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rules and regulations

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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 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 409—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets

Correction

In FR Doc. 75-2626 appearing at page 4259, in the issue for Wednesday, January 29, 1975, make the following corrections:

1. In § 409.50(i) change the word "group" appearing in the third line to "groups."

2. In § 409.50(j)(1) change the reference in the seventh line from "(h) (2) and (3)" to "(j) (2) and (3)."

3. In § 409.60(f), change the word "manual" which appears in the fourteenth line to read "annual".

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 341]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Feb. 28–Mar. 6, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.641 Navel Orange Regulation 341.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel 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 Navel 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 Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week steps from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel 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 the fresh market demand for Navel oranges continues slower. Prices f.o.b. averaged $3.75 per carton on a reported sales volume of 1,110 carlots last week, compared with an average f.o.b. price of $3.69 per carton and sales of 1,366 carlots a week earlier. Track and rolling supplies at 627 cars were up 18 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 Navel 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 rule-making 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 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 Navel 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, 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 Navel 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 February 25, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 28, 1975, through March 6, 1975, are hereby fixed as follows:

(i) District 1: 1,218,000 cartons;

(ii) District 2: 182,000 cartons;

(iii) District 3: Unlimited movement."

(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: February 26, 1975.

CHARLES R. BRADDER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5488 Filed 2-26-75;12:08 pm]

[Grapefruit Reg. 75, Amdt. 4; Tangerine Reg. 46, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Handling

Amendment 4 to Regulation 75 lowers the minimum diameter requirement applicable to domestic shipments of pink seedless grapefruit to $3\frac{7}{8}$ inches on February 24, 1975. Amendment 6 to Regulation 46 lowers the minimum diameter re-

quirement applicable to domestic shipments of tangerines to 2$^{9}/_{16}$ inches on February 24, 1975. The specification of such lower minimum diameter requirements for Florida pink seedless grapefruit and tangerines is necessary to satisfy the current and prospective demand for such fruit. The amended regulations recognize the size distribution of much of the pink seedless grapefruit and tangerines remaining for fresh shipment.

Findings. (1) Pursuant to 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, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to grapefruit and tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for fresh pink seedless grapefruit and tangerines by domestic market outlets. The less restrictive size requirement for pink seedless grapefruit is consistent with the remaining supply of and current and prospective demand for such grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through February 16, 1975, totaled 16,748 carlots, and there were an estimated 10,252 carlots remaining for shipment. The lower minimum diameter requirement specified for shipments of tangerines is necessary to satisfy the demand for such fruit during the period of seasonally reduced supply. For the season through February 16, 1975, fresh shipments of Florida tangerines totaled 4,042 carlots and there were 58 carlots estimated to be remaining for fresh shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of pink seedless grapefruit and tangerines grown in Florida.

Order. 1. In § 905.556 (Grapefruit Reg. 75; 39 FR 32976, 37186, 40745, 42899) the provisions of paragraph (b)(4) are amended to read as follows:

§ 905.556 Grapefruit Regulation 75.

* * * * *

(b) * * *

(4) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which are of a size smaller than 3$^{2}/_{16}$ inches in diameter, or any pink seedless grapefruit which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameters shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

2. § 905.557 (Tangerine Reg. 46; 39 FR 32976; 37186, 40745, 41239, 42899, 44735) the provisions of paragraph (b)(2) are amended to read as follows:

§ 905.557 Tangerine Regulation 46.

* * * * *

(b) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: February 24, 1975, to become effective February 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5189 Filed 2-26-75;8:45 am]

[Grapefruit Reg. 15—Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Limitation of Handling

This amendment lowers the minimum diameter requirement applicable to imported pink seedless grapefruit to 3$^{2}/_{16}$ inches on February 24, 1975. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation fixes the same size requirement on imported pink seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306, 37188) the provisions of paragraph (a) are amended to read as follows:

§ 944.111 Grapefruit Regulation 15.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3$^{12}/_{16}$ inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.); and

(3) Seedless grapefruit other than pink seedless grapefruit shall be of a size not smaller than 3$^{9}/_{16}$ inches in diameter, and pink seedless grapefruit shall be of a size not smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum sizes shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of pink seedless grapefruit as is applicable under amended Grapefruit Regulation 75 (§ 905.556) to the shipment of pink seedless grapefruit grown in Florida; and (c) this amendment lowers requirements for the importation of pink seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: February 24, 1975, to become effective February 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5190 Filed 2-26-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

Correction

In FR Doc. 75-4237 appearing on page 6766 in the issue for Friday, February 14, 1975, make the following change; in the authority cite after § 73.1a, in the last line now reading "28464, * * * 19141.)" the "FA" should read "FR".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-150]

PART 523—MEMBERS OF BANKS

Liquidity Requirements

FEBRUARY 13, 1975.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 5 percent to 5½ percent of its liquidity base and of increasing each member's short-term liquidity requirement from 1 percent to 1½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective April 1, 1975:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 1½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since members' recent reports to the Board show a substantial increase in cash flow, making funds more available for lending and for other purposes, the Board determines that it is prudent to increase members' liquidity requirements without the delay that would result if notice and public procedure were provided with respect to this amendment. Therefore, the Board hereby finds that notice and public procedure as to this amendment are impracticable and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 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.75-5264 Filed 2-26-75;8:45 am]

[No. 75-149]

PART 523—MEMBERS OF BANKS

Definitions Relating to Liquidity

FEBRUARY 13, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Regulations prior to present amendments.* Obligations of the United States having a remaining period to maturity of not exceeding 7 years (also an exception of ½ of 1 percent of the liquidity base as to longer term obligations) may be counted as liquid assets. Both obligations of the United States and specified Federal agency obligations having a remaining period to maturity of not exceeding 18 months may be counted as short-term liquid assets.

II. *Regulatory changes proposed in Board Resolution No. 74-1050, dated October 9, 1974 (39 FR 41263).* (1) Reduce from 7 to 5 years the permissible maximum maturity of United States obligations which are includable as liquid assets;

(2) Delete the ½ of 1 percent exception as to United States obligations having a remaining maturity exceeding 7 years; and

(3) Reduce from 18 to 12 months the permissible maximum maturity of United States and specified Federal agency obligations which are includable as short-term liquid assets.

A 6-month phase-in period was proposed as to these changes.

III. *Final regulations.* (1) Same as the proposed regulations, except that the phase-in period as to long term liquid assets is changed from 6 to 24 months. The proposal's 6-month phase-in period as to short-term liquid assets is retained.

(2) Additional liberalizing changes permitting the following investments to be counted for liquidity purposes:

(a) Any liquid asset type investment which is subject to a repurchase agreement (prior to this resolution, the regulations as to repurchase agreements were applicable to only obligations of the United States, specified Federal agency obligations, time deposits and municipal obligations);

(b) Certain project notes of public housing authorities which are guaranteed by the United States (such project notes did not qualify under the regulations prior to this resolution because the notes are not "rated" in the market); and

(c) Non-negotiable certificates of deposit having a remaining period to maturity of not exceeding 90 days (the regulations prior to this resolution were applicable only to certain negotiable CDs and notice-type time deposits).

(3) Technical changes.

(a) Delete obsolete language in definition of "liquid assets".

(b) Increase from $20,000 to $40,000 the amount specified in § 523.10(g)(4)(i)(b) (12 CFR 523.10(g)(4)(i)(b)) as to certificates of deposit and Federal funds.

IV. *Reasons for changing the regulations.* (1) Require that regulatory liquidity be invested in assets having minimum fluctuation in market value because of their short remaining maturities.

(2) Liberalize the laundry list of types of investments which can be counted for liquidity.

(3) Up-date the regulations, particularly as to the new statute increasing FDIC-insurance per account to $40,000.

By Resolution No. 74-1050, dated October 9, 1974, the Board proposed to amend Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) by revising certain portions of §§ 523.10 (g) and (h), relating to investments which qualify as liquid assets or as short-term liquid assets, for the principal purposes of (1) reducing from 7 to 5 years the permissible maturity of United States obligations which are includable as liquid assets, (2) deleting the general authority to include as liquid assets a certain amount of United States obligations having a maturity of more than 7 years, and (3) reducing from 18 to 12 months the permissible maturity of obligations of the United States, and agencies and instrumentalities thereof, which are includable as short-term liquid assets. The preamble in this proposal stated that the Board intended to delay the effective date of any final regulation regarding these matters for at least 6 months to reduce difficulties in complying with the changes. The Board also proposed to remove the obsolete distinction, presently in § 523.10(g), as to the definition of "liquid assets" before and after January 1, 1972.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on November 26, 1974 (39 FR 41263-41264), with an Invitation for interested persons to submit written comments by December 31, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend certain portions of the regulations regarding liquidity. Accordingly, the Board hereby amends said Part 523 by (1) revising certain portions of §§ 523.10 (g) and (h) to read as set forth below and (2) adding a new § 523.10(i), immediately following § 523.10(h), to read as set forth below, effective April 1, 1975.

One type of change effected by this resolution concerns the remaining period to maturity of certain obligations of the United States and certain agencies of the United States which are counted as regulatory liquidity.

Prior to the changes effected as to "liquid assets" by this resolution, § 523.10 (g)(2) provided in substance that an unpledged obligation of the United States could be counted as a "liquid asset" if its remaining period to maturity did not

exceed 7 years or if the obligation qualified under the regulatory exception providing that a member could include as liquid assets an amount equal to one-half of one percent of the average daily balance of the member's liquidity base for the preceding calendar month obligations of the United States having a remaining period to maturity of more than 7 years. This resolution reduces from 7 to 5 years this remaining period to maturity and deletes the above one-half-of-one-percent exception. However, it is noted that although the proposal indicated that there would be a 6-month phase-in time, this resolution provides for a two-year phase-in time as to these changes (see new § 523.10(i)). This means that, beginning on April 1, 1975 all new purchases for liquidity purposes of obligations of the United States or certain agencies or instrumentalities thereof are restricted to such obligations having remaining maturities of not more than 5 years. Further, beginning on April 1, 1977, the regulatory requirement regarding the remaining period to maturity as to both obligations of the United States and obligations of certain agencies or instrumentalities of the United States will be the same, i.e. 5 years.

Prior to the changes effected as to "short-term liquid assets" by this resolution, § 523.10(h)(2) provided in substance that an unpledged obligation of the United States or of certain agencies of the United States could be counted as a "short-term liquid asset" if its remaining period to maturity did not exceed 18 months. This resolution reduces from 18 to 12 months this remaining period to maturity. The proposal indicated, and this resolution provides, for a six-month phase-in time as to this change (see new § 523.10(i)).

A second type of change effected by this resolution concerns the addition of several items to the laundry list of investments which qualify for regulatory liquidity. No such liberalizing changes were contained in the proposal. This resolution adds the following investments to the investments which may be counted for liquidity purposes:

(a) Any asset which is subject to a repurchase agreement if the asset would be counted were there no loan and repurchase agreement as to the asset. This change applies at this time to Federal funds and bankers' acceptances. Other types of liquidity-qualified investments were covered prior to this resolution and this resolution makes no change as to such investments.

(b) Obligations issued by a public housing agency if the obligations have the full faith and credit of the United States pledged pursuant to sections 1421a(c) or 1437i(a) of Title 42 of the United States Code. These obligations are general obligations of a political subdivision of a State. However, such obligations did not qualify for liquidity prior to this resolution because the market does not "rate" securities guaranteed by the United States and general obligations of a State or a political subdivision thereof qualified for liquidity under the prior regulations only if the obligations were rated by a nationally recognized investment rating service in the four highest grades.

(c) Certain non-negotiable certificates of deposit having a remaining period to maturity of not exceeding 90 days. The regulations prior to this resolution permitted the counting for liquidity purposes of certain negotiable time deposits and certain time deposits which could be withdrawn only after giving not more than 90 days notice to withdraw.

The third type of change effected by this resolution concerns the following two technical matters:

(a) Prior to this resolution, § 523.10(g) contained a distinction as to the definition of "liquid assets" before and after January 1, 1972. The present amendments remove this distinction because the distinction is obsolete.

(b) Prior to this resolution, § 523.10(g)(4)(i)(*b*) contained the figure $20,000, relating to the maximum amount of a time deposit in the same bank, which was the statutory limit as to FDIC insurance of the same account in the same bank. Recent legislation increased from $20,000 to $40,000 the FDIC insurance limit. This chance conforms the regulations to the new statutory provision.

Section 523.10 (g) and (h) are amended and (i) is added as follows:

§ 523.10 Definitions.

For the purposes of this section, §§ 523.11 and 523.12:

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(2) Except (i) as the Board may otherwise direct in a specific case or (ii) pursuant to the provisions of paragraph (i) of this section, obligations of the United States having a remaining period to maturity of not more than 5 years;

(3) Obligations issued, or fully guaranteed as to principal and interest, by the following agencies or instrumentalities of the United States and having a remaining period to maturity of not more than 5 years:

* * * * *

(4) Time deposits in an insured bank including loans of Federal funds to an insured bank which is a member of the Federal Reserve System, if:

(i) The total of all time deposits, including loans of Federal funds of the same member, in the same bank does not exceed the greater of (*a*) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (*b*) $40,000;

* * * * *

(iii) Except for loans of Federal funds, such deposits are (*a*) negotiable and have remaining periods to maturity of not more than 1 year, (*b*) not negotiable and have remaining periods to maturity of not more than 90 days, or (*c*) not withdrawable without notice and the notice periods do not exceed 90 days; and

* * * * *

(6) General obligations of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) Such obligations are either (*a*) rated, at the time acquired by a member, in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service or (*b*) issued by a public housing agency and have the full faith and credit of the United States pledged pursuant to section 1421a(c) or section 1437i(a) of Title 42 of the United States Code, as amended; and

* * * * *

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(2) Obligations of the types specified in paragraphs (g)(2) and (g)(3) of this section either (i) having a remaining period to maturity of not more than 12 months or (ii) are qualified as short-term liquid assets under paragraph (i) of this section.

(3) Time deposits, including loans of Federal funds which qualify as liquid assets pursuant to the provisions of paragraph (g)(4) of this section and, except for such loans of Federal funds, are (i) negotiable and have remaining periods to maturity of not more than 6 months, (ii) not negotiable and have remaining periods to maturity of not more than 90 days or (iii) not withdrawable without notice and the notice periods do not exceed 90 days;

(4) Bankers' acceptances specified in paragraph (g)(5) of this section having a remaining period to maturity of not more than 6 months; and

(5) General obligations of the types specified in paragraph (g)(6)(i)(*b*) of this section having a remaining period to maturity of not more than 6 months.

(i) Before April 1, 1977, an investment which is continuously held by a member and which is counted as a liquid asset at the close of business on March 31, 1975 continues to count as a liquid asset notwithstanding and without regard to the maximum remaining period to maturity specified in paragraph (g) of this section. Before October 1, 1975 an investment which is continuously held by a member and which is counted as a short-term liquid asset at the close of business on March 31, 1975 continues

to count as a short-term liquid asset notwithstanding and without regard to the maximum remaining period to maturity specified in paragraph (h) of this section.

(Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 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.75-5263 Filed 2-26-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definition of Small Business Primarily Engaged in Raising Livestock; Disaster Financial Assistance

On April 25, 1974, there was published in the FEDERAL REGISTER (39 FR 14615) a notice that the Small Business Administration proposed to establish a definition of a small business livestock producer for the purpose of obtaining a disaster loan under section 7(b)(4) of the Small Business Act. Such section provides for loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry) and who suffer substantial economic injury as a result of animal disease. The proposal was that such a concern would be considered small if its annual receipts do not exceed $250,000.

Interested parties were given until May 10, 1974, to comment on the proposal.

On the basis of all information available, we have determined to adopt the proposal, subject, however, to a language change clarifying that the definition includes only producers of livestock for human consumption. Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new § 121.3–10(k) to read as follows:

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

* * * * *

(k) *Agricultural production (livestock).* Any concern (except custom beef cattle feedlots) primarily engaged in raising livestock for human consumption such as cattle, hogs, sheep, goats, poultry of all kinds, and animal specialties such as horses, rabbits, bees, or fish in captivity, and which, as a result of animal disease, has suffered substantial economic injury due to its inability to market such livestock (or the product of such livestock) for human consumption, is classified as small for the purpose of receiving a disaster loan under section 7(b)(4) of the Small Business Act if its annual receipts do not exceed $250,000.

Effective date. February 27, 1975.

Dated: February 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.010, Product Disaster Loans)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5261 Filed 2-26-75;8:45 am]

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—ESTABLISHMENT AND ORGANIZATION

PART 308—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

Grant and Loan Program

Parts 301 and 308 of Chapter III of Title 13 of the Code of Federal Regulations are hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

1. Section 301.42 is amended by amending paragraphs (a) and (b)(1) to read as follows:

§ 301.42 Economic Development Regional Offices.

(a) Regional Offices cooperate with and assist local areas in organizing for economic development; provide economic development informational services covering all programs, Federal and otherwise; assist in obtaining field surveys of local area problems through staff or through contract; cooperate with local area and other economic development representatives in the development or modifications of Overall Economic Development Programs (OEDP); review those OEDP submitted for approval and take appropriate action in accordance with prescribed agency policies and procedures; review applications for public works projects; review applications for industrial and commercial assistance, for technical assistance, including administrative grants, and take appropriate final action in accordance with Agency policies, rules, regulations, and procedures and within the authority specifically delegated by the Assistant Secretary; review financial assistance project reports of processing offices, submitting analyses and recommendations for action to the Agency's Washington Office; develop and comment upon proposals for training projects within the area served by the Regional Office; and provide for official liaison channels with State economic development agencies, district and redevelopment area economic development organizations, and regional or local offices of other Federal agencies located within the same areas, particularly those with related programs.

(b) Organization structure: (1) The Regional Director, who reports to and is under the supervision and direction of the Assistant Secretary, directs the program and is responsible for the conduct of all activities of the Regional Office.

* * * * *

§ 308.23 [Amended]

2. Section 308.23 is amended by deleting paragraph (b) in its entirety and redesignating paragraph (c) as "(b)".

AUTHORITY: (Sec. 701, Pub. L. 89-136 (August 26, 1965); (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

Effective date. This amendment becomes effective on February 24, 1975.

Dated: February 18, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary for Economic Development.

[FR Doc.75-5185 Filed 2-26-75;8:45 am]

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

PART 570—REGIONAL EXCESS PROPERTY PROGRAM

Administration Procedures

On December 16, 1974, there were published in the FEDERAL REGISTER (36 FR 43534) regulations and procedures for the administration of the regional excess property program authorized to be carried out by the Federal Cochairmen of the Regional Action Planning Commissions established pursuant to title V of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3182 et seq.).

The purpose of the regulations was to implement the provisions of section 514 of the Act so as to authorize the Federal Cochairmen to acquire and dispose of excess Federal property for the purpose of economic development.

The regulations apply only to those States or parts of States included within economic development regions established pursuant to title V of the Act.

Although the regulations were effective upon issuance on December 16, opportunity was afforded interested persons to comment by January 16, 1975. Section 570.8(b) as originally drafted authorized the Federal Cochairman and the regional commission property officer to screen excess property, but was not explicit on their authority to acquire such property. As a result of comments received, section 570.8(b) is revised to make clear that the Federal Cochairman and the regional commission property officer are authorized to acquire excess property under this program through signing the requisite General Services Administration documents. A new section 570.8(c) is added to

authorize persons, in addition to the Federal Cochairman and the regional commission property officer, to screen property. The former Paragraph 570.8(c) is redesignated 570.8(d).

The revised paragraphs are adopted, effective immediately, as set forth below.

§ 570.8 Procedures.

* * * * *

(b) Only the Federal Cochairman or the Regional Commission Property Officer will be authorized under this regulation to sign the Report of Excess Personal Property, Standard Form 120 and the Transfer Order, Excess Personal Property, Standard Form 122 for the Regional Commission.

A new paragraph 570.8(c) is added as follows:

(c) Only the following persons will be authorized to screen excess property for acquisition: the Federal Cochairman, the Regional Commission Property Officer, and such additional screening officers as may be designated by the Federal Cochairman and approved by the GSA.

The former paragraph 570.8(c) is redesignated 570.8(d).

Dated: February 11, 1975.

DANIEL GARBERN,
Special Assistant to the Secretary of Commerce for Regional Economic Coordination.

[FR Doc.75-5273 Filed 2-26-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-5-AD; Amendment 39-2107]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Boeing Models

There have been several reports of broken and separated door mounted emergency escape slide latch release cables occurring on Boeing Model 727-200 series airplanes that could result in ensuing inability to deploy escape slide and open emergency exit doors. Investigation revealed cause of cable failure attributed to corrosion. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of carbon steel cable assemblies in accordance with prescribed Boeing Service Bulletin instructions on all Boeing Model 727-200 series airplanes, and Boeing Model 727-100, Serial Numbers 18877, 18878, 18879, 19281 and 19279 only.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 727-200 series airplanes certificated in all categories, and Boeing Model 727-100, Serial Numbers 18877, 18878, 18879, 19281 and 19279 only. Compliance required as indicated.

To prevent escape slide latch cable failure and ensuing inability to open emergency exit and deploy escape slide, accomplish the following:

A. Within 25 hours time in service after effective date of this AD, unless already accomplished, inspect door mounted escape slide latch cable at both entry and service doors (4 doors). If corrosion or breakage is found, replace prior to further flight with a carbon steel assembly of the same type design and reinspect at intervals not to exceed 500 hours time inservice, or replace with corrosion resistant assembly, per Boeing Alert Service Bulletin 727-25-223, or later FAA approved revisions, or replace in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. By September 1, 1975, unless already accomplished, replace carbon steel cable assembly with corrosion resistant assembly per Boeing Alert Service Bulletin 727-25-223, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 25, 1975.

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

Issued in Seattle, Washington on February 19, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5162 Filed 2-26-75;8:45 am]

[Docket No. 75-CE-3-AD; Amdt. 39-2100]

PART 39—AIRWORTHINESS DIRECTIVES

King Radio Corporation Model KCS-55 Pictorial Navigation System

There has been a report of an incident in which a King Radio Corporation Model KCS-55 Pictorial Navigation System malfunctioned during flight. Specifically, this malfunction caused the loss of heading reference. Loss of this heading information would require the pilot to depend on the standby compass for maintaining a heading and the turn and bank gyro along with a clock to make turns, thereby making it very difficult for him to navigate during IFR conditions. Since the condition described herein is likely to exist or develop in other pictorial navigation systems of the same design, an Airworthiness Directive (AD) is being issued requiring either appropriate placarding and operational limitations prohibiting the use of the King Model KCS-55 Pictorial Navigation System for primary heading or IFR flight, or in the alternative, replacement of the King Models KI 525 indicator and KG 102 gyro-configurations on all King Model KCS-55 pictorial navigation systems with modified units identified herein as Mod 1 and Mod 6 respectively.

Since these conditions may exist or develop on other aircraft of the same type design, expeditious adoption of this amendment is required in the interest of safety. Consequently, compliance with the notice and public procedure provisions of the Administrative Procedure Act is 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.

KING RADIO CORPORATION. Applies to Model KCS-55 Pictorial Navigation System (magnetic stabilized compass) units, specifically the Gyro Model KG-102 ( ), Part Number 060-0011-0, Serial Numbers 1000 to 1999 and all serial numbers preceded by the letter "P" and Indicator Models KI-525 ( ), Part Number 066-3029-00/01, Serial Numbers 1000 to 1999 and all serial numbers preceded by the letter "P". The Model KCS-55 systems may be installed on various types of aircraft.

Compliance: Required as indicated, unless already accomplished.

A) Within the next 25 hours' time in service after the effective date of this AD, check the aircraft compass system installed or the aircraft permanent maintenance record to determine if the KCS-55 pictorial navigation system is installed on the aircraft.

B) If, as a result of determination required in Paragraph A of this AD, a KCS-55 pictorial navigation system is installed, check the indicator KI-525 ( ) to determine if the serial number falls within those noted in the applicability statement and if the unit has been modified and identified as Mod 1. Also, check the KG 102 gyro and determine if the serial number falls within those noted in the applicability statement and that the unit has been modified and identified as Mod 6. If both units are so identified with the modification number, make an appropriate entry in the aircraft records indicating compliance with this AD.

C) If as a result of the determinations required by Paragraphs A and B of this AD unmodified KCS-55 Pictorial Navigation System units are installed, prior to further flight, install a placard on the instrument panel in clear view of the pilot which indicates: "KCS-55 PICTORIAL NAVIGATION SYSTEM IS NOT TO BE USED FOR PRIMARY HEADING OR IFR FLIGHT IF IT IS SOLE GYROSCOPIC HEADING SOURCE" and operate the aircraft in accordance with this limitation.

D) On or before November 15, 1975, replace any KCS-55 pictorial navigation system units which fall within the Part Number and Serial Number designations set forth in the applicability statement with modified units which are identified in accordance with King Alert Service Bulletins KI 525-1 and KC 102-6 dated January 2, 1975, or subsequent revisions, as Mod 1 and Mod 6 respectively. When this paragraph has been complied with, Paragraph C of this AD is no longer applicable.

E) Any alternative means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 28, 1975.

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

Issued in Kansas City, Missouri, on February 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-5161 Filed 2-26-75;8:45 am]

[Airspace Docket No. 74-WA-31]

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

Alteration of VOR Federal Airway

On January 6, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 1060) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-37 from Erie, Pa., to Ash, Ontario, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.123 [Amended]

Section 71.123 (40 FR 307) the description of V-37 is amended as follows:

In V-37 "Toronto, Ont., Canada." is deleted and "To Ash, Ont., Canada." is substituted therefor.

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

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5163 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-WA-2]

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

Redesignation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the subordinate information associated with the description of the CLAMS reporting point (Kenai, Alaska 216° to 217°). The present description, (Lat. 59°53'27" N., Long. 152°16'23" W.) is correct as published.

Since reporting point descriptions and associated information are minor matters in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.211 [Amended]

§ 71.211 (40 FR 634, 39 FR 35129) is amended as follows: in CLAMS "Kenai, Alaska 216° radials" is deleted and "Kenai, Alaska 217° radials" is substituted therefor.

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

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5164 Filed 2-26-75;8:45 am]

[Airspace Docket No. 74-SO-96]

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

Redesignation of Control Zone and Transition Area

On January 24, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 3784) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, V.I., control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (40 FR 354) the Christiansted, St. Croix, V.I., control zone is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'-54" W.); within 3 miles each side of St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

§ 71.181 [Amended]

In § 71.181 (40 FR 441) the Christiansted, St. Croix, V.I., transition area is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° radial, extending from the 8.5-mile radius area to 8.5 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles south and 4.5 miles north of the ILS localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5165 Filed 2-26-75;8:45 am]

Title 19—Customs Duties

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

[75-40]

PART 153—ANTIDUMPING

Television Receiving Sets, Monochrome and Color, From Japan; Correction

On February 13, 1975, a notice of modification of a dumping finding to exclude television receiving sets, monochrome and color, produced and sold by Sony Corporation of Japan, was published in the FEDERAL REGISTER. (40 FR 6647).

That portion of the notice of February 13, 1975, amending § 153.43 of the Customs Regulations to show the exclusion of television sets produced and sold by Sony Corporation from the finding of dumping omits the Treasury Decision citation to the modification. This omission is corrected by the insertion of the citation "75-40" under the heading "Modified by ----------".

Dated: February 21, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-5198 Filed 2-26-75;8:45 am]

[T.D. 75-54]

PART 159—LIQUIDATION OF DUTIES

Countervailing 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 January 1974 through December 1974 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 lb of sugar content*
January 1974	None.
February 1974	Do.
March 1974	Do.
April 1974	Do.
May 1974	Do.
June 1974	Do.
July 1974	Do.
August 1974	Do.
September 1974	Do.
October 1974	Do.
November 1974	Do.
December 1974	Do.

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. No additional duties on the above-described commodities, imported directly or indirectly from that country, shall be assessed and collected under section 303, Tariff Act of 1930 (19 U.S.C. 1303).

§ 159.74 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles," is amended (1) by deleting therefrom the reference to T.D. 73-98 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
		73-277	New rate.
		74-133	Do.
		75-54	Do.

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

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

Approved: February 20, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-5199 Filed 2-26-75;8:45 am]

CHAPTER II—U.S. INTERNATIONAL TRADE COMMISSION

Subpart C—Availability of Information to the Public Pursuant to 5 U.S.C. 552, as Amended by Public Law 93-502

PART 201—RULES OF GENERAL APPLICATION

Availability of Information

These amendments to Title 19, Part 201 of the Code of Federal Regulations adds a new subpart C thereto, and deletes § 201.5 of subpart B and incorporates the substance thereof as § 201.21 of new subpart C. The purpose of these amendments is to implement 5 U.S.C. 552 (the Freedom of Information Act), as amended by Pub. L. 93-502, and is made pursuant thereto.

Subpart C, § 201.20, entitled *Fees*, was the subject of a Notice of Proposed Rulemaking published January 13, 1975 (40 FR 2452), as an amendment to Part 201, subpart B of Title 19, Code of Federal Regulations; it is now instead promulgated, after consideration of comments received, in § 201.20 as part of this amendment.

Subpart C—Availability of Information to the Public Pursuant to 5 U.S.C. 552, as Amended by Public Law 93-502

Sec.

201.17 Procedures for requesting access to records.
201.18 Denial of requests for records.
201.19 Appeals from denial of requests.
201.20 Fees.
201.21 Availability of specific records.

AUTHORITY: 5 U.S.C. 552, Pub. L. 93-502.

§ 201.17 Procedures for requesting access to records.

(a) A request for any information or record shall be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436 and shall indicate clearly both on the envelope and in the letter that it is a Freedom of Information Act request.

(b) Any request shall reasonably describe the requested record to facilitate location of the record.

(c) Any request for transcripts of hearings shall be addressed to the official hearing reporter, the name and address of which can be obtained from the Secretary. A copy of such request shall at the same time be forwarded to the Secretary.

(d) A day-to-day, composite record shall be kept by the Secretary of each request with the disposition thereof.

§ 201.18 Denial of requests for records.

Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary. Denials of written requests shall be in writing, shall specify the reason therefor, and shall advise the person requesting of the right to appeal to the Commission. Oral requests may be dealt with orally, but if the requester is dissatisfied he shall be asked to put the request in writing.

§ 201.19 Appeals from denial of requests.

(a) An appeal from a denial of a request shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, Washington, D.C. 20436. Any appeal shall clearly indicate in the letter that it is a Freedom of Information Act appeal. An appeal may be made after denial or whenever compliance with a request has not been forthcoming within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, unless an extension notice in writing with the reasons therefor has been provided the person making the request.

(b) An appeal will be decided within twenty days (excepting Saturdays, Sundays, and legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided the person making the request. Notice of the decision on appeal and the reasons therefor will be made promptly after a decision.

(c) The extensions of time mentioned in paragraphs (a) and (b) of this section shall be made only for one or more of the following reasons:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are requested in a single communication; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest therein.

(d) The extensions of time mentioned in paragraphs (a) and (b) of this section shall not exceed ten working days in the aggregate.

§ 201.20 Fees.

(a) Search for records—$10.00 per hour for actual time spent; provided that no charge will be made for any search of only one-half hour or less.

(b) Reproduction, duplication, or copying of records by the Commission—10 cents per page; provided, however, that no charge will be made when the total amount does not exceed 50 cents.

(c) Unless a request for information specifically states that whatever cost is involved is acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve assessed fees in excess of $15.00 will not be deemed to have been received until the requester is advised of the anticipated costs and agrees to bear such costs.

(d) The Secretary shall waive the payment of fees under this section if he determines that waiver is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 201.21 Availability of specific records.

(a) *Records available.* The following information, on request to the Secretary

of the Commission, is available for public inspection and copying: (A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (B) those statements of policy and interpretations which have been adopted by the agency; and (C) administrative staff manuals and instructions to staff that affect a member of the public.

Available information includes, but is not limited to: (1) Applications, petitions, and other formal documents filed with the Commission, (2) notices to the public concerning Commission matters, (3) transcripts of testimony taken and exhibits submitted at hearings, (4) reports to the President, to either or both Houses of Congress, or to Committees of Congress, release of which has been authorized by the President or the legislative body concerned, (5) reports and other documents issued for general distribution.

(b) *Records not available.* Information specifically exempted from disclosure by 5 U.S.C. 552(b), including reports to the President, to either or both Houses of Congress, or to Committees of Congress, the release of which has not been authorized by the President or the legislative body concerned, and confidential business data as defined in 18 U.S.C. 1905 and 19 CFR 201.06 are not available to the public.

Effective date: These amendments shall be effective on February 19, 1975.

By order of the Commission.

Issued: February 24, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-5276 Filed 2-26-75;8:45 am]

Title 21—Food and Drugs

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

FOOD, FOOD PRODUCTS AND DRUGS

Reinstatement of the Regulations Pertaining to Diethylstilbestrol for Use in Cattle and Sheep

On January 24, 1974, the United States Court of Appeals for the District of Columbia Circuit handed down its decisions holding that the action of the Food and Drug Administration in withdrawing approval of the new animal drug applications (NADA's) for diethylstilbestrol (DES) for use in feed and implants in cattle and sheep was invalid. *Chemetron Corporation et al.* v. *United States Department of Health, Education, and Welfare*, 495 F.2d 995 (D.C. Cir. 1974); *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, 495 F.2d 975 (D.C. Cir. 1974). These decisions have the effect of reinstating the regulations for such uses.

By an order published in the FEDERAL REGISTER of December 9, 1972 (37 FR 26307), the Commissioner revoked regulations pertaining to the use of DES in feeds pursuant to section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)).

An order revoking regulations for use of DES in implant form was published in the FEDERAL REGISTER of May 3, 1973 (38 FR 10926).

The purpose of this order is to publish the regulations which were reinstated by the court as they were prior to the December 9, 1972 and May 3, 1973 orders.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 121—FOOD ADDITIVES

1. Section 121.208(d) is amended by revising Table 6 to read as follows:

§ 121.208 Chlortetracycline.

* * * * *

(d) * * *

TABLE 6.—*Chlortetracycline in cattle feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Chlortetracycline	70			For feed-lot beef cattle.	Aid in prevention of liver abscesses.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
2. Chlortetracycline	70			For beef cattle up to 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
3. Chlortetracycline	100			For beef cattle over 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	100	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
4. Chlortetracycline	350			For beef cattle; not to be administered within 48 hours of slaughter.	Aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex).
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
5. Chlortetracycline	350			For beef cattle up to 700 pounds in weight; not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
6. Chlortetracycline	500			For beef cattle 700-1,000 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	500	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
7. Chlortetracycline	750			For beef cattle 1,000-1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	750	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.
8. Chlortetracycline	0.5 (mg. per pound of body weight per day).			For beef cattle over 1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	0.5 (mg. per pound of body weight per day).	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
9. Chlortetracycline	5.0 (milligrams per pound of body weight per day).			For beef cattle; feed for 60 days; for use in the carrier state only; not to be fed within 10 days of slaughter. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-day feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	Aid in the elimination of the carrier state of anaplasmosis.
10. Chlortetracycline	0.5 mg. per pound of body weight per day.			For calves up to 250 pounds in weight; in milk replacers or starter feeds.	Aid in the prevention of bacterial diarrhea.
11. Chlortetracycline	350	Sulfamethazine	350	For beef cattle; feed for 28 days; withdraw 7 days prior to slaughter.	Aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.

