973. Applicant: ATLAS MARINE FREIGHT LINES, 12133 Greenstone Avenue, Santa Fe Springs, Calif. 90670. Applicant's representative: Karl K. Roos, 5862 Hillview Park Avenue, Van Nuys, Calif. 91401. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities:* (1) Between all points within the Los Angeles Basin Territory as described in Note A; (2) Between all points within the Los Angeles Basin Territory on the one hand, and, on the other hand, San Diego. Service is authorized to, from and between all intermediate points on and within 20 miles laterally of Interstate Highway 5 and to, from and between all intermediate points on and within 20 miles laterally of Interstate Highway 15 between San Diego and its junction with U.S. Highway 395 and to, from and between all intermediate points on and within 20 miles laterally of U.S. Highway 395 between its junction with Interstate Highway 15 and the Los Angeles Basin Territory; (3) Between all points and places specified in paragraph 2 above, on the one hand, and, on the other hand, all points and places on and within 20 miles laterally of the following highways:

(a) Interstate Highway 10 between the Los Angeles Basin Territory and Indio, inclusive; (b) State Highway 111 between the junction of said highway with Interstate Highway 10 at or near Whitewater and Indio, inclusive; (c) United States Highway 101 between Los Angeles Basin Territory and Paso Robles, inclusive; (d) State Highway 1 between Los Angeles Basin Territory and Pismo Beach, inclusive; (e) State Highway 118 between Los Angeles Basin Territory and the junction of said highway with United States Highway 101, inclusive; (f) State Highway 126 between its junctions with Interstate Highway 5 and United States Highway 101, inclusive; (g) Interstate Highway 5 between the Los Angeles Basin Territory and the junction of said highway with State Highway 99, inclusive; (h) State Highway 99 between the junction of said highway with Interstate Highway 5 and Fresno, inclusive; (i) State Highway 14 between the junctions of said highway with Interstate Highway 5 and State Highway 58, inclusive; and (j) State Highway 58 between the junctions of said highway with State Highways 14 and 99 inclusive; (4) Carrier may use the highways named in this order in either direction and any other public roadways necessary or convenient to perform the service authorized in Paragraphs 1, 2, and 3; and (5) Through routes and rates may be established between any and all points specified in paragraphs 1 through 3 hereof. Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

(1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 Minimum Rate Tariff No. 4-B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; and (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

NOTE. A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific

Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National boundaries to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue, southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way;

Southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Request for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-21627 Filed 10-10-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS OF PERFORMANCE AND PRETREATMENT

Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 415]

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS OF PERFORMANCE AND PRETREATMENT FOR INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Notice of Proposed Rulemaking

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the aluminum chloride production subcategory (Subpart A), the aluminum sulfate production subcategory (Subpart B), the calcium carbide production subcategory (Subpart C), the calcium chloride production subcategory (Subpart D), the calcium oxide and hydroxide production subcategory (Subpart E), the chlorine and sodium or potassium hydroxide production subcategory (Subpart F), the hydrochloric acid production subcategory (Subpart G), the hydrofluoric acid production subcategory (Subpart H), the hydrogen peroxide production subcategory (Subpart I), the nitric acid production subcategory (Subpart J), the potassium metal production subcategory (Subpart K), the potassium dichromate production subcategory (Subpart I), the potassium sulfate production subcategory (Subpart M), the sodium bicarbonate production subcategory (Subpart N), the sodium carbonate production subcategory (Subpart O), the sodium chloride production subcategory (Subpart P), the sodium dichromate and sodium sulfate production subcategory (Subpart Q), the sodium metal production subcategory (Subpart R), the sodium silicate production subcategory (Subpart S), the sodium sulfite production subcategory (Subpart T), the sulfuric acid production subcategory (subpart U), and titanium dioxide production subcategory (Subpart V), of the inorganic chemicals manufacturing category of point sources 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.; Pub. L. 92-500) (the "Act").

(a) *Legal authority.* (1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to Section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the aluminum chloride production subcategory (Subpart A), the aluminum sulfate production subcategory (Subpart B), the calcium carbide production subcategory (Subpart C), the calcium chloride production subcategory (Subpart D), the calcium oxide and hydroxide production subcategory (Subpart E), the chlorine and sodium or potassium hydroxide production subcategory (Subpart F), the hydrochloric acid production subcategory (Subpart G), the hydrofluoric acid production subcategory (Subpart H), the hydrogen peroxide production subcategory (Subpart I), the nitric acid production subcategory (Subpart J), the potassium metal production subcategory (Subpart K), the potassium dichromate production subcategory (Subpart L), the potassium sulfate production subcategory (Subpart M), the sodium bicarbonate production subcategory (Subpart N), the sodium carbonate production subcategory (Subpart O), the sodium chloride production subcategory (Subpart P), the sodium dichromate and sodium sulfate production subcategory (Subpart Q), the sodium metal production subcategory (Subpart R), the sodium silicate production subcategory (Subpart S), the sodium sulfite production subcategory (Subpart T), the sulfuric acid production subcategory (Subpart U), and titanium dioxide production subcategory (Subpart V), of the inorganic chemicals manufacturing category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achieveable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the inorganic chemicals manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the aluminum chloride production subcategory (Subpart A), the aluminum sulfate production subcategory (Subpart B), the calcium carbide production subcategory (Subpart C), the calcium chloride production subcategory (Subpart D), the calcium oxide and hydroxide production subcategory (Subpart E), the chlorine and sodium or potassium hydroxide production subcategory (Subpart F), the hydrochloric acid production subcategory (Subpart G), the hydrofluoric acid production subcategory (Subpart H), the hydrogen peroxide production subcategory (Subpart I), the nitric acid production subcategory (Subpart J), the potassium metal production subcategory (Subpart K), the potassium dichromate production subcategory (Subpart L), the potassium sulfate production subcategory (Subpart M), the sodium bicarbonate production subcategory (Subpart N), the sodium carbonate production subcategory (Subpart O), the sodium chloride production subcategory (Subpart P), the sodium dichromate and sodium sulfate production subcategory (Subpart Q), the sodium metal production subcategory (Subpart R), the sodium silicate production subcategory (Subpart S), the sodium sulfite production subcategory (Subpart T), the sulfuric acid production subcategory (Subpart U), and titanium dioxide production subcategory (Subpart V), of the inorganic chemicals manufacturing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 415.15, 415.25, and 415.35, 415.45, 415.55, 415.65, 415.75, 415.85, 415.95, 415.105, 415.115, 415.125, 415.135, 415.145, 415.155, 415.165, 415.175, 415.185, 415.195, 415.205, 415.215, 415.225, proposed below provide pretreatment standards for new sources within the aluminum chloride production subcategory (Subpart A), the aluminum sulfate production subcategory (Subpart B), the calcium carbide production subcategory (Subpart C), the calcium chloride production subcategory (Subpart D), the calcium oxide and hydroxide production subcategory (Subpart E), the chlorine and sodium or potassium hydroxide production subcategory (Subpart F), the hydrochloric acid production subcategory (Subpart G), the hydrofluoric acid production subcategory (Subpart H), the hydrogen peroxide production subcategory (Subpart I), the nitric acid production subcategory (Subpart J), the potassium metal production subcategory (Subpart K), the potassium dichromate production subcategory (Subpart L), the potassium sulfate production subcategory (Subpart M), the sodium bicarbonate production subcategory (Subpart N), the sodium carbonate production subcategory (Subpart O), the sodium chloride production subcategory (Subpart P), the sodium dichromate and so-

dium sulfate production subcategory (Subpart Q), the sodium metal production subcategory (Subpart R), the sodium silicate production subcategory (Subpart S), the sodium sulfite production subcategory (Subpart T), the sulfuric acid production subcategory (Subpart U), and titanium dioxide production subcategory (Subpart V), of the inorganic chemicals manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides pursuant to Section 304(c) of the Act, information on such processes, procedures of operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources. (1) *General methodology.* The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "the best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 415.15, 415.25, 415.35, 415.45, 415.55, 415.65, 415.75, 415.85, 415.95, 415.105, 415.115, 415.125, 415.135, 415.145, 415.155, 415.165, 415.175, 415.185, 415.195, 415.205, 415.215, and 415.225 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the inorganic chemicals manufacturing category of point sources.

(i) *Categorization.* For the purpose of establishing effluent limitations guidelines and standards, the inorganic chemicals manufacturing category was divided into twenty-two discrete subcategories consistent with the specific chemicals produced. Various other means to group the twenty-two chemicals into subcategories were investigated. Factors such as raw waste loads, water requirements, and manufacturing processes do not establish a sound basis for subcategorization because the raw materials used and production processes employed are specific for each chemical. Although certain waste water constituents may be reduced to similar concentrations for selected chemical groupings, the quantities of pollutants discharged based on production volume are different for each chemical because of specific water requirements.

Thus, for the purpose of these regulations, a subcategory was established for each chemical product. This subcategorization scheme simplifies the application of effluent limitations guidelines because inorganic chemical plants vary significantly in terms of product mix. This scheme also reflects differences in the treatability of waste streams due to the manufacturing process variables unique to each chemical.

(ii) Process descriptions, water use and waste water characterization for each chemical subcategory

(1) Aluminum chloride. Anhydrous aluminum chloride is manufactured by the reaction of gaseous chlorine with molten aluminum metal. Chlorine is introduced below the surface of the molten aluminum. The aluminum chloride sublimes and is collected by condensation.

No water is used in the process except in cases where a wet scrubber is used to eliminate the discharge of unreacted chlorine gas to the atmosphere. The wet scrubbing solution may be sold as a by-product or recycled after the precipitation of aluminum salts.

(2) Aluminum sulfate. Aluminum sulfate is produced by the reaction of bauxite ore with concentrated sulfuric acid. Ground ore and acid are reacted in a digester, yielding aluminum sulfate in solution plus muds and insoluble waste materials. These waste products are removed during sedimentation and filtration. The filtered product liquor is either shipped as liquid aluminum sulfate or evaporated to recover a solid product. Waste muds may be ponded to settle the solids and the clear water may be recycled.

(3) Calcium carbide. Calcium carbide is prepared by the reaction of calcium oxide with carbon in a high temperature furnace. The product is then cooled, crushed, screened, packaged, and shipped. The only wastes from this process are airborne dusts from the furnace coke dryer, from screening and from the packing station. All collected dusts may be returned to the furnace.

(4) Calcium chloride. The limitations presented herein apply only to the brine extraction process of manufacturing calcium chloride. Salt is solution-mined and the resulting brines concentrated to remove sodium chloride by precipitation and then purified by the addition of other materials to precipitate sodium, potassium, and magnesium ions. The process wastes are weak brine solutions from the blowdown of the various brine purification steps.

(5) Calcium oxide and hydroxide. Calcium oxide and hydroxide are produced by calcining various types of limestone in continuous vertical or rotating kilns. This is a dry process, and the only waterborne wastes result from wet scrubbing of the gaseous kiln effluent to remove particulates.

After calcination, the calcium oxide and hydroxide are cooled and packaged as a lump product or crushed and screened to yield a pulverized product.

(6) Chlorine and sodium or potassium hydroxide. The major chlorine production results from the electrolysis of sodium or potassium brines. Sodium hydroxide or potassium hydroxide are produced as byproducts. Two types of electrolysis cells may be used.

In the mercury cell process, the raw material is dissolved and purified by addition of barium carbonate, soda ash, and lime to remove magnesium, calcium, and sulfate ion prior to electrolysis. The insolubles formed are filtered from the brine, which is fed into a mercury cell, where chlorine is liberated at one electrode and a sodium-mercury amalgam is formed at the other.

The chlorine formed is cooled, dried in a sulfuric acid stream, purified to remove chlorinated organics, compressed and sold. The mercury-sodium amalgam formed is treated with water to decompose the amalgam. Sodium hydroxide and hydrogen are formed in the reaction. The mercury liberated is returned to the electrolysis cells. The hydrogen is cooled, scrubbed to remove traces of mercury, compressed and sold.

The sodium hydroxide formed during the decomposition of the amalgam is filtered, concentrated, and sold. Waste brines emerging from the electrolysis cells are concentrated and recycled.

In the diaphragm cell process, chloride brines are first purified and then electrolyzed in a diaphragm cell. Chlorine, formed at one electrode, is collected, cooled, dried with sulfuric acid, purified, compressed, and liquefied. At the other electrode, sodium hydroxide is formed and hydrogen is liberated. The hydrogen is cooled, purified, and compressed. The sodium hydroxide formed, along with unreacted brine, is evaporated to 50 percent concentration. During the partial evaporation, most of the unreacted sodium chloride precipitates and is removed by filtration for recycle to the process. The sodium hydroxide solutions are further evaporated to yield solid products.

(7) Hydrochloric acid. Hydrochloric acid may be manufactured by two major processes. The process considered herein is direct reaction of chlorine with hydrogen. The other major source of production is as a byproduct of organic chlorination reactions.

In production by direct reaction, hydrogen and chlorine gas are reacted in a vertical burner. The product, hydrogen chloride, is cooled and then absorbed in water. No waterborne wastes are generated during normal operation. The start-up wastes may be treated and reused.

(8) Hydrofluoric acid. Hydrofluoric acid is manufactured by reacting the mineral fluorspar (CaF_2) with concentrated sulfuric acid in a furnace. The hydrofluoric acid leaves the furnace as a gas, is cooled and absorbed in water prior to purification. In the purification system, the crude acid is redistilled and either absorbed in water or compressed for sale as anhydrous hydrofluoric acid.

(9) Hydrogen peroxide. Hydrogen peroxide is manufactured by three different processes: (1) an electrolytic process; (2) oxidation of alkyl hydroanthraquinones; and (3) as a byproduct in the manufacture of acetone from isopropyl alcohol. The limitations presented herein apply only to the first two processes.

In the electrolytic process, a solution of ammonium (or other) bisulfate is electrolyzed, yielding ammonium persulfate at the anode and hydrogen gas at the cathode. The persulfate is then reacted with water to yield hydrogen peroxide and the original bisulfate. In the oxidation process, alkylanthraquinone is reduced by hydrogen over a supported metal catalyst (typically palladium on alumina), yielding the corresponding alkylhydroanthraquinone. This, in turn, is oxidized by oxygen in a forced gas stream to produce the original alkylanthraquinone plus hydrogen peroxide. The hydrogen peroxide is extracted with water and the alkylanthraquinone is recycled.

(10) Nitric acid. Nitric acid is produced by catalytic oxidation of ammonia to nitrogen dioxide which is reacted with water vapor under pressure to obtain the acid. In the process, compressed, purified, and preheated air and anhydrous ammonia are mixed and passed over a platinum-rhodium wire gauge catalyst. The resultant mixture of nitric oxide and excess air is introduced into a stainless steel absorption tower where the nitric oxide is oxidized. The resulting nitrogen dioxide is then reacted with water. The only process wastes from a well-designed plant are weak nitric acid solutions which may be recycled.

(11) Potassium metal. Potassium is produced by the reaction of potassium chloride with sodium vapors. No water is used in this manufacturing process. The potassium chloride is melted in a gas-fired melt pot and is fed to an exchange column. The molten potassium chloride is contacted by ascending sodium vapors, yielding sodium chloride and elemental potassium. The sodium chloride is normally recovered and sold.

(12) Potassium dichromate. Most potassium dichromate manufactured in the U.S. is made by reacting a sodium dicromate dihydrate solution with potassium chloride. The potassium dichromate is crystallized from solution resulting in a relative pure product which requires only removal of water prior to sizing and packaging. The process water may be recycled back to the initial reaction tank.

(13) Potassium sulfate. Potassium sulfate is prepared by treating dissolved langbenite ore ($K_2SC_4 \cdot 2MgSC_4$), a naturally occurring potassium magnesium sulfate mineral, with potassium chloride. The ore is crushed and dissolved in water to which potassium chloride is added. Partial evaporation of the solution results in selective precipitation of potassium sulfate. This is recovered by centrifugation or filtration, dried and sold. The resulting brine liquor may be held in evaporation ponds, reused as process water, or evaporated to dryness to recover magnesium chloride.

(14) Sodium bicarbonate. Sodium bicarbonate is made by reacting sodium carbonate with water and carbon dioxide under pressure. The bicarbonate precipitates from solution and is centrifuged or filtered, washed, dried, and packaged. Treated process waste water may be recycled after concentration with respect to sodium carbonate.

(15) Sodium carbonate. Sodium carbonate (soda ash) is produced by the Solvay process or by the mining of trona (sodium sesquicarbonate) in California and Wyoming.

The Solvay process involves a reaction of ammonia and carbon dioxide in a brine solution to yield sodium bicarbonate. This is converted to the carbonate by heating. Ammonia may be recovered by adding slaked lime to the used liquor. Large quantities of dissolved and suspended solids are generated by this process. A typical effluent after sedimentation and neutralization contains over 100,000 mg/l of dissolved materials (mainly NaCl and $CaCl_2$).

The mining of trona currently accounts for approximately forty percent of sodium carbonate production.

(16) Sodium chloride. Sodium chloride may be produced by solution brine mining, by solar evaporation of sea water, or by conventional mining of rock salt. The regulations presented herein apply to the first two processes. Solar evaporation to produce sodium chloride consists of holding sea water in large ponds where the water is allowed to evaporate. After saturation is reached, the brine is fed to a crystallizer where sodium chloride is precipitated. The brine solution may be further treated to recover potassium and magnesium salts. Solution-mining of brines involves pumping water into an underground salt deposit and recovering the brine solution for treatment. The specific treatment is variable depending on the nature of the impurities present. Typically, the brine may be first aerated to remove hydrogen sulfide and, in many cases, small amounts of chlorine are added to complete sulfide removal and oxidize all iron salts present to the ferric state. The brine is then pumped to settling tanks where it is treated with calcium carbonate and sodium hydroxide to remove most of the calcium, magnesium and iron present as insoluble salts. After clarification to remove these insolubles, the brine is then sent to multiple effect evaporators. As water is removed, salt crystals form and are removed as a slurry. After screening to remove lumps, the slurry is then washed with fresh brine. The washed slurry is filtered, the mother liquor is returned to the evaporators and the salt crystals from the filter are dried, screened, and packaged.

Waste water results from the multiple evaporators and dryers and from the brine purification processes.

(17) Sodium dichromate and sodium sulfate. Sodium dichromate and sodium sulfate are prepared by calcining a mix-

ture of chrome ore, sodium carbonate, and lime, followed by leaching the soluble chromates with water. Calcium salts are precipitated by pH adjustment and then removed along with iron oxide. The leachate containing the soluble chromate is then acidified with sulfuric acid, forming sodium dichromate and sodium sulfate. The dichromate solution is partially evaporated and fed to a crystallizer where sodium dichromate crystals are formed. The crystals are centrifuged to remove excess water, then dried and packaged.

The sulfate is precipitated following the partial evaporation process. The leachate is filtered and dried. The insoluble residue remaining from the leaching operation may be recycled to leach out additional material.

(18) Sodium metal. The process used to manufacture sodium metal, commonly called the Downs cell process, consists of the electrolysis of fused sodium chloride at about 600° C. The salt is mixed with alkali fluorides and calcium chloride to sufficiently lower the melting point, and the charge is then fused in a Downs cell. Molten sodium formed at the cathode is transported to a collection vessel, from which the metal is withdrawn from the bottom, filtered, and packaged in the form of bricks of various sizes.

It is essentially a dry process. However, water-borne wastes are generated during cleanout and washdown of cells when the electrolyte is replenished, from scrubbing chlorine tail gases and also from drying the chlorine with sulfuric acid.

(19) Sodium silicate. The production of sodium silicate generally involves reacting soda ash or anhydrous sodium hydroxide with silica. The product is then dissolved in water under pressure to prepare sodium silicate solutions. The water-borne wastes include unreacted silica, sodium hydroxide and sodium silicate. The pollutants are the result of tank washdowns, product shock cooling with water and wet scrubbers. These wastes may be ponded to settle the solids and the clear liquid may be partially recycled and partially pond evaporated. The waste solution may be further reacted with sodium hydroxide to manufacture metasilicates which may be isolated by evaporation and sold.

(20) Sodium sulfite. Sodium sulfite is manufactured by reacting sulfur dioxide with soda ash. The sulfur dioxide gas is fed into a solution of sodium carbonate until the product is acidic. The solute consists mainly of sodium bisulfate which is converted into sodium sulfite by the further addition of soda ash. The solution is boiled to evolve carbon dioxide. The crude sulfite is filtered to remove insolubles, crystallized and dried.

The wastes consist of sulfides from the purification steps, and sulfites and sulfates which result from periodic washdowns. The sulfite may be oxidized to sulfate by aeration and suspended solids removed by filtration.

(21) Sulfuric acid. Sulfuric acid is manufactured primarily by the contact process which involves the burning of sulfur to sulfur dioxide. The sulfur dioxide is catalytically oxidized to sulfur trioxide which is reacted with water to yield sulfuric acid. Within the contact process there are three basic types of plants: (i) Double absorption plants use paired sulfur trioxide absorption towers and catalyst beds in series to maximize conversion of sulfur dioxide so that tail gas scrubbers are not required; (ii) single absorption plants use single towers and catalyst beds and tail gases frequently have to be scrubbed to remove sulfur oxides; and (iii) spent acid plants use spent sulfuric acid in place of, or in addition to, sulfur as a raw material.

The regulations presented herein apply only to the first two plant types. In the double absorption contact process, sulfur is burned to yield sulfur dioxide which is then passed through a catalytic converter with air to produce sulfur trioxide. The sulfur trioxide is then absorbed in 95–97 percent sulfuric acid. The gases emerging from the absorber are then fed to a second converter to oxidize the remaining sulfur dioxide to sulfur trioxide, which is then absorbed in a second absorption tower. The tail gases are vented to the atmosphere. They are sufficiently depleted of sulfur oxides so that gas scrubbers are not required. Prevention of leaks and spills can eliminate the discharge of process waste water pollutants.

The single absorption process differs from that previously described only in the arrangement of the converters and absorbers. The rest of the process is the same. For the single absorption process, the sulfur dioxide is passed through one or more converters and then into one or more absorbers prior to venting to the atmosphere. These tail gases usually need to be scrubbed and the waste water treated.

(22) Titanium dioxide. Titanium dioxide may be manufactured using either the chloride or sulfate process. In the sulfate process, ground ilmenite ore (FeO TiO_2) is digested with concentrated sulfuric acid at high temperatures. The acid used is normally about 150 percent of the weight of the ore. In some cases, small amounts of antimony trioxide are also added. The resulting sulfates of titanium and iron are then leached from the reaction mass with water and any ferric salts present are reduced to ferrous salts by treatment with iron scrap to prevent coloration of the titanium dioxide.

After these operations, the solutions are clarified, cooled and sent to a vacuum crystallizer. There, ferrous sulfate crystallizes out and is separated from the mother liquor by centrifugation. This material is either sold or disposed of as a waste.

The mother liquor is clarified by filtration after addition of filter aids and further concentrated by vacuum evaporation. Seed crystals or other nucleating agents are added and the concentrated liquor is treated with steam to hydrolyze the titanium sulfate present. This precipitates as acidic hydrated titanium. The precipitate is collected by filtration, washed several times and calcined at 900–950°C to yield titanium dioxide. This calcined product is ground, and further processed to yield a purer product.

In the manufacture of titanium dioxide by the chloride process, ores containing titanium dioxide, iron, aluminum, vanadium, plus other minor trace impurities, are dried to remove moisture, then fed up to a high temperature fluidized bed chlorinator. Coke needed to promote chlorination is also dried and fed to the reactor.

The gaseous reaction products contain titanium tetrachloride, ferrous and ferric chlorides, carbon monoxide and dioxide, hydrogen chloride (from the hydrogen in the coke and ore, etc.), entrained coke and ore, plus all other chlorinated impurities in the ore. These pass to a long cooling train which cools the product stream so that all of the iron chlorides and most of the remaining metal chlorides condense. Solids are separated from the gaseous titanium tetrachlorides by centrifugation or other mechanical means and slurred in water for discharge from the process as raw waste.

The remaining gaseous titanium tetrachloride is then condensed. Noncondensable reaction gases, containing small amounts of titanium tetrachloride, silicon tetrachloride and hydrogen chloride are water scrubbed, then vented.

Crude titanium tetrachloride is purified to remove traces of silicon, vanadium, iron, magnesium, manganese, aluminum, chromium, etc., by various techniques including distillation, absorption, ion exchange, and chemical precipitation with hydrogen sulfide, inorganic salts, or organic compounds. All methods yield a pure titanium tetrachloride fraction, and a contaminant sludge which is slurred in water and discharged with the cooling tower waste.

The pure titanium tetrachloride is vaporized, superheated, and added to the oxidation reactor with hot air or oxygen to form a pure, finely divided, pigmentary titanium dioxide.

The oxidation reactor product stream, consisting primarily of cholorine, nitrogen, and suspended titanium dioxide is cooled and the titanium dioxide separated mechanically by means of cyclones, bag filters, or precipitators for further processing. Chlorine and nitrogen from the oxidation product stream are fed to the chlorinator with makeup chlorine to produce more titanium tetrachloride. The recovered pigment is calcined and surface treated to impact desirable optical or physical properties. The titanium dioxide is ground to submicron sized particles, and packed as finished product.

(iii) Control and treatment technology for the inorganic chemicals manufacturing category.

Although waste effluents from inorganic chemical plants widely differ in both chemical nature and raw waste loadings, many pollution control techniques and treatment processes are common throughout the industry. Good control and containment practices may significantly reduce the quantity of water

requiring treatment. These practices include monitoring techniques, safety practices, in-process abatement measures, spill and leak prevention, containment provisions, and segregation practices.

The purity of the raw materials used in many manufacturing processes significantly influences the waste load. Economics and availability, however, necessitate use of impure ores and technical grade reactants. These impurities may be controlled by washing, purifying, separating or beneficiating the raw materials prior to use in the manufacturing process. Treatment of ores may be done at the mining site where beneficiating waste may be controlled and handled with minimal pollutant effects.

Segregation of waste streams is an important waste control technique. Large uncontaminated water streams should be separated from the process waste water to minimize the quantity of water requiring treatment.

Spills and leaks can be minimized by employing good housekeeping practices. Provisions for containment and isolation of occasional leaks and spills may be implemented.

Many waterborne wastes result from product losses in bottling, packing, or shipping areas. Good engineering and housekeeping may be used to reduce losses to a minimum.

In many manufacturing processes wet scrubbers are used to control air pollution. The scrubbing solution may generally be treated and reused or sold. In some cases, conversion to a dry abatement system is justified because of product recovery.

Unit operations and processes to treat process waste water streams in the inorganic chemicals manufacturing category include sedimentation, filtration, clarification, chemical treatments, centrifugation, ion exchange, carbon adsorption, and evaporation. The specific treatment technique and resulting effluent quality depend on the waste load generated by each manufacturing process.

Fourteen chemical manufacturing processes, including the production of aluminum chloride, aluminum sulfate, calcium carbide, hydrochloric acid, calcium oxide, potassium, potassium sulphate, sodium bicarbonate, sodium chloride (by the solar evaporation process), sodium silicate, and sulfuric acid, generate relatively small quantities of waste water. The process waste streams generally may be treated and recycled, reused, evaporated for product recovery, or sold.

The following chemical processes generate waste streams which require treatment to reduce quantities of suspended solids. They include calcium chloride production by solution brine-mining, hydrogen peroxide production by the organic process, sodium production, sodium chloride production by solution-mining and sodium carbonate production by the Solvay process. Treatment generally consists of various liquid-solid separation operations including sedimentation and filtrations to reduce effluent concentrations of suspended solids to 25 mg/l.

Neutralization of acidic or alkaline streams is required. Recycle and reuse of various waste streams are possible. Additional treatment and in-process changes (replacement of barometric condensers with noncontact heat exchangers, for example) make chemical production feasible with no discharge of process waste water pollutants for all processes except soda ash production. Additional treatment of soda ash waste will reduce the suspended solids concentration to 15 mg/l.

The remaining manufacturing processes, hydrogen peroxide production by the electrolytic process, sodium dichromate and sodium sulfate production, chlor-alkali facilities using either the diaphragm or mercury cell process and titanium dioxide production by the chloride or sulfate process, require treatment to reduce suspended solids concentrations. In addition, the effluent contains dissolved metals which are present in potentially harmful quantities. The presence of these pollutants, including mercury, lead, chromium and other metals, necessitates additional treatment specific for the potentially harmful pollutant present. Cyanide solutions from the electrolytic process to manufacture hydrogen peroxide may be passed through an ion exchange system and oxidized to a cyanate solution. Chloralkali plants using the mercury cell process may treat mercury-containing streams with sodium sulfide. Lead discharges from the diaphragm cell process may be eliminated by use of stable metal anodes. Hexavalent chromium resulting from the production of sodium dichromate may be reduced to trivalent chromate and precipitated with lime or caustic.

Additional treatment based on available technologies and various in-process modifications make it possible to produce the above named chemicals, except titanium dioxide, with no process waste water discharge. Although acid recovery and reuse is being investigated in the titanium dioxide production process, it has not been demonstrated in large scale operation. Additional treatment will reduce the effluent suspended solids concentration to 15 mg/l.

(iv) Cost estimates and economic impact for control of waste water pollutants in the inorganic chemicals manufacturing category.

Treatment costs to achieve the effluent reductions attainable by the application of the best practicable technology currently available and by application of the best available technology economically achievable are specific for each chemical manufacturing process. The annual cost to achieve the best practicable technology is less than $1/ton of product for fifteen major chemical manufacturing processes. The costs are less than $2/ton of product for five chemicals. Annual treatment costs are $14 and $12/ton of product for hydrofluoric acid and sodium dichromate. Because of the relatively high list price for these chemicals, the treatment costs represent only 2.5 and 3.3 percent of the current list price.

The manufacture of titanium dioxide generates waste water characterized by high pollutant concentrations. Currently only minor treatment is being practiced. The implementation of best practicable technology currently available results in an annual cost of $82/ton of product for the sulfate process and $37/ton of product for the chloride process. These figures are 14 and 6.4 percent of the current list price. Because substitute products may be used only on a limited basis and demand currently exceeds the supply, these costs may be passed on as price increases with minor economic impact.

The incremental annual costs to achieve the degree of reduction attainable by the application of best available technology economically achievable average less than two percent of the current list price for all products from these chemical manufacturing processes. On this basis, it is concluded that these guidelines and standards will have no major economic impact and that the guidelines and standards set forth in this regulation are economically achievable.

(v) Nonwater quality aspects of pollution control in the inorganic chemicals manufacturing category.

The large volumes of sludge generated by some treatment processes create a substantial solid waste problem. Landfill and lagoon sites of adequate size and good design are essential for treatment processes. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction. Ocean disposal and deep-well injection may be practiced only under strictly regulated conditions, consistent with the requirements of Federal and State laws.