* * * * *

2. Section 121.241 is reinstated to read as follows:

§ 121.241 Diethylstilbestrol.

Diethylstilbestrol (3, 4-bis (*p*-hydroxyphenyl)-3-hexene) may be safely used in feed for animals raised for food production when incorporated therein in accordance with the following conditions:

(a) Permitted uses of diethylstilbestrol alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the additive alone, or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided for by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additive named in this section.

(b) It is used or intended for use as follows:

TABLE 1.—*Diethylstilbestrol in feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day				
1. Diethylstilbestrol.	10			For beef cattle; feed 10 mg. per head in not less than 1 pound of feed; withdraw 7 days before slaughter; do not feed to breeding or dairy animals.	Fattening of beef cattle.
a. 1	10	Chlortetracycline.	70-750 mg. per head per day; 0.5 mg. per pound of body weight for animals over 1,500 pounds.	§ 121.308(d), table 6, items 1-8.	§ 121.308(d), table 6, items 1-8.
b. 1	10	Oxytetracycline.	78-80 mg. per head per day.	§ 121.251(d), table 2, item 1.	§ 121.251(d), table 2, item 1.

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
c. 1	10	Bacitracin	35-70 mg. per head	As zinc bacitracin	Growth promotion and feed efficiency.
d. 1	10	Bacitracin	70-250	§ 121.252, table 3, items 1 or 2.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
2. Diethylstilbestrol.	2			For sheep: withdraw 7 days before slaughter; do not feed to breeding animals.	Fattening of sheep.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the concentration or strength of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

(d) No residue of the additive shall be present in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal as determined by methods of examination prescribed in this section.

(e) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in Endocrinology, volume 63, page 806 (1958).

(f) The method of examination precribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1) (i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in paragraph (f) (1) of this section is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of a methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane:toluene:: 1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohenzanol::98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

3. Section 121.251(d) is amended in Table 2 by reinstating subitem a. As revised Table 2 reads as follows:

§ 121.251 Oxytetracycline.

* * * * *

(d) * * *

TABLE 2.—*Oxytetracycline in cattle feed*

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. Oxtetracycline	75-80			For beef cattle weighing over 400 lb.; as the monoalkyl (C_7-C_{18}) trimethyl ammonium salt of oxytetracycline.	Reduction of the incidence and severity of liver abscesses.
a. Oxytetracycline	75-80	Diethylstilbestrol	10	§ 121.241(b), item 1	Fattening of beef cattle.

* * * *

4. Section 121.252(d) is amended in Table 3 by reinstating subitem a under item 2. As revised Table 3 reads as follows:

§ 121.252 Bacitracin methylene disalicylate.

* * * * *

(d) * * *

TABLE 3.— *Bacitracin methylene disalicylate in cattle feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Bacitracin	70			For feedlot beef cattle: administer continuously throughout the feeding period: as bacitracin methylene disalicylate.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
2. Bacitracin	250			For feedlot beef cattle: administer continuously for 5 days then discontinue for subsequent 25 days, repeat the pattern during the feeding period: as bacitracin methylene disalicylate.	Do.
a. 1 or 2		Diethylstilbestrol	10	§121.241(b), table 1, item 1 (when used in accordance with item 2, diethylstilbestrol should be continued throughout the subsequent 25-day period).	Fattening of beef cattle.

PART 131—INTERPRETATIVE STATEMENTS REGARDING WARNINGS ON VETERINARY DRUGS FOR OVER-THE-COUNTER SALE

5. Section 131.20 is amended by reinstating alphabetically the entry "Diethylstilbestrol in Animal Feeds" and its warning statement as follows:

§ 131.20 Drugs for veterinary use; recommended warning and caution statements.

* * * * *

DIETHYLSTILBESTROL IN ANIMAL FEEDS

Warning—Discontinue use at least 7 days before slaughtering animals for food to eliminate the drug from the food.

* * * * *

6. Section 131.21 is amended by reinstating alphabetically the entry "Diethylstilbestrol for sheep" and its warning statement as follows:

§ 131.21 Drugs for veterinary use; warning and caution statements required by regulations.

* * * * *

DIETHYLSTILBESTROL FOR SHEEP. (See § 144.26(b)(38) of this chapter.)

Warning—Discontinue use 7 days before the treated animals are slaughtered for human consumption.

* * * * *

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

7. Section 135b.3 is reinstated to read as follows:

§ 135b.3 Diethylstilbestrol.

(a) *Chemical name.* 3,4-bis(*p*-Hydroxyphenyl)-3-hexene.

(b) *Sponsor.* See code No. 019 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.26 of this chapter.

(d) *Conditions of use.* It is used as follows:

FOR IMPLANTATION

	Mg. per dose	Limitations	Indications for use
Diethylstilbestrol.	3	For lambs as a subcutaneous ear implantation: not for use in breeding animals; implantation should be made at the start of the feeding period or approximately 70 days before marketing: implant one 3-mg. pellet per animal.	Increase rate of gain and improve feed efficiency.

8. Section 135b.6 is reinstated to read as follows:

§ 135b.6 Testosterone and diethylstilbestrol in combination.

(a) *Chemical names.* (1) Diethylstilbestrol: 3,4-bis,(p-Hydroxyphenyl)-3-hexene.
(2) Testosterone: 17beta-Hydroxyandrost-4-en-3-one.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.26 and § 135g.53 of this chapter.

(d) *Conditions of use.* It is used as follows:

For implantation

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
Testosterone...	120 mg. per dose.	Diethylstilbestrol.	24 mg. per dose.	For beef cattle as subcutaneous ear implantation: one dose per animal: may be repeated after 60 days: do not use within 21 days of slaughter: may be administered to cattle being fed diethylstilbestrol in accordance with table 1, item 1, of § 121.241(b) of this chapter.	Stimulation of growth and of rate of finishing of beef cattle.

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

9. In part 135e, § 135e.18 is reinstated to read as follows:

§ 135e.18 Diethylstilbestrol.

(a) *Chemical name.* 3,4-Bis(*p*-hydroxyphenyl-3-hexene.

(b) *Specifications.* Complies with U.S.P. XVII.

(c) *Approvals.* In dry premix, levels of 2 grams (0.44 percent) and 10 grams (2.2 percent) of diethylstilbestrol per pound have been granted, and, in liquid premix, levels of 20 grams (4.4 percent) and 40 grams (8.8 percent) of diethylstilbestrol per pound have been granted for use in manufacturing finished feeds within the currently approved use levels of 5–20 milligrams per head per day; for sponsor see code No. 014 in § 135.501(c) of this chapter.

(d) *Assay limits.* Finished feed containing below 0.00022 percent diethylstilbestrol must have not less than 80 percent nor more than 120 percent of labeled amount. Finished feed containing over 0.00022 percent diethylstilbestrol must have not less than 85 percent nor more than 115 percent of labeled amount.

(e) *Special considerations.* Maximum level of diethylstilbestrol permitted in concentrate for cattle is 0.0044 percent.

(f) *Related tolerances.* See § 121.1118 of this chapter.

(g) *Conditions of use.* It is used as follows:

Amount	Limitations	Indications for use
5-20 mg. per head per day.	For beef cattle; in dry feed at 5-20 mg. per head in not less than 1 pound of feed; withdraw 7 days before slaughter; do not feed to breeding or dairy animals; feed not more than 10 mg. per head per day to animals under 750 pounds body weight.	Fattening of beef cattle.

PART 135g—TOLERANCES FOR RESIDUES FOR NEW ANIMAL DRUGS IN FOOD

10. Section 135g.26 is reinstated to read as follows:

§ 135g.26 Diethylstilbestrol.

(a) No residues of diethylstilbestrol may be found in the uncooked edible tissues of beef cattle and sheep after slaughter or in any food yielded by or derived from the living animal.

(b) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in "Endocrinology," volume 63, page 806 (1958).

(c) The method of examination prescribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1) (i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in paragraph (c) (1) of this section is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane: toluene::1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohexanol::98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

11. Section 135g.53 is reinstated to read as follows:

§ 135g.53 Testosterone.

(a) No residues of testosterone may be found in the uncooked edible tissues of beef cattle.

(b) The method of examination prescribed for the quantitative determination of testosterone is as follows: Prepare an extract of the tissues as described in § 135g.28(b) (1) and (2) and bioassay the extractive in an ethyl alcohol vehicle by inunction of the day-old chick's comb by the method published in "Methods in Hormone Research," New York, Academic Press, volume II, page 286 (1962).

PART 144—EXEMPTIONS FROM CERTIFICATION REQUIREMENTS FOR ANTIBIOTIC DRUGS FOR VETERINARY USE

12. In Part 144, § 144.26 is amended by reinstating paragraph (b) (26) and (38) and by revising paragraph (b) (28) and (52) to read as follows:

§ 144.26 Antibiotic drugs bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.

* * * * *

(b) * * *

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.13b of this chapter.

(ii) It is also intended for the prevention or treatment of the diseases specified in paragraph (b)(25) of this section, it contains diethylstilbestrol in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotic in the amount specified in paragraph (c) (25) of this section.

* * * * *

(28) It is a medicated feed for beef cattle containing bacitracin methylene disalicylate with or without diethystilbestrol in the amounts and for the purposes specified in § 121.252 of this chapter and its labeling bears adequate directions and warnings for such use.

* * * * *

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 7 days before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate

information of the kind required for Form FD-1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.-13b of this chapter.

* * * * *

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.13b of this chapter.

* * * * *

Effective date. This order shall be effective February 27, 1975.

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

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-5069 Filed 2-26-75;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-482]

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 fourth column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
California	Riverside	San Jacinto, city of	Nov. 5, 1971, Emergency Sept. 28, 1973, Regular. Mar. 26, 1975, Suspension.	Sept. 28, 1973		
Florida	Brevard	Titusville, city of	Mar. 12, 1971, Emergency June 16, 1972, Regular. Mar. 26, 1975, Suspension.	June 16, 1972		
Iowa	Clayton	McGregor, town of	Apr. 9, 1971, Emergency Jan. 21, 1972, Regular. Mar. 26, 1975, Suspension.	Jan. 19, 1972		
Kansas	Shawnee	Topeka, city of	August 7, 1970, Emergency Oct. 22, 1971, Regular. Mar. 26, 1975, Suspension.	Oct. 23, 1971		
Missouri	Jefferson	De Soto, city of	Feb. 19, 1971, Emergency May 26, 1972, Regular. Mar. 26, 1975, Suspension.	May 26, 1972		
Missouri	Phelps	Newburg, city of	Apr. 9, 1971, Emergency Apr. 28, 1972, Regular. Mar 26, 1975, Suspension.	Apr. 28, 1972		
North Carolina	Macon	Franklin, town of	Sept. 18, 1970, Emergency Feb. 19, 1971, Regular. Mar. 26, 1975, Suspension.	Feb. 23, 1971		

(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, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5102 Filed 2-26-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Insurance Rate Map; Correction

On June 5, 1970, in 35 FR 8733, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps and Flood Insurance Rate Maps were available for public inspection. This list included Hilo, Hawaii and vicinity, as an eligible community and included Map No. I 15 001 1900 05 through I 15 001 1900 09 which designates the Special Flood Hazard Areas and elevations and zones for flood insurance in the above mentioned city.

It has been determined by the Federal Insurance Administration, after a technical review of the above map in view of additional recently acquired flood information, that a revision of the above map is in order. Accordingly, effective January 16, 1975, Flood Insurance Rate Map No. I 15 001 1900 05 through I 15 001 1900 09 is hereby amended. This action has the effect of converting the original designations of Zones AO to Zone D. By changing the Zone designation of Zone AO to Zone D, flood insurance is optional for property within Zone

D, and, therefore, can be obtained if desired.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 11, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5291 Filed 2-26-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS

PART 221—IRRIGATION OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Fort Hall Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 787 of the FEDERAL REGISTER of January 3, 1975 (40 FR 2), there was published a notice of intention to modify 25 CFR 221.32 by changing the basic rates for annual operation and maintenance assessments on the Fort Hall Project for calendar year 1975 and subsequent years.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. During this period one protest was received from the Fort Hall Water Users Association and answered after due consideration. It was determined that sufficient justification exists for modifying the rate for basic and other water charges on the Fort Hall Irrigation Project. The proposed regulations are hereby adopted without change and are set forth below.

The modified § 221.32 shall become effective on March 31, 1975.

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions of the Acts of March 1, 1907, (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1975 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall project:	
Basic rate	$11.50
(2) Michaud division, Fort Hall project:	
Basic rate	15.50
Additional rate for sprinkler irrigation when pressure is supplied by the project	5.00
(3) Minor units, Fort Hall Reservation:	
Basic rate	9.25

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

FRANCIS BRISCOE,
Area Director.

FEBRUARY 21, 1975.

[FR Doc.75-5260 Filed 2-26-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Corrections

In the FEDERAL REGISTER of February 12, 1975, at page 6498, there was published a rule making document which amended 31 CFR Part 223, governing surety companies doing business with the United States. Several editorial corrections must, however, be made to those amendments for purposes of clarity and exactness.

1. In § 223.1 delete the comma after the word "insurers", in the last line of the section, and insert a comma after the word "of", in the last line of the section.

2. In § 223.3 the hyphenated word "certifi-icate", in the second and third lines from the bottom of the section, is misspelled and should have the "i" either before or after the hyphen deleted.

3. In § 223.16 the paragraph beginning with "Prior to adoption . . ." and ending with ". . . been requested and approved." should be deleted.

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

FEBRUARY 21, 1975.

[FR Doc.75-5192 Filed 2-26-75;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

The Department of the Army is amending its regulation concerning the release of information and records from Army files. It is the Army's implementation of 5 USC 552b, commonly referred to as the Freedom of Information (FOI) Act.

The revision was developed to implement the amendments to 5 USC 552, since the revision established by this document merely implements the above amendments, and is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Part 518 of 32 CFR is revised as set forth below:

GENERAL

Sec.
518.1 Purpose.
518.2 Explanation of term "records".

PROCEDURES

518.3 General policies.
518.4 Scope.
518.5 Requests for Army records.
518.6 Examination and reproduction of records.
518.7 Use of expeditious communications.
518.8 Responsibilities of officials receiving initial requests.
518.9 Initial denial authorities (IDA).
518.10 Responsibilities of IDA.
518.11 Release of records to specified members of the public.
518.12 Release to Congress.
518.13 Litigation, tort claims and contract disputes.
518.14 Exemptions.
518.15 Annual reporting requirements.
518.16 Information published in the FEDERAL REGISTER or made available for public inspection and copying.
518.17 Officials to whom requests for information may be directed.
518.18 Preservation of personal privacy of members of Army.
518.19 Schedule of fees for search and duplication under The Freedom of Information Act Amendments PL 93-502.

AUTHORITY: The provisions of the Part 518 issued under sec. 3012, 70A Stat. 157, (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552), unless otherwise noted.

§ 518.1 Purpose.

This part 518 prescribes policies and procedures for releasing outside of the Department of the Army information contained in Army records.

§ 518.2 Explanation of term "records".

(a) For the purpose of this part 518, the following explanation of "record" is taken from 44 U.S.C. 3301 (formerly 44 U.S.C. 366)

* * * all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informal value of data in them.

(b) The term "records" does not include objects or articles such as structures, furniture, paintings, sculptures,

three-dimensional models, vehicles, and equipment.

§ 518.3 General policies.

(a) Department of the Army policy is that the prompt maximum release will be made of Army records. Access to and copies of identifiable Army records which are requested in writing will be furnished, unless exempted from the requirement of disclosure by 5 U.S.C. 552 (the Freedom of Information Act) as described in § 518.14.

(1) Any reasonably segregable portion of a requested record will be furnished after deletion of the portions which are exempted from disclosure, for example, deletion of names or identity to preserve personal privacy, deletion or removal of properly classified portions, or deletion/exclusion of information from a non-Army agency (e.g., FBI data).

(2) Unless otherwise directed by the Initial Denial Authority (IDA) concerned, the action command or office receiving a request will release any exempted records in its possession, or reasonably available, which originated within or were prepared by that command or office, or any subordinate element thereof (other than records containing national security information or information whose nondisclosure is required by statute), if no legitimate purpose exists for withholding it.

(3) The Initial Denial Authorities will release exempted records and documents in their designated specialization areas (§ 518.9), other than national security information or information whose nondisclosure is required by statute, if no legitimate purpose exists for withholding it.

(4) No official other than those cited in (a)(2) and (3) of this section and the Secretary of the Army may release exempted information.

(5) No official other than the IDA and the Secretary of the Army may deny a request for Army records.

(b) All requests for records will be acted upon fairly and completely within the following time periods, as specified in 5 U.S.C. 552(a)(6):

(1) The action command or office must respond to any request within 10 days (excepting Saturdays, Sundays, and legal public holidays) after it has been received by the office having the records, notifying the requester in writing of its determination. (See § 518.7 for a list of officials in the Department of the Army to whom requests for specified categories of records must be directed.) That office will date/time-stamp each request upon receipt. The action command or office will establish such other procedures as required to assure that each case receives priority treatment during all phases of its processing.

(2) If the request is totally or partially denied by an IDA, the requester will be notified of the basis for the denial, the name and titles or positions of each person responsible for the denial of his request, and of his right to appeal to the Secretary of the Army (see § 518.10). (Normally the person responsible for denial will be the IDA, that is, the head of the staff agency or command specified in § 518.9.)

(3) The Department of the Army must respond to any appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the Office of the Secretary of the Army. If the initial denial of the request is upheld, in whole or in part, the requester will be notified of the provisions for judicial review of the denial under 5 U.S.C. 522(a)(6).

(4) In unusual circumstances, as set forth below, the time limits in either (b)(1) or (3) of this section may be extended by not more than an additional 10 working days by written notice to the requester (see 518.8). This notice must be sent within the time limits in (b)(1) or (3) of this section and will specify the reason for the extension and the date on which a determination is expected to be dispatched. The extension may be invoked only once during consideration of a request, either during the initial consideration period or during consideration of an appeal, but not both. Extension of the time limit during the initial consideration period may be invoked only by the responsible IDA, after coordination with the Army General Counsel. The unusual circumstances are:

(i) When there is a need to search for and collect the requested records from offices that are widely separated from the office processing the request; or,

(ii) When there is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request; or,

(iii) When there is a need for consultation with another agency having a substantial interest in the determination of the request, or among two or more widely separated elements of the Department of the Army having substantial subject matter interest.

(c) The fact that a record from Army files may reveal or suggest errors or inefficiency will not be a basis for withholding it from the public.

(d) Whenever it appears that possible public/press interest may be generated as a result of any release or denial action, appeal or court review, Freedom of Information Act cases will be discussed with the Chief of Information or field command/organization Information Officer to insure public affairs awareness of the issues to obtain advice and recommendations concerning such matters and their impact upon the Army. Point of contact for the Chief of Information is the Office for the Freedom of Information, DAIO–FOI, AUTOVON 22–74122 or Area Code 202, 697–4122.

(e) Records releasable by commands subordinate to HQDA may also be released by the HQDA agency primarily concerned.

§ 518.4 Scope.

This regulation applies to written requests received from any source outside the Department of the Army. It does not preclude release of records to agencies or individuals in the Federal Government whose official work and duties require access to the records concerned. Section 518.11 provides specific procedures for release of personal information to governmental organizations outside DOD. Except for information falling within the scope of 21 U.S.C. 1175 and 42 U.S.C. 4582 (see Cir. 600–85), requests for Army records will be denied only on the grounds authorized in this regulation, The Armed Services Procurement Regulation, and the Federal Personnel Manual, notwithstanding any limitations contained in other regulations. The following regulations set forth additional procedures for the release of certain records or information.

(a) Inspector General reports—AR 20–1.
(b) Claims reports—AR 27–20.
(c) Patents, inventions and copyrights—AR 27–60.
(d) U.S. General Accounting Office audits—AR 36–20.
(e) Litigation: release of information and appearance of witnesses—AR 27–40.
(f) Medical records—AR 40–2, AR 40–22, AR 40–400, AR 40–403, and DA Circular 600–85.
(g) Technical reports—AR 70–31.
(h) Aircraft accident investigations—AR 95–1, AR 95–5, and AR 20–1.
(i) Criminal investigation activities—AR 195–2.
(j) Military Police files—AR 190–2, AR 190–37, AR 190–45 and AR 635–50.
(k) Medical records and files in records centers—AR 340–1.
(l) Disciplinary actions—AR 340–19.
(m) Army information, general policies on release—AR 360–5.
(n) Foreign nationals, release of information to—AR 380–10.
(o) US Army Intelligence investigative files—AR 381–130, AR 381–45, and AR 381–46.
(p) Safety reports and records—AR 385–40.
(q) Alcohol and/or drug abuse records—DA Cir 600–85 (to be published; see DA msg DTG 261951Z Feb 74).
(r) Military personnel records—AR 640–10.
(s) Civilian personnel records—CPRs 296–31, 700, 752–1, 771, M1, Federal Personnel Manual Chapters 293, 294 and 339, and AR 230–2.
(t) National Security classified information—DOD 5200.1–R and AR 380–5.
(u) Procurement matters—Armed Services Procurement Regulation (ASPR) and Army Procurement Procedure (APP).
(v) Safeguarding "For Official Use Only" information—AR 340–16.

§ 518.5 Requests for Army records.

(a) A request for Army records will be deemed to have been received, under the Freedom of Information Act, only if such a request:

(1) Indicates in writing, expressly or implicitly, that records are being requested under the Freedom of Information Act, and

(2) Reasonably describes the records, and

(3) Is made in accordance with requirements of this regulation, concerning the time, place to address, fees, and procedures to be followed. (See Appendix B for list of officials to whom requests for specified categories of records must be directed. See § 518.8 with regard to the requirement that a requester pay, or agree to pay, in advance, all fees

assessed, incident to processing of his request.)

(b) There is no obligation to create a record to satisfy a request for information. When the information requested must be released but exists in the form of several records at several locations, the applicant will be referred to those sources if gathering the information would be so burdensome as to interfere materially with the operations of the Army.

(c) If the requested record originated outside the Department of the Army, the request will be returned to the requester, advising him to send it to the appropriate agency, if he desires, and providing him with the name or title, address, and other appropriate information regarding such agency. An information copy of the request and the letter of referral will be forwarded promptly to the agency that may expect the request. A person who requests a copy of material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct his request to the member or committee concerned.

§ 518.6 Examination and reproduction of records.

(a) Authority to release records includes authority to permit their examination. When authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(b) Original and record copies of Army records will not be released. Copies will be furnished instead. A charge will be imposed in accordance with 518.19 for conducting a search and preparing copies of records. This charge may be imposed even where the search has been unsuccessful or unproductive.

§ 518.7 Use of expeditious communications.

The time limits imposed by 5 U.S.C. 552(a)(6) (see § 518.3) require that all personnel involved in processing a request from the public for records handle the case without delay. The use of telephone, priority message, facsimile transmission, or other expeditious means of communication is authorized for this purpose.

§ 518.8 Responsibilities of officials receiving initial requests.

(a) If a request has been misdirected by the requester, the following actions, as appropriate, will be taken as quickly as possible within the mandatory time limits:

(1) If the request is of proper concern to another Army element, it will be marked conspicuously on the forwarding envelope FREEDOM OF INFORMATION REQUEST and hand-carried or forwarded to that element by the most expeditious means. A notice of the referral will be furnished the requester. If feasible advance information concerning the request will be telephoned to the element receiving the referral. Upon receipt, that element will notify the requester that his request has been received by the proper authority and the 10-day initial period required by law commenced on date of receipt.

(2) If the request is of proper concern of an agency outside the Army, it will be returned to the requester, advising him to refer it to the appropriate agency if he desires; and providing him with the name or title, address, and other appropriate information regarding such agency. An information copy of the request and the letter of referral will be forwarded promptly to the agency that may expect the request.

(3) If the information requested is a combination of Army material and one or more identifiable sources other than Army, the Army portions will be reviewed and acted upon; if practicable, the other portions will be referred to the originating agencies. Within the time limits imposed, the requester will be provided with releasable Army information, if any, and advised where to obtain release of the non-Army material.

(b) When a request is received by the proper official to whom such category of requests must be directed (see § 518.17), that official will commence processing the request, in accordance with this regulation and take one of the following actions:

(1) Unless the request specifically states that the requester will pay whatever cost is involved in processing the request, the official will estimate the total amount of fees expected to be assessed for processing the request (see § 518.19), and, if such estimate is $10.00 or more, will promptly notify the requester, in writing, of the estimate. Such notification will advise the requester that he must submit payment in advance to cover the amount of the estimate; that the time limit specified in § 518.3 will not begin to run until payment is received; and that should the final amount of fees assessed at the completion of the processing of his request be greater or less than the estimate, an additional fee will be assessed or reimbursement made, as appropriate; or

(2) If the request specifically states that the requesters will pay whatever cost is involved in processing the request, or if the total amount of fees expected to be assessed for processing the request (see § 519.19) is less than $10.00, the official will immediately commence processing of the request in accordance with this regulation.

(c) If a request conforms with the requirements of § 518.5, the action command or office receiving the request will, within 10 working days after receipt of the request, notify the requester in writing of favorable action on his request if:

(1) The requested record does not fall under one or more exemptions in § 518.14; or

(2) The requested record originated within or was prepared by such command or office, or any subordinate element thereof is in its possession or reasonably available, and no legitimate purpose exists for withholding it, even though such record may fall within one or more exemptions in § 518.14 (other than records containing national security information or information whose nondisclosure is required by statute). Favorable action may consist of forwarding a copy of the requested record if the provisions of § 518.19 authorize release without fees or if payment of fees has already been made; or forwarding a notice of the availability of the record and the amount of fees due, upon receipt of which, the documents will be furnished promptly. (This notification will be made within the 10 working day period even if preparing the requested record for examination or dispatch will require a period of time longer than ten working days. In such case, the notification will include the date on which the requested record is expected to be ready for examination or dispatch. Such notification will serve to satisfy the requirement for a determination within 10 working days, and no extension of the time limit will be necessary.)

(d) If in the judgment of the reviewing official, the request involves a record which falls under one or more of the exemptions cited in § 518.14, and that official either is not authorized to release the record, or determines that a legitimate purpose exists for withholding it, he will:

(1) At the earliest possible moment, telephone or otherwise promptly notify the responsible IDA specified in § 518.9 to alert him of an impending referral of the request, and to discuss the case and mutual arrangements to expedite action, e.g., to assure availability to the IDA of copies of the requested documents, the means of transmitting the case, and related matters.

(2) Mark the forwarding envelope FREEDOM OF INFORMATION REQUEST conspicuously, and forward the request to the IDA immediately, providing a citation of the appropriate exemption and stating the reasons release is or is not recommended. He will include copies of the requested documents if deemed necessary during telephonic coordination of the case. He will also include his opinion whether a legitimate purpose exists for withholding the information.

(3) Advise the requester in writing within 5 working days, that his request has been forwarded to a higher authority for action and direct reply. The name or title and address of both the forwarding and the highre official will be provided so that the requester may communicate with either party. This notification will neither state nor imply release or denial, as denial decisions will be made and communicated solely by the IDA.

(e) If a request conforms with the requirements of § 518.5, but the requested record is not available, the requester will be notified within 10 working days after receipt of the request. If there is an explanation for the records, nonavail-

ability, e.g., destroyed pursuant to approved records disposition standards or not located after thorough search, this information will be included in the reply. In all cases of negative replies of this nature, an information copy of the request and reply will be forwarded promptly to HQDA (DAAG–AMR), WASH DC 20314.

(f) If a request conforms with the requirements of § 518.5, but the official receiving the request estimates that it will require more than 10 working days to arrive at a determination regarding the request, he will, in addition to commencing processing of the request, immediately contact the responsible IDA who, after consultation with the Army General Counsel, may authorize the official to invoke the 10 working day extension period or direct other appropriate action.

(g) All Freedom of Information Act requests from representatives of the press or other mass communications media will be directed to the appropriate command/organization information officer. Information officers receiving requests for records and documents will coordinate with appropriate officials, in accordance with guidances provided in this Part 518, to determine releasability of the information. In the event the documents requested fall under one or more of the exemptions, direct communication will be established with the Chief of Information, Public Information Division, AUTOVON 22–75662 or Area Code 202, 697–5662 for referral of the request to appropriate IDA.

§ 518.9 Initial denial authorities (IDA).

(a) *General responsibilities.* The officials indicated in paragraph (b) of this section are designated as the sole Initial Denial Authorities of the Department of the Army. Each IDA is responsible for acting on referrals received from officials under the provisions of § 518.8 and on requests received directly by his agency when he is the official to whom such requests must be directed (see § 518.17); for maintaining data and submitting information to TAG for the annual report described in § 518.15; and for other matters covered in this Part 518. Each IDA will appoint a single point of contact to represent him in all matters covered in this Part 518. This does not preclude the designation of additional individuals to handle FOIA actions when an IDA has responsibility for more than one area of specialization. The names, offices, and telephone numbers of the individual appointed as single points of contact will be furnished The Adjutant General (ATTN: DAAG–AMR–S), Forrestal Building, Washington, D.C. 20314.

(b) *Assigned areas of authority.* The IDA are assigned authority in the areas of specialization listed below, to act on referral from officials under § 518.8, and on requests sent directly to them. They will coordinate all matters relating to the release of exempted information which have public affairs aspects with the Chief of Information or with the appropriate information officer in accordance with AR 10–5 and AR 360–5. In cases where the information requested (exempted or otherwise) is related to actual or potential litigation against the United States, its release will be coordinated with The Judge Advocate General (Litigation Division, HQDA (DAJA–LT), AUTOVON 22–51644 or Area Code 202, 695–1644); see 518.13.

(1) The Adjutant General is authorized to act on:

(i) Requests for personnel and medical records of retired, separated, or Reserve component military personnel. Requests for medical records of former military personnel, not covered by AR 340–1, will be coordinated with The Surgeon General.

(ii) Requests for national security classified records. As necessary, The Adjutant General will coordinate with the agency having cognizance over the subject matter.

(iii) In requests involving both national security records and records falling under another exemption listed in § 518.14, The Adjutant General will coordinate national security information aspects as indicated in (ii) above. He will coordinate information also falling under another exemption with the appropriate officials specified below. The Adjutant General is responsible for consolidating the data and for insuring that a coordinated action is completed at the initial denial level.

(2) Commanding General, United States Army Military Personnel Center (MILPERCEN) is authorized to act on requests for records relating to active duty military personnel matters, including military personnel files, ADP records and data, case summaries, letters of instructions to boards, and other military personnel administration records.

(3) The Surgeon General is authorized to act on requests involving medical records of active duty military personnel, dependents, and any person given a physical examination or who has received treatment at Army medical facilities and medical research and development matters.

(4) The Deputy Chief of Staff for Personnel is authorized to act on requests involving civilian personnel records and behavioral science matters, and military police reports, except for DA Forms 3975 (Military Police Report) and 3946 (Military Police Traffic Accident Investigation Report).

(5) The Inspector General and Auditor General is authorized to act on requests involving Inspector General reports in accordance with AR 20–1, aircraft safety investigations, and audits and reports prepared by the Army Audit Agency.

(6) The Chief of Chaplains is authorized to act on requests involving ecclesiactical rites performed by Army Chaplains and privileged communications related to the clergy.

(7) The Chief of Engineer authorized to act on requests involving civil works as defined in § 518.17, military construction matters, engineer procurement, and ecology matters.

(8) Commanding General, United States Army Criminal Investigation Command is authorized to act on all requests involving criminal investigation records (to include military police reports which are part of criminal investigation reports) and investigations in progress.

(9) Commanding Officer, United States Army Intelligence Agency is authorized to act on all requests involving US Army intelligence investigative files.

(10) The Comptroller of the Army is authorized to act on all requests for finance and accounting records.

(11) Commanding General, United States Army Materiel Command is authorized to act on all requests involving procurement records within that command.

(12) The Judge Advocate General is authorized to act on all other requests including requests for data from DA Forms 3975 (Military Police Report) and 3946 (Military Police Traffic Accident Investigation Report). He is also authorized to act on requests within the purview of (1) through (11) above in cases involving litigation in which the United States has an interest.

(c) *Exceptions.* (1) IDA may release excepted records described in § 518.14(b) through (i) in accordance with § 518.3, unless nondisclosure is required by statute. Material exempted under § 518.14 may not be released under this paragraph, but must be declassified before release in accordance with the provisions of Department of Defense Regulation 5200.1–R and AR 380–5.

(2) Denial or approval by IDAs of the release of exempted records in response to requests from mass communications media representatives will be forwarded to the Chief of Information (DAIO–PID) for transmittal to the requester within statutory time limits.

§ 518.10 Responsibilities of IDA.

(a) *Referral from other elements of DA.* Where a request has been referred to an IDA under provisions of § 518.8, he will:

(1) Immediately determine whether the request should be granted or denied, in whole or in part, accomplishing coordination, as necessary, on a personal contact basis. In arriving at this determination, he will apply the following guidance:

(i) Any reasonably segregable portion of a requested record will be furnished after deletion of the portions which are exempted from disclosure; and

(ii) Any exempted record or reasonably segregable portion thereof (other than portions containing national secuity information, information whose nondisclosure is required by statute, or information relating to matters in litigation), will be released if no legitimate purpose exists for withholding it.

(2) If the determination is favorable, the IDA will notify the requester in the manner described in § 518.8. Such notification must be made within 10 working days after receipt of the request by the official to whom it was properly directed. In those cases when the IDA is able to

make a decision without the documents, the custodian will be directed to release the documents promptly to the requester.

(3) If the decision is unfavorable, in whole or in part, the IDA will:

(i) So advise the requester in writing within the same 10-day time period (see (a)(2) of this section), furnishing the reason for the denial, with reference to appropriate exemption set forth in § 518.14, citing the specific subparagraph of 5 USC 522(b); providing the name and title or position of the denial authority; and informing him of his right to appeal directly to the Secretary of the Army (ATTN: General Counsel).

(ii) Forward an advance information copy of the request and the denial to the Office of the General Counsel, Office of the Secretary of the Army.

(iii) Maintain, or be able to obtain and provide to the General Counsel within 48 hours, all pertinent material including copies of the requested documents.

(iv) Assist the Army General Counsel during his processing of any appeal from the denial.

(b) *Initial requests.* When a request is received initially by an IDA who is the official to whom requests for such records must be directed (see § 518.17), he will process the request in accordance with the procedures in §§ 518.8 and 518.10 above.

(c) *Time limitations on responses.* As indicated in § 518.3 above, the Freedom of Information Act imposes strict time limits on responses to requests. In acting upon requests, the IDA will apply the following procedures, as appropriate.

(1) During initial telephone coordination with elements receiving the request, the IDA will:

(i) Obtain all information concerning the request necessary to begin an immediate review from sources available to him, if possible, while awaiting referral.

(ii) Otherwise, will insure that documents are forwarded with the request by the fastest possible means.

(2) During review, he will insure that the case is handled on the highest priority basis, with an action officer effecting coordination on a personal contact, hand-carry basis.

(3) The IDA may invoke the extension period only in circumstances specified in the statute (§ 518.3 (4) above) and only where an extension is deemed essential. The Army General Counsel will be consulted before invoking the extension period. When invoked, the minimum number of days will be used since every day of the extension expended during the initial review will be unavailable to the final appellate authority.

(4) In those cases when a determination cannot be made within the prescribed time limit, or where a record cannot be found, the IDA may:

(i) Contact the requester by telephone or other expeditious means,

(ii) Explain to him why the request cannot be handled within the statutory time limit, and

(iii) Inform him that he may treat this as an initial denial with a right to appeal, or that he may agree to await a substantive response by an anticipated date. If a voluntary extension is agreed upon, it will be formally documented by the IDA in written correspondence. The IDA must advise the requester, both during any informal oral discussions and in writing, that the further extension is entirely voluntary, that his agreement constitutes a waiver of the statutory time period, and that it does not prejudice his right to appeal the initial decision after it is made.

(d) *Denial based on national defense or foreign policy.* Records denied in the interests of national defense or foreign policy (5 U.S.C. 552(b)(1)) must in fact be properly classified. The letter of denial will consequently cite the specific provision of Executive Order 11652 and DOD Regulation 5200.1–R relied upon as authority for classification of the records.

§ 518.11 Release of records to specified members of the public.

Even though the following records are exempt from disclosure to the general public, they will be released on request to the individuals specified below, within the mandatory time limits prescribed in § 518.3.

(a) *Medical records.* The following information will be released by commanders/chiefs of medical treatment facilities ((a) (1) through (9) of this section) or records centers ((a) (4) through (9) of this section).

(1) Information on the condition of sick and injured patients will be released to the relatives of such patients, in order to allay their anxiety.

(2) Information that the patient's condition has reached a critical stage will be released to the nearest known relative, or to the person designated by the patient to be informed in case of an emergency.

(3) Information that a diagnosis of psychosis has been made will be released to the nearest known relative or to the person designated by the patient.

(4) Information will be released to local officials concerning births, deaths, and cases of communicable diseases when such reports are required by pertinent local laws.

(5) Medical records relating to present or former military personnel, dependents, civilian employees, or patients in a medical treatment facility of the Department of the Army are the proper and direct concern of the individual to whom they pertain. Copies of extracts from the medical record will be released to the individual concerned upon his request or to his representative designated in writing unless, in the opinion of his attending physician, it could be injurious to his physical or mental health. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or patient's legal representative and will be released to the patient's next of kin or patient's legal representative on written request. If the information might prove injurious to the health of the patient, the information will not be released to him; it will be released only to his next of kin, legal representative, or physician assuming responsibility for the patient's treatment.

(6) Copies of medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or an inmate therein. If the patient or his legal representative consents, the medical records of the patient will be released to a civilian physician.

(7) Copies of medical records or information from the records may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or other accredited agency, when they are engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General of the Army, except for information falling within the scope of 21 U.S.C. 1175 (drug) and 42 U.S.C. 4582 (alcohol) (see DA Cir. 600–85).

(8) In connection with the collection of claims in favor of the Government, pertinent portions of an injured party's medical records may be furnished to the staff judge advocate or legal officer of the command for release to the tort-feasor's insurer, if appropriate, even though the injured party does not consent.

(9) Information released to third persons under the provisions of (a) (5), (6), and (7) of this section will be accompanied by a statement that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

(b) *Military personnel records.* Military personnel records will be safeguarded and released by the custodian in accordance with the following:

(1) The Department of the Army is required by statute to provide certain information relating to the service of an individual (statement of military service) to that individual or his legal representative. (Sec 601 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; 50 U.S.C. App. 581.)

(2) Papers relating to applications for designation of beneficiaries under and allotments in payment of premiums of National Service Life Insurance or Servicemen's Group Life Insurance are the proper and direct concern of the applicant insured, and will be released to him. In the event of insanity or death of the insured, the beneficiaries designated in the policies, or the next of kin, are considered to have direct and proper concern in these records, and the records will be released to them.

(3) Copies of Army documents recording the death of a member of the military service, a dependent, or a civilian employee will be released to his next of kin, his life insurance carrier, and his legal representative. Requests for information or records by individuals acting in a representative capacity on behalf of another individual will include evi-

dence in writing of the requester's representative capacity. In cases where the release of the requested information is limited to the individuals concerned, the records may be released to other individuals or organizations upon presentation of evidence in writing of the consent of the individual concerned.

(4) Papers relating to the pay and allowances or allotments of a member or former member of the military service will be released to the individual to whom they pertain, his authorized representative, or in the case of deceased personnel, the next of kin or legal representative.

(c) *Civilian personnel records.* Civilian personnel officers having custody of papers relating to the pay and allowances or allotments of current or former civilian employees will release them to the individual to whom they pertain, his authorized representative, and, in the case of deceased employees, the next of kin or legal representative. Authority to release civilian personnel records does not include authority to release statements of witnesses, medical records, or other reports or documents pertaining to compensation for injuries or death of an Army civilian employee (para 1–4, Chapter 339, Federal Personnel Manual). Such information will be released only by appropriate officials designated in § 518.9.

§ 518.12 Release to Congress.

(a) *Congressional requests.* Requests by members of Congress (or staffs of Congressional committees) for inspection or copies of official records will be handled as follows:

(1) *National security classified records.* Applicable provisions of DOD 5200.1–R and AR 380–5 will be followed.

(2) *Civilian personnel records.* Members of Congress may examine official personnel folders in accordance with applicable instructions governing the release of disciplinary action information (FPM 294.7 and AR 340–19).

(3) *Information pertaining to disciplinary action.* See AR 340–19.

(4) *Military personnel records.* Information from these records will not be released except by authority of HQDA. Custodians will refer all requests from Members of Congress (or staffs of Congressional committees) directly and promptly to the Chief of Legislative Liaison, Department of the Army, Washington, DC 20310.

(5) *Criminal investigation records.* See US Army Criminal Investigation Command CIDR 195–16.

(6) *Other exempt records.* Requests for all other categories of information exempted from mandatory release under 518.14 will be referred by commanders/chiefs to the Chief of Legislative Liaison, Department of the Army, Washington, DC 20310, by the most expeditious means. Referrals will include a copy of the material requested and, as appropriate, recommendations concerning its release or denial.

(7) *All other records.* All other information will be furnished promptly by the commander/chief having custody of the records.

(b) *Notification of releases to Congress.* Commanders/chiefs will notify the Chief of Legislative Liaison, Department of the Army, of all releases of information to Members of Congress or staffs of Congressional committees. Exceptions may be made in routine cases by organizations which in the normal course of business are required to provide information to Congress.

§ 518.13 Litigation, tort claims and contract disputes.

Release of information or records under this paragraph is subject to the time limitations prescribed in § 518.3 and to the requirements to advise the requester of the reasons for non-release or referral.

(a) *Litigation.* (1) Each request for a record which relates to pending litigation involving the United States will be referred to the staff judge advocate or legal officer of the command who, in turn, will promptly communicate the substance of the request and contents of the record requested to the Litigation Division, Office of the Judge Advocate General. (Mailing Address: HQDA (DAJA–LT), Washington, DC 20310, AUTOVON 225–1644 or area code 202–695–1644.)

(2) Whenever information is released under the provisions of Part 518 for use in litigation involving the United States, the official responsible for investigative reports (para 2–4, AR 27–40) will be advised of such release so that he may include a notation in any investigative report he may be required to submit pursuant to Chapter 2, AR 27–40.

(3) A request for information or records normally exempted, e.g., personnel and medical records, for use in litigation to which the United States is not a party, may be releasable to the judge or court concerned. Such requests will be referred to the local staff judge advocate or legal officer for coordination with the Litigation Division, OTJAG. Mailing address: HQDA (DAJA–LT), Washington, DC 20310, AUTOVON 225–1644 or area code 202–695–1644.

(b) *Tort claims.* (1) Each request from a claimant or his attorney for a record, including requests listed in §§ 518.5 and 518.11, which relates to a pending administrative tort claim that has been filed against the Army, will be referred promptly to the claims approving or settlement authority with monetary jurisdiction over the pending claim (AR 27–20). If the request concerns an incident in which a claim is pending but in which a larger potential claim exists that has not yet been filed, the authority with monetary jurisdiction over the potential claim will receive the request.

(2) If no administrative tort claim has been filed, and the request is made by a potential claimant or his attorney under circumstances clearly indicating that he desires to obtain a record for use in connection with the filing of such a claim, the request will be referred to the authority named in (b)(1) of this section. That authority, when subordinate, will in turn, communicate promptly the substance of the request and the contents of the record to Chief, US Army Claims Service, Fort George G. Meade, MD 20755 (AUTOVON 923–7860; commercial: area code 301–677–7860).

(3) IDA officials listed in § 518.9 (1) through (11) who receive such requests will refer them directly to Chief, US Army Claims Service, and will advise requester of the referral and the basis for it.

(4) The Chief, US Army Claims Service will process the request in accordance with this regulation and paragraph 1–6, AR 27–20.

(c) *Contract disputes.* Each request for a record which relates to a potential contract dispute or a dispute that has not reached "final decision" by the contracting officer shall be treated as a request for "procurement records" and not as "litigation", except that the officials listed in §§ 518.8, 518.9 and 518.11 shall consider the impact of release upon the potential dispute procedures and may consult with The Judge Advocate General, TTN: JAAJ–CAD, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041, AUTOVON 289–2460 or area code 202–756–2460. Each request for a record which relates to a pending contract appeal to the Armed Services Board of Contract Appeals, or to a "final decision" that is still subject to appeal (i.e., 30 days have not lapsed after receipt of the "final decision" by the contractor), shall be treated as a request involving a contract dispute and will be referred to The Judge Advocate General, JAAJ–CAD.

§ 518.14 Exemptions.

The following categories of records are exempt under 5 U.S.C. 552(b) from mandatory release:

(a) Those properly classified in the interests of national security pursuant to DOD 5200.1–R and AR 380–5 (5 USC 552(b)(1)).

(b) Those containing rules, regulations, orders, manuals, directives, and instructions which provide only internal guidance to DOD personnel (5 USC 522(b)(2)). Examples are:

(1) Operating rules, guidelines, and manuals for investigators, inspectors, auditors, and examiners, and schedules or methods involved.

(2) Negotiating and bargaining techniques, positions, and limitations.

(3) Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the qualification of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information which statutes authorize or require to be withheld from the public (5 U.S.C. 552(b)(3)). Examples are:

(1) Trade and financial information provided in confidence by business (18 U.S.C. 1905).

(2) Technical data, including such data regarding munitions (50 U.S.C. 2023 and 22 U.S.C. 1934).

(3) National Security Agency information (50 U.S.C. 402).

(4) Information relating to inventions which are the subject of patent applications on which patent Secrecy Orders have been issued (35 U.S.C. 181–188).

(5) Records of drug abuse/patients (21 U.S.C. 1175, 42 U.S.C. 4582).

(d) Those containing trade secrets or commercial or financial information which was received with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records (5 U.S.C. 552 (b)(4)). Such records include those which contain:

(1) Information customarily considered privileged or confidential under the rules of evidence in Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(2) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if offered and received in confidence from a contractor or potential contractor.

(4) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged, or because they are essential to an effective inspection or audit and could not otherwise be obtained.

(e) Except as provided in paragraph (e)(2) through (5) below, internal communications within and among agencies and commands (5 U.S.C. 552(b)(5)).

(1) Examples include:

(i) Staff papers containing staff advice, opinions, or suggestions.

(ii) Information received or generated by a command or office preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the authorized purpose for which the records were created.

(iii) Advice, suggestions, or reports prepared on behalf of the Army by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a command or office to obtain advice and recommendations, or by individual consultants.

(iv) Those portions of Army evaluations of contractors and their products which contain recommendations or advice by government employees about the contractor or product.

(v) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vi) Records which are exchanged among command or office personnel or within and among the military services, commands, or offices preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(vii) Reports of inspections, legal opinions, audits, investigations, or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of the Army or one of its commands or offices.

(2) If any such intra- or inter-agency record, or reasonable segregable portion of such record would routinely be made available through the discovery process (the process by which litigants obtain information relevant to a case prior to a trial or hearing) in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the Army in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(3) Factual records or segregable portions of intra- or inter-agency memorandums or letters are routinely made available through discovery, and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release under § 518.14.

(4) A direction or order from a superior to a subordinate, though contained in an internal communication, is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) An internal communication concerning an event or decision which has subsequently been made a matter of public record, or was among officers or employees (or members of the armed forces) who no longer are actively employed by the Department of Defense or its components, should normally be made available to a requester, unless it is determined that because of special circumstances release would prejudice the current decision-making process.

(f) Information in personnel, medical, and similar files which, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(b)(6)). (When the sole and exclusive basis for withholding information from an individual is the protection of his own personal privacy, the information will not be withheld from him or from his designated legal representative. The requester may be required to furnish reasonable and appropriate identification.)

(1) Examples of files similar to medical and personnel files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of civilian, military, or industrial individuals for security clearances.

(ii) Containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given in cases involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alledged misconduct, and the degree to which the individual's privacy has already been invaded by any investigation or proceedings which have taken place. For example, after completion of appellate review, unclassified records of court-martial proceedings should always be made available, since they represent a record of proceedings open to the public in which the relevant conduct of the member has been fully explored. (Records of court-martial proceedings may be made available at an earlier stage if to do so, in the judgment of The Judge Advocate General, would not adversely affect the appellate process.)

(3) Requests for access to, or release of, records of court-martial proceedings of general courts-martial or special courts-martial involving a bad conduct discharge, prior to completion of appellate review, should be processed in accordance with § 518.17.

(4) This guidance does not preclude the furnishing of records of trial to an accused.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law (5 U.S.C. 552(b)(7)), including Executive Orders or regulations validly adopted pursuant to law, but only to the extent that release of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy (subject to limitation set forth in § 518.14 above);

(4) Disclose the identity of a confidential source;

(5) Disclose confidential information furnished by a confidential source, but only in the instance of records compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(6) Disclose nonroutine investigative techniques and procedures, or

(7) Endanger the life or physical safety of law enforcement personnel. This exemption includes statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings, to the extent such materials fall within one or more of the categories described above. The term "national security" as used above, includes military

security, national defense, and foreign policy. The term "intelligence" as used above, includes positive intelligence-gathering activities, counter-intelligence activities, and background security investigations by Government units which have authority to conduct such functions. Any rights conferred by existing law or regulation upon specified persons or classes of persons to obtain access to investigatory records are not hereby diminished.

(h) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions (5 U.S.C. 552(b)(8)).

(i) Documents containing geological and geophysical information and data (including maps) concerning wells (5 U.S.C. 552(b)(9)).

§ 518.15 Annual reporting requirements.

(a) 5 U.S..C 552(d) requires that each agency will submit to the Congress on or before 1 March annually, a report covering the preceding calendar year's actions under the Act. The Adjutant General is responsible for compilation and submission of the report (Reports Control Symbol DD-PA (A) 1635). The Adjutant General will forward the report through the Chief of Staff, US Army, for transmittal to the Secretary of the Army not later than 20 January of each calendar year. An information copy of the report will be furnished to the Chief of Public Information and the General Counsel.

(b) The Initial Denial Authorities will submit feeder information covering the preceding calendar year to The Adjutant General, ATTN: DAAG-AMR, on or before 10 January annually as follows:

(1) An entry for each denial indicating in columnar form, the source of the request, the subject of the request, the basis for denial expressed by appropriate exemption number under 5 U.S.C. 552, and the name and title (or position) of the official responsible for the denial. Normally, the official responsible for denial will be the IDA, i.e., the commander or head of agency specified in 518.9.

(2) A copy of all internal rules or issuances made by the IDA regarding 5 U.S.C. 552.

(3) Data on costs to administer the FOIA.

(4) Any other information indicating efforts to faithfully administer 5 U.S.C. 552.

(c) The Army General Counsel will provide The Adjutant General on or before 10 January annually, data for the preceding calendar year on the number of appeals made as the results of denials, the result of such appeals, the reason for the action on each appeal that resulted in maintenance of the denial, and the name and title (or position) of the official responsible for the maintenance of the denial.

(d) The Comptroller of the Army will provide The Adjutant General on or before 10 January annually, the total amount of fees collected during the preceding calendar year under FOIA.

§ 518.16 Information published in the Federal Register or made available for public inspection and copying.

(a) Information published in the FEDERAL REGISTER.

(1) 5 U.S.C. 552 requires that certain information concerning the Army be made available for the use of the general public through publication in the FEDERAL REGISTER. Pursuant to these provisions, this regulation and other selected publications, together with every change, revision, or rescission thereto, are published in the FEDERAL REGISTER. The following information is made available to the public through publication in the FEDERAL REGISTER:

(i) An outline of the central and field organization of the Army, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests and obtain decisions.

(ii) The procedures, both formal and informal, by which the Army conducts its business with the public.

(iii) Rules of procedure which must be followed, forms to be completed, sources from which these forms may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(iv) Statements of general policy and substantive rules of general applicability affecting the public.

(2) No member of the general public will be required to resort to, or be adversely affected by, any matter that is required to be published in the FEDERAL REGISTER, and not so published, unless he has actual and timely notice of the information contained therein.

(b) Information available for public inspection and copying.

(1) Subject to the exemptions set forth in § 518.8 of the body of this regulation, the following categories of information will be made available for public inspection and copying:

(i) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be used, cited, or relied upon as precedent in future adjudications.

(ii) Statements of policy and interpretations of less than general applicability which affect the public, but are not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions, or portions thereof, prescribing Army policies that are determinative of the rights of members of the public, unless these documents are published and offered for sale. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Army. Examples of manuals and instructions not normally made available are:

(*a*) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(*b*) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(iv) Any materials that are published in the FEDERAL REGISTER pursuant to paragraph (a) above.

(2) The following are illustrative of the information that will normally be made available for public inspection and copying:

(i) Army regulations, special regulations, general orders, Department of the Army circulars, Department of the Army pamphlets, the Army Procurement Procedure, and the Armed Services Procurement Regulation.

(ii) Final decisions by boards of review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Army Contract Adjustment Board.

(iii) Any final rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents.

(3) Except for the material specified in (5) below, any material described in this paragraph is available for public inspection and copying in the Army Library, Room 1A518, the Pentagon, Washington, DC 20310, which is open from 8:30 a.m. to 5 p.m. Monday through Friday.

(4) The Army Library maintains an index system by subject matter to the materials available. The following are examples of the type of index that will be maintained for public reference.

(i) An index of administrative publications (DA Pam 310-1). This pamphlet includes a topical index to Department of the Army Regulations, special Regulations, circulars, pamphlets, and general orders.

(ii) An index to all materials published in the FEDERAL REGISTER in accordance with paragraph 1 of this appendix.

(iii) An index to Court-Martial Reports.

(iv) An index to the Armed Services Procurement Regulation. This index can also be used for reference to the Army Procurement Procedure, which follows an identical paragraph numbering system.

(v) An index to the decisions of the Armed Services Board of Contract Appeals.

(vi) An index to the decisions of the Army Contract Adjustment Board issued after 4 July, 1967.

(vii) The Army Library maintains a master list of all available indexes and will assist members of the general public in their use of these indexes.

(5) Final decisions by boards of review created under the Uniform Code of Military Justice are available for public inspection and copying at the US Army Judiciary, Office of The Judge Advocate General, 5611 Columbia Pike, Washington, DC 20315. An index to all final decisions of boards of review issued after 4 July 1967 is also available at this facility.

(6) The cost of copying any documentary materials made available pursuant to this paragraph will be imposed in accordance with AR 37–30.

(7) Identifying details, which if revealed would be a clearly unwarranted invasion of privacy, may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. However, in every case, the justification for deletion must be fully explained in writing.

(8) No material described in paragraph (a) above, issued, promulgated, or adopted after 4 July 1967, which is not indexed and made available for public inspection and copying may be relied upon, used, or cited as precedent against any member of the public unless such person has actual or timely notice of its terms. If the material described in paragraph (a) above was issued, promulgated, or adopted before 4 July 1967, it need not be indexed, but must be made available for inspection and copying in accordance with this paragraph.

§ 518.17 Officials to whom requests for information may be directed.

(a) The 10-day limit prescribed for review of initial requests under the Freedom of Information Act (5 U.S.C. 552(a)(6)) begins only when all of the following conditions have been satisfied:

(1) The request must be in writing and must reasonably describe the record requested;

(2) The requester must pay, or agree to pay in advance, all fees assessed incident to processing of his request, as prescribed by § 518.8;

(3) The request must be received by the appropriate official designated in this appendix.

(b) To insure a prompt response in recognition of the request as an FOIA action, the request should be made with specific reference to the Freedom of Information Act. Both the letter of request and the envelope in which the request is sent should be conspicuously marked with the words "FREEDOM OF INFORMATION ACT REQUEST".

(c) Public requesters should follow the guidance in this appendix carefully and direct requests to the office that possesses the record desired. If it is not clear to whom to send a request, information as to the proper official may be obtained from HQDA (DAAG–AMR–S), Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20314, or by telephoning Area Code 202 693–7830, or 202 693–1847.

(d) Current publications and records of Army field commands, installations, and organizations.

(1) The request must be directed to a specific office of the command, installation, or organization as indicated below:

File categories	*Specific official*
(i) Finance and fiscal	Comptroller/ Finance Officer.
(ii) Legal	Staff Judge Advocate/Legal Officer.
(iii) Intelligence and security	Intelligence Officer.
(iv) Military police	Provost Marshal.
(v) Military personnel	Adjutant/Administrative Officer.
(vi) Civilian personnel	Civilian Personnel Officer.
(vii) Medical	MEDDAC/ MEDIEN Commander.
(viii) Training and education	Operations and Training Officer.
(ix) Communications	Signal Officer.
(x) Transportation	Transportation Officer.
(xi) Research and development	Research and Development Officer.
(xii) Logistics	Quartermaster/ Ordnance/ Supply Officers.
(xiii) Facilities	Engineer.
(xiv) All other	Records Management Officer.

(2) A more detailed listing of all files categories maintained in Army offices is given in 16 regulations of the AR 340–18 series.

(3) If it is not clear to whom to send a request for current records of a specific Army field command, installation, or organization, the Installation/Organization Information Officer may be contacted for assistance in locating the office to which the request may be directed.

(e) Department of the Army publications.

(1) The Government Printing Office has many Army publications for sale. Request should be directed to:

Superintendent of Documents
Government Printing Office
Washington, DC 20402

(2) There are about 1,000 Government publication depository libraries (Title 44, U.S.C. Code) throughout the US which have copies of many Army publications available for use on site. A list of these libraries may be obtained from the Superintendent of Documents at the above address. Requesters are urged to use these facilities.

(3) Requests for reproduced copies of obsoleted, rescinded, or other noncurrent Army publications must be directed to:

Director
Washington National Records Center
General Services Administration
Washington, DC 20409

(4) Requests for administrative and training publications (Army Regulations, Field Manuals, Department of the Army Pamphlets, etc.) must be directed to:

Commander
US Army AG Publications Center
2800 Eastern Blvd
Baltimore, MD 21220
(301–962–7201)

(5) Requests for technical and supply publications (Technical Manuals, Modification Work Orders, Supply Catalogs, etc.) must be directed to:

Commander
US Army AG Publications Center
1655 Woodson Road
St. Louis, MO 63114
(314–268–7300)

(6) Requests for Department of the Army publications or indexes not available above must be directed to:

HQDA (DAAG–PAS–I)
Forrestal Building
1000 Independence Ave., SW
Washington, DC 20314

Telephone inquiries to DAAG–PAS–I should be directed to Area Code 202 693–7842 or 693–7840.

(f) Military personnel records. Requests for military personnel records or information must be directed as follows:

(1) Army Reserve personnel not on active duty and retired personnel (except Retired Regular Army General Officers) Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132 (314 268–7600).

(2) Former Army officer personnel discharged or deceased subsequent to 1 July 1917 and former Army enlisted personnel discharged or deceased subsequent to 1 November 1912—Director, National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, MO 63132.

(3) Army personnel separated prior to dates specified in (2) above—Director, Military Archives Division, Office of National Archives, NARS, GSA, Washington, DC 20408.

(4) Army National Guard personnel. Officers—Chief, National Guard Bureau. Enlisted personnel—Adjutant General of the appropriate State.

(5) Military personnel on active duty—HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060), if involving commissioned or warrant officer personnel (including retired Regular Army General Officers); and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429 (317 542–3111), if involving enlisted personnel.

(g) Medical records.

(1) Requests for medical records of nonactive duty military personnel must be directed to the same addresses as indicated in paragraph (f) (1) through (4).

(2) Requests for medical records involving military personnel on active duty must be sent to the medical treatment facility where they are maintained. If the medical facility is not known, a request for locater service will be directed to HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060), if involving commissioned or warrant officer personnel; or to Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429 (317 542–3111) if involving enlisted personnel.

(3) Requests for the medical records of civilian employees and all dependents must be directed to the medical treatment facility where maintained. If the records have been retired, requests will be addressed to the Director, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(h) Legal records.

(1) Requests involving records of trial by court-martial.

(i) General courts-martial records and those special courts-martial records where a bad conduct discharge has been approved by the convening authority must be directed to The Judge Advocate General, JAAJ–CC, Nassif Building, Falls Church, VA 22041 (202 756–1888), if the record of trial has been forwarded for appellate review. If the record has not been forwarded for appellate review, requests for such records must be directed to the staff judge advocate of the command which has jurisdiction over the case. The Initial Denial Authority for those requests is the Judge Advocate General, JAAJ–CC, and they will be processed in accordance with § 518.8.

(ii) The records of trial of special courts-martial which do not involve a bad conduct discharge are retained for 10 years after completion of the case. Requests for such records of trials must be directed as follows:

(*a*) Up to 3 years after completion of the case. Requests must be directed to the staff judge advocate of the headquarters where the case was reviewed.

(*b*) From 3 to 10 years after completion of the case. Requests must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. After 10 years, the only evidence of a special court-martial conviction is the special court-martial order maintained in the individual's permanent records. Request for such orders involving individuals currently on active duty must be directed to HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060), for commissioned and warrant officer personnel and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249 (317 542–3111) for enlisted personnel. If the individual is no longer on active duty, the request must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. If the individual retired from service and is still living, or is a member of the Army Reserve, refer the request to address in paragraph (f)(1).

(iii) The records of trial of summary courts-martial are destroyed 1 year after action of the appropriate supervisory authority. Until that time, requests for such records of trial must be directed to the appropriate staff judge advocate at the installation where the court-martial was conducted. After 1 year, the only evidence of a summary court-martial conviction is the summary court-martial order maintained in the individual's permanent records. Requests for such orders involving individuals currently on active duty must be directed to HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060) for commissioned and warrant officer personnel and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison IN 46249 (317 542–3111) for enlisted personnel. If the individual is no longer on active duty, the request must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. If the individual retired from service and is still living, or is a member of the Army Reserve, refer the request to address in paragraph (f)(1).

(iv) Requests submitted under a(2) and (3) above will be processed in accordance with § 518.8. The Initial Denial Authority is The Judge Advocate General (DAJA–CL), Washington, DC 20310 (202 695–5468).

(2) Requests involving the administrative settlement of claims—Chief, US Army Claims Service, Fort George G. Meade, MD 20755, (301 677–7860).

(3) Requests involving debarred or suspended contractors—HQDA (DAJA–ZC), Washington, DC 20310 (202 697–4769).

(4) All other requests involving legal matters (other than requests for records maintained by the staff judge advocate of a specific command, installation, or organization (see (d)(1)(iii)) —HQDA (DAJA–AL), Washington, DC 20310 (202 695–3614).

(i) Civil Works program. Requests involving records relating to construction, operation, and maintenance for improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work of the Department of the Army, must be directed to the appropriate division or district office of the Corps of Engineers. If such office is not known, information as to the proper office may be obtained from HQDA (DAEN–GCK), Forrestal Bldg., Washington, DC 20314 (202 693–7070).

(j) Civilian personnel records. Requests involving personnel records of civilian employees other than those pertaining to former employees must be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees must be directed to the Director, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(k) Procurement matters. Requests for material relating to procurement activities must be directed to the contracting officer concerned or, if not feasible, to the appropriate procuring activity. If the contracting officer or procuring activity is not known, inquiries as to the proper location should be directed as follows:

(1) Concerning Army Materiel Command procurement—Commander, US Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333.

(2) Concerning Engineer procurement—HQDA (DAEN–GCK), Forrestal Building, Washington, D.C. 20314 (202–693–7070).

(3) Concerning all other procurement— HQDA. (DAJA–PL), Washington, DC 20310 (202 696–6209).

(l) Criminal investigation files. Requests involving criminal investigation files will be directed to the Commander, US Army Criminal Investigation Command, ATTN: CIJA, Second and R Streets, SW., Washington, DC 20318 (Telephone 693–0371 or 693–1695). Only the Commanding General, USACIDC, is authorized to release any CIDC-originated criminal investigation file.

(m) Personnel security investigation files. Requests involving personnel security investigative files will be directed to the Commander, US Army Intelligence Agency, ATTN: MIIA–PS–D, Fort Meade, MD 20756.

(n) Army records in Government records depositories.

(1) Noncurrent Army records are in the National Archives of the United States, Washington, DC 20408, in Federal Records Centers of the General Services Administration and in other records depositories. Requesters must write directly to the heads of these depositories for copies of such records.

(2) A list of the pertinent records depositories is published in Appendix A, AR 340–1. Selected records depositories of frequent interest to requesters are listed below.

Location: US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd., St. Louis, MO 63132.

Description of files maintained: Individual Official Military Personnel Folders of members of the USAR and retired officers (including retired reserve general officers); warrant officers, and enlisted personnel.

Individual Military Personnel Records Jackets (field "201" files) of members of the Individual Ready Reserve, Standby Reserve, and Retired Reserve.

Morning reports and personnel rosters for the last 3 years.

Reserve unit attendance files dating generally from 1951.

Administrative responsibility. The Adjutant General is responsible for the custody and administration of files maintained at the US Army Reserve Components Personnel and Administration Center.

Location. National Personnel Records Center (Military Records) 9700 Page Blvd., St. Louis, MO 63132.

Description of files maintained. Individual official military personnel records of completely separated Army personnel including deceased personnel.

Morning reports and personnel rosters over 3 years old.

Clinical, consultation service, out-patient, and dental records of active military personnel, retired military personnel and members of Reserve components on active duty for training not held by US Army medical facilities. These files were received prior to 1974.

Files of Army field commands. Retired files of elements of Army field commands (except Corps of Engineers field offices) and of decentralized elements of Headquarters, Department of the Army offices, dated generally 1951 through 1963.

Separated non-Federal National Guard 201 files.

Administrative responsibility. The Administrator of General Services is responsible for the custody and administration of files in the National Personnel Records Center.

Location. Washington National Records Center: Address for shipments mailed: Washington, DC 20409. Address for shipments by common carrier: 4205 Suitland Road, Suitland, MD 20409.

Description of files maintained. Records of activities. Records of activities in the District of Columbia, Maryland, Virginia, and West Virginia, dated generally 1955 through the present.

Offices of Headquarters, Department of the Army. Files of Headquarters, Department of the Army Offices located at seat of Government, exclusive of specialized files otherwise provided for in this appendix. These files are dated generally 1939 and later.

Army field commands and special Army activities in the field. These files are dated generally 1940 through 1950 and 1964 and later.

Administrative responsibility. The Administrator of General Services is responsible for the custody and administration of these files.

(o) Other requests. Information as to the proper location for directing requests involving records of the Department of the Army, not otherwise provided for in this appendix, may be obtained from HQDA (DAAG-AMR-S), Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20314, or be telephoning Area Code 202 693-1847, or 693-7830.

§ 518.18 Preservation of personal privacy of members of the Army.

(a) It is Department of the Army policy to safeguard the personal privacy of its present and former members. This policy shall be a prime consideration in the development and administration of personnel practices and procedures.

(b) Access to personal information from personnel, medical, or similar files relating to present and former members of the US Army will be limited to those organizations and individuals requiring such information to conduct the business of the Department of the Army or other elements of the Department of Defense; the business of other Federal, State or local agencies (including the legislative and judicial branches of government at all levels); and in such other instances where release is clearly required by the national interest.

(c) Military personnel and civilian employees of the Army may not release or otherwise disclose personal information from personnel, medical, or similar files relating to present and former members of the Army to nongovernmental organizations or individuals, whether commercial, nonprofit, or other, without previously obtaining the written consent of the individual concerned, except as specified in this regulation. Among the kinds of information which may not be released to nongovernmental organizations or individuals without the consent of the individual concerned are:

(1) Lists or compilations containing the names, addresses, or military occupational specialty identifications of present or former members of the Army (see AR 600-20 for additional restrictions on the release of rosters and lists; however, also see paragraph (d) below for guidance on release of addresses).

(2) Data from medical records, except as provided in AR 340-1 and this regulation.

(3) Aptitude test scores

(4) Similar information of a personal nature.

(d) The following guidelines are provided for use in considering requests for the address of an individual member or former member of the Army who is identified or named by the requester:

(1) Duty station address (military unit of assignment), unless classified, of a specified individual member will be furnished in response to any requests. A fee for the service may be charged in accordance with the schedule of charges in § 518.19, subject to the exemptions from charges prescribed therein.

(2) Requests for the home address of an individual will be considered to fall under the exemption from mandatory disclosure provided in § 518.14 of this regulation and 5 U.S.C. 552(b)(6). Such requests will be handled to accordance with § 518.8. Requests from auditors involving home address will be handled in accordance with AR 600-15 and 5 U.S.C. 552(a)(6).

(e) Unauthorized release (that is, release contrary to the provisions of this regulation) to private organizations or individuals of personal information from personnel, medical, or similar files relating to present and former members without the written consent of the individual concerned shall be considered a clearly unwarranted invasion of his personal privacy within the meaning of 5 U.S.C. 552(b)(6), as implemented by this regulation.

(f) Commanders will establish procedures to assure that all personnel who have access to military personnel records or names and addresses of service members (especially those members being separated from active service) are periodically informed that information from these records, lists of names and addresses, or individual home addresses (except as provided by (d)(2)) will not be released to unauthorized sources. Commanders will also assure that all allegations of unauthorized release are examined and, when appropriate, will direct that an investigation be made.

(g) The restrictions on access to personal information set forth in this regulation shall not be applicable to the individual concerned, to his properly authorized legal representatives, or to his next of kin whenever he is incapable for reasons of physical or mental health of governing his own affairs.

(h) To insure the privacy and confidentiality of communications concerning or between military personnel and members of the Congress of the United States, a member's personnel file shall not be coded, annotated, or otherwise marked to indicate that congressional interest has been generated by the member exercising his rights under 10 U.S.C. 1034 or expressed on his behalf.

(i) Voluntary release of data.

(1) Procedures may be developed by which individual members and former members of the Army may volunteer to authorize release of personal information for purposes of benefit to the members or former members concerned or to the national interest. Such purposes may include, but are not limited to, assistance to separating members in their transition to civilian life; other promotion of the welfare of Army personnel; cooperation in scholarly research efforts in the national interest; and other efforts by nongovernmental agencies to further the national interest.

(2) The written consent of the individuals concerned must be obtained prior to any such release of personal information to a nongovernmental agency. Development of procedures to obtain releases should be limited by the costs and resources involved in establishing and executing them, weighed against the anticipated benefits to the members or former members of the Army or to the national interest.

§ 518.19 Schedule of fees for search and duplication under the Freedom of Information Act Amendments Pub. L. 93-502.