The inorganic chemicals manufacturing category has large energy requirements for furnaces, kilns, calciners, distillations columns, evaporators, and other common equipment. In contrast, application of the suggested treatment practices consumes less than one percent of this amount.

No significant noise or air pollution problems are expected to result because

of the application of water pollution control equipment.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and News Source Performance Standards for the major inorganic products Segment of the Inorganic Chemicals Manufacturing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the phosphate manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document were sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Manufacturing Chemists' Association; (4) the Chlorine Institute; Puerto Rico Land Administration; (5) American Society of Mechanical Engineers; (6) American Society of Civil Engineers; (7) Hudson River Sloop Restoration, Inc.; (8) National Resource Defense Council; (9) Water Pollution Control Federation; (10) the National Wildlife Federation; and (11) Michigan Students Environmental Foundation.

The following organizations responded with comments: Department of Defense; Department of Commerce; Commonwealth of Kentucky; Department for Natural Resources and Environmental Protection; Texas Water Quality Board; Department of Natural Resources; State of Michigan Water Resources Commission; Michigan Student Environmental Confederation, Inc.; Allied Chemical Corporation; the Chlorine Institute, Inc.; American Cyanamid Company; E. I. duPont De Nemours & Company; FMC Corporation; Manufacturing Chemists' Associations; and Monsanto Industrial Chemicals Company.

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) The inorganic chemicals manufacturing category is very large and diverse. In establishing effluent guidelines it was necesssary to consider numerous factors which may predicate varying the guidelines to accommodate differences in plant size, age, geographical location, manufacturing processes employed and product mix. Comments from various industrial concerns indicate that they feel these variables justify further segmentation of the industry. The key issue is the degree to which the inorganic chemicals manufacturing category should be segmented for the purpose of establishing effluent guidelines and standards of performance. One extreme is to establish one limitation for the entire industry. Examination of the dissimilarities in manufacturng processes and wasteloads generated for each chemical reveal that this approach is technically unsound. On the other extreme, each chemical plant is unique and presents specific treatment problems. If the regulations presented herein are to reflect every variation, it is necessary to have separate guidelines for each plant. This approach does not reflect the intent of the Act and is unworkable.

The approach selected was to examine all variables and segment the industry into workable subcategories consistent with these variations. Twenty-two subcategories have been established based on the chemical product manufactured. In cases where two dissimilar processes are used to manufacture the same product, separate limitations have been established within the subcategory.

While it is recognized that differences in plant age and size will affect the treatment costs to a certain degree, the limitations presented herein may be practicably achieved industry-wide.

Some plants use dry air pollution abatement systems whereas others employ wet scrubbers. Again, it is recognized that it is more difficult for plants using wet scrubbers to achieve the effluent limitations. However, this scrubbing solution may be treated and subsequently recycled or sold. In some cases, product recovery justifies conversion to a dry system.

Other variations, including quality of raw materials, product mix, and geographical locations, are addressed in the Development Document where alternative treatment schemes are presented to demonstrate industry-wide applicability.

(2) Some commentors criticized the methodology used in preparing the effluent limitations and standards of performance. The concept of basing standards on the exemplary plants was questioned. This approach was detailed in the legislative history of the Act and serves as a logical basis for developing guidelines based on best practicable technology currently available. In many cases in the inorganic chemical industry, only one or two plants were considered exemplary based on waste water treatment of effluents generatd by the production of a given chemical. Industry representatives interpret "average of the best" to require the compilation of data from a wider segment of the industry. In many cases, however, only one or two plants were demonstrating exemplary treatment practices. Where this treatment was considered economically practicable and applicable industry-wide, it was selected as the basis for guidelines.

(3) Industry representatives and various government agencies questioned the appropriateness of establishing a 1977 standard for fourteen chemicals requiring a zero discharge of process waste water pollutants to navigable waters, when the Act lists this as a national goal to be achieved by 1983.

Technology based standards as detailed in Sections 301, 304(b) and 306 require the maximum pollutant reductions prior to 1983 consistent with the economic and technological factors considered under Sections 304(b) and 306. This does not preclude the promulgation of a zero discharge standard for 1977.

All fourteen chemicals are currently being produced in exemplary plants with a zero discharge of process waste water pollutants. Zero discharge may be achieved for ten of the fourteen chemicals at an annual incremental cost of less than one percent of the list price. Three other chemicals may be manufactured with a zero discharge by spending less than four percent of the current list price. Sodium chloride production by brine-mining requires an expenditure of eleven percent of the list price. Because of the relatively low price, however, this results in a price increase of only 0.1 cents/lb of product which will not significantly impact the economy.

(4) Commentors expressed concern about an initial proposal to eliminate the discharge of process waste water pollutants from the Solvay process used to manufacture soda ash. This process generates extremely large quantities of pollutants, most of which are currently discharged with little treatment. An alternate process, mining trona, exists for producing soda ash. This mining operation is relatively clean and produces soda ash at an equitable price. (Shipping costs are offset by large operating costs for the Solvay process plants.) Currently forty percent of the soda ash manufactured in the United States results from mining trona, and production figures indicate that this percentage will continue to increase. There appears to be an ample supply of this ore, sufficient to accommodate the soda ash market for years to come.

It was concluded that no technology is available and economically achievable for the elimination of dicharges from Solvay plants. Although the mining option exists, it was felt that Congress did not intend to eliminate large scale operations. The 1983, standard proposed herein requires implementation of the best available treatment technology which is economically achievable for Sol-

vay plants. New source Solvay plants are required to achieve zero discharge of process waste water pollutants, but this will have no impact on existing facilities. It is recognized that this standard may well constitute a prohibition of construction of new Solvay process plants unless some radical new technology is developed. However, ample supplies of soda ash may be obtained by mining trona. Moreover the newest Solvay process plant was constructed in 1933 and there are no known plans to build any new Solvay plants.

(5) Industry felt that the cost data for pollution control equipment given in Section VIII of the Report is underestimated.

The cost information was obtained directly from industry during exemplary plant visits, from engineering firms and equipment suppliers, and from literature. The information obtained from the latter three sources was used to develop general capital, operating and overall costs of each treatment and control method. This data plus the specific information verified by plant visits was used to generate the cost effectiveness curves in Section VIII of the Development Document and wherever else costs are mentioned.

(6) Dissolved solids are presented in significant quantities in the effluent resulting from the manufacture of most inorganic chemicals. Initially, guidelines were proposed limiting the quantities of dissolved solids. Many comments detailed objections to limiting total dissolved solids. In many cases, discharged sulfates and chlorides caused no deleterious effects in receiving waters. The disposal methods for concentrated dissolved solids have large energy requirements. Considering the non-water quality impact and cost-benefit relationship, it was concluded that only harmful dissolved materials (mercury, lead, etc.) could be practicably limited by technology based standards.

(7) Various agencies expressed concern about the ultimate disposal methods for harmful solid materials including mercury, chromium, etc. As detailed in the Development Document, care must be taken to prevent future dissolution of these materials and subsequent pollution of navigable waters by run-off or ground water infiltration. These metals remain soluble and may be carried into ground water unless extraordinary measures are taken to prevent leaching. Ocean dumping and deep-well disposal are allowed only under strictly regulated conditions in accordance with the requirements of applicable Federal and State laws.

(8) Several comments question the economic feasibility of achieving the proposed limitations for chlor-alkali plants. Industry felt that a zero discharge of process waste water pollutants is impossible to achieve, and that further segmentation of the chlor-alkali industry based on size and product mix in individual plants is required.

The effluent limitations based on best practicable technology currently available are being achieved in three exemplary plants. Treatment for both the mercury cell and diaphragm cell chlor-alkali plant effients consists of incinerating or landfilling chlorinated organic wastes, filtering and settling cell rebuilding wastes, ponding or returning brine purification muds to the brine cavity and partial recycle of the weak brine solutions. In the mercury cell process, curbing and collection of leaks and spills, followed by treatment with sodium sulfide, are required to reduce effluent mercury concentrations.

Although no plants are currently achieving no discharge of process waste water pollutants, the required technology is available and demonstrated. Annual incremental costs to achieve this level are less than one percent of the current list price. Available technology which will effect a zero discharge of pollutants consists of using the spent sulfuric acid solution for neutralization of other plant waste streams, sale as weak acid, sale to an acid regeneration plant for reprocessing or recycling after concentration. The hypochlorite waste from the tail gas scrubber may be treated and subsequently recycled, sold, or used to manufacture HCl. All weak brine solutions may be recycled to the process after extraction elimination of impurities. In the diaphragm cell process, the use of dimensionally stable anodes will eliminate the lead discharge.

(9) Many comments referred to cooling water, boiler blowdown waste water problems, and water supply waste water problems. These are to be dealt with later as a separate category. Any cooling water that picks up process related pollutants from leaks becomes process waste water. It is the responsibility of the plant to monitor cooling water streams for leaks, and to treat contaminated cooling water to the standards established for process waste water discharges.

(10) It has been pointed out by commenters that the economic impact analysis considered fully only 16 of the chemical commodities subject to this regulation. Because the remaining chemicals are largely interdependent with chemicals considered fully in the analyses or because the projected cost increase was a small percentage of the selling price, these chemicals did not appear to require a rigorous economic impact analysis. However, because of this comment, EPA is undertaking a further analysis of the economic impact of these regulations on the production of calcium chloride, sodium bicarbonate, sodium carbonate, sodium chloride, sodium metal, sodium silicate, sodium sulfite, and potassium sulfate. EPA requests comments and specific data on the possible economic impact of this proposed regulation on these chemicals.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this notice in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 1, 1973.

RUSSELL E. TRAIN,
Administrator.

PART 415 — EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Aluminum Chloride Production Subcategory

Sec.

415.10 Applicability; description of aluminum chloride production subcategory.
415.11 Specialized definitions.
415.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.14 Standards of performance for new sources.
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Subpart B—Aluminum Sulfate Production Subcategory

415.20 Applicability; description of aluminum sulfate production subcategory.
415.21 Specialized definitions.

Sec.
415.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.24 Standards of performance for new sources.
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Subpart C—Calcium Carbide Production Subcategory

415.30 Applicability; description of calcium carbide production subcategory.
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415.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable.
415.34 Standards of performance for new sources.
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Subpart D—Calcium Chloride Production Subcategory

415.40 Applicability; description of calcium chloride production subcategory.
415.41 Specialized definitions.
415.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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Subpart E—Calcium Oxide and Hydroxide Production Subcategory

415.50 Applicability; description of calcium oxide and hydroxide production subcategory.
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Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

415.60 Applicability; description of the chlorine and sodium or potassium hydroxide production subcategory.
415.61 Specialized definitions.
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415.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.64 Standards of performance for new sources.
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Subpart G—Hydrochloric Acid Production Subcategory

415.70 Applicability; description of hydrochloric acid production subcategory.
415.71 Specialized definitions.
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415.74 Standards of performance for new sources.
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Subpart H—Hydrofluoric Acid Production Subcategory

415.80 Applicability; description of hydrofluoric acid production subcategory.
415.81 Specialized definitions.
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415.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.84 Standards of performance for new sources.
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Subpart I—Hydrogen Peroxide Production Subcategory

415.90 Applicability; description of hydrogen peroxide production subcategory.
415.91 Specialized definitions.
415.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.94 Standards of performance for new sources.
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Subpart J—Nitric Acid Production Subcategory

415.100 Applicability; description of nitric acid production subcategory.
415.101 Specialized definitions.
415.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
415.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
415.104 Standards of performance for new sources.
415.105 Pretreatment standards for new sources.

Subpart K—Potassium Metal Production Subcategory

415.110 Applicability; description of potassium metal production subcategory.
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Subpart A—Aluminum Chloride Production Subcategory

§ 415.10 Applicability; description of aluminum chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of aluminum chloride.

§ 415.11 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of aluminum chloride.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through ap-

plication of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the act, for a source within the aluminum chloride subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, of this title, pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.14, Part 415: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart B—Aluminum Sulfate Production Subcategory

§ 415.20 Applicability; description of aluminum sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of aluminum chloride.

§ 415.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of aluminum sulfate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.25 Pretreatment standards for sources.

The pretreatment standards under section 307(c) of the Act, for a source within the aluminum sulfate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.24, Part 415 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Calcium Carbide Production Subcategory

§ 415.30 Applicability; description of calcium carbide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium carbide.

§ 415.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of calcium carbide.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 415.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the calcium carbide subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title except that for the purposes of this section, § 128.133, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, of this title the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.34, Part 415 provided that, if the publicly owned treatment works which receives the pollutants is com-

mitted, 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."

Subpart D—Calcium Chloride Production Subcategory

§ 415.40 Applicability; description of calcium chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium chloride by the brine extraction process.

§ 415.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of calcium chloride.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean calcium chloride.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1,000 kilograms; (3) lb shall mean pound(s); and (4) TSS shall mean total suspended nonfilterable solids.

§ 415.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.016 kg/kkg product (0.016 lb/1,000 lb).
pH	Maximum average of daily values for any period of thirty consecutive days 0.0082 kg/kkg of product (0.0082 lb/1,000 lb), within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the calcium chloride subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in section § 415.44. Part 415 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart E—Calcium Oxide and Hydroxide Production Subcategory

§ 415.50 Applicability; description of calcium oxide and hydroxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium oxide and hydroxide.

§ 415.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of lime.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.54 Standards of performance for new sources.

The following limitations consitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the calcium oxide and hydroxide subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.54. Part 415 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

§ 415.60 Applicability; description of the chlorine and sodium or potassium hydroxide production category.

The provisions of this subpart are applicable to discharges resulting from the production of chlorine and sodium or po-

tassium hydroxide in chlor-alkali plants by the mercury cell process or by the diaphragm cell process.

§ 415.61 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of chlorine and sodium or potassium hydroxide.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" means chlorine.

(d) The following abbreviation shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids.

§ 415.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of chlorine, sodium or potassium hydroxide by the mercury cell process after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.64 kg/kkg product (0.64 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.32 kg/kkg of product (0.32 lb/1,000 lb).
Total Dissolved Mercury.	Maximum for any one day 0.00014 kg/kkg product (0.00014 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00007 kg/kkg of product (0.00007 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of chlorine, sodium or potassium hydroxide by the diaphragm cell process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 0.17 kg/kkg product (0.17 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.083 kg/kkg of product (0.083 lb/1,000 lb).
Total Dissolved Lead.	Maximum for any one day 0.005 kg/kkg product (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0025 kg/kkg of product (0.0025 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the chlorine and sodium or potassium hydroxide subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 415.64, 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."

Subpart G—Hydrochloric Acid Production Subcategory

§ 415.70 Applicability; description of hydrochloric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrochloric acid by direct reaction of chlorine with hydrogen.

§ 415.71 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of hydrochloric acid.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the hydrochloric acid subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read 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 shall be the standard of performance for new sources specified in § 415.74, 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."

Subpart H—Hydrofluoric Acid Production Subcategory

§ 715.80 Applicability; description of hydrofluoric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrofluoric acid.

§ 415.81 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of hydrofluoric acid.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.84 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the hydrofluoric acid subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.84, 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."

Subpart I—Hydrogen Peroxide Production Subcategory

§ 415.90 Applicability; description of hydrogen peroxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of hydrogen peroxide by the electrolytic process and by the oxidation of alkyl hydroanthraquinones.

§ 415.91 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of hydrogen peroxide.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean hydrogen peroxide.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1,000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids; (5) other dissolved metals shall mean iron and platinum; and (4) TCC shall mean total organic carbon.

§ 415.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of hydrogen peroxide by the oxidation process after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 0.8 kg/kkg product (0.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.4 kg/kkg of product (0.4 lb/1,000 lb).
TOC	Maximum for any one day 0.44 kg/kkg product (0.44 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.22 kg/kkg of product (0.22 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of hydrogen peroxide by the electrolytic process after application of best practicable control technology currently available by a point source subject to these provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for one day 0.005 kg/kkg product (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0025 kg/kkg product (0.0025 lb/1,000 lb).
Total Dissolved Cyanide.	Maximum for one day 0.0004 kg/kkg product (0.0004 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/kkg product (0.0002 lb/1,000 lb).
Total Other Dissolved Metals.	Maximum for one day 0.004 kg/kkg product (0.004 kg/kkg). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/kkg product (0.0002 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.94 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes,

operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.95 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the hydrogen peroxide subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.94, 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."

Subpart J—Nitric Acid Production Subcategory

§ 415.100 Applicability; description of nitric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of nitric acid by the catalytic oxidation of ammonia.

§ 415.101 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of nitric acid.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.104 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.105 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the nitric acid subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.104, 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."

Subpart K—Potassium Metal Production Subcategory

§ 415.110 Applicability; description of potassium metal production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of potassium metal.

§ 415.111 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of potassium.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.114 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.115 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the potassium subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, of this title, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.114, 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."

Subpart L—Potassium Dichromate Production Subcategory

§ 415.120 Applicability; description of potassium dichromate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of potassium dichromate.

§ 415.121 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of potassium dichromate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.124 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.125 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the potassium dichromate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.124, 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."

Subpart M—Potassium Sulfate Production Subcategory

§ 415.130 Applicability; description of potassium sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of potassium sulfate.

§ 415.131 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of potassium sulfate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currenly available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.134 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.135 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the potassium sulfate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.134, 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."

Subpart N—Sodium Bicarbonate Production Subcategory

§ 415.140 Applicability; description of sodium bicarbonate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium bicarbonate.

§ 415.141 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium bicarbonate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.144 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.145 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium bicarbonate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.144, 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."

Subpart O—Sodium Carbonate Production Subcategory

§ 415.150 Applicability; description of sodium carbonate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium carbonate by the Solvay process.

§ 415.151 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium carbonate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean sodium carbonate.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1,000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids.

§ 415.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.34 kg/kkg product (0.34 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.17 kg/kkg of product (0.17 lb/1,000 lb).
pH	within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.2 kg/kkg product (0.2 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.1 kg/kkg of product (0.1 lb./1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 415.154 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.155 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium carbonate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read 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 shall be the standard of performance for new sources specified in § 415.154, 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."

Subpart P—Sodium Chloride Production Subcategory

§ 415.160 Applicability; description of sodium chloride production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium chloride by the solution brine-mining process and by the solar evaporation process.

§ 415.161 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium chloride.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean sodium chloride.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall

mean 1000 kilograms, (3) lb shall mean pound(s); and (4) TSS shall mean total suspended nonfilterable solids.

§ 415.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of sodium chloride by the solar evaporation process after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of sodium chloride by the brine-mining process after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.30 kg/kkg product (0.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.15 kg/kkg product (0.15 lb/1,000 lb).
pH	within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.164 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.165 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium chloride subcategory, which is an industrial user of 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 navigable waters), shall be the standard set forth in Part 128, of this title except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.164, 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."

Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory

§ 415.170 Applicability; description of sodium dichromate and sodium sulfate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium dichromate and by-product sodium sulfate.

§ 415.171 Specialized definitions.

For the purpose of this subpart:

(a) the term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium dichromate/sodium sulfate.

(b) the term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) the term "product" shall mean sodium ichromate.

(d) the following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids.

§ 415.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitations*
TSS	Maximum for any one day 0.44 kg/kkg product (0.44 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.22 kg/kkg of product (0.22 lb/1,000 lb).
Total Chromium.	Maximum for any one day 0.0088 kg/kkg product (0.0088 lb/1,000 lb).
Hexavalent Chromium.	Maximum average of daily values for any period of thirty consecutive days 0.0044 kg/kkg of product (0.0044 lb/1,000 lb). Maximum for any one day 0.0018 kg/kkg product (0.0018 lb/1,000 lb).
pH	Maximum average of daily values for any period of thirty consecutive days 0.0009 kg/kkg of product (0.0009 lb/1,000 lb). within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.174 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.175 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium dichromate and sodium sulfate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.174, 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 stand-

ard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart R—Sodium Metal Production Subcategory

§ 415.180 Applicability; description of sodium metal production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium metal by electroylsis.

§ 415.181 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean sodium metal.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1,000 kilograms; (3) lb shall mean pound(s); and (4) TSS shall mean total suspended nonfilterable solids.

§ 415.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.46 kg/kkg product (0.46 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.23 kg/kkg of product (0.23 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.184 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.185 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title except that for the purposes of this section, § 128.33 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.184, 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."

Subpart S—Sodium Silicate Production Subcategory

§ 415.190 Applicability; description of sodium silicate production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium silicate.

§ 415.191 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium silicate.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subject: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available t chnology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.194 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.195 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium silicate subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.194, 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."

Subpart T—Sodium Sulfite Production Subcategory

§ 415.200 Applicability; description of sodium sulfite production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sodium sulfite from the reaction of sulfur dioxide with soda ash.

§ 415.201 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into di-

rect contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sodium sulfite.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean sodium sulfite.

(d) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids and (5) COD shall mean chemical oxygen demand.

§ 415.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.032 kg/kkg product (0.032 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days .016 kg/kkg product (.016 lb/1,000 lb).
COD	Maximum for any one day 3.4 kg/kkg product (3.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.7 kg/kkg product (1.7 lb/1,000 lb).
ph	Within the range 6.0 to 9.9.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.204 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.205 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sodium sulfite subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, of this title, except that for the purposes of this section, § 128.133 of this title, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.204, 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."

Subpart U—Sulfuric Acid Production Subcategory

§ 415.210 Applicability; description of sulfuric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sulfuric acid by the catalytic oxidation of sulfur dioxide in single or double absorption plants.

§ 415.211 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of sulfuric acid.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 415.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.214 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 415.215 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the sulfuric acid subcategory, which is an industrial 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 navigable waters), shall be the standards set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.214, 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."

Subpart V—Titanium Dioxide Production Subcategory

§ 415.220 Applicability; description of titanium dioxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of titanium dioxide by the sulfate process and by the chloride process.

§ 415.221 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of titanium dioxide.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The term "product" shall mean titanium dioxide.

(d) The term "other dissolved metals" shall mean vanadium (as V_2O_5), aluminum (as Al_2O_3), silicon (as SiO_2), chromium (as Cr_2O_3), magnesium (as MgO),

neodymium (as Nd_2O_3) and zirconium (as ZrO_2).

(e) The following abbreviations shall have the following meanings: (1) kg shall mean kilogram(s); (2) kkg shall mean 1000 kilograms; (3) lb shall mean pound(s); (4) TSS shall mean total suspended nonfilterable solids.

§ 415.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of titanium dioxide by the chloride process after application of the best practicable technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 4.4 kg/kkg product (4.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.2 kg/kkg of product (2.2 lb/1,000 lb).
Total dissolved iron.	Maximum for any one day 0.072 kg/kkg product (0.072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.036 kg/kkg of product (0.036 lb/1,000 lb).
Total dissolved lead.	Maximum for any one day 0.028 kg/kkg product 0.028 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.014 kg/kkg of product (0.014 lb/1,000 lb).
Total other dissolved metals.	Maximum for any one day 0.03 kg/kkg product (0.03 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.
	Maximum average of daily values for any period of thirty consecutive days 0.015 kg/kkg of product (0.015 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of titanium dioxide by the sulfate process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 5.0 kg/kkg product (5.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.5 kg/kkg of product (2.5 lb/1,000 lb).
Magnesium (as MgO).	Maximum for any one day 2.0 kg/kkg product (2.0 lb/1,000 lb).
Cobalt (as CoO).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Silicon (as SiO_2).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Chromium (as Cr_2O_3).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Aluminum (as Al_2O_3).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Iron (as Fe_2O_3).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Vanadium (as V_2O_5).	Maximum for any one day 3.2 kg/kkg product (3.2 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from production of titanium dioxide by the chloride process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitation*
TSS	Maximum for any one day 2.6 kg/kkg product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.3 kg/kkg of product (1.3 lb/1,000 lb).
Total dissolved iron.	Maximum for any one day 0.072 kg/kkg product (0.072 lb/1,000 lb). Maximum averages of daily values for any period of thirty consecutive days 0.036 kg/kkg of product (0.036 lb/1,000 lb).
Total dissolved lead.	Maximum for any one day 0.028 kg/kkg product (0.028 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.014 kg/kkg of product (0.014 lb/1,000 lb).
Total other dissolved metals.	Maximum for any one day 0.03 kg/kkg product (0.03 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.015 kg/kkg of product (0.015 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the production of titanium dioxide by the sulfate process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 3.0 kg/kkg product (3.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.5 kg/kkg of product (1.5 lb/1,000 lb).
Magnesium (as MgC)	Maximum for any one day 2.0 kg/kkg product (2.0 lb/1,000 lb).
Cobalt (as CoO)	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Silicon (as SiO_2)	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Chromium (as Cr_2O_3)	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Aluminum (as Al_2O_3)	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Iron (as Fe_2O_3)	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Vanadium (as V_2O_5)	Maximum for any one day 3.2 kg/kkg product (3.2 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 415.224 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable from the production of titanium dioxide by the chloride process through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 2.6 kg/kkg product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.3 kg/kkg of product (1.3 lb/1,000 lb).
Total dissolved iron.	Maximum for any one day 0.072 kg/kkg product (0.072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.036 kg/kkg of product (0.036 lb/1,000 lb).
Total dissolved lead.	Maximum for any one day 0.028 kg/kkg product (0.028 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.014 kg/kkg of product (0.014 lb/1,000 lb).
Total other dissolved metals.	Maximum for any one day 0.03 kg/kkg product (0.03 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.015 kg/kkg of product (0.015 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable from the production of titanium dioxide by the sulfate process through application of the best available demonstrated control technology processes, operating methods,

or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Maximum for any one day 3.0 kg/kkg product (3.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.5 kg/kkg of product (1.5 lb/1,000 lb).
Magnesium (as MgO).	Maximum for any one day 2.0 kg/kkg product (2.0 lb/1,000 lb).
Cobalt (as CoO).	Maximum for any one day 0.1 kg/kkg product (0.1 lb/1,000 lb).
Silicon (as SiO2).	Maximum for any one day 1.0 kg/kkg product (0.1 lb/1,000 lb).
Chromium (as Cr2O3).	Maximum for any one day 1.0 kg/kkg product (1.0 lb/1,000 lb).
Aluminum (as Al2O3).	Maximum for any one day 1.0 kg/kkg product (1.0 lb/1,000 lb).
Iron (as Fe2O3).	Maximum for any one day 1.0 kg/kkg product (1.0 lb/1,000 lb).
Vanadium (as V2O5).	Maximum for any one day 3.2 kg/kkg product (3.2 lb/1,000 lb).

§ 415.225 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the titanium dioxide production subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 415.224, 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."

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[40 CFR Part 416]

EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS OF PERFORMANCE AND PRETREATMENT FOR PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

Notice of Proposed Rule-Making

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the polyvinyl chloride subcategory (Subpart A), acrylonitrile-butadiene-styrene (ABS), and styrene-acrylonitrile (SAN) resin copolymers subcategory (Subpart B), polyinyl acetate subcategory (Subpart C), polystyrene subcategory (Subpart D), polypropylene subcategory (Subpart E), polyethylene subcategory (Subpart F), cellophane subcategory (Subpart G), rayon subcategory (Subpart H), polyester subcategory (Subpart I), nylon 66 subcategory (Subpart J), nylon 6 subcategory (Subpart K), cellulose acetate subcategory (Subpart L), epoxy resins subcategory (Subpart M), phenolic resins subcategory (Subpart N), urea resins subcategory (Subpart O), melamine resins subcategory (Subpart P), acrylics subcategory (Subpart Q), of this segment of the plastics and synthetics manufacturing category of point sources pursuant to sections 301, 304 (b) and c, and 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.; P.L. 92-500) (the "Act").

(a) Legal authority

(1) Existing point sources:

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the polyvinyl chloride subcategory (Subpart A), acrylonitrile-butadiene-styrene (ABS) and styreneacrylonitrile (SAN) resin copolymers subcategory (Subpart B), polyvinyl acetate subcategory (Subpart C), polystyrene subcategory (Subpart D), polypropylene subcategory (Subpart E), polyethylene subcategory (Subpart F), cellophane subcategory (Subpart G), rayon subcategory (Subpart H), polyester subcategory (Subpart I), nylon 66 subcategory (Subpart J), nylon 6 subcategory (Subpart K), cellulose acetate subcategory (Subpart L), epoxy resins subcategory (Subpart M), phenolic resins subcategory (Subpart N), urea resins subcategory (Subpart O), melamine resins subcategory (Subpart P), acrylics subcategory (Subpart Q), of this segment of the plastics and synthetics manufacturing source category.

(2) New sources:

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the plastics and synthetics category. The regulations proposed herein set forth the standards of performance applicable to new sources for the polyvinyl chloride subcategory (Subpart A), acrylonitrile-butadiene-styrene (ABS) and styrene-acrylonitrile (SAN) resin copolymers subcategory (Subpart B), polyvinyl acetate subcategory (Subpart C), polystyrene subcategory (Subpart D), polypropylene subcategory (Subpart E), polyethylene subcategory (Subpart F), cellophane subcategory (Subpart G), rayon subcategory (Subpart H), polyester subcategory (Subpart I), nylon 66 subcategory (Subpart J), nylon 6 subcategory (Subpart K), cellulose acetate subcategory (Subpart L), epoxy resins subcategory (Subpart M), phenolic resins subcategory (Subpart N), urea resins subcategory (Subpart O), melamine resins subcategory (Subpart P), acrylics subcategory (Subpart Q), of this segment of the plastics and synthetics manufacturing source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 416.15, 416.25, 416.35, 416.45, 416.55, 416.65, 416.75, 416.85, 416.95, 416.105, 416.115, 416.125, 416.135, 416.145, 416.155, 416.165, and 416.175 proposed below provide pretreatment standards for new sources within the polyvinyl chloride subcategory (Subpart A), acrylonitrile-butadiene-styrene (ABS), and styrene-acrylonitrile (SAN), resin copolymers subcategory (Subpart B), polyvinyl acetate subcategory (Subpart C), polystyrene subcategory (Subpart D), polypropylene subcategory (Subpart E), polyethylene subcategory (Subpart F), cellophane subcategory (Subpart G), rayon subcategory (Sub-

part H), polyester subcategory (Subpart I), nylon 66 subcategory (Subpart J), nylon 6 subcategory (Subpart K), cellulose acetate subcategory (Subpart L), epoxy resins subcategory (Subpart M), phenolic resins subcategory (Subpart N), urea resins subcategory (Subpart O), melamine resins subcategory (Subpart P), acrylics subcategory (Subpart Q), of the plastics and synthetics manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines, standards of performance and pretreatment standards for new sources:

(1) General methodology:

The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of all waste waters. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The full range of control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA sampling and inspections, consultant reports, industry submissions, published and unpublished technical literature and EPA permit applications.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§4 16.15, 416.25, 416.35, 416.45, 416.55, 416.65, 416.75, 416.85, 416.95, 416.105, 416.115, 416.125, 416.135, 416.145, 416.155, 416.165, and 416.175 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the polyvinyl chloride subcategory (Subpart A), acrylonitrile-butadiene-styrene (ABS) and styrene-acrylonitrile (SAN) resin copolymers subcategory (Subpart B), polyvinyl acetate subcategory (Subpart C), polystyrene subcategory (Subpart D), polypropylene subcategory (Subpart E), polyethylene subcategory (Subpart F), cellophane subcategory (Subpart G), rayon subcategory (Subpart H), polyester subcategory (Subpart I), Nylon 66 subcategory (Subpart J), Nylon 6 subcategory (Subpart K), cellulose acetate subcategory (Subpart L), epoxy resins subcategory (Subpart M), phenolic resins subcategory (Subpart N), urea resins subcategory (Subpart O), melamine resins subcategory (Subpart P), acrylics subcategory (Subpart Q), of this segment of the plastics and synthetics manufacturing category of point sources.

(i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the plastics and synthetics manufacturing category was divided into discrete product subcategories which coincide with a breakdown of the category as outlined in the Development Document. The plastics and synthetics manufacturing industry parameters giving the most effective categorization were found to be waste water characteristics, specifically: raw waste load, with a BOD5 value of greater than 10 kg/kkg (lb/1000 lb) defined as high raw waste load and raw waste load with a BOD5 value of less than 10 kg/kkg (lb/1000 lb) defined as low raw waste load; attainable BOD5 concentrations (as demonstrated by plastics and synthetics plants using technologies which are defined herein as the basis for best practicable control technology currently available) under 20 ppm BOD5 defined as low attainable BOD5 concentrations; attainable BOD5 concentrations of 30 ppm–75 ppm defined as medium attainable BOD5 concentrations; and attainable BOD5 concentrations of above 75 ppm defined as high attainable BOD5 concentrations.

Based on these two dimensions of categorization, four major groupings were defined:

Grouping I—low waste load, low attainable BOD5 concentration: polyvinyl chloride: polyvinyl acetate, polystyrene, polyethylene, polypropylene;

Grouping II—high waste load, low attainable BOD5 concentrations; cellophane, rayon, ABS/SAN;

Grouping III—high waste load, medium attainable HOD5 concentrations: Nylon 66, Nylon 6, cellulose acetates, epoxies, phenolics, urea resins, melamine; resine;

Grouping IV—high waste load, high attainable BOD5 concentrations: acrylics.

Additional subcategorization within the above four major groupings was necessary to account for the waste water generation which is specific to the individual products and their various processing methods. The separation of each individual product into separate subcategories simplifies the application of the effluent limitation guidelines and standards of performance by providing clear and unambiguous direction as to the proper standard applicable to that product. The substantial advantage of clarity appears to outweigh any technical advantages of product grouping. Hence, for these reasons the following product subcategorization is used for the application of effluent limitation guidelines and standards of performance in this segment of the category.

(1) Subpart A—Polyvinyl Chloride Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of vinyl chloride by bulk polymerization, or suspension polymerization,

or emulsion polymerization and associated processing to manufacture polyvinyl chloride.

(2) Subpart B—Acrylonitrile-Butadiene-Styrene (ABS) and Styrene-Acrylonitrile (SAN) Resin Copolymers Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of acrylonitrile, butadiene, and styrene and associated processing to manufacture ABS resins and the polymerization reaction of styrene and acrylonitrile and associated processing to manufacture SAN resins.

(3) Subpart C—Polyvinyl Acetate Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of vinyl acetate and associated processing to manufacture polyvinyl acetate.

(4) Subpart D—Polystyrene Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of styrene by suspension polymerization or by bulk polymerization and associated processing to manufacture polystyrene.

(5) Subpart E—Polypropylene Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of propylene and associated processing to manufacture polypropylene.

(6) Subpart F—Polyethylene Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization of ethylene and associated processing to manufacture low density polyethylene and the polymerization reaction of ethylene by the solvent process or by the polyform process to manufacture high density polyethylene.

(7) Subpart G—Cellophane Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp to manufacture cellophane and associated processing.

(8) Subpart H—Rayon Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp to manufacture rayon and associated processing.

(9) Subpart I—Polyester Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of a dihydric alcohol and terephthalic acid or dimethyl terephtholate and associated processing to manufacture polyester resins and subsequent processing to manufacture polyester fibers.

(10) Subpart J—Nylon 66 Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of hexamethylene diamine and adipic acid and associated processing to manufacture nylon 66 resin and/or fiber.

(11) Subpart K—Nylon 6 Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of caprolactam and associated processing to manufacture nylon 6 resin and/or fiber.

(12) Subpart L—Cellulose Acetate Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp with acetic acid and acetic anhydride and associated processing to manufacture cellulose acetate fibers and/or resins.

(13) Subpart M—Epoxy Resins Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction between epichlorohydiun and bisphenol A and/or other reactants which create an epoxy group within the resin and associated processing to manufacture epoxy resins.

(14) Subpart N—Phenolic Resins Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of phenol or a substituted phenol such as creosol or resorcinol and an aldehyde such as formaldehyde or acetaldehyde and associated processing to manufacture phenolic resins.

(15) Subpart O—Urea Resins Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of urea and formaldehyde and associated processing to manufacture urea resins.

(16) Subpart P—Melamine Resins Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of melamine and formaldehyde and associated processing to manufacture melamine resins.

(17) Subpart Q—Acrylics Subcategory: This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of acrylonitrile and associated processing and the copolymerization reaction of acrylonitrile and vinylidene chloride and/or vinyl chloride to manufacture acrylic resins and fibers.

Several other factors for subcategorization of the industry were considered. These included plant size, plant age, raw materials and products, and air pollution and solid waste generation. The rate of highe" unit treatment costs on smaller plants or their potential for uilizing municipal systems was examined in the economic analysis but was not sufficient to warrant categorization. The age of the plants in this industry are determined by obsolescence due to size or process changes and not physical age. Similar raw materials are often used to make dissimilar products. The impact of air pollution control and solid waste disposal are not sufficient to warrant segmentation. For those reasons, none of the above-mentioned factors had sufficient impact on categorization of the industry to be considered further.

(ii) Waste characteristics and sources of the plastics and synthetics industry. The ranges of raw waste loads reported in the plastics and synthetics industry vary from 0 to 135 kg/kkg of product for BOD5, from 0 to 334 for COD, and from 0 to 25 for suspended solids. BOD5, COD and suspended solids are the critical constituents requiring guidelines and standards.

Other constituents are even more specific to the product subcategory, and are summarized below.

Subcategory	*Other Element or Compound*
ABS/SAN	Iron.
	Aluminum.
	Nickel.
	Total Chromium.
	Organic Nitrogen.
POLYSTYRENE	Iron.
	Aluminum.
	Nickel.
	Total Chromium.
POLYPROPYLENE	Vanadium.
	Titanium.
	Aluminum.
HI-DENSITY POLYETHYLENE.	Titanium.
	Aluminum.
	Vanadium.
	Molybdenum.
	Total Chromium.
CEILOPANE	Dissolved Solids.
RAYON	Zinc.
EPOXY RESINS	Dissolved Solids.
	Phenolic Compounds.
PHENOLIC RESINS	Phenolic Compounds.
	Organic Nitrogen.
UREA RESINS	Nickel.
	Cobalt.
	Organic Nitrogen.
MELAMINE	Organic Nitrogen.
NYLON 6 AND 66	Organic Nitrogen.
ACRYLICS	Phenolic Compounds.

Effluent limitations guidelines and standards of performance are proposed for total chromium, phenolic compounds, and zinc for the specified product. The additional polluant parameters of dissolved solids, organic nitrogen, iron, nickel, aluminum, vanadium, titanium, molybedenum, and cobalt were selected because they are known to be used in the processes or to occur in the waste waters of specific product subcategories. However, insufficient data was available on raw waste loads or treated waste waters to permit proposing guidelines and standards at this time. In most cases where metals are used, biological treatment systems reduce or remove them to low concentration levels. The above pollutants parameters should be considered to be present in the specific product subcategories as previously summarized. Receiving water quality standards should determine if limitations are necessary.

(iii) Treatment and control technology.

Control and treatment technology currently in use by the industry includes equalization, chemical treatment, precipitation, settling, biological systems (activated sludge, aerated lagoons, aerobic-anaerobic lagoons, trickling filters, extended containment, etc.) clarification, filtration, polishing lagoons, and incineration. Most of these technologies are generally applicable across the entire plastics and synthetics industry.

Potentially applicable control and treatment technology includes adsorption (activated carbon, adsorbent floc), multi-media filtration, chemical precipitation, chemical treatments, anaerobic processes, air or steam stripping, foam separation, algal systems, wet air oxidation, incineration, liquid extraction, ion exchange, reverse osmosis, freeze thaw, evaporation, and electrodialysis. Most of these technologies are for the removal of specific pollutant parameters and can be applied in cases where the pollutant parameter is a problem.

In plant technology and control which is currently in practice in the plastics and synthetics industry include segregation of contact process waste water from noncontact waste water, elimination of once through barometric condensers, control of leaks, and good housekeeping practices.

(iv) Cost estimates for control of waste water.

Approximately 280 company operations are included in these seventeen product subcategories. 1972 production for these products was estimated at 12 million kkg (26 billion pounds) per year. The 1972 water usage was estimated to be 1,035 thousand cubic meters per day (275 MGD). Water usage (at current hydraulic loads) was projected to increase at 9.5 percent/year through 1977.

Annual costs of treatment for the plastics and synthetics industry in 1972 were estimated at $25 million. By 1977, under BPCTCA guidelines, these same plants in seventeen product subcategories were estimated to expect annual costs of $66 million—an increase of pollution control costs of 21 percent/year. By 1983, under BATEA guidelines, existing plants were estimated to expect annual costs of $192 million—an increase of 19 percent/year between 1977 and 1983. By 1977, under BADT-NSPS and estimated product growth, the annual costs for new plants was estimated at $35 million. The estimated average costs of water pollution control over the industry for BPCTCA and BATEA for existing plants and BADT-NSPS for new plants respectively were: $0.19 (0.73), $0.56 ($2.11), and $0.27 ($1.02) per cubic meter (thousand gallons).

On the average, for BPCTCA, the costs for the smaller plants with higher water usage were 4.0 times higher than the larger plant in each subcategory. The average range for the smaller plants was 0.7 percent to 2.8 percent of sales price. On the average, for BATEA, the costs for the smaller plants with higher water usage were 3.9 times higher than the larger plants in the industry. The average range of costs for applying BATEA to existing plants was 2.1 to 8.1 percent of sales price. The cost of NSPS was estimated at 0.9 percent of sales price over the broad industry. Energy or power costs amounted to less than 5 percent of the total annual water pollution control costs associated with the best practicable technology. Physical-chemical systems specified as best available technology would require more than 5 percent of the total annual water pollution control costs in the form of energy. Incineration of highly concentrated, small volume wastes would involve one-half to two-thirds of total annual costs for this treatment technology in the form of energy requirements.

(v) Nonwater quality aspects.

The nonwater quality aspects of the treatment and control technology for the plastics and synthetics industry are related to (1) the disposal of solids or slurries resulting from waste water treatment and in-process plant control methods, (2) the generation of a by-product of commercial value, (3) disposal of off-specification and scrap products, and (4) the creation of problems of air pollution and land utilization. The nonwater quality aspects of treatment and pollution control are minimal in this industry and largely depend upon the type of waste water treatment technology employed. In general, noise levels from typical waste water treatment plants are not excessive. If incineration of waste sludges is employed, there is a potential for air pollution, principally particulates and possible nitrogen oxides, although stack emission devices exist for control of these problems. There are no radioactive nuclides used within the industry, other than in instrumentation, so that no radiation problems will be encountered. Odors from the waste water treatment plants may cause occasional problems since waste waters are sometimes such that heavy, stable foams occur on aerated basins. But in general, odors are not expected to be a significant problem when compared with odor emissions possible from other plant sources.

(vi) Definition of technology basis for BPCTO, BATEA, and BADT.

Best practicable control technology currently available (BPCTCA) for existing point sources is based on the application of end-of-pipe technology such as biological treatment for BCD reduction as typified by activated sludge, aerated lagoons, trickling filters, aerobic-anaerobic lagoons, etc. with appropriate preliminary treatment typified by equalization to dampen shock loadings, settling, clarification, and chemical treatment, for removal of suspended solids, oils, other elements, and pH control and subsequent treatment typified by clarification and polishing processes for additional BOD and suspended solids removal and dephenolizing units for the removal of phenolic compounds where applicable. Application of in-plant technology and changes which may be helpful in meeting BPCTCA include segregation of contact process waste waters from noncontact waste waters, elimination of once through barometric condensers, control of leaks, and good housekeeping practices. Best available technology economically achievable (BATEA) for existing point sources is based on the best in-plant practices of the industry which minimize the volume of waste generating water as typified by segregation of contact process waters from noncontact waste water, maximum waste water recycle and reuse, elimination of once through barometric condensers, control of leaks, good housekeeping practices, etc., and end-of-pipe technology for the further removal of suspended solids and other elements typified by media filtration, chemical treatment, etc., and further COD removal as typified by the application of adsorption processes such as activated carbon and adsorptive flocs, and incineration for the treatment of highly concentrated small volume wastes and additional biological treatment for further BOD5 removal as needed.

Best available demonstrated technology (BADT) for new source performance standards (NSPS) are based on BPCTCA and the maximum possible reduction of process waste water generation as defined in BATEA and the application of media filtration and chemical treatment for additional suspended solids and other element removal and additional biological treatment for further BOD5 removal as needed.

(vii) Variability.

The effluent from a properly designed and operated treatment plant changes continually due to (a) changes in product mix, production rate and reaction chemistry, which influence the composition of raw waste load and therefore its treatability; and (b) changes in biological factors which influence the efficiency of the treatment process. A common indicator of the strength of the discharge from a plant is the long-term average of the effluent load. The long-term (e.g., design or yearly) average is not a suitable parameter on which to base an enforcement standard. However, by the use of data which shows the variability in the effluent load, statistical analysis can be applied to compute short-term limits (monthly or daily) which should not be exceeded, provided that the plant is designed and run in the proper way to achieve the desired long-term average load. The levels of technology for BPCTCA, BATEA, and BADT take into account this variability as determined from properly designed and operated treatment plants.

(viii) Economic impact analysis.

There are no indications that any significant economic impact would result from imposition of the recommended guidelines for 1977. Some smaller, older plants, whose profitability may be severely impaired by these costs, however, may decide to close prior to 1977. These plants comprise on the order of 1 percent of the industry's capacity, and in most cases, have become uneconomic due to their size or age. Overall, profitability may decline if market conditions prevent those costs from being passed on as price increases.

The effect of the recommended effluent levels for 1983 BAT and NSPS are more difficult to project. For some products, the added costs for BAT appear to be significant (PVC, PVA, HDPE, epoxies, phenolics), if evaluated under current market conditions. However, due to the complexity of projecting market trends a decade into the future, such variables as new products development and high costs of feedstocks may overshadow any pollution abatement costs.

Likewise, the costs for NSPS appear to be significant in several cases, but the uncertainties associated with cost data for plants yet to be built could mitigate any projected impact.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the SYNTHETIC RESINS Segment of the Plastics and Synthetics Manufacturing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and State water pollution control offices. A supplementary analysis of the possible economic effects of the proposed regulations prepared for EPA is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the plastics and synthetics manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) States—All except Kansas, Missouri, Hawaii, Alaska, Utah, North Dakota, Wyoming, Maryland, and Nevada; (3) Territories—All except American Samoa; (4) New England Interstate Water Pollution Control Commission; (5) Ohio River Valley Sanitation Commission; (6) Delaware River Basin Commission; (7) The American Society of Mechanical Engineers; (8) The American Society of Civil Engineers; (9) Hudson River Sloop Restoration, Inc.; (10) The Conservation Foundation, Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council; (12) Water Pollution Control Federation; (13) The National Wildlife Federation; (14) The New York Scientists Committee for Public Information; (15) Department of Interior; (16) Department of Commerce; (17) The Water Resources Council; (18) Department of the Treasury; (19) Department of Defense; (20) Atomic Energy Commission; (21) Department of Health, Education and Welfare; (22) Manufacturing Chemists Association; (23) Synthetic Organic Chemical Manufacturers Association;

Comments were received from the following: Effluent Standards and Water Quality Information Advisory Committee; (2) States of Colorado, North Carolina, Michigan, New York, Nebraska, Texas, California, Hawaii, Georgia, Illinois, Pennsylvania, Arizona, and Kentucky; (3) Delaware River Basin Commission; (4) Water Pollution Control Federation; (5) New York Scientists Committee for Public Information; (6) The Water Resources Council; (7) American Society of Civil Engineers; (8) The Natural Resources Defense Council; (9) Department of Commerce; (10) Department of Defense; (11) Department of Treasury; (12) Atomic Energy Commission; (13) Department of Health Education and Welfare; (14) Department of Interior; (15) Manufacturing Chemists Association; (16) Fiber Industries, Inc.; (17) Rohm and Haas Company; (18) Union Carbide Corporation; (19) Marbon Division, Chemical and Plastic Group, Borg-Warner Corporation; (20) Hercules, Inc.

The comments were highly variable ranging from full approval to total rejection. The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) Several commenters questioned the concentration basis for suspended solids limitations loading as data in the draft document did not support the monthly average value of 30 mg/l for BPCTCA or 5 ppm for BATEA and BADT. By analysis of available data and appropriate variability considerations the concentration basis for the suspended solids monthly average was changed to 42 mg/l for BPCTCA and 10 mg/l for BATEA and BADT.

(2) Several commenters requested that the industries in which both fiber and resin were manufactured be separated such that the guidelines and standards could be applied to them in whole or in part. Product subcategories were expanded to separate fiber and resin operations in the Nylon 66, Nylon 6, polyester, and cellulose acetate product subcategories.

(3) Commenters questioned the waste water flow basis for BPCTCA for several products. By analysis of available data the flow basis for the ABS/SAN, polyester and cellulose acetate product subcategories were changed.

(4) A commenter questioned the CDD/BOD ratio used in the polyester product subcategory based on their analysis of the data. By analysis of the available data the ratio for the polyester guideline basis was changed from 5 to 15.

(5) Commenters questioned the analysis of observed exemplary plant effluent data. By analyzing the available data, changes were made in the following product subcategories: polypropylene, ABS/SAN, Nylon 6, and polyester.

(6) Several commenters questioned the basis for a BPCTCA zinc guideline based on a monthly limit of 10 mg/1 zinc. By analysis of the available data the basis was changed to 4 mg/1 monthly limit and 5 mg/1 daily maximum.

(7) Several commenters requested case by case treatment for other elements and compounds limitations and that only other elements and compounds with demonstrated removability be used for effluent limitations. A table of other elements and compounds was prepared specific to each product subcategory and limitations were developed by the analysis of available data and information.

(8) Several commenters questioned the use of activated carbon technology for BADT–NSPS since this technology has not been demonstrated and proven for the industry product subcategories for the removal of COD. The use of activated carbon as a basis for BADT–NSPS was removed and the appropriate changes in the standards of performance were made. However, this does not preclude activated carbon technology from possible use for COD removal when applicable.

(9) Sever commenters questioned the waste water flow basis for BATEA and BADT as defined in the Draft Contractors Report. The waste water flow basis for BATEA and BADT is based on overall loading reductions through the use of the best attainable concentrations and the waste water flows from the lowest range of waste water flows as reported by the industry.

(10) Several commenters suggested flexible case by case handling of other load sources which were not addressed in the draft document. Other load sources included in the effluent guidelines and standards of performance include cooling tower blowdown, water treatment blowdown, and auxiliary facilities such as laboratories.

(11) Several commenters questioned the cost basis stating that capital, operating and other costs should have 1.5–2.5 and 3.C–5.0 multipliers applied respectively. The cost figures presented in the Draft Contractors Report are based on end-of-pipe cost data which came directly from industry. It was estimated that the costs presented are 20 percent of the data basis.

(12) A commenter questioned the placing of ABS/SAN in major grouping I. By analysis of the available data ABS/SAN was placed in major grouping II and appropriate changes to the guidelines and standards of performance were made.

(13) A commenter questioned the placing of Nylon 66 in grouping III. After further analysis of the available data no change was made. The use of polishing facilities, ponds, lagoons, etc., is con-

sidered practicable and is part of the basis for BPCTCA.

(14) A commenter suggested advanced treatment technology be applied for BPCTCA. No data basis or indication of the type of advanced treatment was made available to EPA by the reviewer. Various modes of advanced treatment technologies such as activated carbon adsorption, media filtration, solvent extraction, evaporation, etc. were considered for BPCTCA but by review of the available data basis and other considerations outlined in the Act, they were determined to be not applicable for BPCTCA in this industry. Various advanced treatment technologies were applied to determine BATEA and BADT.

(15) Several commenters questioned the treatability basis used in the contractor's draft report for the major grouping. The reference to treatability as used for grouping the contractor's draft report was incorrect and was changed to attainable effluent concentration as demonstrated by plastics and synthetics plants using technologies which are defined herein as the basis for best practicable control technology currently available.

(16) Comments have been received concerning the use of a range of effluent values in the Plastics and Synthetics point source category.

In this regard, EPA has considered and consulted with other parties on whether or not effluent limitations should be set forth, either as a range of numbers or as specific limitations with allowance for variations, upwards or downwards, within specific parameters. The commenter suggests that the use of a range of values would allow the permitting agency to further recognize the considerations set forth in the Act.

We specifically request comments and data on this point; and, if alternatives to this regulation are offered (in accordance with the above request), we further request full background data and documentation to enable EPA to make a further judgment on the alternatives.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 (b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by November 5, 1973 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 1, 1973.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Polyvinyl Chloride Subcategory

Sec.
- 416.10 Applicability; description of the polyvinyl chloride subcategory.
- 416.11 Specialized definitions.
- 416.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.14 Standards of performance for new sources.
- 416.15 Pretreatment standards for new sources.

Subpart B—Acrylonitrile-Butadiene-Styrene (ABS) and Styrene-Acrylonitrile (SAN) Resin Copolymers Subcategory

- 416.20 Applicability; description of the acrylonitrile butadiene-styrene (ABS) and styrene-acrylonitrile (SAN) resin copolymer subcategory.
- 416.21 Specialized definitions.
- 416.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.24 Standards of performance for new sources.
- 416.25 Pretreatment standards for new sources.

Subpart C—Polyvinyl Acetate Subcategory

- 416.30 Applicability; description of the polyvinyl acetate subcategory.
- 416.31 Specialized definitions.
- 416.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.34 Standards of performance for new sources.
- 416.35 Pretreatment standards for new sources.

Subpart D—Polystyrene Subcategory

- 413.40 Applicability; description of the polystyrene subcategory.
- 416.41 Specialized definitions.
- 416.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.44 Standards of performance for new sources.
- 416.45 Pretreatment standards for new sources.

Subpart E—Polypropylene Subcategory

- 416.50 Applicability; description of the polypropylene subcategory.
- 416.51 Specialized definitions.
- 416.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.54 Standards of performance for new sources.
- 416.55 Pretreatment standards for new sources.

Subpart F—Polyethylene Subcategory

- 416.60 Applicability; description of the polyethylene subcategory.
- 416.61 Specialized definitions.
- 416.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.64 Standards of performance for new sources.
- 416.65 Pretreatment standards for new sources.

Subpart G—Cellophane Subcategory

- 416.70 Applicability; description of the cellophane subcategory.
- 416.71 Specialized definitions.
- 416.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 416.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 416.74 Standards of performance for new sources.
- 416.75 Pretreatment standards for new sources.

Subpart H—Rayon Subcategory

- 416.80 Applicability; description of the rayon subcategory.
- 416.81 Specialized definitions.
- 416.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
416.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.84 Standards of performance for new sources.
416.85 Pretreatment standards for new sources.

Subpart I—Polyester Subcategory

416.90 Applicability; description of the polyester subcategory.
416.91 Specialized definitions.
416.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.94 Standards of performance for new sources.
416.95 Pretreatment standards for new sources.

Subpart J—Nylon 66 Subcategory

416.100 Applicability; description of the nylon 66 subcategory.
416.101 Specialized definitions.
416.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.104 Standards of performance for new sources.
416.105 Pretreatment standards for new sources.

Subpart K—Nylon 6 Subcategory

416.110 Applicability; description of the nylon 6 subcategory.
416.111 Specialized definitions.
416.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.114 Standards of performance for new sources.
416.115 Pretreatment standards for new sources.

Subpart L—Cellulose Acetate Subcategory

416.120 Applicability; description of the cellulose acetate subcategory.
416.121 Specialized definitions.
416.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.124 Standards of performance for new sources.
416.125 Pretreatment standards for new sources.

Subpart M—Epoxy Resins Subcategory

416.130 Applicability; description of the epoxy resins subcategory.
416.131 Specialized definitions.
416.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.134 Standards of performance for new sources.
416.135 Pretreatment standards for new sources.

Subpart N—Phenolic Resins Subcategory

416.140 Applicability; description of the phenolic resins subcategory.
416.141 Specialized definitions.
416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.144 Standards of performance for new sources.
416.145 Pretreatment standards for new sources.

Subpart O—Urea Resins Subcategory

416.150 Applicability; description of the urea resins subcategory.
416.151 Specialized definitions.
416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.154 Standards of performance for new sources.
416.155 Pretreatment standards for new sources.

Subpart P—Melamine Resins Subcategory

416.160 Applicability; description of the melamine resins subcategory.
416.161 Specialized definitions.
416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.164 Standards of performance for new sources.
416.165 Pretreatment standards for new sources.

Subpart Q—Acrylics Subcategory

416.170 Applicability; description of the acrylics subcategory.
416.171 Specialized definitions.
416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.174 Standards of performance for new sources.
416.175 Pretreatment standards for new sources.

Subpart A—Polyvinyl Chloride Manufacturing Product Subcategory

§ 416.10 Applicability; description of the polyvinyl chloride subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of vinyl chloride by bulk polymerization, or suspension polymerization, or emulsion polymerization and associated processing to manufacture polyvinyl chloride.

§ 416.11 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the suspension polymerization process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.44 kg/kkg of product (0.44 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.31 kg/kkg of product (0.31 lb/1,000 lb).
COD	Maximum for any one day 4.4 kg/kkg of product (4.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.1 kg/kkg of product (3.1 lb/1,000 lb).
SS	Maximum for any one day 0.88 kg/kkg of product (0.88 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.62 kg/kkg of product (0.62 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the emulsion polymerization process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.16 kg/kkg of product (0.16 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of product (0.11 lb/1,000 lb).
COD	Maximum for any one day 1.6 kg/kkg of product (1.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.1 kg/kkg of product (1.1 lb/1,000 lb).
SS	Maximum for any one day 0.32 kg/kkg of product (0.32 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.22 kg/kkg of product (0.22 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the bulk polymerization process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.076 kg/kkg of product (0.076 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.053 kg/kkg of product (0.053 lb/1,000 lb).
COD	Maximum for any one day 0.76 kg/kkg of product (0.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.53 kg/kkg of product (0.53 lb/1,000 lb).
SS	Maximum for any one day 0.15 kg/kkg of product 0.15 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of product (0.11 lb/1,000 lb).

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the suspension polymerization process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.23 kg/kkg of product (0.23 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of product (0.11 lb/1,000 lb).
COD	Maximum for any one day 1.5 kg/kkg of product (1.5 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.75 kg/kkg of product (0.75 lb/1,000 lb).
SS	Maximum for any one day 0.15 kg/kkg of product (0.15 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.075 kg/kkg of product (0.075 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the emulsion polymerization process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.08 kg/kkg of product (0.08 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.040 kg/kkg of product (0.040 lb/1,000 lb).
COD	Maximum for any one day 0.54 kg/kkg of product (0.54 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.27 kg/kkg of product (0.27 lb/1,000 lb).
SS	Maximum for any one day 0.054 kg/kkg of product (0.054 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.027 kg/kkg of product (0.027 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the bulk polymerization process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.075 kg/kkg of product (0.075 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.038 kg/kkg of product (0.038 lb/1,000 lb).
COD	Maximum for any one day 0.50 kg/kkg of product (0.50 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.25 kg/kkg of product (0.25 lb/1,000 lb).
SS	Maximum for any one day 0.050 kg/kkg of product (0.050 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.025 kg/kkg of product (0.025 lb/1,000 lb).

§ 416.14 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the suspension polymerization process reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.23 kg/kkg of product (0.23 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.110 kg/kkg of product (0.110 lb/1,000 lb).

Effluent characteristic	Effluent limitations
COD	Maximum for any one day 2.2 kg/kkg of product (2.2 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.1 kg/kkg of product (1.1 lb/1,000 lb).
SS	Maximum for any one day 0.15 kg/kkg of product (0.15 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.075 kg/kkg of product (0.075 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the emulsion polymerization process reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.075 kg/kkg of product (0.075 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.038 kg/kkg of product (0.038 lb/1,000 lb).
COD	Maximum for any one day 0.76 kg/kkg of product (0.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.38 kg/kkg of product (0.38 lb/1,000 lb).
SS	Maximum for any one day 0.050 kg/kkg of product (0.050 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.025 kg/kkg of product (0.025 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyvinyl chloride by the bulk polymerization proces sreflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.080 kg/kkg of product (0.080 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.040 kg/kkg of product (0.040 lb/1,000 lb).
COD	Maximum for any one day 0.80 kg/kkg of product (0.80 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1,000 lb).
SS	Maximum for any one day 0.054 kg/kkg of product (0.054 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.027 kg/kkg of product (0.027 lb/1,000 lb).

§ 416.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polyvinyl chloride manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.14 of this title; 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."

Subpart B—Acrylonitrile-Butadiene-Styrene (ABS) and Styrene-Acrlyonitrile (SAN) Resin Copolymers Subcategory

§ 416.20 Applicability; description of the acrylonitrile-butadiene-styrene (ABS) and styrene-acrylonitrile (SAN) resin copolymers.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of acrylonitrile, butadiene and styrene and associated processing to manufacture ABS resins and the polymerization reaction of styrene and acrylonitrile and associated processing to manufacture SAN resins.

§ 416.21 Sterilized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.98 kg/kkg of product (0.98 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.63 kg/kkg of product (0.63 lb/1,000 lb).
COD	Maximum for any one day 9.8 kg/kkg of product (9.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.3 kg/kkg of product (6.3 lb/1,000 lb).
SS	Maximum for any one day 1.05 kg/kkg of product (1.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.73 kg/kkg of product (0.73 lb/1,000 lb).
Total chromium.	Maximum for any one day 0.0088 kg/kkg of product (0.0088 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0044 kg/kkg of product (0.0044 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).