Pursuant to the provisions of 5 U.S.C. 552, the following is the schedule of fees for search and duplication services rendered to the public by components of the Department of Defense except when those services are excluded or excepted as stated hereafter. The schedule of fees will become effective 19 February 1975.

SCHEDULE OF FEES DUPLICATION

PUBLICATION, FORMS AND REPORTS

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request	$2.00
Plus	
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

Examples: Cost of 20 forms, $3; cost of a printed publication consisting of 10 fiche, $2.60.

OFFICE COPY REPRODUCTION (WHEN SHELF STOCK IS NOT AVAILABLE)

Minimum charge up to six reproduced pages	2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

OTHER ISSUANCES

Minimum charge up to six pages	2.00
Each additional page	.05

SEARCH

Clerical search, per hour	6.50
Minimum charge	3.50

Professional search (includes computer programmer time), per hour 13.00
Minimum charge 10.00
Computer Service charges will be based on actual computer configuration used and be based on direct cost only of the Central Processing Unit plus Input/Output Devices plus Memory Capacity.

EXCEPTIONS

(a) In general, charges may be waived when:

(1) The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;

(2) Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program.

(3) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(b) A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the DOD component or his designee for purposes of final approval.

COLLECTIONS

(a) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. In the absence of such an agreement to pay required anticipated costs, the time for responding to a request begins to run upon receipt of payment.

(b) Collection of scheduled fees and charges will normally be deposited in Miscellaneous Receipts of the Treasury.

(c) Search fees are assessable even when no records responsive to the requests, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval.

(AR 340-17, 25 June 1973) (sec. 3012, 70A Stat. 157, (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552).)

Dated: January 24, 1975.

For the Adjutant General:

R. W. HAMPTON,
Colonel, AGC, Director of Administrative Management.

[FR Doc.75-5248 Filed 2-26-75;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 889—DESERTION AND UNAUTHORIZED ABSENTEEISM

Miscellaneous Amendments

These amendments to Part 889 add the requirement for notification of returned AWOL/DFR members at earliest possible date; include information concerning entitlement of eligible dependents to BAQ allowances; change title of "Report of Inquiry" to "Unit Commander's Inquiry"; add further guidance when member is under suspended sentence to punitive discharge; delete requirement for Personal Affairs Section of CBPO to counsel member concerning SGLI coverage; add guidance concerning the return of absentees and deserters to military control; and make other minor changes to update the part.

Part 889, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

1. Part 889 is amended by adding § 889.3a as follows:

§ 889.3a Return to military control.

This return may be effected as indicated in paragraphs (a- and (b) of this section.

(a) *Within the jurisdiction of the United States.* Absentees and deserters will be received at any military installation which is manned by active duty personnel. Immediate action will be taken to transfer an individual to the nearest installation of his branch of service having facilities to process absentees and deserters.

(b) *Outside the jurisdiction of the United States.* Military attaches or mission chiefs in foreign countries will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the individual in the country where assistance is requested.

(1) Normally, such deserters and absentees will be advised and assisted to report, at their own expense, to an appropriate U.S. military installation within the United States or overseas.

(2) Unless they are citizens of the country in which assistance is requested, absentees and deserters will be reported to the appropriate authorities of such foreign country with a view toward deportation.

(3) If the individual departs the foreign country or is deported, the military attache or mission chief will make arrangements, if possible, when such departure is known, to have the individual taken into custody upon his arrival within a territory where the U.S. military officers have authority to apprehend.

2. Section 889.6 is amended by adding paragraph (d) as follows:

§ 889.6 Deserter information system.

* * * * *

(d) Notification of returned AWOL/DFR members must be furnished to AFMPC/DPMAKE at the very earliest possible date in order to clear the NCIC files of the wanted notice. This is necessary to preclude apprehension of member after discharge has been effected. In the event a member is apprehended after discharge has been effected, such an incident could result in extreme embarrassment to the Air Force and other agencies concerned.

3. Section 889.7 paragraphs (a) (2) (ii) and (c) (ii) are amended by adding notes, (b) is revised, (d) and (e) are added as follows:

§ 889.7 Amplification of actions required.

* * * * *

(a) * * *
(2) * * *
(ii) * * *

NOTE.—At the time the commander notifies next of kin, the dependent (or his fiduciary or custodian), of the member's unauthorized absence, he shall advise the dependent, on behalf of whom BAQ may be claimed, of the right to apply for payment of BAQ, of the conditions under which payment may be made, and to whom to apply. If the member is in pay grade E-4 (four years or less service and below, advise the dependent that temporary financial relief can be provided if required, when the sponsor remains absent for more than 29 consecutive days. Such assistance is limited to the amount of BAQ to which the sponsor would be entitled as a member with dependents, for a maximum of two consecutive 30-day periods, providing the sponsor remains absent during the entire period. Advise the dependent to contact the Accounting and Finance Officer (AFO) which services the sponsor. Application must be made within three months after the commencement of the member's absence (Pub. L. 93-64, 87 Stat. 147).

* * * * *

(b) *Unit commander's inquiry.* The losing unit commander will prepare the inquiry, based on actions he has taken, and will include information as to whether member was pending administrative discharge or court-martial action prior to AWOL. Include duty status prior to AWOL. If leave, furnish leave address, or if reassigned, furnish gaining unit and delay en route leave address. If member has previously been AWOL/DFR, include dates and what disposition action was taken in each offense. The inquiry (original and copies) will be submitted to CBPO for distribution.

* * * * *

(c) * * *
(11) * * *

NOTE.—When the Field Record Group is not available, information required to complete DD Form 553 must be requested by message from AFMPC/DPMDRA, Randolph Air Force Base, Texas, with information copy to AFMPC/DPMAKE.

(d) *Status.* On the 31st, 60th, 90th, 120th, 150th, and 180th day of continued absence, unit commander will confirm status to AFMPC/DPMAKE, MAJCOM, and servicing CBPO (include any new information received relative to member's absence and actions taken toward his location and return to military control). On the 31st and 60th day include input from security police. Additional DD Forms 553 should be dispatched if information from the inquiry warrants.

(e) *Consolidation of Absentee's Field Record Group.* Member's Field Record Group will be withdrawn from active files and charge or reference sheet placed in the file to indicate where the record is filed and the date it was relocated. The record will be held and controlled by the servicing CBPO of unit of assignment and filed in a separate and safe location to preclude loss and permit filing action until the 180th day of continued absence (airmen) or as directed by the Secretary of the Air Force (officers). AF Forms 2098, correspondence relating to absence, and other applicable documents will be placed in the member's record pending disposition upon return to duty status or as directed by higher headquarters.

4. Section 889.8 is amended by revising paragraph (b) to read as follows:

§ 889.8 Transfer from civilian to military jurisdiction.

* * * * *

(b) The commander of the unit to which the individual was assigned prior to his unauthorized absence is responsible for completing the required action when report of arrest is received. Actions as outlined in AFM 39–12, Separation of Unsuitability, Unfitness or Misconduct; Resignation or Request for Discharge for the Good of the Service, and Procedures for the Rehabilitation Program, paragraph 2–23, apply when an absentee is serving a sentence to confinement imposed by a civil court. Actions as described in AFM 39–12, paragraph 2–32, apply when an absentee is reported to be in civil confinement and is not available for immediate return to military control. The commander is also responsible for lodging a detainer with civil authorities, and preparing AF Form 2098 to reflect the changed status. If member is under suspended sentence to punitive discharge which has been affirmed, General Court-Martial (GCM) authority should make a determination as to whether to:

(1) Vacate the suspension and execute the discharge; or

(2) Have member returned to military control for disposition of AWOL/DFR, or any other pending charges (see AFM 39–12, chapter 2).

§ 889.9 [Amended]

5. Section 889.9(g) is revoked.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-5247 Filed 2-26-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Michigan

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.440 governing the use, administration and navigation of the St. Marys Falls Canal and Locks is hereby amended with respect to paragraph (v) to permit transit of vessels of a length up to 767 feet through the MacArthur Lock for the period from date of publication in the FEDERAL REGISTER through April 5, 1975.

Section 207.440(v) provides for a limit on the size vessels that will be permitted to transit the MacArthur Lock chamber, and also specifies the type deck equipment required on certain transiting vessels as follows:

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width. Further, any vessel of greater length than 660 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

For a number of years the Department of the Army, acting through the Chief of Engineers has worked as the lead agency with other Federal agencies, state agencies, industry organizations and others in conducting an Extended Navigation Season Demonstration Program on the Great Lakes. A major element of Corps of Engineers participation has been to provide for lockage through the St. Marys Falls Locks during a period extending beyond the normal navigation season which is from 1 April to mid-December. Due to improved fleet operation techniques, increased structural stability of vessels and favorable weather, it has been possible to sail without interruption to date this winter.

A private fleet of eight vessels has been dedicated to continue operations throughout the winter provided the Government will continue to provide passage through the locks at the St. Marys Falls Canal. Two of the ships involved in the program are 767 ft. long and six others are less than 730 ft. long.

In the past this fleet has been accommodated at the Poc Lock chamber which is presently authorized to transit vessels up to 1,000 ft. in length. The Poc Lock must be closed for repairs from March 1, 1975 through April 6, 1975 to assure that it will be in condition for full operation during the spring through fall months. The only other lock in the St. Marys Falls complex capable of handling ships of the necessary draft is the MacArthur Lock whose chamber is 80 ft. wide by 870 ft. long measured from the upper gate to the lower downstream gate. However, the above cited 33 CFR 207.440(v), restricts the maximum size vessel in the MacArthur chamber to 730 ft. in length.

Maintenance of a channel through the ice is dependent in large measure on the number of vessels plying the channel and the vessel horsepower. As traffic declines, maintenance becomes progressively more difficult. The number of low horsepower vessels that can move is directly correlated to the number of high horsepower vessels available to lead the traffic. In the eight vessel dedicated fleet, only the two 767 ft. vessels are of sufficient horsepower to lead the traffic, so that it becomes essential to the continuation of the Demonstration Program that special arrangements be made to transit the 767 ft. vessels through the MacArthur chamber.

Since this amendment is only for a limited duration and is necessary to permit uninterrupted operation of the St. Marys Falls Canal Lock, notice of proposed rulemaking and public procedures thereto are considered unnecessary and impractical. Accordingly, the Department of the Army, acting through the Corps of Engineers is publishing the following amendment to 33 CFR 297.440.

Section 207.440 is amended by revising paragraph (v).

§ 207.440 St. Marys Falls Canal and Locks, Michigan; use, administration, and navigation.

* * * * *

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width; provided, however, that subject to a final decision by the Lock Master, vessels having an overall length up to a maximum of 767 feet will be permitted to transit the MacArthur Lock during the period 22 February 1975 through 5 April 1975 using special procedures to be posted at the lock. Further, any vessel of greater length than 660 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

[Regs., February 25, 1975] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.75-5398 Filed 2-26-75;9:06 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

SHIPPING AND NAVIGATION

Revision of Navigation Regulations: Engine-Revolution and Rudder-Angle Indicators, Side Wall Transits, Advance Radio Information

This document revises three Parts of Title 35 dealing with navigation in the Panama Canal and other waters of the Canal Zone.

The Panama Canal Company has found that, over the years, a contributing cause of many marine accidents and incidents nearly resulting in accidents in the Canal has been the failure of vessels to have properly operating engine-revolution and rudder-angle indicators so located as to be readily visible to pilots. The problem is most serious with regard to vessels with beams in excess of 80 feet, which pilots must necessarily conn during the critical portions of the transit from the wings of the bridge. Many of these large ships have indicators only in the wheelhouse. This revision will require all vessels over 150 feet in length to have the aforementioned indicators installed in the wheelhouse and vessels over 80 feet in beam to have them installed both in wheelhouse and on each bridge wing.

Current regulations permit small vessels of up to 125 feet in length to be handled through the Canal Locks with their own lines instead of towing locomotive cables. Experience has shown that some towboats of up to 150 feet in length are of sufficiently heavy construction and fendering to permit this same method of handling. This revision would thus allow such vessels to be handled in the locks with their own lines.

Vessels approaching the Panama Canal are required to report by radio, among other things, their estimated draft upon arrival. To insure that these reports are

uniform, this revision would specify that the draft figures reported be for Tropical Fresh Water.

The text of the amendments is set forth below.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

1. In Part 103, § 103.10 is revised to read as follows:

§ 103.10 Engine-revolution and rudder angle indicators.

(a) All vessels in excess of 150 feet in length shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(b) All vessels with beams in excess of 80 feet shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

2. In Part 109, § 109.7 is amended by revising paragraph (a)(1) to read as follows:

§ 109.7 Passing through locks; use of towing locomotives and ship's engines.

(a) * * *

(1) A small vessel up to 125 feet in length and a towboat up to 150 feet in length may be handled with their own manila, hemp or synthetic lines along the wall if their structure and fendering will permit their landing against the wall.

* * * * *

PART 123—RADIO COMMUNICATION

3. In Part 123, § 123.4 is amended to by revising paragraph (a) to read as follows:

§ 123.4 Same; information required.

(a) * * * CHARLIE—Estimated draft upon arrival, in feet and inches, fore and aft, in Tropical Fresh Water. * * *

* * * * *

Effective Date. These amendments become effective on February 15, 1975.

[2 C.Z.C. § 1331, 76A Stat. 46; 35 CFR 3.1 (a)(1).]

Dated: February 13, 1975.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.75-5170 Filed 2-26-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 603—FREEDOM OF INFORMATION ACT

Pursuant to recent amendments of section 552 of Title 5, United States Code, known as the Freedom of Information Act, the American Revolution Bicentennial Administration hereby adopts the following regulations effective upon publication in the FEDERAL REGISTER. Notwithstanding that the regulations are effective on February 27, 1975, due to the need for implementation of the amendments to the Freedom of Information Act which became effective on February 19, 1975, interested persons may submit written comments to the American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276, no later than March 31, 1975. All comments received in this manner will be evaluated and acted upon in the same manner as if this document were a proposal.

On February 3, 1975, the Administration published proposed regulations concerning schedule of fees and method of payment for services rendered (§ 603.105) for document search and duplication in response to requests under the above Act. Comments on such proposal were requested on or before March 5, 1975.

Chapter VI is amended by adding new Part 603 as follows:

Sec.
603.100 Purpose and scope.
603.101 Information policy.
603.102 Procedure for obtaining information.
603.103 Processing requests.
603.104 Publication of Current Indices.

AUTHORITY: Freedom of Information Act (5 U.S.C. 552), as amended, 88 Stat. 1561.

§ 603.100 Purpose and scope.

The purpose of the provisions of this Part is to provide procedures to implement the Freedom of Information Act, Title 5, United States Code, section 552, as amended November 21, 1974 (Pub. L. 93-502).

§ 603.101 Information policy.

Section 552 of Title 5, United States Code, as amended November 21, 1974, by Pub. L. 93-502 requires that upon request therefor, made in accordance with published rules and procedures, reasonably described agency records be promptly made available. Subsection (b) of section 552 exempts several categories of records from the general requirements but does not require the withholding from inspection or copying of all records which may fall within the categories exempted. Accordingly, no request to inspect or for copies of a record shall be denied unless the Deputy Administrator shall determine (a) that the record falls within one or more of the categories exempted and (b) either that disclosure is prohibited by statute or Executive Order or that sound ground exists which requires the invocation of the exemption.

§ 603.102 Procedure for obtaining information.

(a) All persons or organizations requesting any record of the Administration (or in the custody thereof) shall submit such request in writing to the Deputy Administrator, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276.

(b) All such requests shall be clearly and prominently marked, both on the envelope and on the face of the request, with the legend "Freedom of Information Request."

(c) If a request does not comply with the provisions of the preceding subparagraphs, it shall not be deemed received by the Administration until the time it is actually received by the Deputy Administrator. On receipt by the Deputy Administrator of an improperly marked or addressed request, the requestor shall be notified of the date on which the time period set forth in 5 U.S.C. 552(a)6(A)(i) commenced to run.

§ 603.103 Processing requests.

(a) The Deputy Administrator shall respond promptly to all requests to examine or for copies of records which are submitted in accordance with this regulation.

(b) A request that is expected to involve assessed fees in excess of $25.00 will not be deemed to have been received until the requestor is advised of the anticipated cost and agrees to bear it.

(c) A determination by the Deputy Administrator shall be made within 10 days (expecting Saturdays, Sundays and legal public holidays) after receipt of any such request whether to comply with such request and he shall immediately notify the person making such request of such determination and the reasons therefor, and the right of such person to appeal to the Administrator of the American Revolution Bicentennial Administration any adverse determination.

(d) Whenever any request to examine or for a copy of any record is denied by the Deputy Administrator in whole or in part, an appeal may be filed with the Administrator within 30 days (excepting Saturdays, Sundays and legal public holidays) after the requestor receives notification that the request has been denied.

(e) Appeals shall be in writing and shall be clearly and prominently marked both on the envelope and on the face of the appeal "Freedom of Information Appeal." On receipt by the Administrator of an improperly marked or addressed appeal, the appellant shall be notified of the date on which the time period set forth in 5 U.S.C. 552(a)6(A)(ii) commenced to run.

(f) A determination by the Administrator with respect to any appeal shall be made within 20 days (excepting Saturdays, Sundays and legal public holidays) after receipt of such appeal. If on appeal, the denial of the request for records is in whole or in part upheld, the Administrator shall notify the person making such request of the provisions for judicial review of that determination pursuant to the Freedom of Information Act.

(g) In unusual circumstances as specified herein, the time limit prescribed in § 603.103 (c) and (f) may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. While more than one extension can be invoked, no such notice shall specify a date that would result in an extension

for more than 10 working days in the aggregate.

(h) As used herein, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of a particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which should be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the Administration having substantial subject-matter interest therein.

§ 603.104 Publication of current indices.

The American Revolution Bicentennial Administration has determined that periodic publication in the FEDERAL REGISTER of current indexes of any matter issued, adopted or promulgated after 1967 would be unnecessary and impractical due to the limited function and duration of the ARBA which terminates on June 30, 1977, or on the date of a final report to Congress, whichever is sooner.

JOHN W. WARNER,
Administrator.

FEBRUARY 21, 1975.

[FR Doc.75-5239 Filed 2-26-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 339-1]

PART 35—STATE AND LOCAL ASSISTANCE

Amendment to Final Construction Grant Regulations

The Environmental Protection Agency hereby amends regulations published February 11, 1974 (39 FR 5252), as amended, for the program of construction grants for waste treatment works to include an additional allotment of sums previously withheld from allotment, in compliance with the decision of the U.S. Supreme Court in *Russell E. Train vs. City of New York*, No. 73-1377, February 18, 1975. In that case, the court affirmed a lower court decision requiring the allotment of certain sums which were authorized for construction grants but which had been withheld pursuant to Presidential directive. The withheld sums amounted to $3 billion for each of the Fiscal Years 1973, 1974 and 1975.

By amendments published February 5, 1975 (40 FR 5363), the Environmental Protection Agency made an allotment of $4 billion from withheld sums. This amount represented a substantial portion of sums withheld from Fiscal Year 1973 and 1974 allotments. The amendments below revise the latest allotment to a total of $9 billion, which represents all sums previously withheld from allotments for Fiscal Years 1973, 1974 and 1975. Thus, all $18 billion authorized by section 207 of the Federal Water Pollution Control Act, as amended, has been allotted among the States on the basis of the allotment formulae applicable to the authorized sums.

Sections 35.910-3 and 35.910-4 of the regulations, as amended, set forth the basis for and amounts of construction grant sums allotted among the States for Fiscal Years 1973, 1974 and 1975. The amendment below adds a § 35.910-5 setting forth similar information concerning the $9 billion herein allotted.

Two-thirds of the funds hereby allotted represent sums which were withheld from previous allotments for Fiscal Years 1973 and 1974. Therefore, these funds—$6 billion—are allotted on the basis of Table III of House Public Works Committee Print No. 92-50, which was used as the basis for the Fiscal Year 1973 and 1974 allotments. The remaining one-third of the funds hereby allotted represent sums which were withheld from the allotment for Fiscal Year 1975. Therefore, these funds—$3 billion—are allotted on the basis of the requirements of Pub. L. 93-243 (that is, based 50 percent on the ratios of Table I and 50 percent on the ratios of Table II of House Public Works Committee Print No. 92-28), which was used as the basis for the Fiscal Year 1975 allotments, adjusted to reflect differences arising from the application of the statutory formula to the total authorized $7 billion. (Such adjustments were required only for North Dakota and South Dakota).

The sums hereby allotted are available for obligation immediately and will remain available to each State through September 30, 1977, in order to make them available for approximately the same period of time originally contemplated by the statute. The cut-off date of September 30, 1977, was chosen in order to rationalize the reallotment requirements of the regulations with the end of the fiscal year newly established by title V of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Funds remaining unobligated at the end of this allotment period will be reallotted by the Administrator pursuant to § 35.910-2 of the regulations. Projects initially funded from this additional allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201 (g)(2).

This amendment also reflects the fact that no reallotment of Fiscal Year 1973 funds was necessary after June 30, 1974, inasmuch as each State fully exhausted its Fiscal Year 1973 allotment on or before that date.

Effective date. This amendment shall be effective on February 27, 1975, in order to comply with the order of Judge Oliver Gasch of the U.S. District Court for the District of Columbia, affirmed by the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Supreme Court, that certain previously "impounded" sums of construction grant funds be immediately allotted.

Dated: February 24, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 35 is amended as follows:

§ 35.910 [Amended]

Paragraph (d) of § 35.910-3, which was added by amendment dated February 5, 1975 (40 FR 5363), continues in effect, and reads as follows:

(d) No reallotment of sums allotted for Fiscal Year 1973 was made after June 30, 1974, inasmuch as each State had fully exhausted its Fiscal Year 1973 allotment on or before June 30, 1974, in accordance with section 205(b) of the Act.

§ 35.910-5, which was added by amendment dated February 5, 1975 (40 FR 5363), is amended to read as follows:

§ 35.910-5 Additional allotments of previously withheld sums.

(a) Effective immediately, a total sum of $9 billion is allotted from sums authorized, but initially unallotted, for Fiscal Years 1973, 1974 and 1975. This additional allotment shall be available for obligation through September 30, 1977, before reallotment of unobligated sums pursuant to § 35.910-2.

(b) Two-thirds of the sum hereby allotted ($6 billion) represents the initially unallotted portion of the amounts authorized for Fiscal Years 1973 and 1974. Therefore, the portion of the additional allotments derived from this sum were computed by applying the percentages set forth in § 35.910-3(b) to the total sums authorized for Fiscal Years 1973 and 1974 ($11 billion) and subtracting the previously allotted sums, set forth in § 35.910-3(c).

(c) One-third of the sum hereby allotted ($3 billion) represents the initially unallotted portion of the amounts authorized for Fiscal Year 1975. Therefore, the portion of the additional allotments derived from this sum were computed in a three-step process: first, by applying the percentages set forth in § 35.910-4(b) to the total sums authorized for Fiscal Year 1975 ($7 billion); then, by making adjustments necessary to assure that no State's allotment of such sums fell below its Fiscal Year 1972 allotment, pursuant to Pub. L. 93-243; and, finally, by subtracting the previously allotted sums set forth in § 35.910-4(c).

(d) Based upon the computations set forth in paragraphs (b) and (c) of this section, the total additional sums hereby allotted to the States are as follows:

Alabama	$43,975,950
Alaska	25,250,500
Arizona	18,833,450
Arkansas	39,822,700
California	945,776,800
Colorado	43,113,300
Connecticut	155,091,800

Delaware	56,394,900
District of Columbia	72,492,000
Florida	345,870,100
Georgia	117,772,800
Hawaii	51,903,300
Idaho	19,219,100
Illinois	571,698,400
Indiana	251,631,800
Iowa	100,044,900
Kansas	53,794,200
Kentucky	90,430,800
Louisiana	71,712,250
Maine	78,495,200
Maryland	297,705,300
Massachusetts	295,809,100
Michigan	625,991,900
Minnesota	172,024,500
Mississippi	38,735,200
Missouri	157,471,200
Montana	12,378,200
Nebraska	38,539,500
Nevada	31,839,800
New Hampshire	77,199,350
New Jersey	660,830,500
New Mexico	15,054,900
New York	1,046,103,500
North Carolina	101,345,000
North Dakota	2,802,000
Ohio	497,227,400
Oklahoma	64,298,700
Oregon	77,582,900
Pennsylvania	498,984,900
Rhode Island	45,599,600
South Carolina	82,341,900
South Dakota	5,688,000
Tennessee	107,351,400
Texas	174,969,850
Utah	21,376,500
Vermont	22,506,600
Virginia	251,809,000
Washington	103,915,600
West Virginia	59,419,900
Wisconsin	145,327,400
Wyoming	2,930,650
Guam	6,399,200
Puerto Rico	84,910,500
Virgin Islands	7,794,800
American Samoa	738,200
Trust Territory of Pacific	2,672,800
Total	$9,000,000,000

[FR Doc.75-5288 Filed 2-26-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on February 27, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, T in Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1975, thru December 31, 1975, in areas designated on Map I and III; and from March 15, 1975 thru September 30, 1975, daylight only, in areas designated on Map II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 Causeway, during daylight hours from January 1, 1975 thru December 31, 1975. *Boat fishing* only is permitted between Wolf Creek Road west to the closed portion boundary line (Carterville Road) from January 1, 1975 thru December 31, 1975.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and on Little Grassy Lake.

(3) Snagging for carp, buffalo, freshwater drum, paddle fish, bowfin, gar and carpsucker is permitted 400 yards downstream from the Crab Orchard Lake Spillway. Fishermen are limited to one (1) pole and line device, with no more than two (2) hooks, which must measure at least ½-inch from hook tip to shank.

(4) Jug fishing in the closed portion of the refuge as shown on Map II, east of Wolf Creek Road is authorized from March 15 thru September 30. Jugs may be left in the lake overnight. Personnel *are not* authorized in the area during the hours of darkness. Jug fishing in the open portion of the refuge as shown on Map I, west of the boundary (Carterville Road) is authorized both day and night. Between May 26, 1975 and September 1, 1975 jug fishing is authorized from sunset to sunrise. Jugs must be removed from the lake at sunrise during this period. In the area from Wolf Creek Road west to the closed portion of the refuge boundary (Carterville Road) jug fishing is permitted from January 1, 1975 thru December 31, 1975.

(5) Floating trot lines are not allowed in the open portion of the refuge west of the boundary (Carterville Road) during the hours of daylight from May 26, 1975 thru September 1, 1975.

(6) Fishing in designated ponds in the closed portion of the refuge is authorized from March 15, 1975 thru September 30, 1975 during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through December 31, 1975.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

FEBRUARY 19, 1975.

[FR Doc.75-5256 Filed 2-26-75;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

SEPARATE LIMITATION ON FOREIGN TAX CREDIT IN CASE OF DIVIDENDS FROM A DISC OR FORMER DISC

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 31, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 31, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to section 904(f) of the Internal Revenue Code of 1954, as amended by section 502(b)(2) of the Revenue Act of 1971 (85 Stat. 549), relating to the separate limitation on the foreign tax credit in the case of certain dividends received from a DISC or former DISC. The amendments apply for taxable years ending after December 31, 1971.

Section 901(d) of the Code, as amended by section 502(b)(1) of the Act, provides that dividends from a DISC or former DISC (section 904(f) dividends) are treated as dividends from a foreign corporation for purposes of the foreign tax credit to the extent that the dividends are treated as income from foreign sources under the source rules of sections 861 to 863 of the Code. Sections 861(a)(2)(D) and 862(a)(2) provide that such dividends are from foreign sources to the extent they are attributable to certain qualified export receipts described in section 993(a)(1). The general impact of these amendments is to permit a shareholder of a DISC or former DISC a foreign tax credit for the foreign income taxes paid, accrued, or deemed to be paid under section 902 of the Code, by the shareholder with respect to such dividends.

Section 904(f)(1) provided that, in determining the limitation upon such credit under section 904, the limitation is to be determined separately with respect to such dividends and separately with respect to other income. Section 904(f)(3) provides that the overall limitation under section 904(a)(2) is not to apply with respect to the dividends, and section 904(f)(5) provides that the per-country limitation under section 904(a)(1) is to be applied to the aggregate of all such dividends from a DISC or former DISC. Section 1.902-4 of the Income Tax Regulations now provides that a DISC or former DISC shall not be treated as a less developed country corporation for purposes of section 902. Thus, the dividends here involved are required to be grossed up under section 78 of the Code.

An analysis of the statutory changes reveals that the same substantive result as was intended can be accomplished more simply by determining the separate limitation on these dividends in the same manner as the overall limitation under section 904(a)(2). In this way the separate limitation will be applied to the aggregate of the dividends from sources without the United States without going through the charade of treating the aggregate of the dividends and the applicable gross-up under section 78 as being derived from a fictional foreign country and the foreign income taxes as being paid or deemed paid to a fictional foreign country. Accordingly, the proposed amendments included in this document are modeled generally after the Income Tax Regulations under § 1.904-4 relating to section 904(f) interest, except for necessary changes required because of determining the separate limitation on the section 904(f) dividends in the same manner as the overall limitation.

The proposed amendments provide a definition of the types of income included as section 904(f) dividends, general rules for the carryback and carryforward of unused foreign tax with respect to section 904(f) dividends, and examples illustrating the application of the principles of the new provisions. It is also made clear that any carryback under section 904(d) of any unused foreign tax with respect to such dividends may not be carried to a taxable year ending on or before December 31, 1971. A number of technical amendments are also made in § 1.904-4, relating to separate limitation on section 904(f) interest. Also, a technical amendment of § 1.902-3 is provided in order to correct an inadvertent deletion made by T.D. 7294, as published in the FEDERAL REGISTER for November 30, 1973 (38 FR 33073).

In view of the foregoing considerations, the Income Tax Regulations are hereby amended as set forth below.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.78-1 is amended by revising paragraph (f) to read as follows:

§ 1.78-1 Dividends received from certain foreign corporations by certain domestic corporations choosing the foreign tax credit.

* * * * *

(f) *Illustrations.* The application of section may be illustrated by the examples provided in § 1.902-3, § 1.904-5, § 1.960-3, § 1.960-4, and § 1.963-4.

Par. 2. Section 1.902-3 is amended by revising paragraph (a)(1) to read as follows:

§ 1.902-3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* If a domestic shareholder (meaning for purposes of section 902 a domestic corporation owning at least 10 percent of the voting stock of a foreign corporation, such foreign corporation for purposes of section 902 being referred to as a first-tier corporation) receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations prescribed in paragraphs (a)(4) through (8) of this section, the foreign income taxes deemed, in accordance with paragraphs (a)(2) and (3) of this section, to be paid by such

domestic shareholder for such year. For purposes of this section, § 1.902–4, and § 1.902–5, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States. For purposes of this section and § 1.902–4, a DISC or former DISC shall be treated as if it were a foreign corporation, but only with respect to dividends from the DISC or former DISC to the extent such dividends are treated under sections 861 (a) (2) (D) and 862(a) (2) as income from sources without the United States. For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901–3.

* * * * *

Par. 3. Section 1.904 is amended by revising the heading of paragraph (f) of section 904, by revising paragraph (1) of section 904(f), by revising paragraph (3) of section 904(f), by adding new paragraph (5) to section 904(f), and by revising the historical note, as follows:

§ 1.904 Statutory provisions; limitation on credit.

Sec. 904 *Limitation on credit.* * * *

(f) *Application of section in case of certain interest income and dividends from a DISC or former DISC*—(1) *In general.* The provisions of subsections (a), (c), (d), and (e) of this section shall be applied separately with respect to each of the following items of income—

(A) The interest income described in paragraph (2),

(B) Dividends from a DISC or former DISC (as defined in section 992(a)) to the extent such dividends are treated as income from sources without the United States, and

(C) Income other than the interest income described in paragraph (2) and dividends described in subparagraph (b).

* * * * *

(3) *Overall limitation not to apply.* The limitation provided by subsection (a) (2) shall not apply with respect to the interest income described in paragraph (2) or to dividends described in paragraph (1) (B). The Secretary or his delegate shall by regulations prescribe the manner of application of subsection (e) with respect to cases in which the limitation provided by subsection (a) (2) applies with respect to income described in paragraph (1) (B) and (C).

* * * * *

(5) *DISC dividends aggregated for purposes of per-country limitation.* In the case of a taxpayer who for the taxable year has dividends described in paragraph (1) (B) from more than one corporation, the limitation provided by subsection (a) (1) shall be applied with respect to the aggregate of such dividends.

* * * * *

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Pub. L. 86–780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234(b)(6), Rev. Act 1964 (76 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570); sec. 506(b), Tax Reform Act 1969 (83 Stat. 635); sec. 502(b)(2), (3), and (4), Rev. Act 1971 (85 Stat. 549)]

Par. 4. Section 1.904–1 is amended by revising paragraphs (a) (1) and (b) (1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a) (2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a) (1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason section 904 (d) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the per-country limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

* * * * *

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a) (2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the overall limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

* * * * *

Par. 5. Section 1.904–2 is amended by revising paragraph (a) to read as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d). For special rules regarding the application of section 904(d) and this section in the case of taxes paid or accrued with respect to section 904(f) interest see section 904(f) and § 1.904–4. For special rules regarding the application of section 904(d) and this section in the case of taxes paid, accrued, or deemed to be paid with respect to section 904(f) dividends see section 904(f) and § 1.904–5.

* * * * *

Par. 6. Section 1.904–3 is amended by revising paragraph (e) to read as follows:

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

* * * * *

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section. Where applicable, appropriate adjustments shall be made to take into account the fact that, for any taxable year involved in the computation of the carryback or the carryover, either spouse has interest income described in section 904(f) (2) with respect to which the provisions of section 904(f) and § 1.904–4 apply, or dividends described in section 904(f) (1) (B) with respect to which the provisions of section 904(f) and § 1.904–5 apply.

* * * * *

Par. 7. Section 1.904–4 is amended by revising the heading and paragraph (a) (1), by redesignating subparagraphs (3), (4), and (5) of paragraph (a) as subparagraphs (4), (5), and (6), by adding a new subparagraph (3) to paragraph (a), by revising paragraph (d) (1), by revising the introductory material in examples (5) and (6) in paragraph (e) (1) (iv), by revising paragraph (e) (2) (i) (*b*), and by revising the introductory material in example (3) in paragraph (e) (2) (iii), as follows:

§ 1.904–4 Separate limitation for section 904(f) interest.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years beginning after October 16, 1962, but only with respect to interest resulting from transactions consummated after April 2, 1962, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(*a*) Section 904(f) interest (as defined in paragraph (a)(2) of this section), and

(*b*) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and paragraph (d) of § 1.904–1 for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner shall be applied separately with respect to his taxable income from sources within that country or possession which is attributable to the section 904(f) interest.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to the other income, and, in addition, a separate limitation computed in the same manner as the per-country limitation prescribed in section 904(a)(1) shall be applied separately with respect to the taxpayer's taxable income from sources within each foreign country or possession of the United States which is attributable to the section 904(f) interest from sources within that country or possession.

(v) For purposes of this subparagraph, the separate limitation with respect to section 904(f) interest from sources within a foreign country or possession of the United States shall be applied only to the taxes paid or accrued to such country or possession with respect to such interest, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such separate limitation.

(vi) In no case may the overall limitation prescribed in section 904(a)(2) be applied with respect to section 904(f) interest or with respect to foreign income taxes paid or accrued with respect to such interest.