Effluent characteristic	Effluent limitations
COD	Maximum for any one day 1.76 kg/kkg of product (1.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.88 kg/kkg of product (0.88 lb/1,000 lb).
SS	Maximum for any one day 0.176 kg/kkg of product (0.176 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.088 kg/kkg of product (0.088 lb/1,000 lb).
Total Chromium	Maximum for any one day. .0044 kg/kkg of product (.0044 lb/1000 lb) Maximum average of daily values for any period of thirty consecutive days .0022 kg/kkg of product (.0022 lb/1000 lb)

§ 416.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.26 kg/kkg of product (.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
COD	Maximum for any one day 2.6 kg/kkg of product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.3 kg/kkg of product (1.3 lb/1,000 lb).
SS	Maximum for any one day 0.176 kg/kkg of product (0.176 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.083 kg/kkg of product (0.088 lb/1,000 lb).
Total chromium.	Maximum for any one day 0.0044 kg/kkg of product (0.0044 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0022 kg/kkg of product (0.0022 lb/1,000 lb).

§ 416.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the ABS/SAN manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.24 of this title; 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."

Subpart C—Polyvinyl Acetate Manufacturing Product Subcategory

§ 416.30 Applicability; description of the polyvinyl acetate subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of vinyl acetate and associated processing to manufacture polyvinyl acetate.

§ 416.31 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.18 kg/kkg of product (0.18 lb/1,000 lb).
COD	Maximum for any one day 2.6 kg/kkg of product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of product (1.8 lb/1,000 lb).
SS	Maximum for any one day 0.52 kg/kkg of product (0.52 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.065 kg/kkg of product (0.065 lb/1,000 lb).
COD	Maximum for any one day 0.84 kg/kkg of product (0.84 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.42 kg/kkg of product (0.42 lb/1,000 lb).
SS	Maximum for any one day 0.084 kg/kkg of product (0.084 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.042 kg/kkg of product (0.042 lb/1,000 lb).

§ 416.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.065 kg/kkg of product (0.065 lb/1,000 lb).

Effluent characteristic	Effluent limitations
COD	Maximum for any one day 1.30 kg/kkg of product (1.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/kkg of product (0.65 lb/1,000 lb).
SS	Maximum for any one day 0.084 kg/kkg of product (0.084 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.042 kg/kkg of product (0.042 lb/1,000 lb).

§ 416.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polyvinyl acetate manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.34 of this title; 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."

Subpart D—Polystyrene Manufacturing Product Subcategory

§ 416.40 Applicability; description of the polystyrene subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of styrene by suspension polymerization or by bulk polymerization and associated processing to manufacture polystyrene.

§ 416.41 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the suspension polymerization process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations
BOD5	Maximum for any one day 0.28 kg/kkg of product (0.28 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.20 kg/kkg of product (0.20 lb/1,000 lb).
COD	Maximum for any one day 2.8 kg/kkg of product (2.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.0 kg/kkg of product (2.0 lb/1,000 lb).
SS	Maximum for any one day 0.56 kg/kkg of product (0.56 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.39 kg/kkg of product (0.39 lb/1,000 lb).
Total Chromium.	Maximum for any one day 0.0046 kg/kkg of product (0.0046 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0023 kg/kkg of product (0.0023 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the bulk polymerization process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.050 kg/kkg of product (.050 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.035 kg/kkg of product (0.035 lb/1,000 lb).
COD	Maximum for any one day 0.50 kg/kkg of product (0.50 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg of product (0.35 lb/1,000 lb).
SS	Maximum for any one day 0.10 kg/kkg of product (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg of product (0.07 lb/1,000 lb).

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the suspension polymerization process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.14 kg/kkg of product (0.14 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.070 kg/kkg of product (0.070 lb/1,000 lb).
COD	Maximum for any one day 0.92 kg/kkg of product (0.92 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.46 kg/kkg of product (0.46 lb/1,000 lb).
SS	Maximum for any one day 0.092 kg/kkg of product (0.092 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.046 kg/kkg of product (0.046 lb/1,000 lb).
Total chromium.	Maximum for any one day 0.0024 kg/kkg of product (0.0024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0012 kg/kkg of product (0.0012 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the bulk polymerization process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.05 kg/kkg of product (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.025 kg/kkg of product (0.025 lb/1,000 lb).
COD	Maximum for any one day 0.34 kg/kkg of product (0.34 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.17 kg/kkg of product (0.17 lb/1,000 lb).

Effluent characteristic	Effluent limitation
SS	Maximum for any one day 0.034 kg/kkg of product (0.034 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.017 kg/kkg of product (0.017 lb/1,000 lb).

§ 416.44 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the suspension polymerization process reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
POD5	Maximum for any one day 14 kg/kkg of product (0.14 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg of product (0.07 lb/1,000 lb).
COD	Maximum for any one day 1.4 kg/kkg of product (1.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.7 kg/kkg of product (0.7 lb/1,000 lb).
SS	Maximum for any one day 0.092 kg/kkg of product (0.092 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.046 kg/kkg of product (0.046 lb/1,000 lb).
Total chromium.	Maximum for any one day 0.0024 kg/kkg of product (0.0024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0012 kg/kkg of product (0.0012 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polystyrene by the bulk polymerization process reflecting the greatest degree of effluent reduction achievable through the applicaton of the best available demonstrated control technology, processes, operating methods or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.050 kg/kkg of product (0.050 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.025 kg/kkg of product (0.025 lb/1,000 lb).
COD	Maximum for any one day 0.50 kg/kkg of product (0.50 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.25 kg/kkg of product (0.25 lb/1,000 lb).
SS	Maximum for any one day 0.034 kg/kkg of product (0.034 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.017 kg/kkg of product (0.017 lb/1,000 lb).

§ 416.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polystyrene manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in section 416.44 of this title; 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 polluant."

Subpart E—Polypropylene Subcategory

§ 416.50 Applicability; description of the polypropylene subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of propylene and associated processing to manufacture polypropylene.

§ 416.51 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "COD" shall mean chemical oxygen demand; (3) "SS" shall mean total suspended unfilterable solids; (4) "kg" shall mean kilogram; (5) "kkg" shall mean one thousand kilograms; and (6) "lb" shall mean pound.

§ 416.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.52 kg/kkg of product (0.52 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).
COD	Maximum for any one day 2.6 kg/kkg of product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of product (1.8 lb/1,000 lb).
SS	Maximum for any one day 1.0 kg/kkg of product (1.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.73 kg/kkg of product (0.73 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average or daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
COD	Maximum for any one day 1.76 kg/kkg of product (1.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.88 kg/kkg of product (0.88 lb/1,000 lb).
SS	Maximum for any one day 0.18 kg/kkg of product (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.088 kg/kkg of product (0.088 lb/1,000 lb).

§ 416.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or

pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
COD	Maximum for any one day 1.76 kg/kkg of product (1.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.88 kg/kkg of product (0.88 lb/1,000 lb).
SS	Maximum for any one day 0.18 kg/kkg of product (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.088 kg/kkg of product (0.088 lb/1,000 lb).

§ 416.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polypropylene manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.54 of this title; 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 standards applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart F—Polyethylene Manufacturing Product Subcategory

§ 416.60 Applicability; description of the polyethylene subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization of ethylene and associated processing to manufacture low density polyethylene and the polymerization reaction of ethylene by the solvent process or by the polyform process to manufacture high density polyethylene.

§ 416.61 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "COD" shall mean chemical oxygen demand; (3) "SS" shall mean total suspended unfilterable solids; (4) "kg" shall mean kilogram; (5) "kkg" shall means one thousand kilograms; and (6) "lb" shall mean pound.

§ 416.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of low density polyethylene after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.18 kg/kkg of product (0.18 lb/1,000 lb).
COD	Maximum for any one day 2.6 kg/kkg of product (2.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of product (1.8 lb/1,000 lb).
SS	Maximum for any one day 0.52 kg/kkg of product (0.52 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of high density polyethylene by the solvent process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.38 kg/kkg of product (0.38 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.27 kg/kkg of product (0.27 lb/1,000 lb).
COD	Maximum for any one day 3.8 kg/kkg of product (3.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.7 kg/kkg of product (2.7 lb/1,000 lb).
SS	Maximum for any one day 0.76 kg/kkg of product (0.76 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.53 kg/kkg of product (0.53 lb/1,000 lb).
Total Chromium.	Maximum for any one day 0.0062 kg/kkg of product (0.0062 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0031 kg/kkg of product (0.0031 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of high density polyetheylene by the polyform process after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.065 kg/kkg of product (0.065 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.045 kg/kkg of product (0.045 lb/1,000 lb).
COD	Maximum for any one day 0.64 kg/kkg of product (0.64 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.45 kg/kkg of product (0.45 lb/1,000 lb).
SS	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.09 kg/kkg of product (0.09 lb/1,000 lb).

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of low density polyethylene after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.065 kg/kkg of product (0.065 lb/1,000 lb).
COD	Maximum for any one day 0.84 kg/kkg of product (0.84 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.42 kg/kkg of product (0.42 lb/1,000 lb).
SS	Maximum for any one day 0.084 kg/kkg of product (0.084 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.042 kg/kkg of product (0.042 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of high density polyethylene by the solvent process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.19 kg/kkg of product (0.19 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.095 kg/kkg of product (0.095 lb/1,000 lb).
COD	Maximum for any one day 1.26 kg/kkg of product (1.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.63 kg/kkg of product (0.63 lb/1,000 lb).
SS	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.063 kg/kkg of product (0.063 lb/1,000 lb).
Total Chrominum	Maximum for any one day 0.0032 kg/kkg of product (0.0032 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0016 kg/kkg of product (0.0016 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of high density polyethylene by the polyform process after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristics	Effluent limitations
BOD5	Maximum for any one day 0.065 kg/kkg of product (0.065 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.032 kg/kkg of product (0.032 lb/1,000 lb).
COD	Maximum for any one day 0.44 kg/kkg of product (0.44 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.22 kg/kkg of product (0.22 lb/1,000 lb).
SS	Maximum for any one day 0.044 kg/kkg of product (0.044 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.022 kg/kkg of product (0.022 lb/1,000 lb).

§ 416.64 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of low density polyethylene reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristics	Effluent Limitations
BOD5	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.065 kg/kkg of product (0.065 lb/1,000 lb).
COD	Maximum for any one day 1.30 kg/kkg of product (1.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/kkg of product (0.65 lb/1,000 lb).
SS	Maximum for any one day 0.084 kg/kkg of product (0.084 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.042 kg/kkg of product (0.042 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of high density polyethylene by the solvent process reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristics	Effluent Limitations
BOD5	Maximum for any one day 0.19 kg/kkg of product (0.19 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.095 kg/kkg of product (0.095 lb/1,000 lb).
COD	Maximum for any one day 1.90 kg/kkg of product (1.90 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.95 kg/kkg of product (0.95 lb/1,000 lb).
SS	Maximum for any one day 0.13 kg/kkg of product (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.063 kg/kkg of product (0.063 lb/1,000 lb).
Total chromium.	Maximum for any one day 0.0032 kg/kkg of product (0.0032 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0016 kg/kkg of product (0.0016 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufatcure of high density polyethylene by the polyform process reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations
BOD5	Maximum for any one day 0.065 kg/kkg of product (0.065 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.032 kg/kkg of products (0.032 lb/1,000 lb).
COD	Maximum for any one day 0.64 kg/kkg of product (0.64 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.32 kg/kkg of product (0.32 lb/1,000 lb).
SS	Maximum for any one day 0.044 kg/kkg of product (0.044 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.022 kg/kkg of product (0.022 lb/1,000 lb).

§ 416.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polyethylene manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.64 of this title; 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."

Subpart G—Cellophane Manufacturing Product Subcategory

§ 416.70 Applicability; description of the cellophane subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp to manufacture cellophane and associated processing.

§ 416.71 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitations*
BOD5	Maximum for any one day 13.4 kg/kkg of product (13.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 8.6 kg/kkg of product (8.6 lb/1,000 lb).
COD	Maximum for any one day 134 kg/kkg of product (134 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 86 kg/kkg of product (86 lb/1,000 lb).
SS	Maximum for any one day 14.5 kg/kkg of product (14.5 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 10.2 kg/kkg of product (10.2 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitations*
BOD5	Maximum for any one day 3.6 kg/kkg of product (3.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of product (1.8 lb/1,000 lb).
COD	Maximum for any one day 24 kg/kkg of product (24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 12 kg/kkg of product (12 lb/1,000 lb).
SS	Maximum for any one day 2.4 kg/kkg of product (2.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.2 kg/kkg of product (1.2 lb/1,000 lb).

§ 416.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent Characteristics	*Effluent Limitations*
BOD5	Maximum for any one day 3.6 kg/kkg of product (3.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of product (1.8 lb/1,000 lb).
COD	Maximum for any one day 36 kg/kkg of product (36 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 18 kg/kkg of product (18 lb/1,000 lb).
SS	Maximum for any one day 2.4 kg/kkg of product (2.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.2 kg/kkg of product (1.2 lb/1,000 lb).

§ 416.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the cellophane manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.74 of this title; 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."

Subpart H—Rayon Subcategory

§ 416.80 Applicability; description of the rayon subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp to manufacture rayon and associated processing.

§ 416.81 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained

in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: "BOD5" shall mean five day biochemical oxygen demand; (2) "COD" shall mean chemical oxygen demand; (3) "SS" shall mean total suspended unfilterable solids; (4) "kg" shall mean kilogram; (5) "kkg" shall mean one thousand kilograms; and, (6) "lb" shall mean pound.

§ 416.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 7.6 kg/kkg of product (7.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 4.9 kg/kkg of product (4.9 lb/1,000 lb).
COD	Maximum for any one day 113 kg/kkg of product (113 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 72.9 kg/kkg of product (72.9 lb/1,000 lb).
SS	Maximum for any one day 8.0 kg/kkg of product (8.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 5.6 kg/kkg of product (5.6 lb/1,000 lb).
Zinc	Maximum for any one day 0.667 kg/kkg of product (0.667 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.534 kg/kkg of product (0.534 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.0 kg/kkg of product (2.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.0 kg/kkg of product (1.0 lb/1,000 lb).
COD	Maximum for any one day 13.4 kg/kkg of product (13.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.7 kg/kkg of product (6.7 lb/1,000 lb).
SS	Maximum for any one day 1.34 kg/kkg of product (1.34 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.67 kg/kkg of product (0.67 lb/1,000 lb).
Zinc	Maximum for any one day 0.133 kg/kkg of product (0.133 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days (0.0667 kg/kkg of product (0.0667 lb/1,000 lb).

§ 416.84 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.0 kg/kkg of product (2.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.0 kg/kkg of product (1.0 lb/1,000 lb).
COD	Maximum for any one day 30 kg/kkg of product (30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 15 kg/kkg of product (15 lb/1,000 lb).
SS	Maximum for any one day 1.34 kg/kkg of product (1.34 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.67 kg/kkg of product (0.67 lb/1,000 lb).
Zinc	Maximum for any one day 0.133 kg/kkg of product (0.133 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0667 kg/kkg of product (0.0667 lb/1,000 lb).

§ 416.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the rayon manufacturing subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.84 of this title; 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 works shall be correspondingly reduced for that pollutant."

Subpart I—Polyester Manufacturing Product Subcategory

§ 416.90 Applicability; description of the polyester subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of dihydric alcohol and terephthalic acid or dimethyl terephtholate and associated processing to manufacture polyester resins and subsequent processing to manufacture polyester fibers.

§ 416.91 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin or polyester fiber or polyester resin and fiber by continuous processing after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 1.06 kg/kkg of product (1.06 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.78 kg/kkg of product (0.78 lb/1,000 lb).
COD	Maximum for any one day 15.9 kg/kkg of product (15.9 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 11.7 kg/kkg of product (11.7 lb/1,000 lb).
SS	Maximum for any one day 0.48 kg/kkg of product (0.48 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.33 kg/kkg of product (0.33 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin and fiber by batch processing after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 2.12 kg/kkg of fiber (2.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.56 kg/kkg of fiber (1.56 lb/1,000 lb).
COD	Maximum for any one day 31.8 kg/kkg of fiber (31.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 23.4 kg/kkg of fiber (23.4 lb/1,000 lb).
SS	Maximum for any one day 0.96 kg/kkg of fiber (0.96 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.66 kg/kkg of fiber (0.66 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin or polyester fiber or polyester resin and fiber by continuous processing after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb).
Polyester Fiber.	Maximum average of daily values for any period of thirty consecutive days 0.060 kg/kkg of product (0.060 lb/1,000 lb).
COD	Maximum for any one day 0.80 kg/kkg of product (0.80 lb/1,000 lb).
SS	Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1,000 lb). Maximum for any one day 0.080 kg/kkg of product (0.080 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.040 kg/kkg of product (0.040 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin and fiber by batch processing after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.24 kg/kkg of fiber (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of fiber (0.12 lb/1,000 lb).
COD	Maximum for any one day 1.60 kg/kkg of fiber (1.60 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.80 kg/kkg of fiber (0.80 lb/1,000 lb).
SS	Maximum for any one day 0.160 kg/kkg of fiber (0.160 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.080 kg/kkg of fiber (0.080 lb/1,000 lb).

§ 416.94 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin or polyester fiber or polyester resin and fiber by continuous processing reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days 0.060 kg/kkg of product (0.060 lb/1,000 lb).
COD	Maximum for any one day 1.80 kg/kkg of product (1.80 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days 0.90 kg/kkg of product (0.90 lb/1,000 lb).
SS	Maximum for any one day 0.080 kg/kkg of product (0.080 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days 0.040 kg/kkg of product (0.040 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of polyester resin and fiber by batch processing reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.24 kg/kkg of fiber (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of fiber (0.12 lb/1,000 lb).
COD	Maximum for any one day 3.0 kg/kkg of fiber (3.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.8 kg/kkg of fiber (1.8 lb/1,000 lb).
SS	Maximum for any one day 0.16 kg/kkg of fiber (0.16 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of product (0.08 lb/1,000 lb).

§ 416.95 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the polyester manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.94 of this title: 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."

Subpart J—Nylon 66 Manufacturing Product Subcategory

§ 416.100 Applicability; description of the nylon 66 subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of hexamethylene diamine and adipic acid and associated processing to manufacture nylon 66 resin and/or fiber.

§ 416.101 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 resin after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.90 kg/kkg of product (0.90 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.66 kg/kkg of product (0.66 lb/1,000 lb).
COD	Maximum for any one day 4.5 kg/kkg of product (4.5 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.3 kg/kkg of product (3.3 lb/1,000 lb).
SS	Maximum for any one day 0.40 kg/kkg of product (0.40 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.28 kg/kkg of product (0.28 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 fiber after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.79 kg/kkg of product (0.79 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.58 kg/kkg of product (0.58 lb/1,000 lb).
COD	Maximum for any one day 3.94 kg/kkg of product (3.94 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.95 kg/kkg of product (2.95 lb/1,000 lb).
SS	Maximum for any one day 0.35 kg/kkg of product (0.35 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.25 kg/kkg of product (0.25 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 resin and fiber after application of best practicable control technology currently available by a point source subject to these provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.69 kg/kkg of fiber (1.69 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.24 kg/kkg of fiber (1.24 lb/1,000 lb).
COD	Maximum for any one day 8.44 kg/kkg of fiber (8.44 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.25 kg/kkg of fiber (6.25 lb/1,000 lb).
SS	Maximum for any one day 0.75 kg/kkg of fiber (0.75 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.53 kg/kkg of fiber (0.53 lb/1,000 lb).

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 resin after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.10 kg/kkg of product (0.10 lb/1,000 lb.) Maximum average of daily values for any period of thirty consecutive days 0.050 kg/kkg of product (0.050 lb/1,000 lb).
COD	Maximum for any one day 0.66 kg/kkg of product (0.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.33 kg/kkg of product (0.33 lb/1,000 lb).
SS	Maximum for any one day 0.066 kg/kkg of product (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.033 kg/kkg of product (0.033 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.088 kg/kkg of product (0.088 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.44 kg/kkg of product (0.44 lb/1,000 lb).
COD	Maximum for any one day 0.58 kg/kkg of product (0.58 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.29 kg/kkg of product (0.29 lb/1,000 lb).
SS	Maximum for any one day 0.058 kg/kkg of product (0.058 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.029 kg/kkg of product (0.029 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 resin and fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.188 kg/kkg of fiber (0.188 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.094 kg/kkg of fiber (0.094 lb/1,000 lb).

Effluent characteristic	Effluent limitation
COD	Maximum for any one day 1.24 kg/kkg of fiber (1.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.62 kg/kkg of fiber (0.62 lb/1,000 lb).
SS	Maximum for any one day 0.124 kg/kkg of fiber (0.124 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.062 kg/kkg of fiber (0.062 lb/1,000 lb).

§ 416.104 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 66 resin reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.10 kg/kkg of product (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.05 kg/kkg of product (0.05 lb/1,000 lb).
COD	Maximum for any one day 0.66 kg/kkg of product (0.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.33 kg/kkg of product (0.33 lb/1,000 lb).
SS	Maximum for any one day 0.066 kg/kkg of product (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.033 kg/kkg of product (0.033 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutant or pollutant properties which may be discharged from the manufacture of Nylon 66 fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.088 kg/kkg of product (0.088 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.044 kg/kkg of product (0.044 lb/1,000 lb).
COD	Maximum for any one day 0.58 kg/kkg of product (0.58 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.29 kg/kkg of product (0.29 lb/1,000 lb).
SS	Maximum for any one day 0.058 kg/kkg of product (0.058 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.029 kg/kkg of product (0.029 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant or pollutant properties which may be discharged from the manufacture of Nylon 66 resin and fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.188 kg/kkg of fiber (0.188 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.094 kg/kkg of fiber (0.094 lb/1,000 lb).
COD	Maximum for any one day 1.24 kg/kkg of fiber (1.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.62 kg/kkg of fiber (0.62 lb/1,000 lb).
SS	Maximum for any one day 0.124 kg/kkg of fiber (0.124 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.062 kg/kkg of fiber (0.062 lb/1,000 lb).

§ 416.105 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the nylon 66 manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.10 of this title; 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."

Subpart K—Nylon 6 Manufacturing Product Subcategory

§ 416.110 Applicability; description of the Nylon 6 subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the polymerization reaction of caprolactam and associated processing to manufacture nylon 6 resin and/or fiber.

§ 416.111 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall means: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 resin after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 5.06 kg/kkg of product (5.06 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.71 kg/kkg of product (3.71 lb/1,000 lb).
COD	Maximum for any one day 50.1 kg/kkg of product (50.1 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 37.1 kg/kkg of product (37.1 lb/1,000 lb).
SS	Maximum for any one day 2.25 kg/kkg of product (2.25 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.58 kg/kkg of product (1.58 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 fiber after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.58 kg/kkg of product (2.58 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.90 kg/kkg of product (1.90 lb/1,000 lb).
COD	Maximum for any one day 25.8 kg/kkg of product (25.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 19.0 k/kkg of product (19.0 lb/1,000 lb).
SS	Maximum for any one day 1.15 kg/kkg of product (1.15 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.80 kg/kkg of product (0.80 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 resin and fiber after application of best practicable control technology currently available by a point source subject to these provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 7.64 kg/kkg of fiber (7.64 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 5.61 kg/kkg of fiber (5.61 lb/1,000 lb).
COD	Maximum for any one day 76.4 kg/kkg of fiber (76.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 56.1 k/kkg of fiber (56.1 lb/1,000 lb).
SS	Maximum for any one day 3.40 kg/kkg of fiber (3.40 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.38 kg/kkg of fiber (2.38 lb/1,000 lb).

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 resin after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.56 kg/kkg of product (0.56 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.28 kg/kkg of product (0.28 lb/1,000 lb).
COD	Maximum for any one day 3.8 kg/kkg of product (3.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.9 kg/kkg of product (1.9 lb/1,000 lb).
SS	Maximum for any one day 0.38 kg/kkg of product (0.38 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.19 kg/kkg of product (0.19 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacturing of Nylon 6 fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.30 kg/kkg of product (0.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.15 kg/kkg of product (0.15 lb/1,000 lb).
COD	Maximum for any one day 2.0 kg/kkg of product (2.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.0 kg/kkg of product (1.0 lb/1,000 lb).
SS	Maximum for any one day 0.20 kg/kkg of product (0.20 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.10 kg/kkg of product (0.10 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 resin and fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.86 kg/kkg of fiber (0.86 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.43 kg/kkg of fiber (0.43 lb/1,000 lb).
COD	Maximum for any one day 5.8 kg/kkg of fiber (5.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.9 kg/kkg of fiber (2.9 lb/1,000 lb).
SS	Maximum for any one day 0.58 kg/kkg of fiber (0.58 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.29 kg/kkg of fiber (0.29 lb/1,000 lb).

§ 416.114 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6 resin reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.56 kg/kkg of product (0.56 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.28 kg/kkg of product (0.28 lb/1,000 lb).
COD	Maximum for any one day 5.6 kg/kkg of product (5.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.8 kg/kkg of product (2.8 lb/1,000 lb).
SS	Maximum for any one day 0.38 kg/kkg of product (0.38 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.19 kg/kkg of product (0.19 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacturing of Nylon 6 fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.30 kg/kkg of product (0.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.15 kg/kkg of product (0.15 lb/1,000 lb).

Effluent characteristic	Effluent limitation
COD	Maximum for any one day 3.0 kg/kkg of product (3.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.5 kg/kkg of product (1.5 lb/1,000 lb).
SS	Maximum for any one day 0.20 kg/kkg of product (0.20 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.10 kg/kkg of product (0.10 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of Nylon 6, resin and fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.86 kg/kkg of fiber (0.86 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.43 kg/kkg of fiber (0.43 lb/1,000 lb).
COD	Maximum for any one day 8.6 kg/kkg of fiber (8.6 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 4.3 kg/kkg of fiber (4.3 lb/1,000 lb).
SS	Maximum for any one day (0.58 kg/kkg of fiber (0.58 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.29 kg/kkg of fiber (0.29 lb/1,000 lb).

§ 416.115 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Nylon 6 manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in 2 8.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 416.114 of this title; 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."

Subpart L—Cellulose Acetate Manufacturing Product Subcategory

§ 416.120 Applicability; description of the cellulose acetate subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the processing of wood pulp with acetic acid and acetic anhydride and associated processing to manufacture cellulose acetate fibers and/or resins.

§ 416.121 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin and fiber after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 11.24 kg/kkg of fiber (11.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 8.24 kg/kkg of fiber (8.24 lb/1,000 lb).
COD	Maximum for any one day 112.4 kg/kkg of fiber (112.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 82.4 kg/kkg of fiber (82.4 lb/1,000 lb).
SS	Maximum for any one day 5.00 kg/kkg of fiber (5.00 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.50 kg/kkg of fiber (3.50 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin or fiber after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 5.62 kg/kkg of product (5.62 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 4.12 kg/kkg of product (4.12 lb/1,000 lb).
COD	Maximum for any one day 56.2 kg/kkg of product (56.2 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 41.2 kg/kkg of product (41.2 lb/1,000 lb).
SS	Maximum for any one day 2.50 kg/kkg of product (2.50 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.75 kg/kkg of product (1.75 lb/1,000 lb).

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

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin and fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 1.28 kg/kkg of fiber (1.28 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.64 kg/kkg of fiber (0.64 lb/1,000 lb).
COD	Maximum for any one day 6.4 kg/kkg of fiber (6.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 4.2 kg/kkg of fiber (4.2 lb/1,000 lb).
SS	Maximum for any one day 0.84 kg/kkg of fiber (0.84 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.42 kg/kkg of fiber (0.42 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin or fiber after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.63 kg/kkg of product (0.63 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.32 kg/kkg of product (0.32 lb/1,000 lb).
COD	Maximum for any one day 4.2 kg/kkg of product (4.2 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.1 kg/kkg of product (2.1 lb/1,000 lb).
SS	Maximum for any one day 0.42 kg/kkg of product (0.42 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.21 kg/kkg of product (0.21 lb/1,000 lb).

§ 416.124 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin and fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.28 kg/kkg of fiber (1.28 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.64 kg/kkg of fiber (0.64 lb/1,000 lb).
COD	Maximum for any one day 12.8 kg/kkg of fiber (12.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.4 kg/kkg of fiber (6.4 lb/1,000 lb).
SS	Maximum for any one day 0.84 kg/kkg of fiber (0.84 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.42 kg/kkg of fiber, 0.42 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of cellulose acetate resin or fiber reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.63 kg/kkg of product (0.63 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.32 kg/kkg of product (0.32 lb/1,000 lb).
COD	Maximum for any one day 6.4 kg/kkg of product (6.4 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.2 kg/kkg of product (3.2 lb/1,000 lb).
SS	Maximum for any one day 0.42 kg/kkg of product (0.42 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.21 kg/kkg of product (0.21 lb/1,000 lb).

§ 416.125 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the cellulose acetate resin or fiber manufacturing subcategory which is an industrial 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 navigable waters), shall be the standards set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.124 of this title; 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."

Subpart M—Epoxy Resins Manufacturing Product Subcategory

§ 416.130 Applicability; description of the epoxy resins subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction between epichlorohydiun and bisphenol A and/or other reactants which create an epoxy group within the resin and associated processing to manufacture epoxy resins.

§ 416.131 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.49 kg/kkg of product (0.49 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).
COD	Maximum for any one day 2.45 kg/kkg of product (2.45 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.80 kg/kkg of product (0.0018 lb/1,000 lb).
SS	Maximum for any one day 0.22 kg/kkg of product (0.22 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.15 kg/kkg of product (0.15 lb/1,000 lb).
Phenolic compounds.	Maximum for any one day 0.0036 kg/kkg of product (0.0036 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0018 kg/kkg of product (1.80 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the

best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.11 kg/kkg of product (0.11 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.055 kg/kkg of product (0.055 lb/1,000 lb).
COD	Maximum for any one day 0.72 kg/kkg of product (0.72 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).
SS	Maximum for any one day 0.072 kg/kkg of product (0.072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.036 kg/kkg of product (0.036 lb/1,000 lb).
Phenolic compounds.	Maximum for any one day 0.00072 kg/kkg of product (0.00072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00036 kg/kkg of product (0.00036 lb/1,000 lb).

§ 416.134 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD	Maximum for any one day 0.11 kg/kkg of product (0.11 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.055 kg/kkg of product (0.055 lb/1,000 lb).
COD	Maximum for any one day 0.72 kg/kkg of product (0.72 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.36 kg/kkg of product (0.36 lb/1,000 lb).
SS	Maximum for any one day 0.072 kg/kkg of product (0.072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.036 kg/kkg of product (0.036 lb/1,000 lb).
Phenolic compounds.	Maximum for any one day 0.00072 kg/kkg of product (0.00072 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00036 kg/kkg of product (0.00036 lb/1,000 lb).

§ 416.135 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the epoxy resins manufacturing subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.134 of this title; 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."

Subpart N—Phenolic Resins Manufacturing Product Subcategory

§ 416.140 Applicability; description of the phenolic resins subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of phenol or a substituted phenol such as creosol or resorcinol and an aldehyde such as formaldehyde or acetaldehyde and associated processing to manufacture phenolic resins.

§ 416.141 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.66 kg/kkg of product (1.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.22 kg/kkg of product (1.22 lb/1,000 lb).
COD	Maximum for any one day 8.30 kg/kkg of product (8.30 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.10 kg/kkg of product (6.10 lb/1,000 lb).
SS	Maximum for any one day 0.74 kg/kkg of product (0.74 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.52 kg/kkg of product (0.52 lb/1,000 lb).
Phenolic, compounds.	Maximum for any one day 0.012 kg/kkg of product (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0062 kg/kkg of product (0.0062 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.18 kg/kkg of product (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.090 kg/kkg of product (0.090 lb/1,000 lb).
COD	Maximum for any one day 1.24 kg/kkg of product (1.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.62 kg/kkg of product (0.62 lb/1,000 lb).
SS	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.062 kg/kkg of product (0.062 lb/1,000 lb).
Phenolic, compounds.	Maximum for any one day 0.0012 kg/kkg of product (0.0012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00062 kg/kkg of product (0.00062 lb/1,000 lb).

§ 416.144 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.18 kg/kkg of product (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.090 kg/kkg of product (0.090 lb/1,000 lb).
COD	Maximum for any one day 1.24 kg/kkg of product (1.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.62 kg/kkg of product (0.62 lb/1,000 lb).
SS	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.062 kg/kkg of product (0.062 lb/1,000 lb).
Phenolic compounds.	Maximum for any one day 0.0012 kg/kkg of product (0.0012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00062 kg/kkg of product (0.00062 lb/1,000 lb).

§ 416.145 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the phenolic resins manufacturing subcategory which is an industrial user of a publically owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.144 of this title; 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."

Subpart O—Urea Resins Manufacturing Product Subcategory

§ 416.150 Applicability; description of the urea resins subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of urea and formaldehyde and associated processing to manufacture urea resins.

§ 416.151 Specialized definitions.

For the purposes of this Subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms (6) "lb" shall mean pound.

§ 416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.25 kg/kkg of product (0.25 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.18 kg/kkg of product (0.18 lb/1,000 lb).
COD	Maximum for any one day 1.25 kg/kkg of product (1.25 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.90 kg/kkg of product (0.90 lb/1,000 lb).
SS	Maximum for any one day 0.11 kg/kkg of product (0.11 lb/1,000 lb). Maximum average of daily values for any period of thirty consectutive days 0.077 kg/kkg of product (0.077 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.055 kg/kkg of product (0.055 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.028 kg/kkg of product (0.028 lb/1,000 lb).
COD	Maximum for any one day 0.36 kg/kkg of product (0.36 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.18 kg/kkg of product (0.18 lb/1,000 lb).
SS	Maximum for any one day 0.036 kg/kkg of product (0.036 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.018 kg/kkg of product (0.018 lb/1,000 lb).

§ 416.154 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.055 kg/kkg of product (0.055 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.028 kg/kkg of product (0.028 lb/1,000 lb).
COD	Maximum for any one day 0.36 kg/kkg of product (0.36 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.18 kg/kkg of product (0.18 lb/1,000 lb).
SS	Maximum for any one day 0.036 kg/kkg of product (0.36 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.018 kg/kkg of product (0.018 lb/1,000 lb).

§ 416.155 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the urea resins manufacturing subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 416.154 of this title; 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."

Subpart P—Melamine Resins Manufacturing Product Subcategory

§ 416.160 Applicability; description of the melamine resins subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction melamine and formaldehyde and associated processing to manufacture melamine resins.

§ 416.161 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand (2) "COD" shall mean chemical oxygen demand (3) "SS" shall mean total suspended unfilterable solids (4) "kg" shall mean kilogram (5) "kkg" shall mean one thousand kilograms and (6) "lb" shall mean pound.

§ 416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.18 kg/kkg of product (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
COD	Maximum for any one day 0.90 kg/kkg of product (0.90 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/kkg of product (0.65 lb/1,000 lb).
SS	Maximum for any one day 0.08 kg/kkg of product (0.08 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.056 kg/kkg of product (0.056 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.040 kg/kkg of product (0.040 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.020 kg/kkg of product (0.020 lb/1,000 lb).
COD	Maximum for any one day 0.26 kg/kkg of product (0.026 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
SS	Maximum for any one day 0.026 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.013 kg/kkg of product (0.013 lb/1,000 lb).

§ 416.164 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.04 kg/kkg of product (0.04 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.02 kg/kkg of product (0.02 lb/1,000 lb).
COD	Maximum for any one day 0.26 kg/kkg of product (0.26 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of product (0.13 lb/1,000 lb).
SS	Maximum for any one day 0.026 kg/kkg of product (0.026 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.013 kg/kkg of product (0.013 lb/1,000 lb).

§ 416.165 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the melamine resins manufacturing subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.164 of this title; 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."

Subpart Q—Acrylics Manufacturing Product Subcategory

§ 416.170 Applicability; description of the acrylics subcategory.

The provisions of this subpart are applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the acrylics polymerization reaction of acrylonitrile and associated processing and the copolymerization reaction of acrylonitrile and vinylidene choloride and/or vinyl chloride to manufacture acrylic resins and fibers.

§ 416.171 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product of finished product.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "other waste water pollutants" shall mean pollutants contained in cooling tower and utility blowdowns and from auxiliary facilities such as laboratories and others.

(d) The following abbreviations shall mean: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "COD" shall mean chemical oxygen demand; (3) "SS" shall mean total suspended unfilterable solids; (4) "kg" shall mean kilogram; (5) "kkg" shall mean one thousand kilograms; and (6) "lb" shall mean pound.

§ 416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 3.75 kg/kkg of product (3.75 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.75 kg/kkg of product (2.75 lb/1,000 lb).
COD	Maximum for any one day 18.8 kg/kkg of product (18.8 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 13.8 kg/kkg of product (13.8 lb/1,000 lb).
SS	Maximum for any one day 1.0 kg/kkg of product (1.0 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.70 kg/kkg of product (0.70 lb/1,000 lb).
Phenolic compounds.	Maximum for any one day 0.017 kg/kkg of product (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0083 kg/kkg of product (0.0083 lb/1,000 lb).

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.25 kg/kkg of product (0.25 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.125 kg/kkg of product (0.125 lb/1,000 lb).
COD	Maximum for any one day 1.66 kg/kkg of product (1.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.83 kg/kkg of product (0.83 lb/1,000 lb).
SS	Maximum for any one day 0.17 kg/kkg of product (0.17 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.083 kg/kkg of product (0.083 lb/1,000 lb).
Phenolic Compounds.	Maximum for any one day 0.0017 kg/kkg of product (0.0017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00083 kg/kkg of product (0.00083 lb/1,000 lb).

§ 416.174 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.25 kg/kkg of product (0.25 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.125 kg/kkg of product (0.125 lb/1,000 lb).
COD	Maximum for any one day 1.66 kg/kkg of product (1.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.83 kg/kkg of product (0.83 lb/1,000 lb).
SS	Maximum for any one day 0.17 kg/kkg of product (0.17 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.083 kg/kkg of product (0.083 lb/1,000 lb).
Phenolic Compounds.	Maximum for any one day 0.0017 kg/kkg of product (0.0017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00083 kg/kkg of product (0.00083 lb/1,000 lb).

§ 416.175 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the acrylics manufacturing subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 416.174 of this title; 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."

[FR Doc.73-21228 Filed 10-10-73;8:45 am]

[40 CFR Part 428]

EFFLUENT LIMITATIONS GUIDELINES FOR RUBBER TIRE MANUFACTURING AND PROCESSING

Notice of Proposed Rule-Making

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the older tire and inner tube manufacturing plants subcategory (Subpart A), newer tire and inner tube manufacturing plants subcategory (Subpart B), emulsion crumb rubber subcategory (Subpart C), solution crumb rubber subcategory (Subpart D), and latex rubber subcategory (Subpart E) of the rubber processing category of point sources 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.; Pub. L. 92-500) (the "Act").

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly

owned treatment works, which require the application of the best available technology economically achievable, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304 (b) of the Act, for the older tire and inner tube manufacturing plants subcategory (Subpart A), newer tire and inner tube manufacturing plants subcategory (Subpart B), emulsion crumb rubber subcategory (Subpart C), solution crumb rubber subcategory (Subpart D), and latex rubber subcategory (Subpart E) of the rubber processing category.

(2) New sources

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to secton 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the rubber processing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the older tire and inner tube manufacturing plants subcategory (Subpart A), newer tire and inner tube manufacturing plants subcategory (Subpart B), emulsion crumb rubber subcategory (Subpart C), solution crumb rubber subcategory (Subpart D), and latex rubber subcategory (Subpart E) of the rubber processing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 428.15, 428.25, 428.35, 428.45, and 428.55, proposed below, provide pretreatment standards for new sources within the older tire and inner tube manufacturing plants subcategory (Subpart A), newer tire and inner tube manufacturing plants subcategory (Subpart B), emlusion crumb rubber subcategory (Subpart C), solution crumb rubber subcategory (Subpart D), and latex rubber subcategory (Subpart E) of the rubber processing category of point sources.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The report or Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology.

The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents, and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow, and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological charactertistics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollutions problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available", "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of this title. The bases for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. Except for section 128.133, the provisions of Part 128 are equally applicable to sources which would constitute "new sources" under section 306, if they were to discharge pollutants directly into navigable waters. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 428.15, 428.25, 428.35, 428.45, and 428.55 below amend section 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the older tire and inner tube manufacturing plants subcategory (Subpart A), newer tire and inner tube manufacturing plants subcategory (Subpart B), emulsion crumb rubber subcategory (Subpart C), solution crumb rubber subcategory (Subpart D), and latex rubber subcategory (Subpart E), of the rubber processing category of point sources.

(i) Categorization.

For the purpose of studying waste treatment and effluent limitations, the rubber processing category was divided into five discrete subcategories which coincide with a breakdown of the category based on distinct processing and product differences as outlined in the Development Document for the rubber processing category.

(1) Subpart A—Older Tire and Inner Tube Manufacturing Plant Subcategory: Although the older tire and inner tube plants (constructed prior to 1959) use

manufacturing processes similar or identical to newer plants, the higher raw waste loads and particularly the cost to isolate process waste water from nonprocess water form the basis for separate subcategorization.

(2) Subpart B—Newer Tire and Inner Tube Manufacturing Plant Subcategory: Newer tire and inner tube plants (constructed 1959 or after) tend to have lower raw waste loads than older plants and separate sewer lines for the various waste water streams within the plants. The cost to further isolate the process waste water from nonprocess waste water is estimated to be about $180,000 less than that for an older plant. These two factors are the basis for separate subcategorization.

(3) Subpart C Emulsion Crumb Rubber Subcategory: Emulsion polymerization is the traditional process for the production of synthetic rubber crumb. The process requires an aqueous medium to which are added the ingredients of the reaction, emulsifiers, catalysts activators, etc. The emulsified product is then coagulated with a combination of electrolyte and dilute acid to form the rubber crumb. Considerable quantities of waste water originate as the result of processing as well as from reactor cleaning, monomer stripping, crumb washing and dewatering and plant washdown. The raw waste loads from emulsion crumb rubber plants are significantly higher than solution crumb rubber plants, and lower than emulsion latex rubber plants so as to warrant separate subcategorization.

(4) Subpart D—Solution Crumb Rubber Subcategory: Solution polymerization is a nonaqueous process for the production of synthetic rubber crumb. The polymerization takes place in an organic solvent such as hexane and the crumb rubber is subsequently coagulated by the addition of hot water and vigorous agitation. The resultant crumb slurry passes through a series of steam stripping columns to remove remaining monomers and solvent. Up to the point of hot water coagulation and steam stripping the solution polymerization process is water free. The major waste water sources are the result of crumb washing and dewatering, and plant washdown. The latter can produce large volumes of waste water contaminated with dissolved organics, floating organics, oils, and suspended solids. The total raw waste water load tends to be lower than for emulsion polymerization processes, since the reaction vessels are cleaned with recycled organic solvents rather than water. Because of the lower raw waste loads, solution crumb rubber plants are separately subcategorized.

(5) Subpart E—Latex Rubber Subcategory: Latex rubber production follows the same processing steps as emulsion crumb rubber production with the exception of the coagulation, crumb rinsing, and dewatering steps. Unlike crumb rubber production, short production runs of various formulations are common in the industry. The major waste waters result from frequent reaction vessel cleaning as production is switched from one production run to another. To maintain product purity the equipment used to store and filter the latex emulsions also require frequent cleaning as production products change. In addition, tank cars and tank trucks used by the plant require cleaning after each use. Area washdowns are frequent both within the process buildings and at the vehicle loading and unloading areas. On a production basis a latex plant has the highest raw waste load consisting of high quantities of uncoagulated latex, dissolved and separable organics, and suspended and dissolved solids. Because of the nature and quantities of the waste water, latex rubber production is separately subcategorized.

(ii) Waste Characteristics.

The pollutants contained in raw waste waters resulting from the rubber processing category include biodegradable organic compounds such as monomers, soaps and latex rubber. Additional pollutants include those nonbiodegradable organic compounds such as styrene and other cyclic organic compounds, suspended solids, dissolved solids, oil and grease, acids and bases, surfactants, color, waste heat, and light and heavy metal ions.

Significant quantities of suspended solids and oil and grease are present in the process waste waters of the tire and inner tube subcategories. Both suspended solids and oil and grease are present in the process waste waters of the three synthetic rubber production subcategories as well as those constituents (organic compounds surfactants, etc.) which cause a biochemical oxygen demand, BOD5 and a chemical oxygen demand, COD. Raw waste load data have been collected on these streams for each subcategory of the industry, and information assembled on the treatment procedures required for each waste water stream.

(iii) Origin of waste water pollutants in the rubber processing category.

(1) Tire and inner tube plants subcategories: Of the pollutants identified, most are present in insignificant amounts or are attributed to nonprocess waste water discharges: cooling, utilities, and domestic wastes. The primary sources of pollutants are process waste waters that come into contact with the tire and inner tube production materials within the manufacturing plants or from storm water runoff from raw materials storage areas.

(2) Synthetic rubber subcategories: The major waste water attributed to these subcategories results from reaction vessel cleaning in the emulsion processes, crumb washing and dewatering, and plant washdown.

(iv) Treatment and control technology.

In-plant controls to prevent process waste waters from entering a combined nonprocess waste water discharge are necessary for tire and inner tube plants. Process waste waters should be isolated from the nonprocess waste waters and treated separately. The recommended end-of-pipe treatment entails the use of oil-water separators followed by fine filters to remove oil and grease and suspended solids.

In-plant control and end-of-pipe treatment in the synthetic rubber production plants consist of the addition of dual crumb pits prior to primary treatment to separate the bulk of the crumb rubber fines. End-of-pipe treatment includes chemical coagulation and biological treatment. The total plant effluent may be passed through an aerated equalization basin to smooth out waste load peaks and to equalize hydraulic flow.

Air pollution control in tire and inner tube plants does not cause major waste water problems. In the compounding area of tire and inner tube plants bagfilters, rather than wet scrubbers, are most frequently used. Wet systems are more common in the tire-finishing area (to collect the grindings from the white sidewall grinding machines and balancing machines) and the tire-repair area.

Solid waste control. The solid wastes from tire and inner tube and synthetic rubber production include: the oil and solids from the end-of-pipe treatment systems in tire and inner tube plants and the solid wastes produced by chemical coagulation and clarification, wasted biological sludge, and spent activated carbon from the end-of-pipe treatment systems in synthetic rubber plants. These solid wastes are either removed from the plantsite by a waste removal contractor or hauled to an approved land disposal site.

(v) Treatment and control technology within subcategories.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (i) the best practicable control technology currently available, (ii) the best available technology economically achievable, and (iii) the best available demonstrated control technology processes, operating methods or other alternatives.

(1) Treatment in the older tire and inner tube plant subcategory: Best practicable control technology currently available consists of in-plant controls to isolate the drippings of soapstone and latex dip solution, oil drippings from machinery, and oil contaminated water from the molding and curing area as well as the isolation of raw materials storage area to prevent rain water intrusion. Process waste waters should be isolated from nonprocess waste water and treated to remove oil and grease and suspended soils.

The requirements for the best available technology economically achievable and for the best available demonstrated control technology, processes, operating methods, or other alternatives for new sources are the same as the requirements for the best practicable control technology currently available.

(2) Treatment in the newer tire and inner tube plants subcategory: Best practicable control technology currently available consists of in-plant controls to isolate the drippings of soapstone and

latex dip solutions, oil drippings from machinery, and oil contaminated water from the molding and curing area as well as the isolation of raw materials storage areas to prevent rain water intrusion. Process waste waters should be isolated from nonprocess waste water and treated to remove oil and grease and suspended solids.

(3) Treatment in the emulsion crumb rubber category: To meet the standards based on the best practicable control technology currently available, the coagulation liquor and crumb rinse overflow stream should be passed through crumb pits to remove crumb rubber fines. These pits should be dual units so that good crumb separation can be achieved during pit unit cleaning operations. The stream should then be sent to the treatment system which includes chemical coagulation and clarification, and biological treatment. The total plant effluent should be passed through an equalization basin, providing approximately 24 hours detention, to smooth out waste load peaks and to equalize hydraulic flow. The equalization basin should be aerated to insure good mixing, prevent anaerobic conditions, and assist in the biological oxidation removal process.

Best available technology economically achievable is the use of activated carbon treatment of the secondary treatment system effluent to remove those substances which contribute to the chemical oxygen demand. The activated carbon system should be preceded by a dual media filter to remove particulates which might foul the carbon system.

Treatment and control technologies for new sources are the same as for the best practicable control technology currently available.

(4) Treatment in the solution crumb subcategory: To meet the standards based on best practicable control technology currently available, the plant waste waters are first passed through crumb pits to remove rubber crumb fines. As previously noted in the discussion of the emulsion crumb subcategory, these pits should be dual units.

Secondary treatment as described for the emulsion crumb rubber subcategory is applicable to solution crumb rubber waste waters. Since solution crumb waste waters do not contain uncoagulated latex solids, and if adequate separation of the rubber fines has been achieved in the crumb pits, neither the chemical coagulation process nor the primary clarifier is required.

Best available technology economically achievable is the use of activated carbon treatment of the secondary treatment system effluent to remove those substances which contribute to the chemical oxygen demand. The activated carbon system should be preceded by a dual media filter to remove particulates which might foul the carbon system.

Treatment and control technologies for new sources are the same as for the best practicable control technology currently available.

(5) Treatment in the latex rubber subcategory: To meet the standards based on the best practicable control technology currently available the emulsion crumb rubber waste water treatment facility described above is also applicable at latex rubber plants. Since latex plant waste waters contain uncoagulated latex solids, primary clarification assisted by chemical coagulation is required. However, because latex plants are considerably smaller than emulsion crumb plants, the waste water flow rate is much lower. The lower flow rates indicate that the use of small reactor-clarifiers is not practicable in small diameters due to reduction in efficiency, mixing, and settlement of solids.

Other than this basic difference (due to flow rate only) in the design of the primary clarification equipment, the secondary treatment facility for latex plant waste waters is identical to that described for emulsion crumb waste water.

Best available technology economically achievable is the use of activated carbon treatment of the secondary treatment system effluent to remove those substances which contribute to the chemical oxygen demand. The activated carbon system should be preceded by a dual media filter to remove particulates which might foul the carbon system.

Treatment and control technologies for new sources are the same as for the best practicable control technology currently available.

(vi) Cost esimates for control of waste water pollutants in the rubber processing category: Cost estimates follow for processes that can achieve the various levels of treatment required for each of the five subcategories.

(1) Older tire and inner tube plants subcategory: To meet the standards set forth for this subcategory, an estimated 0.8 percent would be added to the price of the products produced in older tire and inner tube plants. This price increase takes into account the additional cost of synthetic rubber due an increased water pollution control cost.

(2) Newer tire and inner tube plants subcategory: To meet the standards set forth for this subcategory, an estimated 0.6 percent would be added to the price of products produced in newer tire and inner tube plants. The price increase takes into account the additional cost of synthetic rubber due to increased water pollution costs.

(3) Emulsion crumb rubber subcategory: To meet the standards set forth for best practicable control technology currently available and for news sources, the estimated price increase in emulsion crumb rubber is 1.0 to 1.5 percent. An additional price increase to meet standards for best available technology economically achievable is estimated to be 1.0 to 1.5 percent.

(4) Solution crumb rubber subcategory: To meet the standards set forth for best practicable control technology currently available and for new sources, the estimated price increase of solution crumb rubber is less than 0.5 percent. An additional price increase to meet standards for best available technology economically achievable is estimated to be 0.5 to 1.1 percent.

(5) Latex rubber subcategory: To meet the standards set forth for best practicable control technology currently available and for new sources, the estimated price increase of latex rubber is less than 3.5 percent. An additional price increase to meet standards for best available technology economically achieveable is estimated to be less than 3.5 percent.

(vii) Establishing daily maximum limitations: The daily maximum limitation of one and one-half times the 30 day limitation for BOD5, COD total suspended solids and oil and grease in all subcategories of the rubber processing category is based on statistical studies of waste generation at existing rubber industry plants and plants outside the industry using similar treatment systems with similar type wastes.

(viii) The nonwater quality aspects of pollution control have been considered. In tire and inner tube plants the primary nonwater quality aspects deriving from treatment is the need for disposal of oil and solids from the separators. Additional solid waste results from the use of a non-regenerative type absorbent filter. The additional solid wastes generated as the result of the proposed technology, however, is very small relative to the normal solid waste loads generated by tire and inner tube plants.

In the emulsion crumb-treatment system sludge cake is produced by vacuum filtration of the primary coagulation solids and the digested biological solids. Sludge disposal costs were based on sanitary landfill. Sludge incineration costs were not evaluated because the economics depend, to a large degree, on the accessibility of a landfill site and on the relative costs for sludge haulage and site disposal. The annual quantities of solid waste generated are:

Primary coagulated solids.	2,940 cu m (3,900 cu yd).
Biological solids	245 cu m (325 cu yd).

Solid waste generation with a solution crumb treatment system is associated with biological solids and spent activated carbon. The activated carbon canisters may be returned for regeneration off-site by the supplier. However, annual operating data have been based on disposal of the spent carbon at a landfill site. The annual quantities of solid waste generated are:

Biological solids	102 cu m (135 cu yd).
Spent carbon	140 cu m (185 cu yd).

In latex crumb rubber treatment systems solid wastes are produced by chemical coagulation and clarification, wasted biological sludge, and spent activated carbon. For cost purposes, it is proposed that these all be hauled to a landfill. The annual quantities of solid wastes are listed below:

Primary coagulated solids.	214 cu m (283 cu yd).
Biological solids	62 cu m (82 cu yd).
Spent carbon	126 cu m (167 cu yd).

These solid wastes are not hazardous and have been used for soil conditioning purposes and landfill. They require minimal custodial care rather than special disposal considerations which must be given to hazardous materials.

Neither air quality nor noise levels will be adversely affected by any of the proposed treatment technologies.

(ix) Economic impact analysis.

In assessing the economic impact, internal and external costs are considered. Internal costs are given as investment and annual cost for a typical plant. Annual cost is operating costs plus the cost of capital and depreciation. The annual cost per tire or inner tube is under ten cents. For the synthetic rubber segment, costs to meet the 1977 standards range from $6.64 to $25.10/ton, and costs to meet the 1983 standards range from $10.34 to $35.50/ton. (These costs are for a typical plant with no treatment facilities currently in place.) The required investment and annual costs for the 1977, 1983 and New Source Standards appear to pose no major problems for the industry.

External cost deals basically with the assessment of economic impact of the internal costs discussed above in terms of price increases, production curtailments or plant closures, resultant employment, community and regional impacts, international trade, and future industry growth. The proposed effluent limitations will not seriously threaten the economic viability of the industry. The proposed limitations will have a minor effect on prices with the probable price effect on tires and inner tubes being less than 0.8 percent. For the synthetic rubbers, the probable price effect is less than 1 percent except for SBR latex where the price effect may be as high as 3.5 percent. In addition, there will be no effect on production, employment, the balance of trade, and industry growth due to the imposition of the proposed effluent limitations.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the TIRE AND SYNTHETIC Segments of the Rubber Processing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the rubber processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) New England Interstate Water Pollution Control Commission; (4) Ohio River Valley Sanitation Commission; (5) Delaware River Basin Commission; (6) The American Society of Mechanical Engineers; (7) The American Society of Civil Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation, Environmental Defense Fund, Inc.; (10) Natural Resources Defense Council; (11) Water Pollution Control Federation; (12) The Natural Wildlife Federation; (13) Department of Commerce; (14) Department of the Interior; (15) Water Resources Council; (16) Manufacturing Chemists Association; (17) Rubber Manufacturers Association; (18) Synthetic Organic Chemical Manufacturing Association; and (19) International Institute of Synthetic Rubber Producers.

The following organizations responded with comments: The B. F. Goodrich Company; Ball Corporation; The Armstrong Rubber Company; The Firestone Tire and Rubber Company; Uniroyal, Inc.; The Gates Rubber Company; The Goodyear Tire and Rubber Company; E. I. du Pont de Nemours and Company; Rubber Manufacturers Association; Effluent Standards and Water Quality Information Advisory Committee; California Water Resources Control Board; New York State Department of Environmental Conservation; State of Pennsylvania, Division of Industrial Wastes; U.S. Department of the Interior; General Counsel of the Department of Commerce; Commonwealth of Kentucky; State of Colorado, Department of Health; Illinois Environmental Protection Agency; and Texas Water Quality Control Board.

The comments were highly variable, ranging from full support to overall opposition.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) The most frequent comment concerned the availability by 1983 of activated carbon systems for the reduction of chemical oxygen demand from synthetic rubber secondary waste treatment system effluents. As noted in the Development Document, one synthetic rubber plant has attempted to use activiated carbon to reduce chemical oxygen demand from a secondary synthetic waste water effluent. Subsequent tests by the Agency on seven different typical waste samples (referenced in the Development Document) from plants representing each of the synthetic rubber subcategories indicate that activated carbon for the reduction of chemical oxygen demand is technically feasible. The cost to treat one million gallons of waste water per day is estimated to be $369. It was concluded, after consideration of the data from EPA testing and economic analysis, that biological treatment followed by activated carbon treatment for removal of pollutants is the best available technology economically achievable.

(2) A number of comments expressed concern that nonprocess waste water was to be included as part of the process waste water stream. To clarify this issue the Development Document has been revised to clearly delineate the waste streams associated with processing. Effluent limitations guidelines and standards to be applied to process waste water pollutants are clearly defined in this regulation.

(3) Several organizations suggested that pH should be included as a parameter subject to limitations. The Agency has revised the limitations to include a pH limitation of 6.0 to 9.0 for all subcategories.

(4) A number of organizations commented on the limitation values given in the Development Document; most were concerned with whether or not the values are daily maximums or monthly averages. The effluent limitations set forth in two regulations clearly indicate the period of applicability of the standard.

(5) A number of commentors expressed the opinion that inadequate cost information had been gathered and that these studies were not applied to plants with the full range of treatment problems. The Agency has reexamined the cost data and economic impacts and finds that these data substantiate the reasonableness of the proposed regulation.

(6) One state environmental protection agency expressed concern that the limitations for BOD5 and suspended solids are higher than those allowed by the State for discharge to low flow streams. The limitations values presented in the Development Document represent the best practicable technology currently available. However, under the Act, dischargers must also comply with any more stringent limitation required to meet water qaulity standards, or other requirements of either Federal or State law.

(7) Many comments referred to cooling water, boiler blowdown waste water problems, and water supply waste water problems. These are to be dealt with later as a separate category. Any cooling water that picks up process related pollutants from leaks or otherwise becomes process waste water. It is the responsibility of the plant to monitor cooling water

streams for leaks, and to treat contaminated cooling water to the standards established for process waste water discharges.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by November 11, 1973 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 1, 1973.

RUSSELL E. TRAIN,
Administrator.

PART 428—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE RUBBER MANUFACTURING POINT SOURCE CATEGORY

Sec.

Subpart A—Older Tire and Inner Tube Plants Subcategory

428.10 Applicability; description of older tire and inner tube plants subcategory.
428.11 Specialized definitions.
428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
428.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
428.14 Standards of performance for new sources.
428.15 Pretreatment standards for new sources.

Subpart B—Newer Tire and Inner Tube Plants Subcategory

428.20 Applicability; description of newer tire and inner tube plants subcategory.
428.21 Specialized definitions.
428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
428.24 Standards of performance for new sources.
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Subpart A—Older Tire and Inner Tube Plants Subcategory

§ 428.10 Applicability; description of older tire and inner tube plants subcategory.

The provisions of this subpart are applicable to the discharges resulting from the production of pneumatic tires and inner tubes in older tire and inner tube plants. For the purposes of this regulation older tire and inner tube plants are defined as those facilities constructed before 1959.

§ 428.11 Specialized definitions.

For the purpose of ths subpart:

(a) The term "process waste water" shall mean any water which comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of tires and inner tubes.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "oil and grease" shall mean those components of a waste water amendable to measurement by the method described in *Methods for Chemical Analysis of water and Wastes*, 1971, Environmental Protection Agency Analytical Quality Control Laboratory, page 217.

(d) The following abbreviations shall have the following meaning when used in this subpart: (i) "TSS" shall mean total suspended nonfilterable solids; (ii) "kg" shall mean kilogram(s); (iii) "kkg" shall mean 1000 kilograms and (iv) lb shall mean pound(s).

(e) The term "raw material" shall mean all natural and synthetic rubber, carbon black, oils, chemical compounds, fabric and wire used in the manufacture of pneumatic tires and inner tubes or components thereof.

§ 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristics	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of raw material (0.064 lb/1,000 lb).
Oil and grease	Maximum for any one day 0.024 kg/kkg of raw material (0.024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be dis-

charged after application of the best available technology economically achievable by a point source subject to the provsisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of raw material (0.064 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.024 kg/kkg of raw material (0.024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	within the range of 6.0 to 9.0.

§ 428.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be dicharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of raw material (0.064 lb/1,000 lb). Maximum for any one day 0.024 kg/kkg of raw material (0.024 lb/1,000 lb).
Oil and Grease.	Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	within the range of 6.0 to 9.0.

§ 428.15 Pretreatment standards for new sources.