(vii) For special rules for determining the separate limitation for section 904(f) dividends, which is determined independently of the separate limitation for section 904(f) interest, see § 1.904–5.

* * * * *

(3) *Other income defined.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) interest (as defined in paragraph (a)(2) of this section) and other than section 904(f) dividends (as defined in section 904(f)(1)(B) and § 1.904–5(a)(2)).

* * * * *

(d) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) interest*—(1) *Modifications in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (e) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) interest for any taxable year, means, with respect to a particular foreign country or possession of the United States, the excess of—

(*a*) The income, war profits, and excess profits taxes paid or accrued in such year to such foreign country or possession with respect to such interest, as determined under subparagraph (2) of this paragraph, over

(*b*) The separate limitation for such year with respect to such interest.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904–2(b)(2) (i) or (ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(i).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such other taxable year, or

(*b*) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904–2(c) (1) or (2), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(ii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year in the case of that foreign country or possession with respect to section 904(f) interest exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year with respect to section 904(f) interest, and

(*b*) The portion of the unused foreign tax with respect to section 904(f) interest, in the case of such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under paragraph (b)(ii) of this section.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904–2(c), (1)(ii) or (2)(ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this section—

(*a*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(*b*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(*c*) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) interest applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this subparagraph—

(*a*) No portion of an unused foreign tax with respect to section 904(f) interest for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(*b*) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) interest, and

(*c*) If an unused foreign tax with respect to section 904(f) interest for any

taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this subdivision (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1963, 1964, and 1965, in each of which years it chooses the benefits of section 901. For 1965 D has an unused foreign tax of $100 with respect to section 904(f) interest. For 1963 D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1965 consists only of income taxes imposed on section 904(f) interest and an excess limitation does not exist with respect to such taxes for 1963, the unused foreign tax for 1965 shall not be deemed paid or accrued under section 904(d) in 1963.

* * * * *

(e) *Transitional rules for carrybacks and carryovers with respect to pre-1962 years*—(1) *Carrybacks to years before Revenue Act of 1962.* * * *

(iv) * * *

Example (5). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. N chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation, which, with the Commissioner's consent, is revoked for 1966. N has section 904(f) interest only from foreign country X for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

* * * * *

Example (6). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below, B chooses the benefits of section 901 and elects the overall limitation. B has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows, after taking into account the prohibition provided in subdivision (iii) of this subparagraph against the apportionment of the unused foreign tax for 1964:

* * * * *

(2) *Carryover to years after Revenue Act of 1962.* (i) * * *

(b) With respect to other income, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to other income bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year.

* * * * *

(iii) * * *

Example (3). C, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962 and chooses the benefits of section 901 for each of the taxable years set forth below. For 1962, C uses the per-country limitation and in 1963 elects the overall limitation. C's only section 904(f) interest income for the years indicated is from foreign country X. Based upon the taxes actually paid for each of the taxable years with respect to other income, and the taxes paid to country X with respect to the section 904(f) interest, no unused foreign tax is deemed paid under section 904(d), determined as follows:

* * * * *

Par. 8. The following new section is added immediately after § 1.904–4:

§ 1.904–5 Separate limitation for section 904(f) dividends.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years ending after December 31, 1971, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(A) Section 904(f) dividends (as defined in section 904(f)(1)(B) and paragraph (a)(2) of this section), and

(B) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and § 1.904–1(d) for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner as the overall limitation prescribed in section 904(a)(2) shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied separately with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to other income, and, in addition, a separate limitation computed in the same manner shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(v) For purposes of this paragraph, the separate limitation with respect to section 904(f) dividends from sources without the United States shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to such dividends, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such limitation. In the case of a taxpayer who for the taxable year has section 904(f) dividends from more than one corporation, the separate limitation shall be applied with respect to the aggregate of such dividends.

(vi) In no case may the per-country limitation prescribed in section 904(a)(1) be applied with respect to section 904(f) dividends or with respect to foreign income taxes paid, accrued, or deemed to have been paid with respect to such dividends.

(vii) For special rules for determining the separate limitation for section 904(f) interest, which is determined independently of the separate limitation for section 904(f) dividends, see § 1.904–4.

(2) *Section 904(f) dividends defined.* For purposes of this section, section 904(f) dividends shall be all income of the taxpayer for the taxable year consisting of dividends from a DISC or former DISC (as defined in section 992(a)(1) or (3), as the case may be) to the extent such dividends are treated under sections 861(a)(2)(D) and 862(a)(2), and the regulations thereunder, as income from sources without the United States.

(3) *Other income.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) dividends (as defined in paragraph (a)(2) of this section) and other than section 904(f) interest (as defined in section 904(f)(2) and § 1.904–4(a)(2)).

(b) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) dividends*—(1) *Modification in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (b)(3) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) dividends for any taxable year, means the excess of—

(A) The income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)), as determined under paragraph (b)(2) of this section, in such year to all foreign countries and possessions of the United States with respect to such dividends, over

(B) The separate limitation for such year with respect to such dividends.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904–2(b)(2) (i) or (ii), whichever applies, without taking

into account any amounts used in applying (A) and (B) of paragraph (b) (i).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) dividends which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(A) the portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such taxable year, or

(B) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904–2(c) (1) or (2), whichever applies, without taking into account any amounts used in applying (A) and (B) of this paragraph (b)(ii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) dividends for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to section 904(f) dividends exceeds the sum of—

(A) The income, war profits, and excess profits taxes actually paid or accrued to all foreign countries and possessions of the United States in the excess limitation year with respect to section 904(f) dividends,

(B) The income, war profits, and excess profits taxes deemed paid or accrued other than by reason of section 904(d) in such year to all foreign countries and possessions of the United States with respect to section 904(f) dividends, and

(C) The portion of the unused foreign tax with respect to section 904(f) dividends, for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904–2 (c) (1)(ii) or (2)(ii), whichever applies, without taking into acount any amounts used in applying (A), (B), and (C) of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2 (c), but subject to the limitations of this subparagraph—

(A) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(B) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(C) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) dividends applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this paragraph—

(A) No portion of an unused foreign tax with respect to section 904(f) dividends for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(B) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) dividends, and

(C) If an unused foreign tax with respect to section 904(f) dividends for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this paragraph (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1973, 1974, and 1975, in each of which years it chooses the benefits of section 901. For 1975, D has an unused foreign tax of $100 with respect to section 904(f) dividends. For 1973, D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1975 consists only of income taxes paid, accrued, or deemed paid with respect to section 904(f) dividends and an excess limitation does not exist for 1973 with respect to section 904(f) dividends, the unused foreign tax for 1975 may not be deemed paid or accrued in 1973 under section 904(d).

(2) *Amount of taxes with respect to section 904(f) dividends*—(i) *In general.* Except as provided in paragraph (b)(2)(ii) of this section, the amount of taxes paid or accrued with respect to section 904(f) dividends includes primarily the amount of foreign income taxes which a shareholder of a DISC or former DISC is deemed to have paid under section 902(a) on receipt of section 904(f) dividends from the accumulated profits of such corporation. Thus, it includes the portion determined under section 902(a) of the income, war profits, or excess profits taxes paid, or deemed under section 902(b) to be paid, by the DISC or former DISC to any foreign country or possession of the United States on or with respect to the accumulated profits of such corporation from which the section 904(f) dividends are paid, or deemed paid under section 995(b)(1)(D) or (E) or section 995(c). See § 1.995–1(b) for amounts treated as being received for purposes of this subdivision. However, it also includes foreign income taxes, if any, actually paid or accrued to any foreign country or possession of the United States by the shareholder with respect to section 904(f) dividends from such corporation.

(ii) *Taxes not specifically allocable to dividends.* If a taxpayer has paid or accrued for a taxable year an amount of foreign income taxes with respect to income which consists only in part of section 904(f) dividends, but such taxes cannot be specifically allocated to the section 904(f) dividends, the amount of such taxes which is to be taken into account for purposes of paragraph (b)(2)(i) of this section is that amount which bears the same ratio to the total of such foreign income taxes as the net section 904(f) dividends bear to the total net amount of such income. For purposes of such apportionment the net section 904(f) dividends and the total net income are to be determined by deducting any credits, expenses, losses, and other deductions which are properly allocable to the gross amount of such income under the law of the foreign country or possession of the United States to which the foreign income taxes have been paid or accrued. If the taxpayer determines that because of the facts and circumstances in a particular case the application of the two preceding sentences does not result in a proper allocation of the foreign income taxes to the section 904(f) dividends, he may make such other reasonable allocation as will, in the opinion of the district director, more clearly reflect the proper allocation of the foreign income taxes to the section 904(f) dividends. For purposes of this section, the term "foreign income taxes" means income, war profits, and excess profits, taxes and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(3) *Transitional rules for carrybacks and carryovers with respect to pre-1971 years*—(i) *Carryovers to years ending after December 31, 1971.* Where, under the provisions of section 904(d), taxes paid, accrued, or deemed to be paid to any foreign country or possession of the United States in any taxable year ending on or before December 31, 1971, are deemed paid or accrued in one or more taxable years ending after December 31, 1971, no amount of such taxes shall be deemed paid or accrued in any such taxable year with respect to section 904(f) dividends.

(ii) *Carrybacks to years ending on or before December 31, 1971.* In applying the provisions of section 904(d) and § 1.904–2(b) to taxes paid, accrued, or deemed to be paid to any foreign country

or possession of the United States with respect to section 904(f) dividends in any taxable year ending after December 31, 1971, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year ending on or before December 31, 1971. Thus, no portion of the unused foreign tax with respect to section 904(f) dividends, as determined under paragraph (b)(1)(i) of this section, for any taxable year ending after December 31, 1971, shall be absorbed as taxes deemed paid or accrued in any taxable year ending on or before December 31, 1971.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Domestic corporation M, a calendar year taxpayer to which the per-country limitation under section 904(a)(1) applies, in 1973 receives a dividend of $50,000 from corporation N, which is a DISC, and a dividend of $150,000 from corporation P, which is a DISC. Under § 1.902-4(a), both N and P are treated as foreign corporations which are not less developed country corporations. Of the dividend from N, $40,000 is a section 904(f) dividend under paragraph (a)(2) of this section; and of the dividend from P, $140,000 is a section 904(f) dividend. In addition, M receives $30,000 of section 904(f) interest (as defined in § 1.904-4(a)(2)) from sources in foreign country X and $300,000 of other income, consisting of $100,000 from sources in country X and $200,000 from sources in foreign country Y. M has no other income (or loss) from sources without the United States in 1973 and has total taxable income from all sources of $2 million. M pays income taxes for 1973 to country X of $3,000 with respect to section 904(f) interest and $35,000 with respect to other income; and $100,000 income tax to country Y. It is assumed that the foreign income taxes deemed paid by M under section 902(a)(1) with respect to the section 904(f) dividends from N are $10,000 and that the foreign income taxes deemed paid by M under section 902(a)(1) with respect to the section 904(f) dividends from P are $35,000. Thus, the total foreign income taxes paid or deemed to be paid by M for 1973 amount to $183,000. M's U.S. tax (before foreign tax credit) is assumed to be $960,000. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(1) with respect to other income:	
Country X ($960,000 x $100,000/$2,000,000)	48,000
Country Y ($960,000 x $200,000/$2,000,000)	96,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,400)	3,000
Country X tax on other income ($35,000 tax but not to exceed limitation of $48,000)	35,000
Country Y tax on other income ($100,000 tax but not to exceed limitation of $96,000)	96,000
Total allowable credit	$179,000

Example (2). The facts are the same as in example (1) except that M elects the overall limitation under section 904(a)(2) for 1973. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(2) with regard to other income:	
($960,000 x $300,000/$2,000,000	144,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,000)	3,000
Foreign income tax on other income ($135,000 taxes but not to exceed limitation of $144,000)	135,000
Total allowable credit	183,000

Example (3). Domestic corporation M, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1970. For each of the taxable years set forth below M chooses the benefits of section 901 and elects the overall limitation under section 904(a)(2). M has section 904(f) dividends only from DISC corporations N and P for each of the years 1972 to 1975. Based upon the taxes deemed paid under section 902(a)(1) with respect to section 904(f) dividends for each of the years involved, and the foreign income taxes paid with respect to the other income from sources without the United States, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1970	1971	1972	1973	1974	1975
Sec. 904(f) dividends from:						
Corporation N			30	100	80	90
Corporation P			40	.....	60	80
Taxes deemed paid under sec. 902(a)(1) with respect to dividends from:						
Corporation N			20	110	90	100
Corporation P			10	.....	10	90
Total sec. 904(f) dividends (including sec. 78 gross-up)			100	210	240	360
Separate limitation with respect to sec. 904(f) dividends			50	105	120	180
Overall limitation with respect to other income	250	350	450	245	630	820
Taxes actually paid with respect to other income	260	310	460	240	650	800
Unused foreign tax with respect to:						
Sec. 904(f) dividends				5	.....	10
Other income	10	.....	10	.....	20	.....
Excess limitation with respect to:						
Sec. 904(f) dividends			20	.....	20	.....
Other income		40	.....	5	.....	20
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to:						
Sec. 904(f) dividends and carried:						
From 1973			5	.....	.....	.....
From 1975			.....	.....	10	.....
Other income and carried:						
From 1970		10	.....	.....	.....	.....
From 1972		10	.....	.....	.....	.....
From 1974			.....	5	.....	15

[FR Doc.75-5091 Filed 2-26-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 59]

EGGS AND EGG PRODUCTS

Proposed Inspection Exemptions

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the regulations governing the inspection of eggs and egg products (7 CFR Part 59) under authority contained in the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056).

Statement of Considerations. The Egg Products Inspection Act authorizes the Secretary to exempt the sale of eggs by any poultry producer from his own flocks directly to a household consumer. Current regulations under the Act limit such sales to those occurring at the site of production or on a door-to-door retail route. Amendments being proposed would broaden this exemption to include the sale of eggs by producers from their own

flocks directly to household consumers at an established place of business away from the site of production, provided such outlets are owned and managed by the producer and provided further that such eggs move directly from the producer to the retail premises. Experience in administering the producer exemption granted under the Act indicates that this broadening of the exemption is reasonable in that it would tend to mitigate certain economic losses incurred by some producers by providing them more flexibility in the sale of their eggs without posing any health problems sought to be resolved by the Act. The broadened exemption will, of course, be continuously reviewed to assure that it does not result in conditions which are inconsistent with the policy of the Act.

Another proposed amendment would provide that the exempted product described above which is sold away from the site of production or away from the premises of the packing plant could not contain more loss or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

These amendments being proposed supersede other proposed amendments published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1709) to amend the opening text and § 59.100(c) of 7 CFR Part 59.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than April 1, 1975.

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

The proposed amendments are as follows:

In § 59.100, the opening text and paragraph (c) would be revised to read as follows:

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section, the exemptions do not apply to restricted eggs when prohibited by State or local law: *And provided further*, That the sale of "hard-cooked shell eggs" or "peeled hard-cooked shell eggs" prepared from checks is subject to the conditions for exemption in paragraphs (c), (d), and (f) of this section: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

* * * * *

(c) The sale at the site of production, on a door-to-door retail route, or at an established place of business away from the site of production, by a poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs: *Provided*, That each such sale of restricted eggs shall be limited to no more than 30 dozen eggs; *And provided further*, (1) That eggs sold directly to consumers at an established place of business away from the site of production be moved directly from the producer to such place of business; (2) That such business away from the site of production be owned and managed by the producer; and (3) That such eggs which are sold on a door-to-door route or at an established place of business away from the site of production shall contain no more loss and/or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

Issued at Washington, D.C., this 24th day of February, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-5275 Filed 2-26-75;8:45 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Revision of Administrative Rules and Regulations

Notice is hereby given of a proposal to revise § 984.437 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480). Section 984.437 specifies a method for proposing names of additional candidates to be included on grower's nomination ballots. The ballots are used to propose names of additional grower candidates for nomination to the Walnut Marketing Board. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 39 FR 35327; 35999), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Walnut Marketing Board.

The order was amended October 1, 1974. The amendment revised, among other things, the grower representation on the Walnut Marketing Board and established two grower districts covering the production area relatively equal in respect to walnut acreage and production. District 1 encompasses the States of Oregon and Washington and the counties in the State of California that lie north of a line drawn on the southern boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties. District 2 consists of all other walnut producing counties in the State of California south of that boundary line.

Before the October 1974 amendment of the order, grower representation on the Board from California was treated as one group, and grower representation from Oregon-Washington as another group. Hence, the two geographic areas (California and Oregon-Washington) specified in the current provisions of § 984.437 are not the same as the geographic areas comprising the two grower districts established by the recent order amendment. The proposed revision of § 984.437 recognizes this change.

The amendment of the order also provided a grower position for either California independent growers or cooperative growers, depending upon the volume of walnuts handled by independent or cooperative handlers in California during a specified period. The proposed revision of § 984.437 also provides a method for proposing additional candidates for this position when it is assigned to independent growers.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 10, 1975. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise § 984.437 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480) to read as follows:

§ 984.437 Methods for proposing names of additional candidates to be included on walnut growers' nomination ballots.

(a) Whenever the grower member position specified in § 984.35(a)(4) is assigned to California growers who marketed their walnuts through independent handlers in California, any ten or more such growers who marketed an aggregate of 500 or more tons of walnuts through those handlers during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot the name of an eligible candidate to fill this position, and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(b) Any ten or more growers eligible to serve in the grower member position specified in § 984.35(a)(5) and who marketed an aggregate of 500 or more tons of walnuts as provided in subparagraph (5) during the marketing year preceding the year in which Board nominations are held, may petition the

Board to include on the nomination ballot the name of an eligible candidate to fill this position and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(c) Any ten or more growers eligible to serve in the grower member position specified in §2984.35(a)(6) and who marketed an aggregate of 500 or more tons of walnuts as provided in subparagraph (6) during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot the name of an eligible candidate to fill this position, and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(d) Petitions made pursuant to paragraphs (a), (b), and (c) of this section shall be on forms supplied by the Board and filed no later than April 1 of the nomination year.

Dated: February 24, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-5188 Filed 2-26-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT BUTTERS

Standard of Identity Revision

Notice is given that the National Preservers Association (NPA), 64 Perimeter Center East, Atlanta, GA 30346, has filed a petition proposing to amend the standard of identity for fruit butter (21 CFR 29.1).

The proposed amendment would be patterned after the recent amendments of the standards for fruit jellies and jams. The principal changes would be: (1) Removal of the proportionality limitations on the use of sweeteners other than sugar; (2) provision for the use of "safe and suitable" ingredients set out simply as classes instead of the present limiting "recipe" listing; and (3) a requirement for label declaration of optional ingredients. Further, the option to add antifoaming agents and pectin is proposed. All interested persons are invited to comment on the proposal by April 28, 1975.

The NPA urges promulgation of its proposal and states that it is a natural sequel to the amendments to the standards for fruit jellies (21 CFR 29.2) and preserves, jams (21 CFR 29.3) published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304). The grounds in support of the proposal are similar to those set out in the NPA petition to amend the jellies and jams standards. That petition is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, as are the issues of the FEDERAL REGISTER carrying the proposal (November 14, 1973; 38 FR 31450) and the subsequent order ruling on that proposal (August 28, 1974; 39 FR 31304). Arguments supporting the proposal and the order ruling on the proposal to amend the fruit jellies and jams standards (21 CFR 29.2, 29.3), and thereby applicable to this petition, include the following:

1. Alternative procedures such as freeze concentration or use of partial vacuums produce as good a product or, in most cases, a superior product to that obtained by using heat to achieve concentration.

2. The provision for essence recovery, its concentration, and its return to the fruit butters reflects current industry practice.

3. In view of recent technological innovations, a larger number of corn sweeteners providing a wide range of sweetness is now available. Consumer tastes for less sweet preserves and, on the other hand, a desire for a more economical approach to all levels of sweetness in preserves may now be met.

4. The use of antifoaming agents during concentration would not alter the taste or physical characteristics of the food.

5. The provision for the use of "safe and suitable" optional ingredients, instead of the traditional specific listing of ingredients, would allow for ready adoption of new technological developments as they occur, without the burdensome procedure for amending the standard.

The proposed changes from the existing fruit butter standard are:

1. To delete the 25 percent limitation on the use of certain sweeteners. The present standard limits the use of corn sweeteners to no more than 25 percent of the total sweetening ingredients used.

2. To permit corn sweeteners with a minimum D.E. (dextrose equivalent) of 20 that would conform with those listed in 21 CFR Part 26. The present standard specifies a minimum dextrose equivalent of 40 for corn sweeteners.

3. To provide for the use of safe and suitable nutritive carbohydrate sweeteners, acidifying agents, preservatives, pectin, and antifoaming agents, except those derived from animal fats. The present standard specifies by name only certain ingredients in these classes, but it does not list pectin or any antifoaming agents.

4. To require the declaration of all optional ingredients on the label with the two following exceptions:

a. Other than in the case of dried (evaporated) fruit, the name(s) of the fruit or fruits used, which shall be declared as such, may be declared without specifying the particular form of the fruit or fruits used.

b. If sugar or invert sugar is used the term "sugar" may be used; and if the nutritive sweetener is derived from corn, the term "corn sweetener" may be used.

5. To provide for (a) essence recovery and its return to the fruit butters and (b) the use of techniques other than heat to effect concentration, i.e., freeze concentration or drawing a partial vacuum so as to cause vaporization without the application of heat.

The Commissioner is aware that chemical textbooks and scientific dictionaries differ in their definition of the term "carbohydrate." However, for purposes of clarification, he wishes to state that mannitol and sorbitol are sugar alcohols and are not considered to be "carbohydrates."

It should be noted that the proposal would eliminate the optional substitution of fruit juice for sweetening ingredient. The present standard specifies that not less than 5 parts by weight of fruit ingredient shall be used for each two parts by weight of sweetening ingredient, except that the sweetening ingredient is not required when fruit juice is used in a quantity not less than one-half the weight of the fruit ingredient. However, the Commissioner has been advised that those packers who use fruit juice continue to use a sweetening ingredient.

It should be further noted that the petitioner's proposed § 29.1(e)(2)(i) sets out certain labeling requirements applicable to different forms of fruits. However, the petitioner appears to have inadvertently omitted to carry over the need to specify how the use of a dried (evaporated) fruit shall be declared. Therefore, the Commissioner proposes, on his own initiative, that the language in paragraph (g)(6) in the present standard be retained and incorporated into the petitioner's proposed paragraph (e)(2)(i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise § 29.1, incorporating both NPA's and the Commissioner's proposal, to read as follows:

§ 29.1 Fruit butter; identity; label statement of optional ingredients.

(a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture of one or a permitted combination of the optional fruit ingredients specified in paragraph (b) of this section and one or any combination of the optional ingredients specified in paragraph (c) of this section, which meets the specifications in paragraph (d) of this section, and which is labeled in accordance with paragraph (e) of this section. Such mixture is concentrated

with or without heat. The volatile flavoring materials or essence from such mixture may be captured during concentration, separately concentrated, and added back to any such mixture, together with any concentrated essence accompanying any optional fruit ingredient.

(b)(1) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in paragraph (d)(2) of this section*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

(2) The permitted combinations are of two, three, four, and five of the fruit ingredients specified in paragraph (b)(1) of this section; the weight of each is not less than one-fifth of the weight of the combination. Each such fruit ingredient in any such combination is an optional ingredient.

(c) The following safe and suitable optional ingredients may be used:

(1) Nutritive carbohydrate sweeteners.

(2) Spice.

(3) Flavoring (other than artificial flavoring).

(4) Salt.

(5) Acidifying agents.

(6) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than one-half the weight of the optional fruit ingredient.

(7) Preservatives.

(8) Antifoaming agents except those derived from animal fats.

(9) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(d) For the purposes of this section:

(1) The mixture referred to in paragraph (a) of this section shall contain not less than five parts by weight of the fruit ingredient as measured in accordance with paragraph (d)(2) of this section to each two parts by weight of nutritive carbohydrate sweetener as measured in accordance with paragraph (d)(4) of this section.

(2) Any requirement with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: (i) Determine the percent of soluble solids in the optional fruit ingredient by the method for soluble solids referred to in paragraph (d)(3) of this section; (ii) multiply the percent so found by the weight of such fruit ingredient; (iii) divide the result by 100; (iv) subtract from the quotient the weight of any nutritive sweetener solids or other added solids; and (v) multiply the remainder by the factor for such ingredient prescribed in paragraph (b)(1) of this section. The result is the weight of the optional fruit ingredient.

(3) The soluble solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, p. 371, sec. 22.019, under "Soluble Solids (by Refractometer) in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official First Action," except that no correction is made for water-insoluble solids.

(4) The weight of any nutritive carbohydrate sweetener means the weight of the solids of such ingredient.

(5) The weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient, paragraph (c)(6) from a fruit specified in paragraph (b)(1) of this section is the weight of such juice, as determined by the method prescribed in paragraph (d)(2) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, p. 526, sec. 31.011, under "Solids by Means of Refractometer—Official Final Action"; the weight of diluted concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(e)(1) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(i) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (b)(1) of this section.

(ii) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed fruit" or by the names whereby such fruits are designated in paragraph (b)(1) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(2) Each of the optional ingredients specified in paragraphs (b) and (c) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(i) Other than in the case of dried (evaporated) fruit the name(s) of the fruit or fruits used may be declared without specifying the particular form of the fruit or fruits used. When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(ii) If sugar or invert sugar is the sweetener used, the term "sugar" may be used, and if the sweetener used is derived from corn the term "corn sweetener" may be used.

Interested persons may, on or before April 28, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 20, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-5327 Filed 2-26-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-12]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the vertical extent of V-70 between Vienna, Ga., and Allendale, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 31, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would establish the upper vertical limit of V-70 between Vienna and Allendale at 9,000 feet MSL to provide airspace for an operational training area to be used by flights originating from Beaufort, S.C., MCAS. Only six aircraft transited this segment of V-70 on the 1974 IFR peak day. The proposed action would promote safety by segregating the area to be used by en route airway aircraft from the area to be used by military training aircraft.

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

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5166 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-SW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the transition area at Baton Rouge, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 31, 1975, 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 Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the Baton Rouge, La., transition area is amended to read:

BATON ROUGE, LA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°28'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

Alteration of the transition area will provide controlled airspace for the proposed VOR/DME A instrument approach procedure.

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

Issued in Fort Worth, TX., on February 18, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-5167 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-SW-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Russellville, Ark., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 31, 1975, 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 Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

RUSSELLVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7.5-statute-mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of 186°T (180°M) bearing from Russellville NDB (latitude 35°-15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile-radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., transition area.

The proposed transition area will provide controlled airspace for instrument approach and departure procedures at the Russellville Municipal Airport.

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

Issued in Forth Worth, TX., on February 13, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-5168 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 337-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan. On August 15, 1974 (39 FR 29357), the Administrator approved the resubmitted Kentucky plan with the exception of its alternate control strategy provision. The Administrator's original approval of the Kentucky plan on May 31, 1972 (39 FR 10842), had been vacated by the U.S. Circuit Court of Appeals for the Sixth Circuit on June 28, 1973.

On April 23, 1974, pursuant to 40 CFR 51.6 and 51.15, the Commonwealth of Kentucky submitted for the Agency's approval a number of individually negotiated compliance schedules. The purpose of this notice is to offer those schedules as proposed rulemaking and to solicit public comment on them.

Each of the proposed compliance schedules identified below establishes a date by which an air pollution source must attain compliance with an emission limitation or other regulation of the State implementation plan. This date is indicated in the table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table does not list these, the actual schedules do. The notation "Immediately" under the heading "Effective Date" means that the schedule will become Federally enforceable immediately upon its approval by the Administrator.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

Division of Air Pollution, Department for Natural Resources and Environmental Protection, 311 East Main Street, Frankfort, Kentucky 40601.

Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

In addition, the schedules for sources located in Jefferson County may be inspected at the office of the Jefferson County Air Pollution Control District, 400 Reynolds Building, 2500 South Third Street, Louisville, Kentucky 40208.

Each schedule was adopted by the Department for Natural Resources and Environmental Protection, Commonwealth of Kentucky, after notice and public hearing, and was submitted to the Agency in accordance with the procedural requirements of 40 CFR 51.4. Each also satisfies the substantive requirements of 40 CFR 51.6 and 51.15 pertaining to plan revisions and compliance schedules respectively. In addition, each schedule has been determined to be consistent with the control strategies of the resubmitted Kentucky implementation plan. Several of these schedules replace schedules previously adopted by the State and published as proposed rulemaking in the FEDERAL REGISTER.

An evaluation of any of the schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office at the Atlanta address given above.

Interested persons are encouraged to submit written comments on the proposed schedules. To be considered, comments must be received on or before March 28, 1975, and should be directed to John Eagles of the Agency's Region IV Air Programs Office at the Atlanta address given above. After carefully weighing relevant comments and all other available information in the light of requirements set forth in section 110 (a) of the Clean Air Act and in the implementing regulations of 40 CFR Part 51, the Administrator will take approval/disapproval action on the proposed Kentucky compliance schedules listed below.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: February 14, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations as follows:

Subpart S—Kentucky

§ 52.920 [Amended]

1. Section 52.920 is amended by inserting the date April 23 [1974] in proper chronological order in paragraph (c) (2).

2. Section 52.927 is amended by inserting new lines in the tables of paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * * *

(c) * * *

KENTUCKY

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	Adair	AP-3	June 8, 1973	Immediately	June 15, 1973
Haul road	do	AP-3	do	do	Jan. 1, 1974
Modern Fold-Wood:					
Master division incinerator	Allen	AP-3	Dec. 15, 1973	do	Nov. 1, 1973
Dust collection system	do	AP-3	do	do	Sept. 1, 1974
McMurtrey Ready Mix—Bowling Green Plant, silo.	Barren	AP-3	June 13, 1973	do	June 1, 1973
McMurtrey Ready Mix—Glasgow Plant:					
Silo	do	AP-3	June 12, 1973	do	June 30, 1973
Batch discharge	do	AP-3	do	do	July 27, 1973
J. R. Hoe & Son Inc., cupola	Bell	AP-3	June 6, 1973	do	Dec. 31, 1973
Kentucky Utilities Co., Pineville Station Plant, boilers.	do	AP-3	June 13, 1973	do	Apr. 1, 1975
Cline Brick Co., Nos. 1 and 2 kilns	Boyd	AP-9	June 15, 1973	do	Oct. 1, 1974
General Concrete Co., concrete batch Plant.	do	AP-3	June 8, 1973	do	Aug. 1, 1973
The Hyland Co., feed mill	do	AP-3	June 12, 1973	do	Oct. 1, 1973
Manstach Metal Co.:					
Shredder	do	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
2 Aluminum sweat furnaces	do	AP-3	do	do	Dec. 15, 1974
Block burner	do	AP-3	do	do	Do.
Railroad car incinerator	do	AP-3	do	do	Jan. 30, 1974
Haul roads	do	AP-3	do	do	Aug. 30, 1973
Manstach Metal Co., yard area	do	AP-3	do	do	Aug. 15, 1974
Stevens Concrete Co., Inc.:					
Silo vent	Boyle	AP-3	July 26, 1973	do	Dec. 5, 1973
Do	do	AP-3	do	do	Do.
Batch loadouts	do	AP-3	do	do	Sept. 5, 1973
Do	do	AP-3	do	do	Do.
Stockpile	do	AP-3	do	do	Do.
Haul roads	do	AP-3	do	do	Do.
Precast Concrete Sales Service:					
Vent	Bullitt	AP-3	June 15, 1973	do	Dec. 20, 1973
Fan exhaust	do	AP-3	do	do	July 10, 1973
Aggregate haul roads	do	AP-3	do	do	Apr. 5, 1973
O. Ames Co., teepee	Caldwell	AP-3	do	do	Nov. 1, 1973
W.R. Grace & Co., Construction Products Division:					
Vermiculite experimental furnace	Campbell	AP-3	June 6, 1973	do	Nov. 15, 1973
Perlite experimental furnace	do	AP-3	do	do	July 1, 1973
Vermiculite experimental furnace model D 18.	do	AP-3	do	do	Nov. 15, 1973
Geo Wiedemann Brewing Co.:					
Grain collection cyclone exhaust	Campbell	AP-3	June 15, 1973	do	Feb. 18, 1974
Deema Products Co.:					
Boiling discharge	Carlisle	AP-3	Dec. 20, 1973	do	June 15, 1974
7 spray booths without filters	do	AP-3	do	do	Do.
General Refractories Co., Tunnel kilns and downdraft kilns.	Carter	AP-9	June 6, 1973	do	Nov. 1, 1974
Casey Ready Mix, ready mix plant	Casey	AP-3	June 8, 1973	do	June 25, 1973
Watson Lumber Co., sawmill operation	do	AP-3	Nov. 13, 1973	do	Apr. 30, 1974
Concrete Mix Co., silo stack	Christian	AP-3	June 6, 1973	do	May 15, 1973
R. C. Owens Co.:					
Dust collector	do	AP-3	June 15, 1973	do	Jan. 31, 1974
Woodfired boiler	do	AP-3	do	do	Do.
East Kentucky Rural Electric Cooperative Corp., Dale facility:					
Unit No. 4	Clark	AP-3	do	do	April 9, 1975
Unit No. 1	do	AP-3 AP-4	do	do	Feb. 1, 1975
Unit No. 2	do	AP-3 AP-4	do	do	Nov. 1, 1974
Unit No. 3	do	AP-3	do	do	Apr. 9, 1975
W. R. Grace and Co., Dewey and Almy Chemical Division, Polulibron Division, Battery, separator ovens.	Daviess	AP-3	June 13, 1973	do	Do.
Green River Steel Division/Jessup Steel Co.:					
Acid pickling	do	AP-3	Feb. 15, 1974	do	Aug. 1, 1974
Traveling machine grinder	do	AP-3	do	do	Do.
2 electric arc furnaces	do	AP-3	do	do	Mar. 31, 1975
Hot scarfing operation	do	AP-3	do	do	Mar. 15, 1975
Ready-Mix Concrete Co., concrete batch plant.	do	AP-3	June 6, 1973	do	June 1, 1973
Whitehall Furniture, Inc.:					
Cyclone dust wood chip collection	do	AP-3	Dec. 20, 1973	do	July 31, 1974
Spray booth	do	AP-3	do	do	Apr. 30, 1974
Smyth Lumber Co.:					
Bark incinerator	Estill	AP-3	Dec. 19, 1973	do	Nov. 1, 1973
Planning mill blower	do	AP-3	do	do	May 1, 1974
Bluegrass Art Cast, Inc., precast concrete plant.	Fayette	AP-3	June 6, 1973	do	June 1, 1973
R. J. Reynolds Tobacco Co.:					
Stacks Nos. 50 and 60	do	AP-3	May 29, 1973	do	Oct. 1, 1973
Stacks Nos. 1-39 and 61	do	AP-3	do	do	Nov. 1, 1974
R. J. Reynolds Tobacco Co.:					
Pneumatic conveying	do	AP-3	do	do	Oct. 1, 1973
Separator exhaust	do	AP-3	do	do	Nov. 1, 1974
Exhaust from tangential separator	do	AP-3	do	do	Oct. 1, 1973
Schenley Distillers, Inc., boiler	do	AP-3	June 15, 1973	do	Dec. 1, 1974
Standard Products Co.:					
Curing oven exhaust	do	AP-3	Dec. 28, 1973	do	Dec. 2, 1974
Cooling exhaust	do	AP-9	do	do	Do.
Fume exhaust	do	AP-3	do	do	Do.
Thompson-King-Tate, ready mix concrete plant.	do	AP-3	July 8, 1973	do	July 15, 1973