The pretreatment standards under sections 307(c) of the Act, for a source within the older tire and inner tube plants subcategory, which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 428.14 of this title, 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."

Subpart B—Newer Tire and Inner Tube Plants Subcategory

§ 428.20 Applicability; description of newer tire and inner tube plants subcategory.

The provisions of this subpart are applicable to the discharges resulting from the production of pneumatic tires and inner tubes in newer tire and inner tube plants. For the purposes of this regulation newer tire and inner tube plants are defined as those facilities constructed after 1958.

§ 428.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of pneumatic tires and inner tubes.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "oil and grease" shall means those components of a waste water amendable to measurement by the method described in *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(d) The following abbreviations shall have the following meaning when used in this subpart: (i) "TSS" shall mean total suspended nonfilterable solids; (ii) "kg" shall mean kilogram(s); (iii) "kkg" shall mean 1000 kilograms and (iv) lb shall mean pound(s).

(e) The term "raw material" shall mean all natural and synthetic rubber, carbon black, oils, chemical compounds, fabric and wire used in the manufacture of pneumatic tires and inner tubes or components thereof.

§ 428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of raw material (0.064 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.024 kg/kkg of raw material (0.024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of product (0.064 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.024 kg/kkg of raw material (0.024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	within the range of 6.0 to 9.0.

§ 428.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.096 kg/kkg of raw material (0.096 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/kkg of raw material (0.064 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.024 kg/kkg of product (0.024 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/kkg of raw material (0.016 lb/1,000 lb).
pH	within the range of 6.0 to 9.0.

§ 428.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source

within the newer tire and inner tube plants subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 428.24 of this title; 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."

Subpart C—Emulsion Crumb Rubber Subcategory

§ 428.30 Applicability; description of emulsion crumb rubber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of emulsion crumb rubber.

§ 428.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of emulsion crumb rubber.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "BOD5" shall mean five day biochemical oxygen demand.

(d) The term "COD" shall mean chemical oxygen demand.

(e) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(f) The following abbreviations shall have the following meaning when used in this subpart: (i) "TSS" shall mean total suspended nonfilterable solids; (ii) "kg" shall mean kilogram(s); (iii) "kkg" shall mean 1,000 kilograms and (iv) "lb" shall mean pound(s).

§ 428.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 12.00 kg/kkg of product (12.00 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 8.00 kg/kkg of product (8.00 lb/1,000 lb).
BOD5	Maximum for any one day 0.60 kg/kkg of product (0.60 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1,000 lb).
TSS	Maximum for any one day 0.98 kg/kkg of product (0.98 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/kkg of product (0.65 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.24 kg/kkg of product (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg of product (0.16 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this Subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 3.12 kg/kkg of product (3.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.08 kg/kkg of product (2.08 lb/1,000 lb).
BOD5	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of product (0.08 lb/1,000 lb).
TSS	Maximum for any one day 0.24 kg/kkg of product (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg of product (0.16 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of product (0.08 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

§ 428.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart; the limitations shall be as specified in § 428.32.

§ 428.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the rubber processing category emulsion crumb rubber subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purpose of this section, § 128.133 of this title shall be amended to read 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 shall be the standard of performance for new sources specified in § 428.34 of this title; 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."

Subpart D—Solution Crumb Rubber Subcategory

§ 428.40 Applicability; description of solution crumb rubber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of solution crumb rubber.

§ 428.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of solution crumb rubber.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "BOD5" shall mean five day biochemical oxygen demand.

(d) The term "COD" shall mean chemical oxygen demand.

(e) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(f) The following abbreviations shall have the following meaning when used in this subpart: (i) "TSS" shall mean total suspended nonfilterable solids; (ii)

"kg" shall mean kilogram(s); (iii) "kkg" shall mean 1000 kilograms and (iv) lb shall mean pound(s).

§ 428.42 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 5.91 kg/kkg of product (5.91 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 3.94 kg/kkg of product (3.94 lb/1,000 lb).
BOD5	Maximum for any one day 0.60 kg/kkg of product (0.60 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1,000 lb).
TSS	Maximum for any one day 0.98 kg/kkg of product (0.98 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/kkg of product (0.65 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.24 kg/kkg of product (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg of product (0.16 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 3.12 kg/kkg of product (3.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 2.08 kg/kkg of product (2.08 lb/1,000 lb).
BOD5	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of product (0.08 lb/1,000 lb).
TSS	Maximum for any one day 0.24 kg/kkg of product (0.24 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg of product (0.16 lb/1,000 lb).
Oil and Grease.	Maximum for any one day 0.12 kg/kkg of product (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of product (0.08 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

§ 428.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart; the limitations shall be as specified in § 428.42.

§ 428.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the rubber processing category solution crumb rubber subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purpose of this section, § 128.133, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a performance for new sources specified in § 428.44 of this title; 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."

Subpart E—Latex Rubber Subcategory

§ 428.50 Applicability; description of latex rubber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of latex rubber.

§ 428.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of latex rubber and any nonprocess water discharged to the process waste treatment system.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "BOD5" shall mean five day biochemical oxygen demand.

(d) The term "COD" shall mean chemical oxygen demand.

(e) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(f) The following abbreviations shall have the following meaning when used in this subpart: (i) "TSS" shall mean total suspended nonfilterable solids; (ii) "kg" shall mean kilogram(s); (iii) "kkg" shall mean 1,000 kilograms and (iv) "lb" shall mean pound(s).

§ 428.52 Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 10.27 kg/kkg of product (10.27 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 6.85 kg/kkg of product (6.85 lb/1,000 lb).
BOD5	Maximum for any one day 0.51 kg/kkg of product (0.51 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.34 kg/kkg of product (0.34 lb/1,000 lb).
TSS	Maximum for any one day 0.82 kg/kkg of product (0.82 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.55 kg/kkg of product (0.55 lb/1,000 lb).
Oil and Grease	Maximum for any one day 0.21 kg/kkg of product (0.21 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.14 kg/kkg of product (0.14 lb/1,000 lb).
pH	within the range of 6.0 to 9.0.

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

The following limitations constitute the quantity or quality of pollutants or

pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 2.66 kg/kkg of product (2.66 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 1.78 kg/kkg of product (1.78 lb/1,000 lb).
BOD5	Maximum for any one day 0.11 kg/kkg of product (0.11 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg of product (0.07 lb/1,000 lb).
TSS	Maximum for any one day 0.21 kg/kkg of product (0.21 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.14 kg/kkg of product (0.14 lb/1,000 lb).
Oil and grease.	Maximum for any one day 0.11 kg/kkg of product (0.11 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days 0.07 kg/kkg of product (0.07 lb/1,000 lb).
pH	Within the range of 6.0 to 9.0.

§ 428.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this Subpart: the limitations shall be as specified for § 428.42.

§ 428.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the rubber processing category latex rubber subcategory which is an industrial 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 navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 428.54 of this title; 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."

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

PROGRAMS FOR THE EDUCATION OF THE HANDICAPPED

Proposed Guidelines and Requirements

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 121, 121b, 121c, 121e, 121f, 121g, 121h, 121i, 121j]

PROGRAMS FOR THE EDUCATION OF THE HANDICAPPED

Proposed Guidelines and Requirements

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in the Education of the Handicapped Act, Title VI of Pub. L. 91-230, 20 U.S.C. 1401-1461, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Title 45 of the Code of Federal Regulations by revising Part 121 and redesignating Part 121 as so revised as Part 121a; by adding new Parts 121, 121b, 121c, 121d, 121e, 121f, 121g, 121h, 121i, and 121j; and by revoking Part 150, as set forth below. The proposed parts would be applicable to the programs authorized by Parts C through G of the Education of the Handicapped Act. The Commissioner also proposes to establish guidelines for certain of these programs, which are set forth following the text of the proposed regulation. At present there will be no guidelines for Parts 121 (General Provisions), 121b (Regional Resource Centers), 121c (Centers and Services for Deaf-Blind Children), 121e (Auxiliary Activities), 121g (Recruitment of Personnel and Dissemination of Information), and 121j (Instructional Media for the Handicapped). The regulations contain mandatory requirements for these programs. Should guidelines be issued in the future they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Purpose of programs.* The Education of the Handicapped Act provides programs of assistance for education of the handicapped under Parts C through G. Assistance may be provided for regional resource centers; for centers and services for deaf-blind children; for early education for handicapped children; for auxiliary activities; for training of personnel for the education of the handicapped; for research in the education of the handicapped; for recruitment of personnel and dissemination of information; and for special programs for children with specific learning disabilities.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the result of this study as it pertains to the programs under Parts C, D, E, F, and G of the Education of the Handicapped Act. Upon publication of the proposed regulations and guidelines in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Parts C, D, E, F, and G of the Act will be superseded, effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed Part 121 differs from the current regulations contained in Subpart A and A-1 of Part 121 in that provisions have been deleted relating to general fiscal and administrative matters which will be covered in the future under the overall Office of Education general provisions regulations, published under notice of proposed rulemaking in the FEDERAL REGISTER at 38 FR 10386 (April 26, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed part 100a of title 45 CFR, containing general provisions for all discretionary grant programs under the Education of the Handicapped Act.)

4. *Guidelines.* Guidelines for these programs have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulations. When finally published in the FEDERAL REGISTER in accordance with section 503(d) the guidelines will be stated separately in the general notice section of the FEDERAL REGISTER.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In such a case the citation refers to all that appears in the section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education on November 12, 1973 in the auditorium of the Regional Office Building Three (ROB-3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 2079-G, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Programs Nos. 13.443-448, 13.450-452, Education of the Handicapped Programs)

Dated August 20, 1973.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved September 28, 1973.

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

PART 121—DEFINITIONS; GENERAL PROVISIONS

Sec.

121.1 Scope.
121.2 Definitions.
121.3 Objectives.
121.4 Parental involvement and dissemination.
121.5 Multi-year programs and projects.

AUTHORITY: Secs. 601-605, Pub. L. 91-230, 84 Stat. 175, 177 (20 U.S.C. 1401-1404), unless otherwise noted.

§ 121.1 Scope.

Except as otherwise provided in this part, the provisions contained in this part apply to all programs authorized under the Education of the Handicapped Act (Public Law 91-230, Title VI).

(20 U.S.C. 1401)

§ 121.2 Definitions.

As used in Parts 121 through 121j, inclusive, of this chapter: "Act" means the Education of the Handicapped Act (Title VI of Public Law 91-230).

(20 U.S.C. 1401)

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematic calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual,

hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 1401 (15))

"Construction" means:

(a) Erection of new or expansion of existing structures, including the acquisition and installation of equipment thereof; or

(b) Acquisition of existing structures not owned by any agency or institution making application for assistance under this part; or

(c) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(d) Acquisition of land in connection with the activities in paragraphs (a), (b), and (c) of this definition; or

(e) A combination of any two or more of the foregoing.

(20 U.S.C. 1401(4))

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 1401(5))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1401(1))

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals who have a certificate of graduation from high school, or the recognized equivalent of such certificate;

(b) Is legally authorized within such State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution, whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge. If the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under the Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner will publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the qaulity of education or training offered.

(20 U.S.C. 1401(11))

"Local educational agency" means a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1401(8))

"Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(20 U.S.C. 1413(a)(2))

"Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(20 U.S.C. 1401(13))

"Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) General pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(20 U.S.C. 1401 (1))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such agency, or officer, an agency or officer designated by the Governor or by State law.

(20 U.S.C. 1401 (7))

§ 121.3 Objectives.

(a) The U.S. Office of Education is committed to assuring equal educational opportunities for all handicapped children. The efforts of the Office of Education in meeting this commitment are coordinated through the Bureau of Education for the Handicapped.

(b) Education of handicapped children has been adopted by the U.S. Office of Education as one of its major priorities. The five objectives designed to implement this priority are:

(1) To assure that every handicapped child is receiving an appropriately designed education;

(2) To assist the States in providing appropriate educational services to the handicapped;

(3) To assure that every handicapped child who leaves school has had career educational training that is relevant to the job market, meaningful to his career aspirations, and realistic to his fullest potential;

(4) To assure that all handicapped children served in the schools have a trained teacher or other resource person competent in the skills required to aid the child in reaching his full potential; and

(5) To secure the enrollment of preschool aged handicapped children in Federal, State, and local educational and day care programs.

(20 U.S.C. 1403, 1411, 1421–1424, 1431–1434, 1441, 1442, 1451, 1461)

§ 121.4 Parental involvement and dissemination.

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that pa-

rental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall:

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluation to such parents and the public.

(20 U.S.C. 1231d)

§ 121.5 Multi-year programs and projects.

(a) The Commissioner may require that institutions, organizations, and agencies applying for assistance under Parts C, D, E, F, or G of the Act will project their goals and activities over a three-year period. Multi-year approval is intended to offer programs or projects a reasonable degee of stability over time and to facilitate additional long range planning.

(b) Approval of multi-year programs or projects shall not commit the Federal government to provide financial assistance from appropriations not currently available.

(20 U.S.C. 1413)

PART 121b—REGIONAL RESOURCE CENTERS

Sec.
121b.1 Scope.
121b.2 Purpose.
121b.3 Eligible parties.
121b.4 Need and capability.
121b.5 Services.
121b.6 Location of centers.
121b.8 Evaluation and dissemination.
121b.9 Parental participation.
121b.10 Auxiliary activities.

AUTHORITY: Sec. 621, Pub. L. 91-230, 84 Stat. 181 (20 U.S.C. 1421), unless otherwise noted.

§ 121b.1 Scope.

(a) This part applies to projects assisted under section 621 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421)

§ 121b.2 Purpose.

Payment of Federal funds under this part may be made to assist eligible parties in the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs.

(20 U.S.C. 1421(a))

§ 121b.3 Eligible parties.

Parties eligible to receive assistance under this part are (a) institutions of higher education, (b) State educational agencies, or (c) combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States.

(20 U.S.C. 1421(a))

§ 121b.4 Need and capability.

In providing assistance under this part, the Commissioner will take into consideration the need for a regional center in the region to be served and the capability of the applicant to develop and apply, with the assistance of funds under this part, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

(20 U.S.C. 1421(b))

§ 121b.5 Services.

Each regional center assisted under this part shall make available at least the following services:

(a) Testing and educational evaluation to determine the special educational needs of handicapped children referred to such center, including the development of new methods for appraising those needs;

(b) Development of educational programs to meet those needs.

(c) Assistance to schools and other appropriate agencies, organizations, and institutions in providing the educational programs (developed under paragraph (b) of this section) through services such as (1) consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at the regional centers), (2) periodic reexamination and reevaluation of special education programs (including programs developed at the center under paragraph (b) of this section), and (3) other technical services;

(d) Following the educational progress of the handicapped children evaluated under paragraph (a) of this section, and modifying the programs developed under paragraph (b) of this section or assisted under paragraph (c) of this section as necessary to meet the special educational needs of those children; and

(e) Exploration of new techniques of testing and new procedures of instruction.

(20 U.S.C. 1421(a))

§ 121b.6 Location of centers.

To the extent feasible, regional centers will be distributed equitably throughout the Nation, and may, for demonstration purposes, be located both in urban and in rural areas.

(20 U.S.C. 1421)

§ 121b.8 Evaluation and dissemination.

(a) Each regional center shall develop and apply effective methods for evaluating (1) the extent to which project objectives are being met, and (2) the effectivness of the educational programs developed for handicapped children by the center.

(b) Each center shall disseminate or provide for the dissemination of information regarding its activities, including the evaluation carried out under paragraph (a) of this section. Additional dissemination activities may be carried out under part 121e of this chapter.

(20 U.S.C. 1421, 1424)

§ 121b.9 Parental participation.

If a local education agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d, 1421)

§ 121b.10 Auxiliary activities.

(a) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121 of this chapter.

(20 U.S.C. 1421, 1424)

PART 121c—CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

Subpart A—Purpose; Eligible Parties

Sec.
121c.1 Scope.
121c.2 Purpose.
121c.3 Eligible parties.

Subpart B—Organization of Centers

121c.10 Cooperative arrangements.
121c.11 Regional center sponsoring agency.
121c.12 Other center components.

Subpart C—Geographical Requirements

121c.22 Need for center.
121c.23 Regional plan.

Subpart D—Services and Activities

121c.33 Services.
121c.34 Additional activities.
121c.35 Construction and equipment.
121c.36 Children to be served.
121c.37 Determination of deaf-blind children.
121c.38 Location of services.
121c.39 Transportation.
121c.40 Parental participation.

AUTHORITY: Sec. 622, Pub. L. 91-230, 84 Stat. 182 (20 U.S.C. 1422), unless otherwise noted.

Subpart A—Purpose; Eligible Parties

§ 121c.1 Scope.

(a) This part applies to programs and projects assisted under section 622 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1422)

§ 121c.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of providing (by grants to or contracts with eligible parties), through a limited number of model centers for deaf-blind children (referred to in this part as "regional centers"), a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids, that are found to be most effective to enable such children to achieve their full potential (a) for communication with, and adjustment to, the world around them, (b) for useful and meaningful participation in society, and (c) for self-fulfillment.

(20 U.S.C. 1422(a))

§ 121c.3 Eligible parties.

Parties eligible to receive assistance under this part are public or nonprofit private agencies, organizations, or institutions.

(20 U.S.C. 1422(b))

Subpart B—Organization of Centers

§ 121c.10 Cooperative arrangements.

(a) *General.* To receive assistance under this part, eligible parties shall enter into cooperative arrangements with other eligible parties (referred to in this part as "participating agencies"), which may include those in another State.

(b) *Sponsoring agency.* In the case of each cooperative arrangement established under paragraph (a) of this section there shall be a single public or nonprofit private agency, organization, or institution (1) which is designated as the "sponsoring agency", (2) which is the grant or contract applicant for the regional center, (3) which shall be the legal recipient of the grant of contract award, (4) which shall be legally responsible for administering the regional center under the grant or contract, and (5) which may enter into contracts (to the extent permitted by State and local law) for the provision of part of the services under the grant or contract.

(c) *Parties and terms of service contracts.* The contracts specified in paragraph (b)(5) of this section may be made with participating agencies, as well as with other agencies, institutions, or organizations.

(20 U.S.C. 1422; 45 CFR 100a.30, 100a.80)

§ 121c.11 Regional center sponsoring agency.

The sponsoring agency shall be responsible for stimulating development of and coordinating and monitoring the status of contracted services for deaf-blind children in the region to be served, including the provision of those activities and services for deaf-blind children specified under §§ 121c.33 and 121c.34.

(20 U.S.C. 1422)

§ 121c.12 Other center components.

Each regional center shall have a regional coordinator, a committee, and adequate staffing to administer the grant or contract.

(a) *Regional coordinator.* The regional coordinator shall be responsible for (1) preparation of the grant or contract application of the regional center; (2) implementation of approved program goals and supervision of the carrying out of those responsibilities of the sponsoring agency specified in § 121c.10; and (3) establishment of the regional committee pursuant to paragraph (b) of this section.

(b) *Regional committee.* (1) The regional committee shall include in its membership (but shall not be limited to): A representative from the sponsoring agency, at least one representative from each State in the region to be served (including the State official or officials, or their designees, who are responsible for special education), at least one parent of a deaf-blind child in the area to be served, and at least one representative from each of the allied disciplines of medicine, social service, and rehabilitation services (which may include a representative of the National Center for Deaf-Blind Youths and Adults). (2) The regional committee shall actively assist in (i) the planning, development, and operation of the regional center, (ii) the dissemination of information regarding the regional center's programs, (iii) the assessment of regional needs regarding deaf-blind children and the establishment of priorities respecting those needs for the region, and (iv) the evaluation of the extent to which the objectives of the regional center meet established short and long range regional goals.

(c) *Staff.* The regional center staff shall (1) stimulate early identification and followup of all deaf-blind children in the region, (2) maintain adequately organized records on each such child, and (3) stimulate, support, and monitor services, research, training, and evaluation provided or carried out by the regional center.

(d) *Participating agencies.* Participating agencies may include eligible parties which are health, education, or social service agencies or institutions in the region to be served, and which are engaged in, or responsible for, direct delivery of services to deaf-blind children or their families, regardless of whether those agencies are assisted through contracts with the sponsoring agency or are assisted from other public or private sources.

(20 U.S.C. 1422)

Subpart C—Geographical Requirements

§ 121c.22 Need for center.

In providing assistance under this part, the Commissioner will take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the region to be served.

(20 U.S.C. 1422(c))

§ 121c.23 Regional plan.

Each application for assistance under this part shall include a comprehensive plan to meet the special needs of deaf-blind children in the region to be served. In the case of an application for a continuation award, the regional committee established under § 121c.12(b) shall actively assist in the development of this regional plan.

(20 U.S.C. 1422)

Subpart D—Services and Activities

§ 121c.33 Services.

Each regional center assisted under this part shall provide at least the following services:

(a) Comprehensive and continuing diagnostic and evaluative services for deaf-blind children. Such services shall include (1) examinations by the following qualified personnel: Audiologists, ophthalmologists, pediatricians, and other special consultants as needed, such as child psychologists, optometrists, orthodontists, pediatric neurologists, cardiologists, otorhinolaryngologists, speech pathologists, and occupational and physical therapists and (2) continuing psychoeducational assessments of intellectual, social-adaptive, and communication abilities, and emotional adjustment.

(b) A program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor. This program may include adapted recreational and physical education activities and services organized to provide adequate social experiences.

(c) Effective professional consultative and counseling services for parents, teachers, and others who play a direct role in the lives of deaf-blind children, to enable them to understand the special problems of those children and to assist in the process of adjustment, orientation, and education of those children.

(20 U.S.C. 1422(d)(1))

§ 121c.34 Additional activities.

(a) In addition to the services specified in § 121c.33 each regional center shall carry out the following activities under Part 121e of this chapter:

(1) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of deaf-blind children;

(2) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(3) Dissemination of materials and information about practices found effective in working with those children.

(b) Each regional center shall provide for continuing evaluation of the effectiveness of each program or project assisted under this part, either directly or by contract with independent organizations.

(c)(1) Each regional center may also conduct research under section 624(a)(1) of the Act and Part 121e of this chapter to identify and meet the full range of special needs of deaf-blind children. (2) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act. (3) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter and sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1422, 1424)

§ 121c.35 Construction and equipment.

Establishment and operation of regional centers under this part may include the construction of necessary facilities, including the construction of necessary residential facilities, and may include the acquisition of necessary equipment.

(20 U.S.C. 1404, 1422(b))

§ 121c.36 Children to be served.

The services to be provided under § 121c.33 shall be available on a continuing basis to all deaf-blind children in the geographic area to be served by the regional center, including deaf-blind children (a) who are enrolled in schools operated by participating agencies, (b) who are attending other programs for handicapped children, and (c) who are not able to cope with a regular school program.

(20 U.S.C. 1422)

§ 121c.37 Determination of deaf-blind children.

(a) As used in this part, the term "deaf-blind children" means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child.

(b) Determination that a child is a deaf-blind child within the meaning of paragraph (a) of this section shall be made by the regional center on the basis of an extended period of evaluation, conducted in the center or elsewhere by a team of specialists (at least including specialists in the fields of hearing, vision, and education of the handicapped), who shall make appropriate recommendations to the center as to whether a child is a deaf-blind child within the criteria set forth in paragraph (a) of this section.

(20 U.S.C. 1422)

§ 121c.38 Location of services.

(a) Services provided to deaf-blind children by a regional center may be provided to those children (and, where applicable, other persons) regardless of whether they reside in the regional center, and may be provided at some place other than the center.

(b) A regional center may use the facilities, services, and resources available in another regional center to provide needed services for its deaf-blind children and their families except where such use will interfere with the program of the other regional center.

(20 U.S.C. 1422(d)(2))

§ 121c.39 Transportation.

The services referred to in § 121c.33 may include the provision of transportation for deaf-blind children (including an attendant), and for parents.

(20 U.S.C. 1422(d)(2))

§ 121c.40 Parental participation.

If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

Sec.

121d.1 Scope.
121d.2 Eligible parties.
121d.3 Purpose.
121d.13 Distribution.
121d.14 Initial year proposal.
121d.15 Participating children.
121d.16 Development, parental involvement, and dissemination of information.
121d.17 Coordination.
121d.19 Priorities.
121d.29 Advisory Council.
121d.30 Tuition.
121d.31 Federal financial participation.
121d.32 Auxiliary activities.

AUTHORITY: Sec. 623, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1423), unless otherwise noted.

§ 121d.1 Scope.

(a) This part applies to programs assisted under section 623 of the Act. Assistance under this part will be limited to those programs which the Commissioner determines show the greatest promise of providing a comprehensive and strengthened approach to the special problems of handicapped children.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1423)

§ 121d.2 Eligible parties.

Parties eligible to receive assistance under this part are public agencies and private nonprofit organizations.

(20 U.S.C. 1423)

§ 121d.3 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in developing and carrying out experimental preschool and early education programs for handicapped children which incorporate the basic principles of child growth and development, psychology of learning, special education, and other disciplines that may be associated with the handicapped.

(20 U.S.C. 1423)

§ 121d.13 Distribution.

Programs will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas.

(20 U.S.C. 1423)

§ 121d.14 Initial year proposal.

Eligible applicants shall submit, as a condition to receiving assistance under this part for the first year of such assistance for an activity, a proposal containing the following information:

(a) A description of the population to be served including its socioeconomic, social and ethnic makeup, and the handicapping conditions of the children to be served;

(b) The criteria which will be used to determine whether a child is handicapped for the purpose of participating in programs assisted under this part;

(c) The curriculum design;

(d) The provision for parent-family participation;

(e) A description of proposed replication activities;

(f) A description of supplementary services available;

(g) The provision for coordination with other agencies;

(h) A description of the applicant's plans for the establishment of the advisory council required under § 121d.29;

(i) Plans for continuation of the program after the period of Federal funding ceases; and

(j) A description of the provision for assessment of the progress of the children to be served.

(20 U.S.C. 1423)

§ 121d.15 Participating children.

(a) "Preschool and early education" refers to a period from birth to the time a child would normally complete the third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

(b) A program may also serve a limited number of handicapped children, beyond the preschool and early education period if such children are functioning at a level below that which would

normally be expected upon a child's completion of the third grade.

(c) A program may serve one or a variety of types of handicapped children. In the case of integrated programs (those combining handicapped and non-handicapped children) funds provided under this part may support only the costs for the handicapped children.

(20 U.S.C. 1423)

§ 121d.16 Development, parental involvement, and dissemination of information.

Each program shall include services and activities designed to accomplish the following objectives:

(a) To facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped children. These services and activities must be appropriate to the age level, levels of development, family situations, and handicapped conditions of the children included in the program. These services shall include comprehensive and continuing diagnosis and evaluation of each child's development.

(b) (1) To encourage the effective participation in the development and operation of the program of parents (and other family members) of the children to be served. This participation, in addition to that provided under § 121d.29, shall include (i) opportunities to advise and assist in the planning, development, operation, and evaluation of the project; (ii) training for parents and other family members (where appropriate) as a component of the project; (iii) appropriate participation in the educational and therapeutic components of the program; and (iv) opportunities to advise and assist in the dissemination of information regarding the program. (2) If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required in § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(c) To acquaint the community to be served by the program with the problem and potentialities of handicapped children. In addition, dissemination of information regarding the program shall be extended to the general public, the education community, and other professional communities by appropriate means. A program shall be structured so that its components can be replicated or adapted for use elsewhere.

(20 U.S.C. 1231d, 1423(a))

§ 121d.17 Coordination.

Each program shall provide for effective coordination with similar activities in the schools of the community to be served. In addition, each program shall include provision for the development of relationships with State and local educational agencies, in such manner as to accomplish the following objectives:

(a) Inform those agencies of the nature and purposes of the program;

(b) Provide opportunities for the staff of the program to coordinate their activities with those of the staffs of those agencies;

(c) Use available services in order to provide a comprehensive program for children served by the program and in order to avoid duplication of effort;

(d) Facilitate the spread of knowledge about the program;

(e) Develop mechanisms for future replication or adaptation of program components;

(f) Relate the program to State and local planning;

(g) Inform those agencies of the number and special needs of children of school age who will be leaving the program in order to facilitate continuity in the educational program of those children and facilitate the provision of comprehensive services for them as they enter the local school system; and

(h) Encourage continued active parental participation in the education progress of handicapped children.

(20 U.S.C. 1231d, 1423 (a) and (b))

§ 121d.19 Priorities.

Priority for assistance under this part will be given to applications which propose projects designed to: (a) Provide or develop models which can successfully group handicapped children on a full or part-time basis and which are aimed at permitting the entry of handicapped children into the regular school system, (b) serve to further the goal set forth in § 121d.13, (c) serve children of special age level or functional level groups within the limits provided for in § 121d.15, (d) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (e) serve handicapped children who are also economically disadvantaged, or (f) serve children with specific handicapping conditions.

(20 U.S.C. 1423)

§ 121d.29 Advisory council.

(a) Each recipient shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this part.

(b) At least one-fourth of the membership of the advisory council shall consist of parents living in the geographic area to be served by activities carried out under this part by the recipient, and at least two of such parents shall be parents of children served by those activities.

(c) The recipient shall arrange for the advisory council to assist actively in (1) the planning, development, and operation of the program, (2) acquainting the community to be served with the program, (3) disseminating information regarding the program, and (4) evaluating the success of the program.

(d) Each recipient shall provide to each member of its advisory council: (1) A copy of the Act and this part; (2) a copy of the program proposal and all documents in the possession of the recipient relating to the award of assistance under this part for the program; and (3) such other documents and information relating to the program as are reasonably necessary to permit the advisory council to perform its functions under this section.

(20 U.S.C. 1231d, 1423)

§ 121d.30 Tuition.

No recipient may collect fees or other charges from, or with respect to, any child participating in activities assisted under this part.

(20 U.S.C. 1423)

§ 121d.31 Federal financial participation.

(a) Federal financial assistance under this part will not exceed 90 percent of the cost of developing, carrying out, and evaluating a program.

(b) Federal funds provided under this part may not be used for costs of construction, except from minor remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures.

(20 U.S.C. 1404, 1423(c))

§ 121d.32 Auxiliary activities.

(a) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1 (b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1423, 1424)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART C, SECTION 623—EARLY EDUCATION FOR HANDICAPPED CHILDREN

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PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part C, section 623. The legal requirements include the Act itself

(20 U.S.C. 1423) and the regulations (45 CFR Part 121d). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1423; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 623 of the Act (20 U.S.C. 1423), and the guideline affects section 121d.3 of the regulations (45 CFR 121d.3), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1423; 45 CFR 121d.3). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—PROPOSAL PREPARATION

SEC. 2.1 *Purpose.* (a) The basic purpose of the Handicapped Children's Early Education Program is to demonstrate the provision of exemplary comprehensive services to young handicapped children from birth through 8 years of age through grants to and contracts with public agencies and private nonprofit organizations, so that other agencies and organizations wishing to replicate the programs can have visible and available models to help them do so.

(b) Model programs should be child centered and the outcome of the services directed towards a reduction of dependency on the part of the handicapped child by helping him attain his full potential for social, emotional, physical and cognitive growth. After receiving services in these model programs, many handicapped children should be able to enter regular educational systems or require less intensive levels of special education.

(c) Each program should have as its aim, demonstrating the provision of high quality services for young handicapped children which emphasize assisting the child to overcome his handicaps and attain his highest potential functioning level. Therefore, the information in a proposal should present the program's planned approach, educational and therapeutic techniques, specific objectives, and desired attainment levels for the kinds of children to be enrolled in the model program.

(20 U.S.C. 1423; 45 CFR 121d.3)

PART 3—PROPOSAL CONTENTS

SEC. 3.1 *Target population served.* The applicant should state briefly the eligibility criteria which will be used to determine a child's acceptance into the program. It should be indicated who (or what kind of professional) will refer the children to the program and what degree of medical, psychological, and educational assessment will be required for entrance into the program. A program may serve one or a variety of types of handicapped children. In the case of integrated programs—those combining handicapped and non-handicapped children—Handicapped Children's Early Education Program funds may support only the costs related to serving the handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.15)

SEC. 3.2 *Curriculum design.* (a) The applicant should state the objectives of the program and the activities directed toward their achievement, as well as the procedures which will be used for evaluating the effectiveness of the program.

(b) A sample of the daily schedule of activities and the program content should be presented. The applicant should indicate how many days per week and hours per day a child will participate in the program. It is the responsibility of the applicant to define the scope of the service year.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.16, 121d.14)

SEC. 3.3 *Parent-family participation.* The proposal should contain plans for meaningful involvement of the parents and other family members of a handicapped child in the services to be provided that child under the proposal. The following are recommended services which should be available to parents and other family members as needed.

(a) Assistance in understanding and coping with the child's handicap;

(b) Psychological or social work services;

(c) Information on child growth and development;

(d) Information on special education techniques;

(e) Observation of the children in the project;

(f) Carry-over activities to the home; and

(g) An opportunity to participate in planning and evaluation of the program.

(20 U.S.C. 1423, 1231d; 45 CFR 121d.16, 121d.14)

SEC. 3.4 *Demonstration.* Plans should be detailed showing how knowledge of the exemplary aspects of the program will be disseminated. Provision should be made to provide orientation for visitors. Efforts should be made to allow for professionals visiting the program to understand its operation and to assist them in replicating either a part of or the total program.

The proposal should list the groups which the program intends to reach through demonstrations and the efforts which will be made to inform and familiarize the community with the problems and potentials of handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.5 *Replication.* (a) Recipients should not undertake extensive replication activities until after the initial planning-operational year. However, the kinds of replication activities contemplated for the second and third years should be listed.

(b) Recipients are encouraged to seek newspaper coverage and other publicity to obtain more than purely local coverage. Widespread understanding and support for early education for handicapped children is one goal of the replication efforts. Creative ideas in this area as in all others are being sought. Steps should be taken to design plans that will result in a packaging of project activities so that at the end of the grant period either all or parts of the program can be used in other communities.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.6 *Supplementary services.* The applicant should list the supplementary services, e.g., health, social services, psychological services, etc., which are available, and the agencies providing them, under three categories: (a) Services which are donated to the program, (b) services which are paid for by the program and, (c) services which are obtained through an exchange of services between the program and the agency providing the supplementary assistance.

(20 U.S.C. 1423, 45 CFR 121d.14)

SEC. 3.7 *Coordination with other agencies.* An increasingly important aspect of coordination is assistance to other agencies serving young children, such as day care centers, Head Start Projects, and nursery schools. Specialized resource and training assistance to these agencies can make a vital contribution to their ability to serve handicapped as well as non-handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.17, 121d.14)

SEC. 3.8 *Advisory council.* The proposal should name persons, or titles of persons available and suitable to the tasks to be performed by the advisory council. The members may include local public school personnel, experts in early childhood education, child development, and special education, and handicapped adults. Persons from related fields such as health, social work, mental health, medicine, etc., may be strong additions. State Department of Education personnel may also be invited to participate. At least one council member should have expertise in Federal program management. The proposal should indicate the number of meetings to be held annually.

(20 U.S.C. 1423, 45 CFR 121d.29)

SEC. 3.9 *Funding justification.* A funding justification statement should be included which sets forth the reasons for funding the program. It should stress the significance of this program for national replication. Rather than citing the widespread need for services, it should indicate the need for this specific program and should list the particular strengths of the program.

(20 U.S.C. 1423, 45 CFR 100a.16)

SEC. 3.10 *Assessment of the children's progress.* (a) If possible, several objectives should be stated in the proposals in behavioral terms, for the type of children being served. The proposal should indicate the process by which the children's progress will be determined and the instruments and techniques which will be used.

(b) The person responsible for the ongoing evaluation of the program should be named, along with the percentage of time he or she will be available to the program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.11 *Continuation.* A commitment on the part of the applying agency or related agency for continuation of the program after the period of federal funding ceases should be outlined in the proposal.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.12 *Research activities.* Research activities conducted pursuant to section 624 (a) (1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1423, 1424; 45 CFR 121d.32, 121h.1)

PART 4—OTHER

SEC. 4.1 *Timetable for program activities.* Major objectives for the fiscal year beginning July 1 should be indicated on a timetable. Beginning and ending dates should be indicated by timeliness for the main phases of the following major program activities:

(a) Identification and initial assessment of children;

(b) Development of inservice training for the staff;

(c) Curriculum planning;

(d) Development of the evaluation component;

(e) Development of the parent participation program;

(f) Establishment and meetings of the advisory council;

(g) Training for others, if appropriate;

(h) Preparation of facilities;

(i) Initiation of education and therapeutic services;

(j) Dissemination; and
(k) Others.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.14)

SEC. 4.2 *Previous experience.* A brief section may be appended to indicate previous related experience of the applicant agency which is relevant to the proposed program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 4.3 *Training of personnel.* (a) The program should provide an orientation for each staff member. Each program should detail a plan for in-service activities for the entire staff of the program. These activities may include formal and informal staff meetings, workshops, national, regional and State institutes, retreats, demonstrations, work conferences, laboratory and clinical experiences, training in the use of media, and cooperative enterprises with nearby programs.

(b) A staff training coordinator should be listed for each program. Programs are encouraged to involve university or college programs and other resources such as hospitals in plans for in-service training. The program may also serve as a center for practicum or internship for university and college programs; however, training cannot supplant the demonstration of services as the primary focus of the program.

(20 U.S.C. 1423; 45 CFR 100a.26)

SEC. 4.4 *Facilities and equipment.* As required under § 100.16, the proposal for a program under this part should specifically describe the type and use of both indoor and outdoor facilities and settings (home, clinic, school, etc.) in terms of their appropriateness for the children served and the program planned. Information such as the number and approximate size of the rooms to be used for programs should be included. If facilities have not been located, specifications for the type of facilities which will be sought should be presented.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.5 *Staff vitae.* The staff should include personnel with backgrounds in special education. The educational experience backgrounds of each staff member and consultant should be listed. A job description which outlines both the duties and the time commitments for this program should be included. If a staff member is not currently employed by the agency a letter of intention from the selected staff member should be attached. If a specific staff member has not been selected, recruitment procedures and qualifications should be indicated.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.6 *Budget.* (a) The budget section of the applicant's proposal should indicate only the funds which will be used for costs for the handicapped children in the case of programs serving handicapped and nonhandicapped children, since only those costs may be supported by the Handicapped Children's Early Education Program.

(b) The non-Federal share is designed to encourage local commitment through tangible involvement. It may be used to develop broad-based support for the program by involving a variety of agencies and individuals. Increasing the percentage of the local contribution during the program period helps to further its continuation after Federal funding ceases. The staffing patterns and budgetary allocations constitute an important model aspect of exemplary demonstration programs designed to be replicated by others.

(20 U.S.C. 1423; 45 CFR 100a.16, 121d.15, 121d.31)

PART 121e—AUXILIARY ACTIVITIES

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AUTHORITY: Sec. 624, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1424), unless otherwise noted.

§ 121e.1 Scope.

(a) This part applies to activities assisted under section 624 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1424)

§ 121e.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in such activities as:

(a) Research to identify and meet the full range of special needs of handicapped children;

(b) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of those children;

(c) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payments of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(d) Dissemination of materials and information about practices found effective in working with these children.

(20 U.S.C. 1424)

§ 121e.3 Eligible parties.

The Commissioner may provide assistance under this part either (a) pursuant to a grant or contract under Parts 121b, 121c, or 121d of this chapter, or (b) by separate grant to or contract with a public or nonprofit private agency, organization, or institution which (with or without Federal assistance under Parts 121b, 121c, or 121d of this chapter):

(1) Operates a regional center for deaf-blind children which meets the purposes and requirements of section 621 of the Act and Part 121b of this chapter;

(2) Operates center for deaf-blind children which meets the purposes and requirements of section 622 of the Act and Part 121c of this chapter; or

(3) Carries out a program of early education for handicapped children which meets the purposes and requirements of section 623 of the Act and Part 121d of this chapter.

(20 U.S.C. 1424)

§ 121e.4 Criteria for assistance.

(a) Activities assisted under this part shall serve to enhance the effectiveness of the center or program to which they will be related.

(b) The activities shall serve to compliment rather than displace the basic functions of the center or program to which they will be related.

(c) The activities shall be:

(1) Coordinated with similar research, development, training, and dissemination activities assisted under other parts of the Act, and

(2) Coordinated and intergrated with the activities of the center or program to which they will be related.

(20 U.S.C. 1424)

§ 121e.5 Evaluation.

Activities assisted under this part shall include effective procedures for evaluating at least annually:

(a) The extent to which and the manner in which the objectives of the activities have been met, and

(b) The extent to which and the manner in which the effectiveness of the center or program to which the activities are related has been enhanced by the activities.

(20 U.S.C. 1424)

§ 121e.6 Research.

(a) Research conducted under § 121e.2(a) shall be subject to requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1424)

§ 121e.7 Training.

(a) *Inservice training.* Inservice training activities assisted under this part may include staff meetings; seminars; workshops; national, regional, and State institutes; demonstrations; and related activities.

(b) *Participants.* Trainee-participants in such activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) *Stipends and allowances.* In connection with training assisted under this part, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for dependents and institutional fees) in such amounts as he determines to be appropriate for a particular training activity.

(20 U.S.C. 1424)

§ 121e.8 Dissemination.

Activities assisted under § 121e.2(d) may include dissemination (by demonstrations or otherwise) of materials and information for the benefit of educational institutions and the general public as well as for the benefit of members of professions engaged in the field of the education of the handicapped.

(20 U.S.C. 1424)

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

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121.70 Citizenship of student.

AUTHORITY: Secs. 631, 632, 634, Pub. L. 91-230, 84 Stat. 184 (20 U.S.C. 1431, 1432, 1434), unless otherwise noted.

Subpart A—Purpose; Definitions

§ 121f.1 Scope.

(a) This part applies to programs and projects assisted under sections 631, 632, and 634 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.2 Purpose.

The general purpose of assistance under this part is to increase the quantity and quality of teaching personnel and other special personnel for the education of handicapped children by providing funds to eligible institutions and agencies which have, or will develop, programs for the preparation of such personnel.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.3 Grants to institutions of higher education and others.

Grants may be made to institutions of higher education and to other appropriate nonprofit institutions or agencies for the purposes set forth in section 631 of the Act, and to institutions of higher education for the purposes set forth in section 634 of the Act.

(20 U.S.C. 1431, 1434)

§ 121f.4 Grants to State educational agencies.

Grants may be made to State educational agencies for the purposes set forth in section 632 of the Act. Such grants may include programs for preparation of physical educators and recreation personnel of such educators and personnel are certified (or certifiable) under applicable State law.

(20 U.S.C. 1432)

§ 121f.5 Special project grants.

(a) Special project grants may be awarded for the purpose of designing programs that, upon implementation and evaluation, may be more effective and efficient in fulfilling the purposes of sections 631, 632, or 634 of the Act than current operational programs.

(b) If the purpose of a special project grant under paragraph (a) of this section has been accomplished, the institution or agency shall incorporate the personnel preparation program design within its program assistance grant (if any) by addition of the design, or by deletion of an existing design which the special project grant was formulated to replace.

(c) Special project grants may also be awarded for the purpose of conducting projects to identify major problems relevant to the preparation of personnel for the education of handicapped children, and to develop procedures for the solution of such problems.

(d) Special project grants may be used (1) to defray all, or a portion, of the recipient's costs which are directly related to the purposes set forth in paragraph (a) or (c) of this section, and (2) for the award of financial assistance to students who participate in the program pursuant to Subpart C of this part.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.6 Definitions.

As used in this part:

"Dependent" means any of the following individuals over half of whose support, for the calendar year in which the school year begins, was received from a student:

(a) A spouse;

(b) A son or daughter of the student, or a descendent of either;

(c) A stepson or stepdaughter of the student;

(d) A brother, sister, stepbrother, or stepsister of the student;

(e) A father or mother of the student, or an ancestor of either;

(f) A stepfather or stepmother of the student;

(g) A son or daughter of a brother or sister of the student;

(h) A brother or sister of the father or mother of the student;

(i) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the student;

(j) An individual (other than the student's spouse) who, during the student's entire calendar year, lives in the student's home and is a member of the student's household (but not if the relationship between the individual and the student is in violation of local law); or

(k) An individual who—

(1) Is a descendent of a brother or sister of the father or mother of the student;

(2) For the school year of the student receives institutional care required by reason of a physical or metal disability; and

(3) Before receiving such institutional care, was a member of the same household as the student.

A legally adopted child or a child placed in the student's home for adoption by an authorized agency is considered to be a child by blood. A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama, or the Canal Zone, at some time during the calendar year in which the school year of the student begins, or is a resident of the Philippines born to, or adopted by, a student while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a student as a member of his household for the entire calendar year.

"Post-baccalaureate" does not include study beyond the doctoral level.

(20 U.S.C. 1431, 1432, 1434)

Subpart B—Applications for Grants

§ 121f.7 Departmental applications.

Each application by an institution of higher education made on behalf of one of its departments (such as special education, speech and hearing, or physical education and recreation), shall include all programs within that department for which assistance is requested.

(20 U.S.C. 1431, 1434)

§ 121f.9 State personnel needs.

Each application shall include (a) the State educational agency's statement (if any) as to personnel needs for education of the handicapped and indicate how the proposed program relates to those stated needs, and (b) a description of the ways in which the recipient's program goals and objectives relate to the purposes of Part D of the Act.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.10 Areas of preparation.

In addition to the areas of preparation related to the various categories specified in § 121.2 of this chapter (definition of "Handicapped children"), applications may include such areas as the following: combined areas (multi-handicapped), special education administration, physical education and recreation for the handicapped, and vocational education for the handicapped.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.11 Period of study.

The period of study shall be defined by the institution or agency providing instruction. The "period of study" is the time required to accomplish the program activities as specified by the institution or agency. The period of study may be

the full academic year, a summer session, or an intensive study period such as an institute, a conference, a presession, a postsession or an intersession, or any combination of such periods.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.20 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) The extent to which the applicant specifies and provides evidence that program graduates are meeting the educational needs of handicapped children at the local, State, or national level;

(b) The extent to which program philosophy, program objectives, activities implemented to attain program objectives and evaluation procedures are internally consistent, and are related to the educational needs of handicapped children;

(c) The extent to which the number of qualified staff is in a reasonable ratio to the number of students, and other program resources are available for the effective and efficient conduct of the program;

(d) The extent to which (1) present and former students, (2) consumer agencies (school districts, State agencies, etc.) and (3) individuals (parents, practicing teachers, etc.), are involved in program planning, implementation, and evaluation;

(e) The extent to which the evaluation design and procedures (1) provide for assessment of the effective and efficiency of the use of program resources in the attainment of program objectives, and (2) provide for the collection of quantifiable program performance information such as (i) the numbers of personnel prepared and placed in positions relevant to the education of handicapped children, (ii) the type and location of positions accepted by program graduates, (iii) the number of handicapped children served by program graduates, (iv) the length of time that program graduates serve handicapped children, (v) employees' evaluation of program graduates' proficiency, and (vi) the effectiveness of program graduates in facilitating the educational progress of handicapped children;

(f) The extent to which the application describes procedures for assessing the impact, and in the case of an application for continuation support provides evidence of impact, of the program upon other related programs within the institution, community programs for the education of handicapped children, and improvement of services for handicapped children at the local, State, and/or national level;

(g) The extent to which the application describes and specifies the various roles or positions for which students are prepared, the tasks associated with such roles, and the competencies that must be acquired to complete each task successfully;

(h) The extent to which the application includes a delineation of competencies that each program graduate will acquire and will subsequently exhibit, and the evaluation procedures used in measuring the attainment of those competencies;

(i) The extent to which substantive content and organization of the program are (1) appropriate for the student's attainment of professional knowledge and competencies that are necessary for the provision of quality educational services for handicapped children, and (2) demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of qualified educators of handicapped children;

(j) The extent to which appropriate practicum facilities are (1) utilized for observation, participation, practice teaching, laboratory or clinical experience, internship, and other supervised experiences of adequate scope, combination, and length, (2) are assessible to the applicant and students, and (3) are staffed by qualified personnel; and

(k) The amount of fiscal and other effort the applicant will contribute to the program, and a delineation of the procedures that will be implemented for the increase of such effort over a specified time period in relationship to the amount of Federal funds awarded for support of the program.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.30 Appeal.

If an applicant wishes to request reconsideration of a decision concerning action taken on its application for assistance a letter making such request must be sent to the Commissioner within 30 days of the receipt of the letter of notification of such action.

(20 U.S.C. 1431, 1432, 1434)

Subpart C—Financial Assistance for Students

§ 121f.40 Student financial assistance.

All or a portion of the funds awarded under this part may be used by the institution or agency to provide direct financial assistance to students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.41 Student qualifications.

Direct financial assistance may be provided to students only if:

(a) The student is qualified for admission to the program at the undergraduate or graduate level of academic study;

(b) The student maintains continuous and acceptable progress in a course of study on a part-time or full-time basis; and

(c) The student is able to demonstrate a need for financial assistance.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.42 Amount of assistance.

Subject to the limitations contained in this part, grantees will disburse financial assistance to students in amounts commensurate and consistent with established institution or agency policy for various levels of academic study, and policy relevant to providing financial assistance to part-time and full-time students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.43 Stipends for baccalaureate students.

Students enrolled for a full-time academic year at the baccalaureate level may receive a yearly stipend not exceeding $800.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.44 Dependency allowances for baccalaureate students.

Students at the baccalaureate level are not eligible for dependency allowances.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.45 Stipends for post-baccalaureate students.

Except as provided in § 121f.46, students enrolled for a full-time academic year at the post-baccalaureate level may receive stipends not exceeding: (a) $2400 in the first post-baccalaureate year, (b) $2600 in each of the years between the first and terminal year, and (c) $2800 in the terminal year.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.46 Related work experience.

(a) Students enrolled for a full-time academic year at the post-baccalaureate level who have had professional work experience related to the education of handicapped children may receive annual stipends not exceeding the following amounts: (1) Less than 12 months of experience—$3,000; (2) 12–23 months of experience—$3,300; (3) 24–35 months of experience—$3,600; (4) 36–47 months of experience—$3,900; or (5) 48 months or more of experience—$4,200.

(b) Each single full-time academic year of post-baccalaureate experience in the field of education of handicapped children shall equal 12 months of related professional work experience for the purposes of paragraph (a) of this section.

(c) If the student has been awarded a Master's degree in a field relevant to the education of handicapped children, an additional amount, not exceeding $500, may be added to the stipend provided under paragraph (a) of this section.

(d) No stipend at the post-baccalaureate level shall exceed $4,700.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.47 Dependency allowances for post-baccalaureate students.

Students enrolled for a full-time academic year at the post baccalaureate level may receive allowances not exceeding $600 for each dependent.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.48 Financial assistance for short-term students.

(a) Students enrolled for a period of study less than a full-time academic year but of at least two days length, may receive a stipend of up to $15 per day but not exceeding $75 per week. These stu-

dents are not eligible for dependency allowances.

(b) Students who are receiving assistance under §§ 121f.43, 121f.45, 121f.46, 121f.47 at the time of their short-term study are not eligible for financial assistance under this section.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.49 Veterans readjustment assistance.

A dependency allowance may not be claimed for an individual who is concurrently receiving assistance under Public Law 82-550, as amended (Veterans Readjustment Assistance Act of 1952).

(20 U.S.C. 1431, 1432, 1434)

§ 121f.50 One allowance per dependent.

No individual may be claimed for a dependency allowance by more than one student.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.60 Payments to students.

(a) Grantees shall insure that appropriate payments are made to students receiving assistance under this part.

(b) Students enrolled in a full-time academic year program shall receive regular and frequent payments of any assistance provided.

(c) Except as provided in § 121f.61, the full amount of each stipend and dependency allowance awarded must be paid.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.61 Withdrawal of students.

Financial adjustments must be made when a student withdraws or is dismissed before the end of the full term of the program. For graduate and undergraduate academic year and short term programs, the remaining funds may be given as a partial award to another student who is currently enrolled at the institution. In such cases,the grantee shall notify the Commissioner that such an adjustment has been made. Remaining funds will be considered an overpayment, unless used as a partial award or in other ways consistent with the applicable regulations contained in this part.

(20 U.S.C. 1431, 1432, 1434)

Subpart D—Requirements for Student Eligibility

§ 121f.70 Citizenship of student.

A student must be a citizen or a national of the United States, or be in the United States for other than a temporary purpose and intend to become a permanent resident.

(20 U.S.C. 1431, 1432, 1434)

PART 121g—RECRUITMENT OF PERSONNEL AND DISSEMINATION OF INFORMATION

Sec.
121g.1 Scope.
121g.2 Purpose.
121g.3 Eligible parties.
121g.4 Distribution of projects.

AUTHORITY: Sec. 633, Pub. L. 91-230, 84 Stat. 184 (20 U.S.C. 1433), unless otherwise noted.

§ 121g.1 Scope.

(a) This part applies to projects assisted under section 633 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1433)

§ 121g.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in carrying out projects for:

(a) Encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers;

(b) Disseminating information about programs, services, and resources for the education of handicapped children;

(c) Using parent, volunteer, media and other organizations to provide information concerning handicapped children to the general public; and

(d) Providing referral services (including referral to educational, diagnostic, and clinical facilities and services) to parents, teachers, and other persons especially interested in the handicapped.

(20 U.S.C. 1433)

§ 121g.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are public or private agencies, organizations, or institutions, except that grants will only be made to public or private non-profit agencies, organizations, and institutions.

(20 U.S.C. 1433)

§ 121g.4 Distribution of projects.

Projects will be distributed to the greatest extent possible throughout the Nation and will be carried out both in urban and rural areas.

(20 U.S.C. 1433)

PART 121h—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Sec.
121h.1 Scope.
121h.2 Purpose.
121h.3 Eligible parties.
121h.4 Applied research and related activities.
121h.5 Types of activities supported.
121h.6 Panels of experts.
121h.7 Cost sharing.

AUTHORITY: Secs. 641-644, Pub. L. 91-230, 84 Stat. 185 (20 U.S.C. 1441-1444), unless otherwise noted.

§ 121h.1 Scope.

(a) This part applies to programs and projects assisted under Part E of the Act. Paragraph (b) of this section, as well as §§ 121h.4 and 121h.7 apply to research programs and projects assisted under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management and other matters) and Part 121 of this chapter, as well as such policies of the Department relating to research contracts with educational institutions as may be contained in 41 CFR Part 3-4.

(20 U.S.C. 1401, 1424, 1441, 1451, 1452, 1461)

§ 121h.2 Purpose.

Payment of Federal funds under Part E of the Act may be made to eligible parties (a) for research and related purposes and to conduct research, surveys, or demonstrations, relating to the education of handicapped children, and (b) for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education or recreation for handicapped children.

(20 U.S.C. 1441, 1442)

§ 121h.3 Eligible parties.

Parties eligible to receive assistance under this part are States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that grants may be awarded only to public or private nonprofit agencies and organizations.

(20 U.S.C. 1441, 1442)

§ 121h.4 Applied research and research related activities.

(a) Activities assisted under this part must be "applied" in nature, and must show promise of producing valid and relevant information.

(b) Whether an activity is "applied" will be determined by the Commissioner on the basis of the extent to which such activity:

(1) Is a direct effort to solve some critical educational problem; and

(2) Is planned so that the final product of such activity can be reasonably expected to have a direct influence on the performance of handicapped children or on personnel responsible for the education of the handicapped.

(20 U.S.C. 1441, 1442)

§ 121h.5 Types of activities supported.

Activities assisted under this part may include projects for research, dissemination, demonstration, curriculum development, and media.

(20 U.S.C. 1441, 1442)

§ 121h.6 Panels of experts.

The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has secured the advice and recomendations of such panel.

(20 U.S.C. 1443)

§ 121h.7 Cost sharing.

No recipient of a grant or contract under this part may receive the entire cost of the program or project. The amount of a potential recipient's contribution to the cost of such program or project will not affect the disposition of such recipient's application for assistance under this part.

(Pub. L. 92-48, Title III, sec. 306, 85 Stat. 106, OMB Circular A-100; 20 U.S.C. 1441, 1442)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART E

SECTIONS 641-644—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

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PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part E, Sections 641-644. The legal requirements include the Act itself (20 U.S.C. 1441-1444) and the regulations (45 CFR Part 121h). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1444, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guidelines is section 642 of the Act (20 U.S.C. 1442), and the guideline affects section 121h.2 of the regulation (45 CFR 121h.2), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1442; 45 CFR 121h.2). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232 (a))

PART 2—ACTIVITIES APPROPRIATE FOR SUPPORT

SEC. 2.1 *Authority.* (a) The greatest part of the research responsibility of the Bureau of Education for the Handicapped falls under Part E of the Act, but other research activities are authorized under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Legislative authority for the activities described above is included in connection with the following parts of the Education of the Handicapped Act, Title VI of Public Law 91-230:

(1) Part C, Section 624(a)(1): Research in connection with Centers and Services for the Handicapped (20 U.S.C. 1424).

(2) Part E, Section 641: Research and Demonstration Projects in Education of Handicapped Children (20 U.S.C. 1441).

(3) Part E, Section 642: Research and Demonstration Projects in Physical Education and Recreation for Handicapped Children (20 U.S.C. 1442).

(4) Part F, Section 651(a)(2)(A) and 652(b)(5): Instructional Media for the Handicapped (20 U.S.C. 1451-1452).

(5) Part G, Section 661(a)(1): Special Programs for Children with Specific Learning Disabilities—Research (20 U.S.C. 1461).

(c) The research activities in (b)(1), (4), and (5) above are subject to the regulations (45 CFR 121h.1(b), 121h.4, and 121h.7, only) and guidelines (secs. 2.1-2.2 and 3.1-3.5, only) for Part E of the Act.

(20 U.S.C. 1424, 1441, 1442, 1451, 1452, and 1461; 45 CFR 121h.1)

SEC. 2.2 *Applied research.* (a) The Bureau of Education for the Handicapepd pursues a catalytic strategy in all its programs. Support of applied research and related activities pursues this catalytic strategy. These support activities are directed at developing new knowledge, methods, and materials which will facilitate the broader efforts of the Bureau and the Nation's schools in fulfilling their commitment.

(b) The basic objectives of this support are to:

(1) Identify, research, and demonstrate solutions to problems that are related to the education of handicapepd children;

(2) Develop, demonstrate, and disseminate innovative support systems and techniques to improve the performance of handicapped children and/or teachers and other practitioners serving the handicapped; and

(3) Create mechanisms that will produce the broadest possible diffusion, utilization, and implementation of the products of research and development.

(20 U.S.C. 1441, 1442; 45 CFR 121h.4, 121h.5)

PART 3—PROJECTS

SEC. 3.1 *Initiation of projects.* (a) Research and research related projects are initiated in one of four ways: (1) Requests for proposals, (2) negotiated contracts, (3) responses to program announcements, and (4) unsolicited proposals. From time to time specific research and research related tasks are identified by the Bureau as being of critical and immediate importance. The Office of Education may elect to issue a Request for Proposals for accomplishing a critical research job. These are advertised in Commerce Business Daily and become available to all qualified offers.

(b) The interests of potential participants are best served by careful monitoring of Commerce Business Daily. At times there may be special interest in receiving proposals in area receiving little attention. (For example, in recent years activities to improve educational services for the trainable retarded, in vocational education, and for the deaf-blind have been particularly welcome.) Public announcements may advertise these interests and prospective applicants are urged to check with their State Educational Agency and their professional organizations as well as with bureau program officers.

Most of the bureau's programs dealing with research and related activities will also respond to proposals generated by interested institutions without prior call from the bureau.

(20 U.S.C. 1441, 1442; 45 CFR 121h.2)

SEC. 3.2 *Proposal development.* (a) *Basic components.* Although specific details may differ for various activities, proposals for projects under Part E of the Act usually incorporate the following features:

(1) *Problem statement.* This includes a description of the current status of the area of investigation and its impact on handicapped children. Related investigations and pertinent results thereof may be reported here.

(2) *Goals and objectives.* The focus of the planned investigation and, as specifically as possible, the anticipated outcome should be described. Planned products and long-range outcomes may be described and their potential uses, applications, costs and benefits discussed. The anticipated outcomes of the investigation are usaully related to their potential impact on handicapped children and to bureau objectives. When possible, the number of handicapped children expected to benefit from the activity should be indicated.

(3) *Procedures.* The applicant should outline the planned activities of the proposed project with as much precision as possible. For example, applied research proposals usually describe the experimental design, numbers and characteristics of participating individuals, characteristics of data to be collected, statistical analysis, etc. Proposals for production of educational materials, curricula, etc., describe the process of production, the planned products, and evaluation procedures. Although the amount and kind of procedural description will vary with proposed activities, sufficient detail to permit reviewers to assess the likelihood of satisfactory outcome is usually critical.

(4) *Project schedule.* Time lines for specific activities give particular attention to target dates for completion of project tasks or products.

(5) *Demonstrated and relevant capabilities of applicant.* Proposals are welcome from representatives of many disciplines (e.g., education, special education, phychology, sociology, anthropology, neurophysiology, engineering, government, economics, etc.) and interdisciplinary approaches are encouraged. Applications are usually expected to demonstrate familiarity with the area of exceptionality addressed by the proposal and with the proposed procedures to be used. When large groups of subjects are to be drawn from population subgroups such as schools, clinic populations, and States, written assurances of cooperation may be appended.

(b) *Appended items.* Additional information may be included in the proposal if pertinent.