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Curtis Lumber Co., sawmill	Fleming	AP-3	June 15, 1973	do	June 4, 1973
Island Creek Coal Co., Prince Plant heat dryer.	Floyd	AP-3	do	do	May 1, 1974
Horn & Goin Co., Ready mix concrete plant.	Franklin	AP-3	do	do	June 15, 1973
Ashby Veneer & Lumber Co., wood waste incinerator.	Fulton	AP-3	Aug. 5, 1973	do	Sept. 15, 1973
Carborundum Co., Graphite Products Division:					
No. 1 and 2 baking furnace	do	AP-3, 4, 5, 6	June 15, 1973	do	Aug. 1, 1974
Mixing processing	do	AP-3	do	do	Jan. 1, 1975
No. 11 graphitizing furnace	do	AP-3, 4, 6	do	do	Apr. 9, 1975
Bell City Pottery Co., bake ovens	Graves	AP-9	Nov. 15, 1973	do	Aug. 15, 1974
Miro Industries Inc.:					
Cement silo vent	do	AP-3	Dec. 27, 1973	do	Jan. 31, 1974
Do	do	AP-3	do	do	Do.
Do	do	AP-3	do	do	Do.
Grayson County Ready Mix, Inc., concrete batch plant.	Grayson	AP-3	June 8, 1973	do	June 15, 1973
Ashland Milling Co., Inc., feed mill	Greenup	AP-3	June 14, 1973	do	Dec. 30, 1973
C & I Ready Mix Concrete, concrete batch plant.	Harlan	AP-3	June 6, 1973	do	May 14, 1973
Cynthiana Ready Mix, Inc., concrete batch plant.	Harrison	AP-3	June 13, 1973	do	July 1, 1973
Community Methodist Hospital, incinerator.	Henderson	AP-3	June 15, 1973	do	Nov. 1, 1973
Scott Lumber Co., Inc., boiler (wood-fired).	do	AP-3	June 13, 1973	do	June 1, 1974
Smithfield Milling Co.:					
Receiving bin	Henry	AP-3	June 15, 1973	do	June 30, 1973
Duct from vents	do	AP-3	do	do	July 30, 1974
Hickman County Feed Mill, feed mill	Hickman	AP-3	do	do	July 4, 1973
Department of Health, District No. 1 TB Hospital:					
Incinerator	Hopkins	AP-3	June 6, 1973	do	Sept. 1, 1974
Boilers	do	AP-3	do	do	Jan. 1, 1975
McWhorter Stave Co.:					
Sawdust from headsaw exhausted onto pile.	Jackson	AP-3	Sept. 28, 1973	do	Sept. 1, 1973
Log and stave yard	do	AP-3	do	do	July 18, 1973
American Saw & Tool:					
Plating system	Jefferson	3.2.4, 3.2.2	Feb. 12, 1973	do	Dec. 30, 1974
Degreaser	do	5.5.2	do	do	Do.
Metal pickling	do	3.2.2	do	do	Do.
Surface treating	do	3.2.4	do	do	Do.
American Synthetic Rubber Corp.:					
Rubber manufacturing	do	5.5.2	Feb. 12, 1973	do	Aug. 30, 1973
Solvent storage	do	5.0	Feb. 21, 1973	do	Do.
Flare stack	do	5.5.2, 3.2.2	Feb. 12, 1973	do	Do.
Smovo Oil Co., gasoline storage tank	Jefferson	5.0.2	May 20, 1973	do	Aug. 1, 1973
Anderson Wood Products Co.:					
Wood manufacturing equipment	do	3.1	Jan. 9, 1974	do	Apr. 13, 1975
Cyclone collector wood-waste fired boilers.	do	3.2	do	do	Do.
Ashland Chemical Co.:					
Truck and drum loading of hydrocarbons.	do	5.0, 5.1, 5.5	do	do	Feb. 15, 1974
Transfer and handling organic materials.	do	5.1.2	May 9, 1973	do	Nov. 30, 1973
Ashland Oil Co., Southern Region, branded marketing storage tanks.	do	5.0.2	Mar. 14, 1973	do	Mar. 15, 1975
Bulknap, Inc., boiler plant	do	3.1	May 9, 1973	do	Sept. 1, 1974
Blatz Paint Co., paint production	do	5.5.2	Feb. 6, 1973	do	Apr. 19, 1975
Boone Box Co., gas-oil boilers, wood manufacturing equipment, paper manufacturing equipment.	do	3.1, 3.2	Jan. 9, 1974	do	Mar. 15, 1974
Boyles Galvanizing, chromic-acid tank	do	3.2	Feb. 6, 1973	do	Dec. 12, 1972
Brown-Forman Distillers Corp., Howard Street Plant, boilers.	do	3.1.1, 3.3, 4.0.1	Feb. 12, 1973	do	Apr. 19, 1975
B. J. Distributors, Inc., aggregate drying.	do	3.2.2	do	do	Feb. 25, 1973
Campbell Tobacco Rehandling, tobacco manufacturing equipment.	do	8.1	Feb. 19, 1974	do	Apr. 2, 1975
Catalyst Division/Chemetron Corp., chemical processing equipment.	do	7.0	May 9, 1973	do	Jan. 15, 1974
Celanese Coating Co., Devoe Paint Division, paint production.	do	5.5.2, 5.5.3	Feb. 6, 1973	do	Dec. 31, 1973
Celanese Coating Co., Technical Center, paint production.	do	5.5.2, 3.2.2	Mar. 14, 1973	do	Mar. 16, 1973
Celanese Piping System, grinder cyclones.	do	3.2.2	Feb. 19, 1974	do	July 1, 1974
Chevron Asphalt Co., volatile organic storage tanks.	do	5.0.1	Apr. 10, 1973	do	Jan. 1, 1975
William Cissell Manufacturing Co., paint spray booths and degreasers.	do	5.5.3, 5.5.4	May 9, 1973	do	July 1, 1974
Corhart Refractories Co., electric arc furnace refractory products.	do	3.2.4, 9.1	Feb. 12, 1973	do	Apr. 1, 1975
Corhart Refractories Co., West Plant, refractory products.	do	3.2.2	Feb. 21, 1973	do	Mar. 31, 1975
Conco, Inc., paint spray booths, paint bake oven.	do	5.5	Jan. 9, 1974	do	Jan. 31, 1975
Container Corp. of America:					
Paper corrugating	do	3.2.1	Oct. 10, 1973	do	Nov. 1, 1974
Boilers	do	3.1, 4.0	do	do	Do.
Continental Pipeline Co., gasoline storage.	do	5.0.2	June 20, 1973	do	Mar. 31, 1973
Dawson Lumber Co., raw wood mills	do	3.2.2	Sept. 12, 1973	do	Jan. 15, 1975
DeHart Paint & Varnish Co., paint manufacturing.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
DMI Inc., dry milk processing equipment.	do	3.2.1	Oct. 10, 1973	do	Oct. 31, 1974
George E. Eady Co., rotary dryer	do	3.2, 3.3	May 9, 1973	do	Jan. 15, 1974

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
The Early & Daniel, Co., Inc., grain storage and handling.	do	3.2, 3.3	do	do	Apr. 1, 1975
Eaton Corp., paint dip tank spray booths.	do	5.5.2	Nov. 15, 1973	do	Jan. 30, 1974
Exxon Co. (Humble Oil), storage	do	5.0	Feb. 12, 1973	do	Jan. 25, 1973
Federal Chemical Co., Starks Bldg., fertilizer production.	do	3.2.2, 8.0, 8.1	Feb. 12, 1973	do	Jan. 30, 1974
Federal Sign & Signal Corp., paint spray booth.	do	3.2.1, 3.2.2	Dec. 12, 1973	do	Apr. 1, 1975
Fifer Corp., concrete batch plant	do	3.2	Aug. 8, 1973	do	Do.
Gardsman Chemical Coating, Inc., Louisville Division, coating manufacturing.	do	5.5.2	Mar. 14, 1973	do	Dec. 1, 1974
General Shale Products Corp., brick products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Jan. 30, 1974
Globe-Union Inc., battery manufacturings.	do	3.2.2, 3.2.4, 5.5	May 9, 1973	do	Nov. 1, 1974
Gold Proof Elevator, grain processing	do	3.2.2	Feb. 12, 1973	do	Jan. 30, 1974
Harshaw Chemical Co., pigment manufacturing.	do	3.2.2, 3.2.4, 3.3, 4.2	do	do	June 1, 1973
Hillerich and Bradsby Co., wood waste incinerator.	do	3.2	Feb. 21, 1973	do	Apr. 19, 1975
Hy-Klas Paints Inc., paint products	do	5.5.2	Feb. 12, 1973	do	Dec. 30, 1974
Ideal Wood Products, wood working machines.	do	3.2.2	Sept. 12, 1973	do	July 26, 1974
Illinois Central Gulf Railroad, sand handling.	do	3.2.2	Feb. 19, 1974	do	Oct. 15, 1974
Inmont Corp., ink manufacturing	do	5.0.2, 5.1, 5.5.2	Mar. 14, 1973	do	Sept. 1, 1973
Jefferson Concrete Co., concrete batching.	do	3.2.2	Feb. 12, 1973	do	May 15, 1973
The Jefferson Wood Working Co., wood working equipment.	do	5.5.2	do	do	Apr. 19, 1975
Jellico Coal & Chemical Co., lacquer products.	do	5.5.2	Feb. 21, 1973	do	Nov. 1, 1974
Kelly Tech. Coating Inc.:					
Paint Products	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Solvent storage	do	5.0	do	do	Do.
Kentucky By-Products Corp.:					
Finish products	do	3.2	June 20, 1973	do	Dec. 9, 1973
Rotary dry	do	3.2	do	do	Apr. 19, 1975
Kister Lumber Co.:					
Mill working	do	5.5.2	Nov. 15, 1973	do	Apr. 17, 1975
Paint spray booth	do	3.2	do	do	Do.
Kurfees Coating Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	June 30, 1974
Lewis Seed Co., Inc., grain handling	do	3.2.2	Mar. 14, 1973	do	Dec. 28, 1973
Lisco Fabrication, Inc., concrete manufacturing equipment, asbestos sheet and pipe manufacturing.	do	3.2	Jan. 9, 1974	do	Apr. 1, 1975
Logan Co.:					
Iron cupola	do	6.0.1	June 20, 1973	do	Sept. 4, 1973
Castings	do	3.2.2	do	do	Do.
Louisville Builders Supply Co., concrete brick plant.	do	3.2.2	May 9, 1973	do	Aug. 31, 1973
Louisville Chair, Co., Inc., boiler	do	3.1.1, 3.1.3	Mar. 14, 1973	do	Jan. 30, 1974
Louisville Cooperage Co., boiler	do	3.2	June 20, 1973	do	Feb. 28, 1975
Louisville Varnish Co., Floyd and Eastern Parkway Plant, paint manufactures.	do	5.5.1	Feb. 12, 1973	do	Oct. 31, 1977
Louisville Varnish Co., 1400 Maple St. Plant, paint manufactures.	do	5.5.2	do	do	Dec. 31, 1974
Edward H. Marcus Paint Co., Inc., paint manufactures.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
Marshall Supply Co.:					
2 cyclones	do	3.2	Nov. 15, 1973	do	June 1, 1974
Coal fired boiler	do	3.1, 4.0	do	do	Do.
Martin Marietta Aggregates, Cedar Creek Plant, quarry.	do	3.2.2, 3.3	Feb. 12, 1973	do	Mar. 31, 1973
Mobile Chemical Co., paint manufactures.	do	5.5.2	do	do	Apr. 19, 1975
Murray Co., Inc., Asphalt Plant-Anchorage, asphalt plant.	do	3.2.2	do	do	Mar. 1, 1973
Murphy Oil Corp., organic storage	do	5.0.2	June 20, 1973	do	Do.
National Distiller Products Co., Sunny Brook Plant, coal fired boilers.	do	3.1, 4.0	Oct. 10, 1973	do	Apr. 1, 1975
National Distiller Products Co., Hill & Hill Plant, coal fired boiler.	do	3.1, 4.0	do	do	Do.
North American Fertilizer Co., fertilizer products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Dec. 10, 1973
Ohio Falls, Inc., boiler	do	3.1.1, 3.3, 3.0.1	do	do	Apr. 19, 1973
Old Fitzgerald Distillery, Inc., Fitzgerald Rd., Station D, boiler plant.	do	3.1.1, 3.1.3, 4.0.1	do	do	Do.
Payne & Hager, Inc., spray paint booth	do	5.5.2	do	do	Do.
Peerless Division of Dover:					
Paint spray booth	do	5.5	Nov. 23, 1973	do	Do.
Hot air dryers	do	5.5	do	do	Do.
Proform, Inc., mold line	do	5.5.2	Feb. 19, 1974	do	Apr. 15, 1975
Progress Paint Co., Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Ralston Purina, Chow Division:					
Grain handling	do	3.2.2	do	do	Jan. 30, 1974
Grain drying	do	3.3	do	do	Do.
Reynolds Metals Co., Plant No. 15, A1 manufacturers.	do	3.2.2	do	do	Aug. 1, 1973
Ryan Industries Inc., spray paint booth	do	5.5.2	do	do	Apr. 19, 1975

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Seabolt & Associates, industrial laundry.	do	3.2.2	do	do	Feb. 28, 1973
St. Anthony Hospital, boiler plant	do	3.1.1, 3.3, 4.0.1	do	do	Jan. 15, 1974
St. Regis Paper Co., printing press	do	5.5.2, 5.5.4	do	do	Oct. 19, 1973
H. J. Scheirich Co., wood working	do	3.2.2	July 11, 1973	do	Apr. 19, 1975
Schmuts Manufacturing Co., Inc., sand handling.	do	3.2.2	Feb. 19, 1974	do	Apr. 7, 1975
Shamrock Corp. of Kentuckiana, portable concrete batch plants.	do	3.2.1, 3.2.2	Dec. 12, 1973	do	Mar. 1, 1974
Shamrock Corp. of Ky., 2 portable concrete batch plants.	do	3.2.2	Mar. 13, 1974	do	June 1, 1974
Shell Oil Co., Gasoline storage and loading facilities.	do	5.0, 5.1	Jan. 9, 1974	do	Do.
Shenley Distillers, Inc., coal fired boilers.	do	3.1.3, 4.0.1	do	do	Apr. 19, 1975
Southern Baptist Theological Seminary, boiler.	do	3.2	June 20, 1973	do	Oct. 1, 1974
Stiglitz Corp. Inc., spray paint booth	do	5.5.2	Feb. 12, 1973	do	Apr. 1, 1975
Stratton & Terstegge Co.:					
Paint spray booths	do	5.5.1	Mar. 13, 1974	do	July 1, 1974
Paint bake oven	do	5.5.2	do	do	Do.
Suburban Concrete Co.:					
Concrete batch	do	3.2.2	Apr. 10, 1973	do	Sept. 30, 1974
Millers Lane plant concrete batch	do	3.2.2, 3.3	Apr. 23, 1973	do	Do.
Sun Oil Co., organic storage	do	5.0	June 20, 1973	do	July 30, 1974
Sunshine Biscuits, Inc.	do	3.3.2	Feb. 12, 1973	do	Jan. 30, 1974
Texaco Inc., truck loading facility	do	5.1.1	Sept. 12, 1973	do	Apr. 1, 1975
Texas Gas Transmission Co., Jeffersontown Compressor Station, natural gas compressing.	do	3.2.2	Feb. 12, 1973	do	Mar. 31, 1973
Tube Turns:					
Metal Pickling	do	3.2.2, 3.2.4	do	do	Apr. 19, 1975
Paint Spray Booth	do	5.5.2	do	do	Do.
United Casket Co., Inc., paint spray booths.	do	5.5.2	Mar. 13, 1974	do	July 1, 1974
Universal Container Corp., wood waste incinerator.	do	3.0	Nov. 15, 1973	do	Apr. 19, 1975
Vogt Bros. Products:					
Paint spray booth	do	3.1, 5.5	June 20, 1973	do	Do.
Baking kiln	do	3.1	do	do	Do.
Degreaser, boiler	do	4.0	do	do	Do.
Vulcan Hart Corp., sand handling	do	3.2.2	Feb. 19, 1974	do	Apr. 1, 1975
White Oak Cooperage Co., wood manufacturing equipment.	do	3.2	Aug. 8, 1973	do	Jan. 18, 1974
Independence Foundry:					
Cupola	Kenton	AP-3, AP-6	June 6, 1973	do	Oct. 1, 1974
Coke Oven	do	AP-3	do	do	Do.
Kleane Foundry Co., Inc., cupola	do	AP-3	do	do	July 19, 1974
Standard Oil Co., petroleum terminal	do	AP-5	June 11, 1973	do	Oct. 1, 1974
Knox Concrete Product, Inc.:					
Cement silo vent	Knox	AP-3	June 15, 1973	do	Dec. 30, 1973
Batch discharge	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Do.
Aggregate handling	do	AP-3	do	do	Do.
Arthur Thompson Lumber Co., saw-mill.	LaRue	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
Chaney Lumber Co., Inc.:					
Teepee burner	Laurel	AP-3	June 15, 1973	do	June 1, 1973
Debarker	do	AP-3	do	do	Sept. 1, 1973
Haul roads	do	AP-3	do	do	June 1, 1973
Cumberland Forest Products Co., Inc.:					
Log yard and transportation area	do	AP-3	Nov. 15, 1973	do	Sept. 1, 1973
Sander and jointer	do	AP-3	do	do	Feb. 28, 1974
Debarker	do	AP-3	do	do	Oct. 30, 1973
Louisa Supply Co., Inc., feed plant	Lawrence	AP-3	June 12, 1973	do	May 1, 1973
Beth Elkhorn Corp., Mine No. 22, thermal dryer.	Letcher	AP-3	June 15, 1973	do	Apr. 29, 1974
The Auburn Mills Inc.:					
Grain handling	Logan	AP-3	Oct. 1, 1973	do	Apr. 9, 1973
Grain dryer	do	AP-3	do	do	Apr. 4, 1975
Lewisberg Pallet Co., pallet mill	do	AP-3	June 12, 1973	do	June 1, 1973
Portec, Inc., 2 coal fired boilers	McCracken	AP-3, AP-4	Feb. 15, 1974	do	Nov. 15, 1973
Aluminum Service Corp., haze from furnace wells.	McLean	AP-3	June 12, 1973	do	Apr. 1, 1975
Berea College:					
Boiler	Madison	AP-3	June 8, 1973	do	Aug. 1, 1974
Wood working facility	do	AP-3	do	do	Jan. 31, 1974
Eastern Kentucky University, 4 boilers	do	AP-3	June 15, 1973	do	Apr. 1, 1975
Gro-Green Sales Co.:					
Transfer point	Marion	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Cyclone exit	do	AP-3	do	do	Oct. 30, 1974
Lebanon Oak Flooring Co.:					
Boilers A and B	do	AP-3	June 13, 1973	do	Apr. 9, 1975
Wood working machine	do	AP-3	do	do	Dec. 31, 1974
Air Products & Chemicals	Marshall	AP-4	June 15, 1973	do	July 1, 1975
Kentucky Utilities Co., Brown Power Station:					
Units 1 and 2	Mercer	AP-3	June 13, 1973	do	Jan. 1, 1975
Units 1, 2, and 3	do	AP-4	do	do	Sept. 30, 1973
Bartley & Bartely Lumber Co.:					
Tepee	Metcalfe	AP-3	June 15, 1973	do	May 1, 1974
Haul road and debarker	do	AP-3	do	do	May 15, 1973
Roy Anderson Lumber Co.:					
Haul road and debarker	Monroe	AP-3	June 12, 1973	do	July 1, 1973
Tepee incinerator	do	AP-3	do	do	May 1, 1974
Frederick & May Lumber Co., Tepee burner.	Morgan	AP-3	June 13, 1973	do	Mar. 1, 1974
Jessup Sawmilling Co.:					
Yard and haul roads	Muhlenberg	AP-3	Nov. 15, 1973	do	Do.
Debarker	do	AP-3	do	do	Do.
Chipper and handling equipment	do	AP-3	do	do	Do.

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Kentucky Utilities Co., Green River Station:					
Units 1 and 2	Muhlenberg	AP-3, AP-4	June 13, 1973	do	Apr. 1, 1975
Unit 3	do	AP-3	do	do	Dec. 14, 1973
Unit 4	do	AP-3	do	do	Apr. 7, 1975
James B. Beam Distilling Co.:					
Grain mill	Nelson	AP-3	Oct. 12, 1973	do	Jan. 1, 1974
Dryer	do	AP-3	do	do	Apr. 8, 1975
Willett Distilling Co., Inc.:					
3 boilers	Nelson	AP-3, AP-4	June 14, 1973	do	Apr. 9, 1975
Dust collectors	do	AP-3	do	do	Do.
Fort Hartford Stone Co.:					
Primary crusher	Ohio	AP-3	Mar. 8, 1974	do	July 15, 1974
Secondary crusher	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Jan. 18, 1974
Peabody Coal Co., Ken Mine boiler	do	AP-3, AP-4	July 2, 1973	do	Oct. 15, 1974
Peabody Coal Co., Riverview Mine:					
Haul Roads	do	AP-3	do	do	June 1, 1973
Boiler	do	AP-3, AP-4	do	do	Mar. 1, 1974
Home Lumber Co. Inc., concrete batch plant.	Perry	AP-3	June 15, 1973	do	June 1, 1973
Kentland Ekihorn Coal Co., Feds Creek Plant:					
Boiler	Pike	AP-3	do	do	Apr. 9, 1975
Therma dryer	do	AP-3	do	do	Do.
Pikeville Ready Mix, Inc., ready mix operation.	do	AP-3	June 13, 1973	do	Dec. 1, 1973
Kentucky Frame & Lumber Co.:					
Teepee Incinerator	Pulaski	AP-3	June 15, 1973	do	Aug. 1, 1973
Cyclone	do	AP-3	do	do	Jan. 31, 1974
Boiler	do	AP-3	do	do	Sept. 1, 1974
Somerset Refinery, Inc.:					
Water drawn from gasoline accumulator.	do	AP-9	Dec. 28, 1973	do	June 1, 1974
Treating of No. 1 fuel oil and kerosene.	do	AP-5, AP-9	do	do	Do.
S. T. Proctor Lumber Co.:					
Ready mix operators	Rockcastle	AP-3	June 15, 1973	do	Apr. 15, 1974
Truck loadout	do	AP-3	do	do	Aug. 15, 1973
Aggregate	do	AP-3	do	do	June 1, 1973
R. L. Wells Lumber Co., Inc., sawmill	Rowan	AP-3	do	do	June 10, 1973
American Concrete Pumping Co., Inc., concrete plant.	Russell	AP-3	June 13, 1973	do	Mar. 14, 1974
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	do	AP-3	June 6, 1973	do	June 15, 1973
Haul Road	do	AP-3	do	do	Jan. 1, 1974
Gro-Green Chemical Co., Inc.:					
Tower	Shelby	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Loadout (1)	do	AP-3	do	do	Do.
Loadout (2)	do	AP-3	do	do	Do.
Cyclone Exit	do	AP-3	do	do	Oct. 30, 1974
Ohio Valley Aluminum Co., Inc., 2 secondary reclamation furnaces.	do	AP-3	June 12, 1973	do	Feb. 1, 1974
The Kendall Co., Polyken Plant:					
Cyclone collector adhesive plant No. 3.	Simpson	AP-3	Dec. 28, 1973	do	Oct. 1, 1974
Mix mill exhaust adhesive plant Nos. 1 and 2.	do	AP-3	do	do	Do.
Mix mill exhaust fan	do	AP-3	do	do	Do.
Simpson County Lumber Co., sawmill operation.	do	AP-3	June 15, 1973	do	June 1, 1973
Cadiz Milling Co., milling operation	Trigg	AP-3	June 12, 1973	do	Nov. 1, 1974
Morris E. Duncan Sawmill:					
Sawdust blowpipe discharge	Union	AP-3	Dec. 20, 1973	do	July 15, 1974
Open Burning of slabs, stripe	do	AP-3	do	do	Oct. 11, 1973
Yard and roads	do	AP-3	do	do	Nov. 1, 1973
Union County Grain Co.:					
Cyclone exit	do	AP-3	Oct. 1, 1973	do	July 30, 1974
Truck dump grain loading	do	AP-3	do	do	May 31, 1973
Truck loadout	do	AP-3	do	do	Do.
Grain dryer	do	AP-3	do	do	Apr. 1, 1975
Murphy Concrete Co., Inc., concrete batching operation.	Warren	AP-3	July 2, 1973	do	Dec. 31, 1973
McCutchen & Pyles Lumber Co.:					
Sawdust pile	Wayne	AP-3	May 29, 1973	do	July 15, 1973
Yard	do	AP-3	do	do	June 1, 1973
Wayne Lumber Co., sawmill No. 1	do	AP-3	Dec. 20, 1973	do	Do.
U.S. Steel Corp., thermal dryers	Whitely	AP-3	Oct. 22, 1973	do	Apr. 9, 1975
Kentucky Utilities Co., Tyrone Power Station, thermal dryers.	Woodford	AP-3	June 13, 1973	do	June 15, 1974

[FR Doc.75-5026 Filed 2-26-75;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 STATE

[CM-5/22]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session April 2, 1975, at the Department of State in Conference Room 1107 from 10 a.m. to 4 p.m. The purpose of this open meeting will be to discuss three topics:

(a) The forthcoming meeting of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Subcommittees on Reprographic Reproduction, which will be held in Washington, D.C., June 16–21, 1975;

(b) US–USSR Copyright Relations; and,

(c) Report on the Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite which was held in Brussels May 6–21, 1974.

Most of this meeting will be devoted to the subject of reprographic reproduction (agenda item (a)).

As background information, the meeting of the UNESCO/WIPO Subcommittees was arranged by the Berne Copyright Convention Executive Committee of WIPO and the Universal Copyright Convention (UCC) Intergovernmental Copyright Committee of UNESCO at Paris in 1973. At that time it was decided that the question of reprographic reproduction (i.e., facsimile reproduction by photocopying, xerox, etc.) of copyrighted works should be studied jointly by these two subcommittees to develop possible solutions to a problem that has considerable importance to both users (educators and librarians) and owners (publishers and authors) worldwide. The United States has a special interest in finding solutions to this problem because a large number of U.S. publications are reprographically copied abroad. Furthermore, the U.S. probably has more methods of reproduction and legal copyright problems arising from these reproductions than any other country in the world.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to April 2, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Damon V. LaBrie, Office of Business Practices, Department of State; the telephone number is area code 202, 632-0307. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: February 20, 1975.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.75-5171 Filed 2-26-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY NOTES OF SERIES L–1976

Redesignation as 5⅞ Percent Per Annum

FEBRUARY 20, 1975.

The Secretary of the Treasury announced on February 19, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 5–75, dated February 12, 1975, will be 5⅞ percent per annum. Accordingly, the notes are hereby redesignated 5⅞ percent Treasury Notes of Series L–1976. Interest on the notes will be payable at the rate of 5⅞ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-5194 Filed 2-26-75;8:45 am]

TREASURY NOTES OF SERIES F–1977

Redesignation as 6 Percent Per Annum

FEBRUARY 20, 1975.

The Secretary of the Treasury announced on February 19, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 6–75, dated February 12, 1975, will be 6 percent per annum. Accordingly, the notes are hereby redesignated 6 percent Treasury Notes of Series F–1977. Interest on the notes will be payable at the rate of 6 percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-5195 Filed 2-26-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 24 and 25 March 1975 in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia. The session will commence at 9 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use by the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

The planned agenda includes presentation and discussion of the following topics:

1. Survey accomplished by Military Services regarding acquisition, inventory, and use of off-the-shelf test equipment and facilities.
2. Acquisition and application of test equipment by the industrial users.
3. Total volumes of test equipment and spare parts provided to DoD and industry.
4. Suitability of above data for committee objectives and functions.
5. Future meeting schedule, work assignments, and other matters as may arise.

The meeting is open to the public. Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. John A. Mittino, Acting Director, Weapons Support Systems, OASD (I&L) WS, Room 2A318, Washington, D.C.

Dated: February 24, 1975.

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

[FR Doc.75-5180 Filed 2-26-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on March 18–19, 1975 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

At this meeting, the Task Force will review long range plans and force structures which may be affected by Training Technology, in order to provide a basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirement of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

Dated: February 24, 1975.

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

[FR Doc.75-5178 Filed 2-26-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Comments on 1975 Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances; Establishment of an Interim 1975 Aggregate Production Quota for Methylphenidate.

Correction

In FR Doc. 75-4234 appearing at page 6791 in the issue for Friday, February 14, 1975, change the heading to read as set forth above.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CASWELL, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the unlisted Native village of Caswell, said decision appearing in 39 FR 7467.

The decision was appealed by the State of Alaska, Department of Natural Resources; the Sierra Club, Alaska Chapter; the Matanuska-Susitna Borough; the Alaska Wildlife Federation & Sportsmen's Council, Inc.; and Philip R. Holdsworth.

Upon agreement of "Compromise and Settlement and Stipulations for Entry of Order" at a conference held September 18 and 19, at Anchorage, Alaska, the unlisted village of Caswell had withdrawn its application for certification as an eligible village pursuant to section 11(b) (3) of the Act.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board then notified the Director, Juneau Area Office, Bureau of Indian Affairs, by an "Order" dated October 21, 1974 dismissing the appeals that his final decision certifying the unlisted Native village of Caswell as eligible for benefits pursuant to section 11(b) (3), 43 U.S.C. 1610(b) (3) of the Act, shall become not eligible to receive land benefits under section 14(a), 43 U.S.C. 1613(a), and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Caswell as ineligible for benefits under the Alaska Native Claims Settlement Act, said Director hereby certifies the unlisted Native village of Caswell to be ineligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Caswell a certification of ineligibility.

CLARENCE ANTIOQUIA,
Area Director.

FEBRUARY 13, 1975.

[FR Doc.75-5257 Filed 2-26-75;8:45 am]

MONTANA CREEK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1974, his Final Decision determining the eligibility of the unlisted Native village of Montana Creek, said decision appearing in 39 FR 6745 (1974).

The decision was appealed by the Matanuska-Susitna Borough; the State of Alaska, Department of Natural Resources; the Sierra Club, Alaska Chapter; Philip R. Holdsworth; and the Alaska Wildlife Federation & Sportsmen's Council, Inc.

Upon agreement of "Compromise and Settlement and Stipulations for Entry of Order" at a conference held on September 18 & 19, 1974, at Anchorage, Alaska, the unlisted Native village of Montana Creek had withdrawn its application for certification as an eligible village pursuant to section 11(b) (3) of the Alaska Native Claims Settlement Act.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, then notified the Director, Juneau Area Office, Bureau of Indian Affairs, by an "Order" dated October 21, 1974, dismissing the appeals that his Final Decision certifying the unlisted Native village of Montana Creek as eligible for benefits pursuant to section 11(b) (3), 43 U.S.C. section 1610(b) (3) of the Act shall become *not* eligible to receive land benefits under section 14(a), 43 U.S.C. sections 1613(a), and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Montana Creek as *not* eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies that the unlisted Native village of Montana Creek is *not* eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Montana Creek a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

FEBRUARY 13, 1975.

[FR Doc.75-5258 Filed 2-26-75;8:45 am]

SAULT SAINTE MARIE TRIBE OF CHIPPEWA INDIANS

Establishment of Reservation

FEBRUARY 20, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that under the authority of section 7 of the Act of June

18, 1934 (48 Stat. 984), which was delegated by the Secretary to the Commissioner in 230 DM 1, the hereinafter described tract of land, located in Chippewa County, Michigan, and acquired by purchase under the provisions of section 5 of said act, is proclaimed to be an Indian reservation, effective December 13, 1974, for the use and benefit of the Sault Sainte Marie Tribe of Chippewa Indians.

SW¼SW¼ section 7, Township 47 North, Range 2 East, Michigan meridian, containing 40 acres, more or less, subject to valid existing rights-of-way of record.

Establishment of this land as a reservation enables the Sault Sainte Marie Tribe of Chippewa Indians to formally organize under section 16 of said act.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-5259 Filed 2-26-75;8:45 am]

Bureau of Land Management

[C-0126472]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 19, 1975.

Notice of a United States Forest Service application C-0126472 for withdrawal and reservation of land for public recreation sites was published as F.R. Doc. No. 65-12676, on page 14691 of the issue for Thursday, November 25, 1965. The applicant agency has canceled its application insofar as it affects the following described lands.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 73 W.,
Sec. 24: E½NE¼SW¼ and portions of MS #18330A lying within W½NE¼SW¼ and NW¼SW¼.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, such lands will be relieved of the segregative effect of the above-mentioned application 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-5252 Filed 2-26-75;8:45 am]

[Nev-051742]

NEVADA

Proposed Withdrawal of a Portion of the Sheldon Antelope Range from Mineral Entry

The Bureau of Land Management has filed a request to withdraw the Federally owned lands and interest in the lands described below from location under the mining laws. 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws. The lands involved are now withdrawn and reserved from appropriation under the public land laws as the Charles Sheldon Antelope Range by Executive Order 7522 of December 21, 1936.

The proposed withdrawal of these lands, and corollary segregative effect, are designed to maintain mineral values status quo pending completion and evaluation of a mineral survey of the Range. The recognized wilderness values will be protected and the President and Congress will be afforded adequate opportunity to make reasonable determinations between wilderness and other resource values. The President asked Congress in his December 4, 1974 wilderness message to delay action on wilderness designations on this Range until a minerals inventory is completed.

The segregation effected by the notation of this application on the public land records will terminate one year after receipt by the Secretary of the Interior of a mineral evaluation report if the Secretary fails to act on the withdrawal application within that year. Notice of any such termination will be published in the FEDERAL REGISTER.