(1) If this or a similar proposal has been submitted elsewhere, an applicant should give details.

(2) If this is a proposed extension of, or in addition to, a previous or current project supported by the Office of Education or any other Federal agency, the agency's name and the related grant or contract numbers should be provided.

(3) If there has been any previous communication with the Office of Education on this proposal, the name of the staff member concerned should be given.

(4) If the proposal is a resubmission of a previous formal proposal to the Bureau of Education for the handicapped, the applicant should give the number assigned to the original proposal, and describe the major revisions which have been made. (This does not apply to preliminary statements submitted for informal review.)

(5) If any of the primary personnel have a current or uncompleted project with the Office of Education or other Federal agency, an appended statement should indicate the status of the project, the amount of time devoted to it, and relationship between the current project and the proposed project.

(6) If any of the personnel have completed a research or related project supported by the Office of Education, information should be given to identify it. If findings of the previous projects are related to the current proposal, they should be briefly summarized.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.3 *Common pitfalls in proposals.* A listing of the following commonly noted failings of proposals may be helpful to the prospective applicant:

(a) A failure to specify objectives of the study and relate them to the impact on education of handicapped children;

(b) A failure to specify the anticipated outcomes and products of the study related to the education of handicapped children. When improved scientific understanding is the intended outcome, attention should be directed toward avenues for translating this understanding to usable educational practices. (This is to say, journal articles alone may not be viewed as sufficient outcomes.);

(c) A failure to relate the planned project to other published or recently completed work, including similarities, differences, and new contributions of the proposed project;

(d) A failure to outline the specific plans for conducting the project. Objectives, as well as planned procedures or strategies for achieving specificity and measurable results or objectives, procedures, and intended products or outcomes during the course of the planned project are often critical;

(e) A failure to utilize available expertise. Most university or geographic communities have available many individuals with skills in experimental design, test, and measurement, child development, etc., to name only a few specialties which frequently relate to proposals. Prospective applicants are urged to seek the best staff and consultants available, which frequently means pooling resources across department, organizational, or discipline lines;

(f) A failure to append assurances from facilities or schools whose cooperation is necessary for project success. For some activities, it is also appropriate to discuss plans an elicit feedback from the staff of the State Educational Agency;

(g) A failure to propose a realistic time frame for the planned project. If staff must be recruited, instruments designed, forms clearances obtained, etc., the project time schedule should take such activities into account. Although time extensions may be arranged in special circumstances, prospective applicants are advised to plan realistically. Particularly if time must be allowed for clearance of forms or for bureau review of documents, either other activities should be planned for those time periods, or staff should be temporarily assigned other duties;

(h) A failure to follow principles of good design. Most frequently overlooked are validity and reliability of collected data in surveys, test protocols, etc. Controls for experimenter's bias, Hawthorne and halo effects, and the issue of generalizing beyond the group of project participants often deserve attention. Appropriate statistical analyses do not necessarily require highly complex procedures. Levels of significant in statistical tests should not be violated by multiple reanalyzing of the same data. An appropriate ratio of subjects or respondents to variables under study should be planned; or

(i) A failure to plan for evaluation of materials or procedures developed under the grant or contract. Although major development projects may require evaluation by an independent third party, the applicant usually outlines detailed procedures for evaluation of materials, curricula, or hardware devices. In some instances it may be appropriate to include both evaluation steps during product development and a final, overall evaluation procedure. When new procedures, curricula, materials, or other products are to be developed, the proposed evaluation should plan to obtain estimates of costs (including dollar amounts) and benefits expected to accrue if the product were placed in service.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.4 *Submission of applications.* Applications for the support of research and related activities may be made by submitting a properly executed application to the Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 121h.2)

SEC. 3.5 *Proposal deadline.* At the present time there are no general submission deadlines for unsolicited research and development activities, and proposals may be received at any time. If planned start and stop dates impose constraints, applicants are advised to contact program officers for suggested submission dates. Requests for proposals and program announcements do ordinarily include submission deadlines. If any closing dates for submission of applications are established which are of general applicability, they will be published in the FEDERAL REGISTER at least thirty days prior to the time when they will become effective.

(20 U.S.C. 1232(b), 1441, 1442; 45 CFR 100a.16, 121h.2)

SEC. 3.6 *Review.* Although procedures and time schedules of the bureau's divisions may differ, all proposals are read by substantive experts from within and outside the bureau. These reviews may be supplemented by on-site visits, advisory group reviews, or other procedures. Recommendations of program and division staff are forwarded to the Associate Commissioner who, in conjunction with the Bureau Research Advisory Committee renders final decisions.

(20 U.S.C. 1443; 45 CFR 121h.6)

PART 121i—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

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AUTHORITY: Secs. 651, 652, 653, Pub. L. 91-230, 84 Stat. 186 (20 U.S.C. 1451, 1452, 1453), unless otherwise noted.

Subpart A—General

§ 121i.1 Scope.

(a) The provisions contained in this part apply to programs and projects assisted under Part F of the Act.

(b) Assistance provided under this Part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), and Part 121 of this chapter.

(20 U.S.C. 1451)

§ 121i.2 Definitions.

As used in this part:

"Borrower" means an individual deaf person, parents of a deaf person, a group of deaf persons, or a group of persons working closely with the deaf.

"Deaf person" means a person whose hearing is so severely impaired as to be nonfunctional for the ordinary purposes of living.

"Educational media" or "media" means sound or silent motion pictures, kinescopes, filmstrips (with or without accompanying sound and/or captions), slides, transparencies, videotapes, materials, to be used for educational purposes.

"Film" means sound or silent motion pictures, filmstrips (with or without accompanying sound), slides and transparencies.

"Group of deaf persons" means a class, club, school, association, or other gathering of six or more deaf persons.

"NCEMMH" means the National Center on Educational Media and Materials for the Handicapped.

"Nonprofit purposes" means that the exhibition of media borrowed pursuant to this part is not intended to result in monetary gain or other tangible economic benefit to the individual, institution, or organization borrowing such media. Funds collected for the payment of reasonable rent for the use of equipment or for a meeting place for such an exhibition, or for reasonable payment for the hire of a projectionist does not prevent an exhibition from being one for nonprofit purposes.

"Regional Center" means an "RMC" or a "SEIMC", as defined in this section.

"RMC" means a Regional Media Center assisted under Part F of the Act.

"SEIMC" means a Special Education Instructional Materials Center assisted under Part F of the Act.

(20 U.S.C. 1451)

Subpart B—Loan Services for the Deaf

§ 121i.10 Purpose of loan service.

(a) It is the purpose of the loan service of captioned films and educational media for the deaf to promote the general welfare of deaf persons by:

(1) Bring to such persons understanding and appreciation of those films and other educational media which play such an important part in the general, cultural, and educational advancement of hearing persons;

(2) Providing to deaf persons, through such films and other educational media, enriched educational and cultural experi-

ences through which they can be brought into better touch with the realities of their environment;

(3) Providing to deaf persons a wholesome and rewarding experience which they may share together; and

(4) Providing to parents of deaf persons and to persons working with the deaf as employers or in other significant roles, better means of communicating with the deaf and assisting the deaf toward full participation in society.

(b) It is also the purpose of the loan service to the deaf to provide a demonstration of the use of modern communication technology in improving the general welfare of handicapped persons.

(20 U.S.C. 1451(a))

§ 121i.11 Application for loan service.

An application for loan service to the deaf shall be submitted on a form which will be provided by the Commissioner.

(20 U.S.C. 1452(b)(3))

§ 121i.12 Obligations of borrowers.

(a) The borrower shall be responsible for assuring that:

(1) No admission or other fee will be charged to anyone for the purpose of viewing the borrowed film or other educational media;

(2) The borrowed film or other educational media will not be exhibited by television without the prior approval of the Commissioner;

(3) The borrowed film or other educational media will not be used in any manner that will infringe upon or violate any copyright interest;

(4) In accordance with contractual agreements with film producers, exhibition of captioned theatrical, recreational, or general interest type films will be limited to groups of deaf persons (except provided in § 121i.14); and

(5) Except as provided in § 121i.14, educational and training films or other educational media for deaf persons will be exhibited only to groups of deaf persons, to groups working or training to work with the deaf in a professional capacity, to parents of deaf children, or to actual or potential employers of the deaf.

(b) To protect borrowed films and other educational media and expedite their use the borrower shall:

(1) Pay transportaiton costs for the return of the media (but will not be required to pay for their use);

(2) Be responsible for the safekeeping of the borrowed media from the time of its receipt until it is returned or delivered to the common carrier;

(3) Exercise care in the projection of film, providing for 16mm film a sound projector in good operating condition operated by an experienced and capable projectionist;

(4) Not repair a borrowed film that is damaged nor rewind a borrowed film prior to its return;

(5) Return theatrical or recreational films on the first day (not counting Sundays and holidays) following the scheduled date of exhibition (Return may be delayed if the exhibition is postponed because of late receipt of the film, but in any event the film shall be returned 72 hours after its receipt);

(6) Return educational media within two weeks of the scheduled date of the first showing;

(7) Provide that a person will be present at the designated address for receipt of films or other educational media during normal hours of postal delivery; and

(8) Give prompt notice of any change of address (including zip code) of any certified group and of any change in designation of the person authorized to order and receive media.

(c) The Commissioner may suspend or cancel loan service to any borrower in the event of violations of the regulations contained in this subpart.

(20 U.S.C. 1542(a))

§ 121i.13 Reports.

The borrower shall:

(a) Complete the report form provided with each theatrical or general interest type film and post the report when the film is posted for return; and

(b) Make a cumulative report on the form provided every three months on the utilization of educational films and other educational media loaned for use in the education of the deaf.

(20 U.S.C. 1452(a))

§ 121i.14 Exhibitions for individuals.

Borrowed media may be exhibited to individual deaf persons only with the prior approval of the Commissioner, when there are extenuating circumstances which preclude the individual deaf person from attending an exhibition for a group of deaf persons. Such extenuating circumstances may include, among other reasons:

(a) A demonstrated need for purposes of the education or training of a deaf person for the exhibition of media in his home rather than at an exhibition for a group of deaf persons, or

(b) The physical disability, quarantine, isolation, or extreme youth of the individual deaf person such as to make it impractical for him to attend an exhibition for a group of deaf persons.

(20 U.S.C. 1452(a))

Subpart C—Loan Service for the Handicapped

§ 121i.30 Purpose of loan service.

The purpose of the loan service for the handicapped is to make available on a loan basis educational media or ancillary equipment, or both, to be used in the education of the handicapped.

(20 U.S.C. 1451(a)(2))

§ 121i.31 Applications.

(a) Any public or private agency, organization, or institution engaged or preparing to engage in providing educational services to the handicapped may make application to the Commissioner to participate in the program under this subpart.

(b) Each application under this subpart shall:

(1) Describe the educational services which such agency, organization or institution is providing or preparing to provide to the handicapped;

(2) Describe the type of handicap of persons to whom such agency, organization, or institution is or will be providing educational services and give the number of such persons;

(3) Describe the type and quantity of educational media or ancillary equipment, or both, which such agency, organization, or institution seeks to borrow and the period for which it wishes to borrow such media or equipment; and

(4) Describe the manner in which such agency, organization, or institution intends to use such media or equipment in providing educational services to the handicapped, giving particular emphasis to any exemplary or innovative aspects of the intended use.

(20 U.S.C. 1452 (a), (b)(4))

§ 121i.35 Priority for exemplary uses of media.

In the event that appropriations of Federal funds are insufficient to permit entering into a contract with each applicant for the loan of educational media or related equipment, or both, in providing educational services to the handicapped, priority will be given to those applications which show the greatest promise of making the most innovative or exemplary use of educational media or ancillary equipment, or both, in providing educational services to the handicapped.

(20 U.S.C. 1452 (a), (b)(4))

§ 121i.36 Consultation with the State director of special education.

An agreement will not be entered into with any public agency, organization, or institution without consultation with the state director of special education in the State in which such agency, organization, or institution is located.

(20 U.S.C. 1451)

Subpart D—Research and Training

§ 121i.50 Purpose.

Projects assisted under this subpart may include such activities as:

(a) Research to identify and meet the full range of special needs of the handicapped relative to instructional materials and instructional technology;

(b) Needs assessment to determine needed instructional materials, needed media training, needed media information systems, and needed curricular materials delivery system;

(c) Impact and appraisal studies to determine the extent and competency with which needs are being met;

(d) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of such persons through use of instructional materials, media, and/or technology;

(e) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such persons.

(f) Dissemination of materials and information about practices found effective in working with such persons in regard to instructional materials, media and technology usage; and

(g) Creation or adaptation of instructional materials and development of delivery systems for the distribution of instructional materials designed for such persons.

(20 U.S.C. 1452(b)(5))

§ 121i.51 Priority for research.

In awarding contracts under this subpart, priority will be given to research in the application of films, other educational media, and ancillary equipment to the education of the handicapped. Such research may include projects designed to:

(a) Adapt existing films, educational media, and ancillary equipment to the education of the handicapped;

(b) Develop new films, educational media, and ancillary equipment for use in the education of the handicapped; and

(c) Evaluate existing films, education media, and ancillary equipment with respect to the effectiveness of such materials in meeting specific educational objectives determined for persons with specific handicapping conditions.

(20 U.S.C. 1452(b)(5))

§ 121i.52 Training projects.

Training projects may include:

(a) Projects to familiarize professional personnel with the use of educational media and materials equipment in the education of handicapped children; and

(b) Projects to update the knowledge of professional personnel with respect to new developments in educational media and materials suitable for use in the education of handicapped children.

(20 U.S.C. 1452(b)(5))

Subpart E—Media Centers

§ 121i.80 Scope.

The provisions contained in this subpart apply to the media centers assisted under Part F of the Act and known as the SEIMC/RMC/NCEMMH network of instructional materials centers. An RMC shall be primarily concerned with providing services relating to the deaf. An SEIMC may provide services relating to all categories of the handicapped, including the deaf.

(20 U.S.C. 1452(b)(4), 1453)

§ 121i.81 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of providing (by contracts with eligible parties), through a limited number of operational and demonstration centers, for instructional materials development, training, information, and delivery. It is expected that the information and experience contained in appropriately designed instructional materials can be released during a teaching/learning situation in a manner which assists the learner to become socially and vocationally less dependent on peers and society than he otherwise would be.

(20 U.S.C. 1452(b)(4), (5))

§ 121i.82 Eligible parties.

Parties eligible to receive assistance under this subpart are State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as regional centers under this subpart.

(20 U.S.C. 1452(b)(4))

§ 121i.83 Regional plan.

(a) Each application for assistance under this subpart shall include a comprehensive plan for providing the services of a regional instructional materials center.

(b) The State director of special education of each client-state in a region shall be provided the opportunity to actively assist in the development of intraregional services in the plan.

(20 U.S.C. 1452(b)(4))

§ 121i.84 Services to be provided by centers.

The services to be provided by the regional centers are:

(a) Development of instructional materials, including:

(1) Identifying needed materials and priorities;

(2) Making needs known to commercial and non-commercial developers of materials;

(3) Locating usable materials which exist and fulfill identified needs;

(4) Adapting existing but unusable materials and fulfilling identified needs;

(5) Developing unavailable and needed materials to fulfill needs;

(6) Field testing new and old products for effect on learners; and

(7) Entering tested products into the distribution system for instructional materials.

(b) Media, materials, and educational technology training (teacher training), including:

(1) Identifying media, materials, and educational technology training needs;

(2) Making needs known to pre- and in-service training institutions and agencies;

(3) Locating usable media-training materials which fulfill needs;

(4) Developing unavailable and needed media-training materials;

(5) Collecting and classifying media-training materials;

(6) Developing an information base on media-training programs and materials;

(7) Responding to inquiries by matching training needs to training sources; and

(8) Operating a national nonprint media-training library for use by professionals, paraprofessionals, training institutions, parents, teachers-in-training, and intrastate agencies.

(c) Media and materials information system (child-use materials), including: (1) identifying and classifying instructional materials for handicapped children; (2) evaluating materials by standard criteria and recommending usage; (3) describing materials and encoding descriptions for data base entry; (4) developing and maintaining machine-readable data based for instructional materials data; (5) producing catalogs, bibliographies, and profile-matching materials lists; (6) operating search and retrieval facilities to respond to inquiries regarding materials; (7) maintaining source files for materials in data base as part of the data base; (8) matching source-of-demand with appropriate source-of-supply, systematically; and (9) maintaining inventory records including demand, circulation, and reactions information.

(d) Materials delivery system (child and nonprinted teacher material), including: (1) acquiring materials included in the information system; (2) processing in materials and placing them in depositories; (3) maintaining collections of materials in interacting depositories; (4) shipping materials ordered by registered users; (5) checking in returns, collecting overdue items, negotiating claims, and reshelving; (6) repairing, replacing and rejuvenating materials; (7) maintaining booking system, usage records, and added print requirements records; and (8) accounting for any funds involved in usage charges.

(20 U.S.C. 1452(b)(4), (5); Sen. Rep. No. 90-726, 33(1967))

§ 121i.85 Specialization of centers.

(a) Each regional center assisted under this subpart shall provide the services set forth in paragraph (a), (b), (c), or (d) of § 121i.84.

(b) A center may also provide the services under one or more of the other paragraphs of § 121i.84, but no one center is expected to deliver the full complement of services set forth in § 121i.84. Specialization by centers may cause service delivery to vary in depth and kind within the scope of services listed.

(20 U.S.C. 1452(b)(4))

§ 121i.86 Role of NCEMMH.

The NCEMMH shall devise a work plan which is comprehensive for all regions and the total work scope listed. The NCEMMH shall ensure that efforts of individual centers are sufficiently coordinated as to provide balance, depth, and coverage to the total work scope listed.

(20 U.S.C. 1453(a))

§ 121i.87 Assistance to local educational agencies.

Regional centers are to accomplish goals by assisting educational agencies within their geographic jurisdictions in the development and operation of instructional materials support systems.

(20 U.S.C. 1452(b)(4))

§ 121i.88 Additional services.

(a) In addition to the services required to be provided under § 1211.85(a), each regional center shall carry out the activities specified in paragraph (d) of this section, subject to budgetary limits, work scope, and staff capabilities of the center.

(b) The director of special education in each State within the region shall be consulted in determining the priority to be accorded each of the services specified in paragraph (d) of this section, particularly with regard to important elements such as timing, frequency, and location of the services.

(c) A regional center shall devote not more than thirty percent of its direct costs for the activities specified in paragraph (d) of this section, regardless of the level of state financial participation.

(d) Centers may provide the following additional services in accordance with this section:

(1) Stimulating development of associate centers (local instructional materials service centers);

(2) Assisting in State planning for intrastate materials services;

(3) Consulting on usage of educational technology and special education instructional materials;

(4) Participating in media and materials conferences and workshops;

(5) Disseminating information regarding materials through the office of the State director of special education; and

(6) Reinforcing state staff in media, materials, and educational technology.

(e) Services under this section shall be provided by using staff and resources of the regional center and not by subcontracting to states or other agencies.

(20 U.S.C. 1452(b) (4))

§ 121i.89 Children to be served.

(a) The services to be provided pursuant to § 121i.85 shall be available both to handicapped children who are attending programs for handicapped children and to children who are not in formal programs, but who are identified by state agencies as being appropriate targets of service.

(b) Services may be delivered to agencies or institutions whose usage of instructional materials in behalf of handicapped children is educationally beneficial to such children.

(20 U.S.C. 1452(b) (4))

§ 121i.90 Location of services.

(a) A regional center may use facilities, resources, and services available in another regional center or agency (through informal arrangements or by contract) to provide for its intraregional clients.

(b) Demonstrations, assistance to states, and other aspects of regional center services shall be concentrated in no more than ten demonstration and production centers in the nation. These centers shall be working models of the local service center's activities which are being encouraged, including loan of materials, consultation, in-service training, development of materials, information regarding materials, supply source determination, and the like.

(c) The cost of developing and maintaining the demonstration centers will be borne by the SEIMC/RMC and NCEMMH centers. Persons or organizations using the demonstration centers may be charged for that use (in an amount not to exceed actual costs) by the SEIMC/RMC and NCEMMH centers.

(20 U.S.C. 1452(b) (4), 1453)

§ 121i.91 Evaluation.

Each regional center assisted under this subpart shall provide such evaluation data as may be required by the Commissioner. This data shall be reported with the frequency, and be of the kind required by the Commissioner. The cost of such data maintenance shall be borne by the center being evaluated.

(20 U.S.C. 1452(b) (4))

§ 121i.92 Research and planning.

All developmental work, testing, and planning of the SEIMC/RMC centers shall be coordinated and monitored by the NCEMMH center. The collective network of centers will be utilized by the NCEMMH for expression of its national program and the regional centers shall look to the NCEMMH for leadership in program development, priority establishment, and unified planning.

(20 U.S.C. 1452(b) (4), 1453)

§ 121i.93 Dissemination.

(a) The NCEMMH and SEIMC/RMC regional centers shall establish a system of dissemination of information concerning instructional materials for handicapped children.

(b) If the dissemination system is usable for roles other than the primary purposes specified in paragraph (a) of this section, those roles shall be implemented by separate funding and under separate program development and monitoring in such a way as not to interfere with the primary purpose.

(c) The NCEMMH and SEIMC/RMC dissemination system shall be a single and articulated system which provides satisfaction of regional needs.

(20 U.S.C. 1452(b) (4), 1453)

§ 121i.94 Distribution.

(a) The distribution of instructional materials from the sources of their development to targets for their usage is the primary responsibility of the NCEMMH.

(b) The NCEMMH shall marshall and coordinate all existing commercial and noncommercial channels of distribution deemed useful to this mission. It shall develop the necessary additional distribution channels and facilities which can permit timely delivery of materials to handicapped learners not served by present distribution channels.

(c) To the extent to which the regional centers can be used in the activity under this section, they shall be considered NCEMMH regional materials depositories and distribution agents.

(20 U.S.C. 1452(b) (4), 1453)

PART 121j—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

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121j.47 Proposal review.

AUTHORITY: Sec. 661, Pub. L. 91-230, 84 Stat. 187 (20 U.S.C. 1461), unless otherwise noted.

Subpart A—General

§ 121j.1 Scope.

(a) This part applies to programs and projects assisted under Part G of the Act.

(b) Assistance provided under this part is subject to the applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1461)

§ 121j.2 Purpose.

Payment of Federal funds under this part may be made to eligible parties in order to carry out programs of:

(a) Research and related purposes relating to the education of children with specific learning disabilities.

(b) Professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(c) Establishing and operating model centers for the improvement of education of children with specific learning disabilities.

(20 U.S.C. 1461(a))

§ 121j.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that grants will be made only to public or private nonprofit agencies and organizations).

(20 U.S.C. 1461(a))

§ 121j.4 Priorities.

In making grants and contracts under this part, priority will be given to applications which (a) proposed innovative and creative approaches to meeting

the educational needs of children with specific learning disabilities, or (b) emphasize the prevention and early identification of learning disabilities.

(20 U.S.C. 1461(a))

Subpart B—Research

§ 121j.15 General.

(a) Research conducted pursuant to section 661(a)(1) of the Act shall be subject to requirements contained in §§ 121h1.(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1461)

Subpart C—Training

§ 121j.30 Distribution of projects.

In making grants and contracts for the purpose set forth in § 121j.2(b) the Commissioner will seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation.

Subpart D—Model Centers

§ 121j.41 Activities.

Each model center assisted under this part shall:

(a) Provide testing and educational evaluation to identify children with learning disabilities who have been referred to the centers;

(b) Develop and conduct model programs designed to meet the special educational needs of those children;

(c) Assist appropriate educational agencies, organizations, and institutions in making model programs available to other children with learning disabilities; and

(d) Disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by the center, and evaluate the effectiveness of the dissemination process. This evaluation shall be conducted annually after the first year of operation of a center.

(20 U.S.C 1461(a)(3))

§ 121j.42 Replication of model programs.

(a) Each model center shall encourage and assist replication, in the area to be served by the center, or model programs developed by it under § 121j.41(b).

(b) Applications for assistance for model centers shall include (1) a strategy for the replication of model programs, and (2) information which will enable the Commissioner to determine the degree and nature of the proposed replication.

(20 U.S.C. 1461(a)(3))

§ 121j.43 Advisory council.

(a) Each model center shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this part.

(b) The council's membership shall include parents of children with specific learning disabilities.

(c) The model center shall arrange for the council to assist actively in (1) planning, developing, and operating the model center, (2) disseminating information regarding the model center's programs, and (3) evaluating the success of the model center.

(20 U.S.C. 1231(d), 1461(a)(3) (C) and (D))

§ 121j.44 Parental participation.

(a) Each model center shall provide for the active, effective involvement of parents in the project, including participation in the advisory council under § 121j.43.

(b) If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

§ 121j.45 Distribution of model centers.

In providing assistance for the purposes set forth in § 121j.2(c), the Commissioner will, to the extent feasible, seek to encourage the establishment of a model center in each of the States.

(20 U.S.C. 1461(b)(2))

§ 121j.47 Proposal review.

(a) Applications will be evaluated by the Commissioner and outside consultants specifically chosen by the Commissioner for their expertise in the area of learning disabilities.

(b) In reviewing applications submitted under this part, in addition to the criteria set forth in § 100a.26(b) of this chapter, the following criteria will be considered:

(1) The presence of a clear, logical statement of the replication strategy, including objectives, target populations and evaluation measurements; and

(2) The degree and nature of parental involvement.

(20 U.S.C. 1231d, 1461)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART G SECTION 661—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

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PART 1—INTRODUCTION

SECTION 1.1 Scope of guidelines. (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part G, section 661. The legal requirements include the Act itself (20 U.S.C. 1461) and the regulations (45 CFR Part 121j). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1461; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 661 of the Act (20 U.S.C. 1461), and the guideline affects section 121j.4 of the regulations (45 CFR 121j.4), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1461; 45 CFR 121j.4). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—PROPOSAL DEVELOPMENT

SECTION 2.1 *Form of proposal information.* Applicants should develop a plan for model program designed to meet the special educational needs of children with learning disabilities and a system for replicating this program. Each proposal should contain the lowing information:

(a) *Current status.* The current State plan or activities of the State and local educational agencies regarding children with specific learning disabilities should be described. The proposal should specify the nature of functional administrative models now in use, the quantity of services rendered, the quality control mechanism, and the availability of trained personnel. Also, the proposal should contain a brief outline of any State legislation relevant to children with learning disabilities. Any State publications regarding educational programming for learning disabled children should be attached.

(20 U.S.C. 1461)

(b) *Theory.* A model system of educational intereventon should be defined, which is the model the applicant seeks to replicate. A statement should be included explaining in detail the theoretical basis for the program including supposed etiology (if applicable) of specific learning disabilities and the rationale for a planned educational intervention.

(20 U.S.C. 1461; 45 CFR 121j.41)

(c) *Model.* The intervention procedures to be employed should be described, including:

(1) The objectives (stated in child-centered and measurable terms) of the learning disability intervention;

(2) The characteristics of the children to be served by this model and criteria for selection;

(3) The content of educational intervention (e.g., visual/perceptual, auditory/listening, language development, motor skills/physical development, self-concept, etc.);

(4) The average duration of the planned intervention for each child;

(5) The methodology used to attain the goals and objectives of the intervention system; and

(6) Other details of the intervention including the sponsoring agency, the logistics, and the teacher-student relation.

(20 U.S.C. 1461; 45 CFR 121j.41)

(d) *Replication strategy.* (1) The replication strategy should be described, as well as

the impact of the model upon selected targeted school districts. The types of districts within the State that will be receptive to the model should be specified, and some evidence of this receptivity provided. Demographic characteristics of these districts should be set forth, i.e., number of children, size, geographic location, socio-economic status of the population, average income, industrial potential, etc. If the model is applicable to all districts, a description should be provided in general terms, of the demographic characteristics of the State.

(2) An estimate of how many targeted districts will accept the model program after the next two years should be included. Replication will be considered satisfactory if the program shows promise for continued funding and permanent acceptance into the school system.

(3) A strategy for replication should be described. The applicant should describe all actions to be taken and products to be derived which will be used to stimulate the target districts to replicate the model programs. Cooperation of agencies and organizations assisting in this replication should be noted. Selection of the replication strategy should be based on a cost-effective rationale.

(4) Federal funds may be used to initiate components of the above strategy. A description should be set forth of that part of the proposed replication system which could be strengthened or developed with Federal funds to facilitate the development of an exemplary system. The application should include the approximate cost on a per year basis for this partial support of the model demonstration program.

(20 U.S.C. 1461; 45 CFR 121j.42)

(e) *Evaluation.* The evaluation techniques for both the model program objectives and the objectives of the replication strategy should be outlined. The characteristic of the model and the replication that would result in the spread of quality services to children should be described.

(20 U.S.C. 1461(a); 45 CFR 121j.41)

(f) *Coordination with significant agencies.* The nature of the coordination with local educational agencies should be described. This should include details of funding procedures and obtaining assistance in replication. Formal and informal communication channels between the applicant and the local educational agencies should be delineated. The applicant should specify how this program addresses itself to the requirements of the State's Special Education program objectives and goals, and delineate what contributions "in kind" or in cash will be made by the sponsoring agencies.

(20 U.S.C. 1461)

(g) *Other details of the application.* (1) The advisory council should consist of, in addition to parents, State personnel, students, project personnel, consultants, and at least one person who has expertise in Federal program management. The application should describe the role of this council.

(20 U.S.C. 1461; 45 CFR 121j.43)

(2) A discussion should be provided of the types of problems the applicant anticipates in initiating and maintaining the program. The applicant should describe the types of assistance it may require of the learning Disabilities Leadership Training Institute, and indicate, where possible, at which points in time this assistance might be needed.

(20 U.S.C. 1461; 45 CFR 121j.2)

SEC. 2.2 *Submission of proposal.* (a) There should be documentation of participation by specific staff members and letters of agreement to participate should be appended for consultants. If staff is not currently available, an outline of the applicant's recruiting procedures and requirements should be provided.

(b) Where agreements with school districts or other cooperating agencies are a factor, copies of the agreements or letters of intent from the agencies should be appended.

(c) The Office of Education may make an award without further discussion of the applications submitted. Therefore, the applications should be submitted initially on the most favorable terms possible from both price and technical standpoints.

(d) If any of the primary personnel have a current or uncompleted project with the Office of Education, National Institute of Mental Health, or other Federal agencies, the status of the project, the amount of time devoted to it, and the relationships between the current and the proposed project should be indicated. If any of the personnel previously completed a Federally supported research or development project, information should be provided to identify the project.

(20 U.S.C. 1461; 45 CFR 121j.47)

SEC. 2.3 *Research activities.* Research activities conducted pursuant to section 661(a)(1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1461; 45 CFR 121h.1, 121j.15)

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