On or before March 31, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502. The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

After receipt of the mineral report, the authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

If the Secretary makes a determination on the application within the time specified above, it will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

All Federally owned lands and interests in the lands within:

Secs. 1-3, inclusive;
Secs. 10-15, inclusive;
Secs. 19-36, inclusive.
T. 46 N., R. 22 E.,
Secs. 1-18, inclusive;
Secs. 22-27, inclusive;
Secs. 34-36, inclusive.
T. 47 N., R. 22 E.,
Secs. 13-36, inclusive.
T. 43 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 23 E.
Secs. 1-36, inclusive.
T. 46 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 47 N., R. 23 E.,
Secs. 13-36, inclusive.
T. 46 N., R. 23½ E., (unsurveyed)
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 47 N., R. 23½ E., (unsurveyed)
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 43 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 45½ N., R. 24 E.,
Secs. 31-36, inclusive.
T. 46 N., R. 24 E., (partially unsurveyed)
Secs. 1-36, inclusive.
T. 47 N., R. 24 E., (unsurveyed)
Secs. 19-36, inclusive.
T. 43 N., R. 24½ E.,
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 44 N., R. 24½ E.,
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36.
T. 43 N., R. 25 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 25 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 25 E. (partially unsurveyed),
Sec. 1, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 2-11, inclusive;
Sec. 12, W½;
Sec. 13, NE¼NW¼, W½W½;
Secs. 14-22, inclusive;
Sec. 23, N½, N½SW¼, NW¼SE¼;
Secs. 27-34, inclusive;
Sec. 35, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 36, NE¼, S½NW¼, S½.
T. 45½ N., R. 25 E. (unsurveyed),
Sec. 25, SW¼SW¼;
Secs. 26-35, inclusive;
Sec. 36, W½NW¼, S½.
T. 46 N., R. 25 E. (partially unsurveyed),
Secs. 1-25, inclusive;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½NE¼, SE¼NE¼, W½;
Secs. 28-33, inclusive;
Sec. 34, W½;
Sec. 35, N½NE¼;
Sec. 36, NE¼, N½NW¼, SE¼NW¼.
T. 47 N., R. 25 E. (unsurveyed),
Secs. 19-36, inclusive.
T. 43 N., R. 26 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 26 E. (unsurveyed),
Secs. 1-36, inclusive.
T. 45 N., R. 26 E. (partially unsurveyed),
Sec. 6, N½SW¼, N½S½SW¼, N½SE¼, NW¼SW¼SE¼;
Sec. 21, SE¼SW¼, S½SE¼;
Sec. 22, S½S½;
Sec. 23, S½S½;
Sec. 24, S½S½;
Secs. 25-28, inclusive;
Sec. 29, E½, E½W½;
Sec. 30, S½SW¼;
Secs. 31-36, inclusive.
T. 46 N., R. 26 E. (partially unsurveyed),
Secs. 1-12, inclusive;
Sec. 13, N½, SW¼, NW¼SE¼;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 15, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 16-21, inclusive;
Sec. 22, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼, W½NE¼, NW¼, N½SW¼;
Secs. 29 and 30, all;
Sec. 31, N½, NW¼SW¼;
Sec. 32, N½NE¼, NW¼.
T. 47 N., R. 26 E. (unsurveyed),
Secs. 19-36, inclusive.
T. 46 N., R. 27 E. (partially unsurveyed),
Sec. 1, NW¼, N½SW¼;
Secs. 2 and 3, all;
Sec. 4, N½, N½SW¼, SW¼SW¼, NW¼SE¼;

Secs. 5–7, inclusive;
Sec. 8, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 10, all;
Sec. 11, N½NW¼, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, W½SW¼;
Sec. 16, E½SE¼;
Sec. 18, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 21, NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, N½NW¼, SE¼NW¼.
T. 47 N., R. 27 E.,
Secs. 19–24, inclusive;
Sec. 25, W½NE¼, W½;
Secs. 26–35, inclusive;
Sec. 36, NW¼NW¼, W½SW¼.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.75-5253 Filed 2-26-75;8:45 am]

[NM 24526, 24565, 24567, 24568, 24569, 24570, 24571, and 24572]

NEW MEXICO

Notice of Applications

FEBRUARY 19, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.
Sec. 26, NW¼NE¼.
T. 29 N., R. 8 W.
Sec. 12, SW¼NW¼.
T. 30 N., R. 8 W.
Sec. 14, Lot 16;
Sec. 21, NE¼SE¼;
Sec. 22, S½NW¼, NW¼SW¼;
Sec. 23, NW¼NW¼ and S½NW¼.
T. 30 N., R. 9 W.
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼;
Sec. 17, NE¼.
T. 26 N., R. 12 W.
Sec. 14, SW¼NW¼ and N½SW¼.

These pipelines will convey natural gas across 1.587 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5254 Filed 2-26-75;8:45 am]

UTAH POWER AND LIGHT CO.

Coal Lease Application; Preference Right

FEBRUARY 21, 1975.

Notice is hereby given that pursuant to 43 CFR Part 23 and National Environmental Policy Act of 1969, the Bureau of Land Management will be proceeding with the preparation of a Technical Examination/Environmental Analysis on Delcoal, Inc. and W. L. Rasmussen Estate applications for Preference Right Coal Leases (assigned to Utah Power and Light Company for future action on the preference right leases) located 15 miles southwest of Escalante, Utah, northern Kaiparowits Plateau, containing 18,325 acres in T. 36 S., R. 2 E.; T. 37 S., R. 2 E.; T. 37 S., R. 3 E.; and T. 38 S., R. 3 E., SLBM.

Public input of possible impacts on the environment and other resource values in the area resulting from exploration and development of these leases and measures to mitigate possible impacts are invited. Input will be used to help assess possible impacts and formulate stipulations to be included in the lease terms.

Interested persons are invited to express their interests and views to the Kanab District Manager, Bureau of Land Management, 320 North First East, Kanab, Utah 84741 by May 15, 1975.

Notice of a public meeting will be announced at a later date.

M. S. JENSEN,
District Manager.

[FR Doc.75-5255 Filed 2-26-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BOULDER LAKE COUNTRY ESTATES SUBDIVISION POWER LINE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Boulder Lake Country Estates Subdivision Power Line, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-FES (Adm) R4-74-10.

The purpose of the project is to provide a secondary underground electrical power line (14,400 volts) extending from existing lines to service the Boulder Lake Country Estates Subdivision (containing 120 acres) being part of Homestead Entry Survey No. 159 of T33N, R107W, Sublette County, Wyoming.

This environmental statement is concerned only with that portion of the proposal which involves National Forest lands. Specifically, the National Forest lands involved in this proposal include: the SW¼ and N½ of Section 9, the NW¼, NW¼ of section 10, and the SW¼, SW¼ of section 3 T33N, R107W, 6th P.M., Sublette County, Wyoming.

The proposed line crosses lands of the United States of America administered by the Bridger-Teton National Forest, and will be approximately 11,705 feet in length. The line will be constructed with motorized equipment which plows a trench, lays the cable, and then covers the line in one simultaneous operation. No actual use of surface areas is contemplated.

The proposed route of the power line crosses a portion of the National Forest which has been designated as part of Sweeney-Fayette-Soda Lakes Roadless Area #50. This Roadless Area contains 23,090 acres. Approximately 6,700 feet of the proposed line would be located in this roadless area.

Although some of the area involved in this project is in an inventoried Roadless Area, several developments and activities exist in the vicinity.

This final environmental statement was transmitted to CEQ on February 20, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Bridger-Teton National Forest
Forest Service Building
Jackson, Wyoming 83001

District Forest Ranger
Pinedale Ranger District
Box 220
Pinedale, Wyoming 82941

A limited number of single copies are available upon request to Forest Supervisor Charles T. Coston, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001.

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

Dated: February 20, 1975.

VERN HAMRE,
Regional Forester.

[FR Doc.75-5242 Filed 2-26-75;8:45 am]

CLARK NATIONAL FOREST, MISSOURI

Proposed Management Direction for the Cedar Creek Purchase Unit; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Proposed Management Direction for the Cedar Creek Purchase Unit of the Clark National Forest, National Forests in Missouri, USDA-FS-R9-FES-(Adm)-74-5.

The environmental statement concerns the environmental effects of proposed management direction for the Cedar Creek Purchase Unit in Boone and Callaway Counties, Clark National Forest, National Forests in Missouri.

This final environmental statement was transmitted to CEQ on February 21, 1975.

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

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

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
National Forests in Missouri
Rolla, Missouri 65401

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401.

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

JOHN R. CASTLES,
Acting Regional Forester,
Eastern Region.

FEBRUARY 21, 1975.

[FR Doc.75-5240 Filed 2-26-75;8:45 am]

CHATTOOGA RIVER UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft Environmental Statement for the Chattooga River Unit Plan, Chattahoochee, Nantahala and Sumter National Forests, USDA-FS-R8-DES (ADM.)—75-14.

The action proposed is a 10-year management program for the Chattooga Unit. The Unit Plan concerns multiple use management of National Forest land and the interrelationships that exist between it and private land. The Unit contains 178,000 acres which fall into three states (Georgia, North and South Carolina), and three National Forests (Chattahoochee, Nantahala and Sumter). There are approximately 73,400 acres of private land in the Unit as well as a National Wild and Scenic River and proposed Eastern Wilderness.

This draft Environmental Statement was transmitted to CEQ on February 20, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW.
Washington, DC 20250

USDA, Forest Service
1720 Peachtree St., NW., Rm. 304
Atlanta, GA 30309

USDA, Forest Service
Tallulah Ranger District
Clayton, GA 30525

USDA, Forest Service
Highland Ranger District
Highlands, NC 28741

USDA, Forest Service
Andrew Pickens Ranger District
Walhalla, SC 29691

A limited number of single copies are available upon request to Forest Supervisor W. Pat Thomas, Chattahoochee-Oconee NFs, P.O. Box 1437, Gainesville, GA 30501.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor W. Pat Thomas, Chattahoochee-Oconee NFs, P.O. Box 1437, Gainesville, GA 30501. Comments must be received by April 21, 1975 in order to be considered in the preparation of the final Environmental Statement.

Dated: February 20, 1975.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.75-5241 Filed 2-26-75;8:45 am]

GIFFORD PINCHOT NATIONAL FOREST, WASHINGTON

Timber Management Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the 10-Year Timber Management Plan, Gifford Pinchot National Forest, Washington. USDA-FS-R6-FES(Adm)-74-6.

The environmental statement concerns carrying out the revised timber management plan for the next ten years on the Gifford Pinchot National Forest, State of Washington.

This final environmental statement was transmitted to CEQ on February 21, 1975.

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

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

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Washington 98660

A limited number of single copies are available upon request to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor, Spencer T. Moore, 500 West 12th Street, Vancouver, Washington 98660.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Region 6.

FEBRUARY 21, 1975.

[FR Doc.75-5244 Filed 2-26-75;8:45 am]

HERBICIDE USE ON NATIONAL FORESTS OF ALASKA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on Herbicide Use on National Forests in Alaska, USDA-DES-R10-75-03.

This environmental statement concerns herbicide use on road, railroad, airfield, and powerline rights-of-way on the Tongass and Chugach National Forests in Alaska.

This draft environmental statement was transmitted to the CEQ on February 20, 1975.

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

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

USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99802

Forest Supervisor, Chatham Area
Tongass National Forest
Lloyd Center Building
Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

A limited number of single copies are available upon request to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802. Comments must be received by April 21, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: February 20, 1975.

C. A. YATES,
Regional Forester,
Alaska Region.

[FR Doc.75-5243 Filed 2-26-75;8:45 am]

Soil Conservation Service

UPPER BRUSHY CREEK WATERSHED, TEXAS

Floodwater Retarding Structure No. 31; Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Brushy Creek Watershed Floodwater Retarding Structure No. 31, located in Williamson County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include single purpose floodwater retarding structure No. 31.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
First National Bank Building
Temple, Texas 76501

No administrative action on implementation of the proposal will be taken until March 14, 1975.

Dated: February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-5245 Filed 2-26-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 9A(73)-5]

COMPAGNIE GABONAISE d'AFFRETEMENT AERIEN (AFFRETAIR)

Order Denying Export Privileges for an Indefinite Period

In the matter of Compagnie Gabonaise d'Affretement Aerien (Affretair) B.P. 484 Libreville Republic of Gabon, Respondent.

By an Order effective October 21, 1974, (39 F.R. 39486) the Director, Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, United States Department of Commerce, denied the U.S. export privileges of the respondent for 60 days. The action was found reasonably necessary to protect the public interest and until final deposition of the investigation based upon evidence supporting a reasonable belief that: In October 1972, Export License No. 016075 was issued authorizing the sale and export of a U.S.-origin Douglas DC-8 55F "Jet Trader" aircraft, Serial Number 45821 to the Compagnie Gabonaise d'Affretement Aerien (Affretair), Libreville, Republic of Gabon. Prior to the issuance of the export license, written assurances were received from the General Manager of Affretair to the effect that the aircraft would not be utilized in any traffic with Southern Rhodesia or in any activity contravening the United Nations sanctions against that territory. In the sixth report of the Security Council Committee Established in Pursuance of Resolution 253 (1968) Concerning the Question of Southern Rhodesia, dated January 9, 1974, from Pages 96 to 128, there is cataloged and documented a series of activities which support the conclusion that the aircraft was being used regularly in Rhodesian trade, despite the assurances to the contrary, and is continuously involved in transactions clearly violative of both UN sanctions against Southern Rhodesia and the export regulations of the United States.

The Director, Compliance Division, Office of Export Administration, has applied to the Hearing Commissioner for an order against the above-named respondent indefinitely denying all United States export privileges. The basis for the the application is the failure of the respondent to answer interrogatories duly issued in the furtherance of the investigation, pursuant to § 388.6 of the Export Administration Regulations (hereinafter, the export regulations). Section 388.15 of the export regulations provides that failure to answer interrogatories within 20 days of their service upon a respondent may result, without prior notice, in the denial of export privileges.

The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with a recommendation that the application be granted. On the basis of the Hearing Commissioner's submission and the supporting evidence, I find that: Relevant and material interrogatories and a request to furnish documents were properly served on the Director of the respondent company on October 9, 1974. Answers to the interrogatories and requested documents have not been provided, without good cause having been shown.

It is, therefore, ordered. I. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, are hereby revoked and are ordered to be returned forthwith to the Office of Export Administration.

II. The respondent, its successors or assigns, partners, representatives, agents and employees are hereby denied the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the United States or abroad shall include participation directly or indirectly, in any manner or capacity:

A. As a party or as a representative of a party to any validated export license application;

B. In the preparation or filing of any export license application or reexport authorization, or any document to be submitted therewith;

C. In the obtaining or using of any validated or general export license or other export control document;

D. In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported from the United States;

E. In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also, to his agents and employees and to any successor, and to any persons, firm, corporation, partnership or other business organization with which the respondent now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

A. Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or related party;

B. Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve the respondent or related party in any exportation, reexportation, transshipment, or diversion of any commodity

or technical data exported or to be exported from the United States or which is otherwise subject to the Export Administration regulations.

V. A copy of this order shall be served on respondent.

VI. This order shall remain in effect until the respondent provides responsive answers, written information, and documents, in response to the interrogatories heretofore served upon it, or gives adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner at Washington, D.C. at the earliest convenient date.

VIII. This order shall become effective on: February 19, 1975.

Dated: February 19, 1975.

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

[FR Doc.75-5246 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, April 8, 1975 at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the licensing procedures subcommittee meeting of January 28, 1975.

(4) Report on the work programs, dealing with safeguards, foreign availability, performance characteristics and licensing procedures.

(5) Nomination and election of a new Chairman.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5269 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subcommittee of the Computer Systems Technical Advisory Committee will be held Tuesday, April 1, 1975 at 1:30 p.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report of work objectives and goals of the subcommittee.

(4) Continuation of work programs dealing with the performance of system peripherals, particularly disc files.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be

kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5271 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held Tuesday, April 1, 1975, at 9 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Determination of work programs relating to evaluation of technology transfer in computer systems exports.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5270 Filed 2-26-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meeting Cancellation

This is to announce that the planned meeting of the CTAB Panel on Sulfur Oxide Control Technology which was scheduled, on a contingency basis, for March 6 and 7, 1975, in the Main Commerce Building, Washington, D.C., will not be held. The meeting was announced on page 5175 of the February 4, 1975 issue of the FEDERAL REGISTER. The meetings announced on the same page of the FEDERAL REGISTER for March 10 and 11, 1975, are not affected by this announcement.

Dated: February 24, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-5274 Filed 2-26-75;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Renewal

The Telecommunications Equipment Technical Advisory Committee was established on April 5, 1973 by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) (Supp. III, 1973).

The Committee will terminate not later than April 4, 1975 unless extended by the Secretary of Commerce for two additional years. As required by section 5(c)(4) of the Export Administration Act, committee members have been consulted with regard to continuance of the committee. A substantial segment has responded and recommended that the charter for this committee be extended for two additional years. Upon renewal, it will continue, as initially chartered, to perform the advisory functions set forth in the Export Administration Act of 1969, as amended. The Committee advises and assists with respect to questions involving technical matters, world-wide availability and utilization of production and technology and licensing procedures which may affect the level of export controls applicable to telecommunications, including technical data related thereto, that are subject to U.S. and multilateral (COCOM) controls.

The Committee has been active during the past two years and presented to the Department a formal report dated April 1974. The technical findings and recommendations in the report have been of substantial value, not only to the Department, but also to other agencies, including the Departments of State and Defense, and are being utilized in formulating the U.S. Government's position with regard to international negotiations on

continuing or modifying existing international export controls over commodities within the purview of the committee.

Inasmuch as there is considerable technical input from industry, the information and recommendations could not be obtained as effectively from other sources within the Department, from other advisory committees of the Department, or from another Federal agency.

The Committee will continue as initially chartered with not more than 20 members from industry and government who are appointed by the Assistant Secretary for Domestic and International Business. The activities of the Committee will be conducted in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management effective May 1, 1974 and section 5(c) of the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2404(c) (Supp. III, 1973).

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress on March 14, 1975.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles C. Swanson, Director, Operations Divisions, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202/967-4196.

Dated: February 24, 1975.

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

[FR Doc.75-5272 Filed 2-26-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat 770-776) the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary, Department of Health, Education, and Welfare, on February 10, 1975, with the concurrence of the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Designation. Minority Advisory Committee, ADAMHA

Purpose. The Minority Advisory Committee, ADAMHA, shall advise the Secretary and the Administrator, ADAMHA, on policy, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and make recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee will function in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), National Institute on Drug Abuse (NIDA), and National Institute of Mental Health (NIMH).

Responsibilities. 1. To develop and sustain communication linkages with minority caucuses, organizations, institutions, and communities; and to obtain their views on research, manpower, and service for treatment and rehabilitation programs relative to alcohol, drug abuse, and mental health issues and problems of minority groups.

2. To interpret the alcohol, drug abuse, and mental health needs and issues of minority groups to ADAMHA.

3. To propose and recommend possible creative use of grants, contracts, demonstration projects, and other resources available to ADAMHA as effective means for increasing program knowledge concerning the special needs of minority groups.

4. To advise on manpower matters as related to minority communities, and to make recommendations for achieving increased training of minorities in the fields of alcoholism, drug abuse, and mental health.

5. To advise the Administrator, ADAMHA, on issues of mutual concern to the Administrator and the Institutes.

Authority for this committee will expire February 10, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 21, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-5183 Filed 2-26-75;8:45 am]

Office of the Secretary

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on March 14 and 15, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. both days and will be open to the public, subject to the limitations of available space.

The agenda will include presentation of statements from Federal agencies with an interest in fetal research and further discussion of the legislative mandate of the Commission regarding research on the fetus. There will be a review of formal statements on the ethical issues with regard to this same issue presented by consultants to the Commission, and time permitting, discussion of other issues identified in the charter.

Requests for information should be directed to Ms. Anne Ballard (301-496-7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: February 20, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-5184 Filed 2-26-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-036]

PROPOSED U.S. COAST GUARD ACADEMY EXPANSION

Release and Availability of Draft Environmental Impact Statement

The Coast Guard announced in the FEDERAL REGISTER of September 5, 1974, the ongoing preparation of a draft Environmental Impact Statement concerning the location, construction, and operation of the U.S. Coast Guard's New London Station, Research and Development Center, and support facilities in New London, Connecticut. Now, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and other Acts and regulations, the Coast Guard has prepared and released such a draft Environmental Impact Statement.

A limited supply of copies of the draft statement is available at the following location to fill single copy requests: Staff Legal Office, U.S. Coast Guard Academy, New London, Connecticut 06320. In addition, copies are available for public inspection at the U.S. Coast Guard Academy Library, Connecticut College Library, University of Connecticut Library, the Connecticut State Library in Hartford and public libraries in New London, Groton, Ledyard, Waterford, and Norwich, Connecticut, and Fishers Island and Riverhead, New York.

Copies of the draft Environmental Impact Statement have been sent for comment to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts of this or similar projects. Comments concerning the proposed action or requests for additional information should be addressed to Captain John Crowley, Chairman, Environmental Impact Study Group, U.S. Coast Guard Academy, New London, Connecticut 06320. Such comments must be received on or before April 16, 1975, in order to be considered in the preparation of the final Environmental Impact Statement.

Oral and written comments may also be provided at a public hearing on the Draft Statement to be held at Dimick Hall, U.S. Coast Guard Academy, New

London, Connecticut, at 7 p.m., on April 2, 1975.

Dated: February 20, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-5193 Filed 2-26-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26603]

AIRLIFT INTERNATIONAL, INC.

Increased Container Rates; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of February, 1975.

By tariff revisions issued January 27 and marked to become effective February 26, 1975, Airlift International, Inc. (Airlift) proposes to increase local container rates and charges applicable to general commodities between points in the United States, on the one hand, and San Juan, on the other, by between 4 and 18 percent.

In support of its proposal, Airlift asserts, inter alia, that the proposed increases are intended to establish rate levels that will partially offset increases in costs, primarily increased fuel costs, while maintaining competitiveness by not exceeding approved rates for American Airlines, Inc. (American); that in U.S.-Puerto Rico operations, based on contractual agreements for fuel, the carrier will experience a 48.1 percent rise in fuel costs per gallon, representing an increase of $971,440 over 1974 fuel costs; that it expects to generate approximately $125,000 in added revenue over the next twelve months, representing a 5.5 percent increase in total revenue; and that the added revenue will recover only 12.8 percent of the projected cost increase. Furthermore, the carrier asserts that it is currently suffering losses in this market and, even with the proposed increases, it would experience a loss for the year ending September 30, 1975.

All of the proposed rates and charges are revisions to rates and charges under investigation in *Puerto Rico/Virgin Islands Freight Rates*, Docket 26603, and, accordingly, are within the scope of that proceeding. The issue before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in the investigation.

The Board has reviewed Airlift's proposed rates in the light of industry-average costs of carrying air freight (including a full return on investment),[1] and finds a limited number of the proposed rates and charges exceed costs: rates and charges for Types A, B, and B-2 containers between Dallas and Houston, on the one hand, and San Juan, on the other, and for Type D containers between Chicago, Cleveland, and Detroit, on the one hand, and San Juan, on the other. In view of this and upon consideration of all other relevant factors, the Board concludes that the latter rates should be suspended.

It is true, as Airlift alleges, that the rates proposed in a number of markets are equal to American's. Airlift's rates would, however, exceed industry-average costs, based upon its own shortest-authorized route mileages in some of those markets, while American's are below costs, based upon its own shortest-authorized mileages. For example, in the Dallas-San Juan market, Airlift is authorized to operate via Miami, involving a distance of about 2,166 miles, while American's shortest-authorized route is via Washington, D.C., a distance of approximately 2,751 miles.

Our conclusion to suspend these rates, pending investigation, is consistent with our decision in the Domestic Passenger-Fare Investigation, Phase 9 (Fare Structure), Docket 21866-9, affirmed on reconsideration in Order 74-12-109, December 27, 1974.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto are suspended and their use deferred to and including May 26, 1975, 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; and

2. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

TARIFF C.A.B. No. 4, ISSUED BY AIRLIFT INTERNATIONAL, INC.

On 20th Revised Page 24:

Between San Juan and Dallas and Houston, the increased rates and charges for Types A-1 and A-2 containers.

On 15 Revised Page 24-B: Between San Juan and Chicago, Cleveland, and Detroit, the increased rates and charges for Type D containers; and between San Juan and Dallas and Houston, the increased rates and charges on Types B and B-2 containers.

[FR Doc.75-5277 Filed 2-26-75;8:45 am]

[Docket 25280; Agreement C.A.B. 24843; Order 75-2-68]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

Issued under delegated authority February 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 18th meeting of the Joint Specific Commodity Rates Board held in San Diego on October 14-17, 1974 and has been assigned the above C.A.B. agreement number.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structures applicable on the North Atlantic, North/Central Pacific and South Pacific market areas. Revisions in the North Atlantic and North/Central Pacific areas are outlined in Attachments I and II hereto, reflect reductions from the otherwise applicable general cargo rates and will be approved. Revisions in the South Pacific area are outlined in Attachments III and IV hereto. We will approve those revisions outlined in Attachment III since they all represent deletions of rates judged by the carriers to be no longer necessary. However, revisions detailed in Attachment IV reflect the general 5 percent fuel-related increase in South Pacific rates disapproved by the Board in Order 74-12-23 of December 6, 1974 and will be disapproved consistent with that order.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14:

1. It is not found that Agreement C.A.B. 24843, except those revisions detailed in Attachment IV hereto, is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered:

2. It is found that Agreement C.A.B. 24843 to the extent detailed in Attachment IV hereto is adverse to the public interest and in violation of the Act:

Accordingly, *it is ordered*, That: 1. Agreement C.A.B. 24843, except those revisions detailed in Attachment IV hereto, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing;

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages at levels no greater than those established for the more distant point, and that all specified commodity rates shall be in compliance with Order 74-11-153; and

[1] These cover industry-average online and interline noncapacity costs (which include transfers from one plane to another) plus online capacity costs. These costs have been adjusted for recent increases in unit operating costs, through the period January-September 1974. Although the foregoing costs essentially cover airline operations between the 50 states, we believe that they may be considered reasonable approximations of costs between the Mainland and San Juan for the purpose of resolving the suspension issue, pending our decision in Docket 26603.

3. Those revisions detailed in Attachment IV hereto be and hereby are disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

AGREEMENT CAB 24843

NORTH ATLANTIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
Rates Added Under Existing Commodity Descriptions			
0670	75	5,000	New York to Oslo.
	75	5,000	New York to Stockholm.
1433	118	100	Miami to Bergen.
	109	500	
	104	1,000	
	116	100	Miami to Copenhagen.
	106	500	
	100	1,000	
	118	100	Miami to Gothenburg.
	109	500	
	104	1,000	
	124	100	Miami to Helsinki.
	114	500	
	108	1,000	
	117	100	Miami to Malmo.
	108	500	
	103	1,000	
	122	100	Miami to Oslo.
	112	500	
	106	1,000	
	122	100	Miami to Stockholm.
	112	500	
	106	1,000	
1471	109	200	Miami to Bergen.
	105	500	
	102	1,000	
	106	200	Miami to Copenhagen.
	103	500	
	98	1,000	
	109	200	Miami to Gothenburg.
	105	500	
	102	1,000	
	114	200	Miami to Helsinki.
	110	500	
	106	1,000	
	108	200	Miami to Malmo.
	105	500	
	100	1,000	
	112	200	Miami to Oslo.
	108	500	
	105	1,000	
	112	200	Miami to Stockholm.
	108	500	
	105	1,000	
[2] 1475	250	100	Abidjan to New York.
	175	500	
	134	100	Paris to New York.
	122	500	
[2] 3060	214	500	Johannesburg to New York.
[2] 3909	299	500	New York to Johannesburg.
[2] 4314	352	1,000	New York to Mauritius.
[2] 4483	86	1,000	New York to Belgrade.
[2] 8708	80	1,000	Paris to New York.
[2] 6502	78	1,000	Nice to New York.
[2] 6750	273	500	Johannesburg to New York.
[2] 6833	283	500	Do.
7046	285	100	New York to Nairobi.
	260	200	
	238	500	
7103	113	100	Warsaw to New York.
7107	113	100	New York to/from
	77	300	Warsaw.
7119	54	1,000	Belfast to New York.
	57	1,000	Birmingham to New York.
	59	1,000	Bristol to/from New York.
	59	1,000	Cardiff to/from New York.
	59	1,000	Edinburgh to/from New York.
	57	1,000	Glasgow to New York.
	59	1,000	Leeds to/from New York.
	57	1,000	London to New York.
	57	1,000	Manchester to New York.
	59	1,000	Newcastle to/from New York.
9206	257	300	Johannesburg to New York.
9516	166	1,000	Addis Ababa to New York.
	233	100	Blantyre to New York.
	142	100	Warsaw to New
	116	300	York.
9993	137	300	Monrovia to New York.
	238	500	Nairobi to New York.
Rates changed under existing commodity descriptions			
[2] 0670	57	5,000	New York to Amsterdam.
	57	5,000	New York to Brussels.
	60	5,000	New York to Frankfurt.
	57	5,000	New York to Paris.
	62	5,000	New York to Vienna.
	60	5,000	New York to Zurich.
[2a] 1053	85	2,000	New York to Shannon.
[2] 4416	105	200	Bergen to/from
	100	500	New York.
	98	1,000	
	105	200	Kristiansand to/
	100	500	from New York.
	98	1,000	
	105	200	New York to/from
	100	500	Oslo.
	98	1,000	
	105	200	New York to/from
	100	500	Stavanger.
	98	1,000	
[2] 7103	114	100	Bergen to New York.
	111	100	Copenhagen to New York.
	114	100	Gothenburg to New York.
	117	100	Oslo to New York.
	117	100	Stockholm to New York.
[2] 7107	107	100	Amsterdam to/
	71	300	from New York.
	107	100	Barcelona to/from
	71	300	New York.
	102	100	Belfast to/from
	65	300	New York.
	114	100	Belgrade to/from
	78	300	New York.
	114	100	Bergen to/from
	78	300	New York.
	112	100	Berlin to/from
	76	300	New York.
	111	100	Bremen to/from
	75	300	New York.
	107	100	Brussels to/from
	71	300	New York.
	106	100	Cardiff to/from
	70	300	New York.
	107	100	Cologne to/from
	71	300	New York.
	111	100	Copenhagen to/
	75	300	from New York.
	102	100	Dublin to/from
			New York.
	65	300	
	100	100	Frankfurt to/from
			New York.
	75	300	
	105	100	Glasgow to/from
			New York.
	67	300	
	114	100	Gothenburg to/
			from New York.
	78	300	
	111	100	Hamburg to/from
	75	300	New York.
	111	100	Hanover to/from
	75	300	New York.
	129	100	Helsinki to/from
	83	300	New York.
	112	100	Innsbruck to/from
	76	300	New York.
	122	100	Istanbul to/from
	84	300	New York.
	118	100	Kristiansand to/
	81	300	from New York.
	112	100	Linz to/from
	76	300	New York.
	105	100	Lisbon to/from
	67	300	New York.
	105	100	London to/from
	67	300	New York.
	107	100	Luxembourg to/
	71	300	from New York.
	107	100	Madrid to/from
	71	300	New York.
	113	100	Malmo to/from
	77	300	New York.
	105	100	Manchester to/
	67	300	from New York.
	111	100	Milan to/from
	75	300	New York.
	112	100	Munich to/from
	76	300	New York.
	111	100	Nice to/from
	75	300	New York.
	112	100	Nuremberg to/
	76	300	from New York.
	118	100	Oslo to/from
	81	300	New York.
	107	100	Paris to/from
	71	300	New York.
	112	100	Prague to/from
	76	300	New York.
	113	100	Rome to/from
	77	300	New York.
	101	100	Shannon to/from
	64	300	New York.
	118	100	Stavanger to/from
	81	300	New York.
	118	100	Stockholm to/from
	81	300	New York.
	111	100	Stuttgart to/from
	75	300	New York.
	113	100	Vienna to/from
	77	300	New York.
	113	100	Zagreb to/from
	77	300	New York.
	111	100	Zurich to/from
	75	300	New York.
[2] 7119	60	1,400	Amsterdam to/ from New York.
	60	1,000	Barcelona to/from New York.
	54	1,000	New York to Belfast.
	65	1,000	Belgrade to/from New York.
	65	1,000	Bergen to/from New York.
	63	1,000	Berlin to/from New York.
	57	1,000	New York to Birmingham.
	62	1,000	Bremen to/from New York.
	60	1,000	Brussels to/from New York.
	60	1,000	Cologne to/from New York.
	62	1,000	Copenhagen to/ from New York.
	54	1,000	Dublin to/from New York.
	62	1,000	Frankfurt to/from New York.
	57	1,000	New York to Glasgow.
	65	1,000	Gothenburg to/ from New York.
	62	1,000	Hamburg to/from New York.

IATA commodity item No.	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	62	1,000	Hanover to/from New York.
	71	1,000	Helsinki to/from New York.
	57	1,000	Lisbon to/from New York.
	57	1,000	New York to London.
	60	1,000	Luxembourg to/from New York.
	62	1,000	Lyon to/from New York.
	60	1,000	Madrid to/from New York.
	64	1,000	Malmo to/from New York.
	57	1,000	New York to Manchester.
	62	1,000	Milan to/from New York.
	63	1,000	Munich to/from New York.
	62	1,000	Nice to/from New York.
	63	1,000	Nuremberg to/from New York.
	67	1,000	Oslo to/from New York.
	60	1,000	Paris to/from New York.
	64	1,000	Rome to/from New York.
	53	1,000	Shannon to/from New York.
	67	1,000	Stavanger to/from New York.
	67	1,000	Stockholm to/from New York.
	62	1,000	Stuttgart to/from New York.
	131	1,000	New York to Tel Aviv.
	64	1,000	Vienna to/from New York.
	64	1,000	Zagreb to/from New York.
	62	1,000	Zurich to/from New York.
[4] 8227	146	200	Tel Aviv to New York.
[4] 8502	100	500	New York to Amsterdam.
	90	1,000	
	100	500	New York to Brussels.
	90	1,000	
	100	500	New York to Paris.
	90	1,000	
[4] 9993	180	500	Kinshasha to New York.
[4] 9995	187	45	New York to Stockholm.

[1] See applicable tariff for commodity descriptions.
[2] Area of application changed to include North Atlantic market area.
[3] Rates increased.
[3a] Expiry extended to Sept. 30, 1975.
[4] Rates decreased.
[5] Certain rates decreased and all expiry dates extended to June 30, 1975.
[6] Expiry date removed.

IATA commodity item No. [1]	Minimum weight, kilograms	Market
	Rates for the following commodity items have been deleted	
1295	100	Lyon to New York.
	300	
	100	Nice to New York.
	300	
	100	Paris to New York.
	300	
3404	500	Oslo to New York.
4204	1,000	New York to Ankara.
	1,000	New York to Istanbul.
6828	300	New York to Copenhagen.
	500	
9227	500	Stockholm to New York.
	1,000	
9578	100	New York to Oslo.
	500	
9918	1,000	Copenhagen to New York.
9997	100	Stockholm to New York.
	300	
	500	

[1] See applicable tariff for commodity descriptions.

IATA commodity item No.	Description	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	New specific commodity descriptions and Rates			
7033	Insulated paper for transformers	124	500	New York to Istanbul.
		114	1,000	
9476	Components of pens and pencils	105	200	New York to Dublin.
		101	200	New York to Shannon.

NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS

IATA commodity item No.	Description
4952	Airless spray gun.

AGREEMENT CAB 24843

NORTH/CENTRAL PACIFIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	Rates added under existing commodity descriptions		
0007N	96	200	Los Angeles to Okinawa.
1024	230	100	Jakarta to Los Angeles.
9975	219	100	Guam to Okinawa.
9976	219	100	Okinawa to Guam.
9991	302	100	New York to Delhi.

[1] See applicable tariff for commodity descriptions.

IATA commodity item No. [1]	Specific commodity rate: Minimum charge	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
4123	$1,209	175	725	St. Louis to Hong Kong.
	2,013	175	1,150	
	2,151	175	1,229	
	2,475	175	1,414	
	2,630	175	1,407	

[1] See applicable tariff for commodity descriptions.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	Rates changed under existing commodity descriptions		
[2] 1000	Between the Western Hemisphere and the Pacific.		
[3] 9975	193	100	Chicago to Okinawa.
	170	100	Honolulu to Okinawa.
	186	100	Los Angeles to Okinawa.
	195	100	New York to Okinawa.

[1] See applicable tariff for commodity descriptions.
[2] Rates changed to expire June 30, 1975. Allows carriage of live animals other than monkeys and primates at the applicable general cargo rate provided that rates with minimum weights over 200 kgs. will not apply.
[3] Effective date changed from July 15, 1975 to Jan. 20, 1975.

IATA commodity item No.	Description	Specific Commodity Rate: Minimum charge	Cents per kilogram	Minimum weight, kilograms	Market
	New specific commodity descriptions and rates				
2211	Yarn, thread and/or fibers natural and synthetic; cloth, exclusively in bales, bolts, or pieces, not further processed or manufactured; clothing and footwear; textile manufacturers; namely articles or material made principally of textiles.	$877	177	760	Hong Kong/Taipei to Chicago.
		1,152	177	945	
		1,572	177	1,260	
		.....	183	1,500	Hong Kong to Chicago.
		2,122	177	1,650	Hong Kong /Taipei to Chicago.
		2,076	177	1,650	
		2,489	177	2,000	
		761	153	760	Hong Kong/Taipei to Los Angeles.
		939	153	945	Portland/San Francisco/Seattle.
		1,362	153	1,260	
		.....	159	1,500	Hong Kong to Los Angeles/Portland/San Francisco/Seattle.
		1,839	153	1,650	Hong Kong/Taipei to Los Angeles/Portland/San Francisco/Seattle.
		1,799	153	1,650	
		2,300	153	2,000	
		939	185	760	Hong Kong/Taipei to New York.
		1,208	185	945	
		1,648	185	1,260	
		.....	192	1,500	Hong Kong to New York.
		2,175	185	1,650	Hong Kong/Taipei to New York.
		2,225	185	1,650	
		2,610	185	2,000	
		.....	183	1,200	Taipei to Chicago, Taipei to Los Angeles/Portland/San Francisco/Seattle.
		.....	159	1,200	
		.....	192	1,200	Taipei to New York.

AGREEMENT CAB 21843

SOUTH PACIFIC

IATA commodity item No. [1]	Specific commodity rate, minimum weight, kilograms	Market
		Rates for the following commodity items have been deleted
3063	200	Los Angeles to Auckland.
4010	45	Do.
4123	45	Do.
4201	100	Do.
6001	45	Do.
8397	45	Do.
	100	Los Angeles to Melbourne.
	100	Los Angeles to Sydney.

[1] See applicable tariff for commodity descriptions.

AGREEMENT CAB 21843

SOUTH PACIFIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Minimum weight, kilograms	Market
	Rates added under existing commodity descriptions		
[3] 0315	98	45	Tongatabu to Honolulu.
1024	126	300	Nandi to Los Angeles.
[2] 1439	168	45	Honolulu to Auckland.
1485	116	1,400	Auckland to Los Angeles.
4375	325	500	Sydney to New York.
8397	300	100	Los Angeles to Auckland.
	Rate extended under existing commodity description		
0785	75	1,000	Nandi to Los Angeles.
	Rates changed under existing commodity descriptions		
[3] 0003	77	1,000	Los Angeles to Papeete.
[3] 0007	145	1,000	Los Angeles to Auckland.
	134	1,000	Los Angeles to Noumea.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Minimum weight, kilograms	Market
	Between the Western Hemisphere and the Pacific		
[4] 1000	350	100	Los Angeles to
[3] 4010	340	500	Auckland.
[2] 4123	300	100	Los Angeles to Auckland.
	302	100	Los Angeles to Melbourne.
	384	100	Los Angeles to Sydney.
[3] 4201	302	100	Los Angeles to Melbourne.
	354	100	Los Angeles to Noumea.
	384	100	Los Angeles to Sydney.
[3] 4311	302	100	Los Angeles to Melbourne.
	384	100	Los Angeles to Sydney.
[3] 4401	300	100	Los Angeles to Auckland.
[3] 8701	338	100	Los Angeles to Melbourne.
	365	100	Los Angeles to Noumea.
	354	500	
	330	100	Los Angeles to Sydney.
[3] 6001	300	100	Los Angeles to Auckland.
	338	100	Los Angeles to Melbourne.
	330	100	Los Angeles to Sydney.
[3] 8207	360	200	Los Angeles to Auckland.
	389	500	Los Angeles to Sydney.
[3] 8280	417	100	Los Angeles to Melbourne.
	410	100	Los Angeles to Sydney.
[3] 8550	398	100	Los Angeles to Melbourne.
	390	100	Los Angeles to Sydney.

[1] See applicable tariff for commodity descriptions.
[2] Area of application changed to include the Pacific market area.
[3] Rates increased.
[4] Rates changed to expire June 30, 1978. Allows carriage of live animals other than monkeys or primates at the applicable general cargo rate provided that rates with minimum weights over 200 kgs. will not apply.

IATA commodity Item No. [1]	Description	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	New specific commodity description and rate			
4183	Outboard motor parts	235	300	Honolulu to Auckland.

[1] See applicable tariff for commodity descriptions.

[FR Doc.75-4994 Filed 2-26-75;8:45 am]

[Order 75-2-22, Docket 25705]

NORTH CENTRAL AIRLINES, INC.

Application for Realignment of Route 86; Order Amending Certificate

Correction

In FR Doc. 75-3667 appearing at page 6219 in the issue for Monday, February 10, 1975, makes the following changes, footnotes 14, 27 should read as set forth below:

14. Omaha-Grand Rapids, 2240; Omaha-Lansing, 1510; Omaha-Muskegon, 470; Omaha-Saginaw, 1320; Omaha-South Bend, 1860. See Order 74-7-63, Appendix B.

27. We will, however, elminate the requirement that South Bend-New York flights serve a second intermediate point in addition to Milwaukee. Since North Central will have unrestricted authority between South Bend and Milwaukee and between Milwaukee and New York, the imposition of an additional stop requirement on flights serving both South Bend and New York over Milwaukee would be anomalous and obviously, is unnecessary. See n. 20, *supra*.

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Extension of Press Conference to the Los Angeles Area

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the press conference of the California State Advisory Committee (SAC) to this Commission announced in the FEDERAL REGISTER, p. 7700 on February 21, 1975 is hereby amended to extend to the Los Angeles area. The Conference will convene at 10 a.m. on March 4, 1975, at Union Square (Elizabethe Room—second floor/Tower Section), San Francisco, California 94119 and at 12 noon on March 4, 1975 at the Press Club, 600 North Vermont Avenue, Los Angeles, California 90004.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this press conference is to release Asian American Report, "A Case of Mistaken Identity."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5354 Filed 2-25-75;2:22 pm]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on March 14, 1975, at 9 a.m. in the New Executive Office Building, Room 2010, 726 Jackson Place, NW., Washington, D.C. 20036.

The purpose of the meeting will be to discuss the issues that will be included in the May Interim Report and such other business as may be presented by the members.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone (202) 254-7803 before close of business March 12, 1975.

Dated: February 24, 1975.

BRUCE PALMER, Jr.,
Executive Director.

[FR Doc.75-5196 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 338-6]

AMCHEM PRODUCTS, INC.

Establishment of Temporary Tolerances

Amchem Products, Inc., Ambler, PA 19002, submitted a petition (PP 5G1597) requesting establishment of temporary tolerances of 0.1 part per million for negligible residues of bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) in or on the grain, green forage, and straw of wheat, and in the meat, fat, and meat by-products of cattle, goats, hogs, horses, and sheep.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

This temporary tolerance expires February 24, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18605).

Dated: February 24, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-5289 Filed 2-26-75;8:45 am]

[FRL 338-2; OPP-260101]

AMERICAN CYANAMID CO., ET AL.

Filing of Petitions Regarding Pesticide Chemicals

Petitions proposing the establishment of pesticide tolerances (40 CFR 180) in or on certain raw agricultural commodities have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (FFDCA). The petitioners and proposals are:

PP 5F1589. American Cyanamid Co., PO Box 400, Princeton NJ 08540. Proposes establishment of a tolerance for combined residues of the fungicide thiophanate-methyl [dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)] bis [carbamate]] and its metabolite methyl 2-benzimidazole carbamate in or on bananas at 1 part per million, of which not more than 0.2 part per million (negligible residue) shall be present in the pulp after the peel is removed. Proposed analytical method for determining residues is an ultra-violet spectrophotometric procedure. PM21.

PP 5F1578. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. Proposes establishment of a tolerance for combined residues of the insecticide acephate (O,S-dimethyl acetic phosphoramidothioate) and its cholinesterase-inhibiting metabolite (O,S-dimethyl phosphoramidothioate) in or on celery at 10 parts per million; sweet peppers at 4 parts per million; beans (succulent form, including pods) at 3 parts per million; and dry beans at 1 part per million. Proposed analytical method for determining residues is a gas chromatographic procedure with a thermionic detector. PM16.

PP 5F1588. Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. Proposes establishment of a tolerance for negligible residues of the herbicide profluralin (N-cyclopropylmethyl) - a,a,a - trifluoro - 2,6 - dinitro - N-propyl-p-toluidine) in or on sunflower seeds and safflower seeds at 0.1 part per million. Propose analytical method for determining residues is a gas chromatographic procedure with electron capture detection. PM24

PP 5F1583. Miller Chemical & Fertilizer Corp., PO Box 333, Hanover PA 17331. Proposes establishment of a tolerance for residues of the insecticide Tetraethyl Pyrophosphate in or on alfalfa grown for seed at 0.01 part per million. Proposed analytical method for determining residues is a gas chromatographic procedure using a cesium bromide thermionic detector. PM16

Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-5175 Filed 2-26-75;8:45 am]

[FRL 338-1; OPP-261001]

CIBA-GEIGY CORP.

Filing of Food Additive Petition

CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, has filed a petition (FAP 5H5074) proposing the issuance of a regulation and establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine in potable water at 0.01 part per million. Notice of this filing is given pursuant to the provisions of section 409(b) of the Federal Food, Drug, and Cosmetic Act.

Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-5176 Filed 2-26-75;8:45 am]

[FRL 337-2; OPP-32000/193 & 194]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before April 28, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 28, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-32000/193]

EPA File Symbol 11515-AN. ABC Chemical Corp., 17000 W. Eight Mile Rd., Southfield MI 48075. ABC CHEMICAL CORPORATION SUPER FOG CONCENTRATE. Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide, Technical 6.00%; N-octyl bicycloheptene dicarboximide 10.000%; Petroleum Distillates 81.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 5481-RIE. Amvac Chemical Corp., 4100 E. Wash. Blvd., Los Angeles CA 90023. FUM-A-CIDE 30-D. Active Ingredients: 1,3-Dichloropropene, 1,2-dichloropropane and related chlorinated hydrocarbons 70%; Chloropicrin 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 5481-RIG. Amvac Chemical Corp. FUM-A-CIDE 15-D. Active Ingredients 1,3-Dichloropropene, 1,2-dichloropropane and related chlorinated hydrocarbons 85%; Chloropicrin 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5481-RTO. Amvac Chemical Corp. FUM-A-CIDE 54-45. Active Ingredients: Ethylene dibromide 54%; Trichloronitromethane 45%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 7478-GA. Chem-Pak Co., PO Box 757, S. Miami FL 33143. C TOMATO DUST INSECTICIDE-FUNGICIDE. Active Ingredients: Manganese Ethylene Bisdithiocarbamate (Manganese as Metallic 0.33%) 2.00%; Zineb (Zinc Ethylene Bis Dithiocarbamate-Total Zinc as Metallic 0.70%) 4.00%; 1-Naphthyl N-methylcarbamate 4.00%; 0,0-diethyl 0-(2-isopropyl-4-methyl - 6 - pyrimidinyl) thiophosphate 1.00%; Sulfur 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 7478-GI. Chem-Pak Co. C FLORIDA TOMATO AND VEGETABLE SPRAY FUNGICIDE WITH INSECTICIDE. Active Ingredients: Maneb (Manganese Ethylene Bisdithiocarbamate) 12.0%; Zineb (Zinc Ethylene Bis Dithiocarbamate) 12.0%; 1-Naphthyl N-methylcarbamate 8.0%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) thiophosphate 4.0% Sulfur 9.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 7478-GT. Chem-Pak Co. C FLORIDA VEGETABLE DUST FUNGICIDE WITH INSECTICIDE. Active Ingredients: Maneb (Manganese Ethylene Bisdithiocarbamate-Manganese as Metallic 0.33%) 2.00%; Zineb (Zinc Ethylene Bis Dithiocarbamate-Total Zinc as Metallic 0.70%) 4.00%; 1-Naphthyl N-methylcarbamate 4.00%; 0,0-diethyl 0-(2-isopropyl-4-methyl - 6 - pyrimidinyl) thiophosphate 1.00%; Sulphur 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 33275-E. Crystalab, Inc., 612 Capitol Ave., Hartford CT 06106. CRYSTALAB HUMIDIFIER WATER TREATMENT II. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 2398-L. Commerce Drug Co., Inc., Div. Del Laboratories, Inc., 565 Broad Hollow Rd., Farmingdale NY 11735. BARC LIQUID II. Active Ingredients: Pyrethrins 0.165%; Piperonyl butoxide, technical 2.000%; Isobornyl Thiocyanoacetate 1.640%; Related Compounds 0.360%; Petroleum Distillate 5.035%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.), 7056 Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE (For Use on Oranges, Lemons, Grapefruit & Tangelos in the State of Calif.). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Turf in the State of Florida). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Mint). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Sorghum). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Tomato). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Apples in Areas East of the Rocky Mountains). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Carrots in the States of Ariz & Calif.). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 10155-ER. Globe Chemicals, Inc., PO Box 3484, Toledo OH 43607. ALGAELENE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1021-RGUE. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. MGK REPELLENT INTERMEDIATE 2052. Active Ingredients: N,N-diethyl-m-toluamide 44.70%; Other isomers 2.36%; N-octyl bicycloheptene dicarboximide 8.82%; 2,3:4, 5-bis(2-butylene) tetrahydro-2-furaldehyde 5.88%; Petroleum distillate 29.42%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 10290-EA. Professional Chemical Co., Inc., 4517 Yale, Houston TX 77018. DEEP SOUTH PUFFY POWDER. Active Ingredients: Carbaryl 1-naphthyl methylcarbamate 5%. Method of Support: terim policy. PM12

EPA File Symbol 148-RENL. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. METHOXYCHLOR 2 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Methoxychlor 25%; Aromatic Petroleum Derivative Solvent 71%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 7992-RA. TNT Chemicals, Inc., 7301 NW 77th St., Miami FL 33166. TRULY NOLEN TREATMENT TNT GUARANTEED TO KILL RESISTANT ROACH AND AND KILLER WITH RESIDUAL ACTION. Active Ingredients: d-trans Allethirn (allyl homolog of Cinerin I) 0.030%; 2,2-Dichlorovinyl dimethyl phosphate 0.279%; Related Compounds 0.021%; 2-(1-methylethoxy) phenol methylcarbate 0.500%; Essential Oils 0.075%; Petroleum Distillates 88.595%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

APPLICATIONS RECEIVED [OPP-32000/194]

EPA File Symbol 2749-UNR. Aceto Chemical Co., Inc., Ag. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. BROMOXYNIL PLUS BROADLEAF HERBICIDE. Active Ingredients: Octanoic acid ester of bromoxynil (3,5 - dibromo - 4 - hydroxybenzonitrile) 30.7%; Butoxyethanol ester of 2-methyl-4-chloropheno-xyacetic acid 33.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1020-REA. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. ETHEX ETHION - 4E MITICIDE - INSECTICIDE EMULSIBLE CONCENTRATE. Active Ingredients: Ethion (0,0,0',0-tetraethyl S,S' - methylene bisphosphorodithioate) 46.5%; Xylene 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36332-R. Chemtool, Inc., 6115 Lou Ave., Crystal Lake IL 60014. CHEMTOOL 770. Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylenedichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 11556-LN. Cutter Animal Health Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. MY PAL TICK AND FLEA DAB-ON. Active Ingredients: (propoxur)o - Isopropoxyphenyl methylcarbamate 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 34761-RN. Ecolo-G Enterprises Ltd., Industrial Park Bldg. No. 5, West Haverstraw NY 10993. ECOLO-G ULV MOSQUITO ADULTICIDING CONCENTRATE #525. Active Ingredients: Pyrethrins 5%; Piperonyl Butoxide, Technical 25%; Mineral Oil 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-RG. Ecolo-G Enterprises Ltd., Industrial Park Bldg. No. 5, West Haverstraw NY 10993. ECOLO-G INDUSTRIAL INSECTICIDE PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 7.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-G. Ecolo-G Enterprises Ltd., Industrial Bldg. No. 5, West Haverstraw NY 10993. ECOLOGY ROACH & ANT SPRAY. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 93.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 2437-RT. Elkhorn Chemical Co., Inc., One Elko Lane, Elkhorn WI 53121. ELKO ALL PURPOSE SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2437-RA. Elkhorn Chemical Co., Inc. ELKO ACID SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2437-RL. Elkhorn Chemical Co., Inc. ELKO SANISCRUB. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11497-RG. Enviro Chem Corp., PO Box 29113, 11262 Leo Lane, Dallas TX 75229. BIO MATE RESIDUAL INSECTICIDE. Active Ingredients: Ronnel (0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate) 2.0%; N-Octyl bicycloheptene dicarboximide 0.2%; Pyrethrins 0.06%; Technical Piperonyl Butoxide 0.12%; Petroleum Distillates 97.62%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 10155-EN. Globe Chemicals, Inc., PO Box 3484, Toledo OH 43607. TOWERCIDE 400. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5145-RT. Horning Safety Products Co., 1180 W. 28th St., Indianapolis IN 46211. HORNING'S POOL ALGAECIDE CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5145-RI. Horning Safety Products Co., 1180 W. 28th St., Indianapolis IN 46211. HORNING'S POOL ALGAECIDE F-25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 12.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 8169-I. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER TOTAL RELEASE INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 32460-L. Hydrology Laboratories, Inc., PO Box 714, Smithtown NY 11787. STEP 1 SUPERCHLORINATOR FOR SWIMMING POOLS. Active Ingredients: 1,3-dichloro-5,5-dimethylhydantoin 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 33431-E. Interchem Inc., 3516 N. 14th St., St. Louis MO 63107. CONTROL SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (60% C14, 25% C12, 15% C16) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 1489-L. Mackall's Products Co., 1907 N. Chico Ave., So. El Monte CA 91733. MACKALL'S NO MORE FLEAS. Active Ingredients: Amorphous Silica Gel 95.3%; Ammonium Fluosilicate 4.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35895-R. Memphis Pool Supply Co., 2762 Getwell Rd., Memphis TN 38118. POOL BARON'S RESCUE ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3468-LR. Schall Chemical Inc., PO Box 862, Monte Vista CO 81144. METHOXYCHLOR INSECTICIDE EMULSIFIABLE CONC. Active Ingredients: Methoxychlor Technical 24%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 201-GIN. Shell Chemical Co., 1025 Conn. Ave., NW, Suite 200, Washington, DC 20036. Active Ingredients: 2-(4-chloro-6-ethylamino-s-triazin-2-ylamino)-2-methylpropionitrile 28.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

[FR Doc.75-5022 Filed 2-26-75;8:45 am]

[FRL 336-7]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 8:30 a.m., March 18, 1975. The meeting will be held in Room 1101, Waterside Mall West Tower, 401 M Street, SW, Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes reports on the activities of other Committees of the Science Advisory Board, a

discussion of parameters relevant to mutagenicity screening, the considered use of scientific information in developing public policy, and member items of interest. In addition, reports will be delivered by two study panels of the Committee addressing: (a) Scientific issues relevant to Agency policy on sulfates in the atmosphere, and (b) a review of the Community Health and Environmental Surveillance System (CHESS) program. It is anticipated that the Committee will consider what advisory recommendations should be offered to the Agency based on consideration of these reports.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755-0263.

Dated: February 21, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-5290 Filed 2-26-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PUBLIC SYMPOSIUM REGARDING THE IMPACT OF PROPOSED ACCELERATION IN OCS LEASING

Cancellation of Meeting

The Public Symposium regarding outer continental shelf leasing which was scheduled for March 4 & 5, 1975, at 9 a.m., Room 8544, Federal Building, 300 North Los Angeles Street, Los Angeles, California has been cancelled. A notice of meeting was published in the issue of February 12, 1975 (40 FR 6536).

Issued at Washington, D.C. on February 25, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-5355 Filed 2-26-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket Nos. 73-42, 73-61, 73-69, 74-4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS v. SEATRAIN INTERNATIONAL S.A.

Order on Submission of Environmental Memoranda

Hearings in the above referenced proceedings have been completed and briefs filed, but no environmental impact issues were raised by the parties nor considered in the course of the proceeding. The matter is otherwise ready for initial decision.

Nonetheless the Commission believes it is required by the National Environmental Policy Act of 1969 (NEPA) to provide an environmental analysis of the subject matter of this proceeding and issue an Environmental Impact Statement therefor. Under section 102(C) of said Act, the Commission is required to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Commission believes that the nature of this proceeding renders any decision hereon a "major Federal action significantly affecting the quality of the human environment." Consequently the broad scope of environmental factors involved warrant most careful consideration and evaluation before decision making is undertaken. As the presiding Administrative Law Judge is cognizant of NEPA's statutory requirements, it is assumed no Initial Decision will be rendered until such time as the Commission submits an Environmental Impact Statement for his consideration in this proceeding.

Therefore it is ordered, That to aid the Commission in its environmental evaluation, all parties shall submit memoranda to the Commission within 45 days which include their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding. Parties shall consider all alternative decisions in this case and use the above-cited section 102(C) of NEPA as a guide in preparing their environmental memoranda.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5267 Filed 2-26-75;8:45 am]

PACIFIC COAST—AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Mr. A. H. Eber, Secretary
Pacific Coast-Australasian Tariff Bureau
635 Sacramento Street
San Francisco, California 94111

Agreement 50-30 would modify the Pacific Coast-Australasian Tariff Bureau's basic agreement by adding a new paragraph, I(c), reading as follows:

"I(c). *Additional purpose:* It is an essential term of this Agreement and basic condition of each and every promise or undertaking herein contained that (subject to there being obtained any requisite approval hereof of the Federal Maritime Commission of the United States of America or any other regulatory agency affecting the flag of the carrying vessel) the Member lines agree that, during the term of this agreement, they will use their best endeavors to observe and maintain the conference system of shipping in relation to any outwards cargo shipping from Australia in which they may engage, in the reciprocal trade to that covered by this Agreement. To that end, if at any time during the term of this Agreement two or more member lines are engaged in such reciprocal trade, outwards, from Australia, and there is no current conference Agreement, as defined in Part X of the Australian Trade Practices Act 1974, relative to such trade, then in effect, such member lines will negotiate in good faith for the formation of such an agreement.

By Order of the Federal Maritime Commission.

Dated: February 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5265 Filed 2-26-75;8:45 am]

U.S. GULF/PERU SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington,

D.C., 20573, by March 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Lloyd Strickland, Vice President
Lykes Bros. Steamship Co., Inc.
300 Poydras Street
New Orleans, Louisiana 70130

Agreement No. 10044-2, between Compania Peruana de Vapores (CPV) and Lykes Bros. Steamship Co., Inc., modifies the basic agreement by (1) extending the expiration date of the agreement for a period of two years; (2) adding a new paragraph to Article 6 of the agreement providing that a Line's pool earnings for a given year may be adjusted by excluding therefrom pool earnings resulting from its last sailing of that year to the extent necessary to equalize the earnings of both Lines for that year and any pool earning so excluded will be deemed earned in the next succeeding pool year; and (3) adding an additional paragraph to Article 15 stipulating that for the purpose of pool settlements all sailings made during the calendar year 1975 shall be considered as one period.

By Order of the Federal Maritime Commission.

Dated: February 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5266 Filed 2-26-75;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Order Instituting Investigation and Providing for Hearing

FEBRUARY 20, 1975.

On February 10, 1975, the 64-foot high earthfill dam at the Bouldin Dam of the Coosa River Project No. 2146 failed. This failure occurred in the earth dike east of the power plant and resulted in a flow through the dike which was estimated at approximately 50,000 cfs.

The Bouldin Dam obtains its water from a reservoir of the Jordan Project No. 618. Because flows from this reservoir to the Bouldin Dam are not regulated, the failure of the dam resulted in a substantial decrease in the level of the reservoir at the Jordan Project No. 618, adding flows in the river downstream from the dam.

The dam failure occurred at 1:30 a.m. on February 10, 1975. During the morning of February 10, 1975 the Atlanta Regional Engineer and an assistant visited the site. The Head of the Section on Inspections of the Bureau of Power and an assistant plus two engineers from the Atlanta Regional Office visited the dam site last week and met with a Board of Consultants retained by the licensee in connection with the dam failure.

We believe the failure of this dam raises questions about the safety and adequacy of project works subject to our jurisdiction under the terms and conditions of the Federal Power Act (Act) and the conditions of the license for this project, particularly Articles 2, 3, and 4.[1] Section 10(c)[2] of the Act expressly provides:

> That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power * * * and shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property.

We are therefore ordering a further formal investigation pursuant to the Act into the causes of this dam failure in order to determine the proper remedial actions which should be taken to assure that life, health, and property are adequately protected at this dam and other dams under the control of the licensee. The formal investigation should also determine whether the provisions of this Act or any rule, regulation, or order of the Commission have been violated and, if so, which may have caused or contributed to the dam's failure.

Following the completion of the present Staff field investigation and the formal investigation, an evidentiary hearing pursuant to section 10(c) and 308[3] of the Act shall be held to document and determine the cause of this dam failure and any remedial actions which may be warranted to correct any violations of the Act or any rule, regulation, or order thereunder or to assure that this dam failure or the potential for failure of any other related dams under control of the licensee will not occur or reoccur.

The Commission further finds. It is appropriate and in the public interest for the purposes of administration of the Federal Power Act that a formal investigation and hearing be ordered concerning the failure of the Bouldin Dam of the Coosa River Project No. 2146, any matters related thereto, and the potential for failure of any other related dams under the control of the licensee.

The Commission orders. (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 10, 307, 308, and 309, an investigation and hearing shall be instituted into matters involved and issues presented in this proceeding.

(B) As a part of the investigation, the Commission staff is hereby directed to conduct an examination into the Bouldin Dam failure and the potential for failure of any other related dams under the licensee's control; to obtain such facts and information from the books, records, facilities, and properties of the Alabama Power Company, its parents, affiliates, or subsidiaries as may be necessary or appropriate to conduct this investigation; and to furnish such recommendations as may be necessary or appropriate in light of the investigation.

(C) Alabama Power Co., its parents, affiliates, or subsidiaries, shall cooperate and assist Commission staff in its investigation.

(D) The Commission's Secretary shall issue notice of the time and place of the hearing. The procedure for the hearing shall be prescribed by the Presiding Administrative Law Judge in conformance with the Commission's rules of practice and procedure.

(E) The Commission's Secretary is hereby directed to issue a notice of this investigation and hearing with provision for the filing of protests or petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5208 Filed 2-26-75;8:45 am]

[Docket No. RP71-131; RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time; Correction

JANUARY 22, 1975.

In the notice of extension of time issued January 17, 1975 and published in the FEDERAL REGISTER on January 31, 1975, 40 FR 4682, Page 4682, Paragraph 2, line 2: Change the word "on" to "opposing."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5209 Filed 2-26-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Extension of Procedural Dates

FEBRUARY 19, 1975.

On February 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony—March 18, 1975.
Service of Intervenor's Testimony—April 4, 1975.
Service of Company Rebuttal—April 18, 1975.
Hearing—April 29, 1975 (10 a.m.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5211 Filed 2-26-75;8:45 am]

[1] *Alabama Power Company*, Project No. 2146, 18 F.P.C. 265, 270 (1957).
[2] 16 U.S.C. § 803(c).
[3] 16 U.S.C. § 825g(a).

[Docket No. E-9138]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Revised Fuel Clause and Supporting Materials

FEBRUARY 20, 1975.

Take notice that on January 20, 1975, Central Illinois Public Service Co. (Central Illinois), tendered for filing copies of a revised fuel clause for substitution in Rate Schedule W-1; and Statement O—Period II (Revised). Also tendered, as supporting material, was Working Paper I which the company describes as a computation of the fuel clause cost per kwh for the months May 1974 through June 1975, based upon the formula contained in the revised fuel clause; and Appendix 1 which the company describes as a comparison of fuel clause billing for Period II to cooperative customers for the fuel clause contained in Rate Schedule W-1 filed November 29, 1974, and for the revised fuel clause which is the subject of this notice.

Central Illinois states that this filing is made pursuant to the Commission order in this docket of December 31, 1974. The company states further that the revised fuel clause conforms with Commission Order No. 517, issued November 13, 1974, in Docket No. R-479 and that its application would produce $3,786 less fuel adjustment revenue than the fuel clause filed November 29, 1974.

The company requests an effective date of January 2, 1975. Central Illinois states further that it does not anticipate any revenues to be collected prior to January 31, 1975, under Rate Schedule W-1, and therefore, requests that the Commission accept the revised fuel clause and terminate the refund obligation imposed by the Commission's order of December 31, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5212 Filed 2-26-75;8:45 am]

[Docket Nos. RP72-142; PGA75-1]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

FEBRUARY 20, 1975.

Take notice that on February 13, 1975, Cities Service Gas Co. (Cities) tendered for filing Substitute Ninth Revised Sheet PGA-1 (issued February 10, 1975) which reflects thereon a current adjustment of 3.50¢ per Mcf and a cumulative adjustment of 9.91¢ per Mcf, to be effective on January 23, 1975.

Cities states that this filing is in conformance with Ordering Paragraph (B) of the Commission's January 22, 1975 order in the above-cited dockets. Cities further states that the above-referred to tariff sheet will be effective for only one day, namely January 23, 1975, after which Substitute Ninth Revised Sheet PGA-1 (issued December 2, 1974) reflecting a current adjustment of 4.29¢ per Mcf and a cumulative adjustment of 10.70¢ per Mcf will be effective on January 24, 1975, after suspension, as provided by the Commission's January 22, 1975 order. According to Cities, of the 10.70¢ per Mcf cumulative adjustment, 0.79¢ per Mcf is being collected subject to possible refund as of January 24, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5214 Filed 2-26-75;8:45 am]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Tariff Filing

FEBRUARY 21, 1975.

Take notice that on February 10, 1975, Cities Service Gas Co. (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. RP75-62 revised Article 13 to its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to Section 4 of the Natural Gas Act, part 154 of the Commission's regulations thereunder, and sections 2.70 and 2.78 of the Commission's general policy and interpretations thereunder (18 CFR 2.70 and 2.78) reflecting revised curtailment categories and establishing curtailment procedures said to be in substantial compliance with those of the Commission, all as more fully set forth in the tariff filing on file with the Commission and open to public inspection.

Cities maintains that during recent periods it has experienced increasingly severe reductions in the gas supply available to its system as a result of the inability of Cities' suppliers to deliver the volumes Cities needs in order to fulfill its customers' needs. Accordingly, although Cities believes that its present curtailment plan has been effective and just and reasonable, the increased curtailment which Cities anticipates will be necessary in the future justifies the substitution of the proposed plan.

Cities states that the priority-of-service categories in its proposed curtailment plan depart from those specified in Order No. 467-B as modified by the Commission's Opinion No. 647-A in United Gas Pipe Line Company, 49 FPC 1211, 1213-14, in certain respects. While Cities has adopted the modification of category (2) to include small industrial customers (up to 3,000 Mcf per month) for the reasons stated by the Commission in Opinion No. 647-A, Cities has subdivided FPC category (2) as set forth in Order No. 467-B into categories (2) and (3) and has shifted large commercial customers using 3,000 Mcf per month or more and industrial feedstock or process requirements from category (2) to a new category (3). Category (3) specified in Order No. 467-B thus becomes category (4) under Cities' curtailment plan.

Additionally, the proposed plan departs from the priority categories of Order No. 467-B by not differentiating between "firm" and "interruptible" service, thus eliminating FPC categories (4) and (5) as separate categories. As a result of these changes, Cities' proposed curtailment plan has eight categories instead of the nine categories of Order No. 467-B.

Cities explains that it subdivides FPC category (2) to differentiate between customers in category (2) which have never been curtailed or required to have alternate fuel capability and hence do not have alternate fuel capability from those customers placed in category (3) which have historically been curtailed and hence do have the requisite alternate fuel capability. The result, says Cities, is that its large commercial and industrial feedstock and process customers are separated out of category (2) and placed in category (3). Cities claims that this result is also dictated by administrative reasons in that there are only about 350 customers with relatively large volumes in Cities' category (3), while there are approximately 1,900 customers with much smaller volumes in Cities' category (2).

Cities further explains that its customers which have heretofore used gas for high priority uses have historically been designated or "firm" customers and those which have low priority uses as "interruptible" customers. Cities concludes that no purpose would be served by distinguishing between "firm" and "interruptible" service.

Cities points out that for categories (1) and (2), its proposed plan utilizes a volumetric limitation of 1,000 Mcf in a peak month as the equivalent for the 50 Mcf on a peak day set forth in Order No. 467-B. Similarly, category (2) in said plan utilizes a volumetric limitation of 3,000 Mcf in a peak month rather than 300 Mcf per day reflected in Opinion No. 647-A. Cities claims the 3,000 Mcf per month limitation in its categories (2) and (3) is appropriate because Cities'

tariff has historically provided for a different classification of commercial and industrial sales of less than 3,000 Mcf per month from those of more than 3,000 Mcf per month.

Cities' proposed curtailment plan provides that all customers served under the various rate schedules in Cities' tariff and all customers served under direct sale contracts are subject to curtailment under the plan. Cities state that allocation will be made by curtailing the lowest priority category (category (8)) and successively to each higher priority category, until the total volume available has been allocated. Each customer will then be notified, with as much advance notice as possible, of the quantity of gas which he is entitled to receive under such allocation and the curtailment period during which it will apply.

While Cities anticipates that it will be able generally to utilize its system and storage flexibility so that required gas supply curtailment can be accomplished by allocation over a month or period of months under the allocation procedure described above, the plan also provides for curtailment for a period of a day or several consecutive days under the same allocation procedures when such curtailment is required for operating reasons when customers' total requirements exceed capacity or to meet short-term gas supply conditions.

The curtailment plan also contains a provision for emergency relief as required by Orders Nos. 467–A, 467–B and 467–C, including payback provisions. Further, Cities states that its proposed plan prescribes an unauthorized-overrun penalty of 115 Mcf of gas, applicable alike to jurisdictional and direct customers.

Cities requests an effective date coincident with the beginning of the expected summer curtailment season of June 23, 1975, for its filing and requests waiver of the 60-day notice provision required by section 154.22 of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before March 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5213 Filed 2-26-75;8:45 am]

[Project No. 553]

CITY OF SEATTLE

Application for Change in Land Rights

FEBRUARY 19, 1975.

Public Notice is hereby given that application for approval of Change in Land Rights was filed December 23, 1974 under the Federal Power Act (16 U.S.C. 791a–825r) by the City of Seattle (Correspondence to: Mr. Gordon Vickery, Superintendent of Lighting, The City of Seattle, Department of Lighting, 1015 Third Avenue, Seattle, Washington 98104) for Skagit River Project No. 553 located in Whatcom County, Washington near the Towns of Newhalem and Diablo on the Skagit River, partly on lands of the United States (The Skagit River Project No. 553 boundary is entirely surrounded by the Ross Lake National Recreation Area).

Applicant seeks Commission approval of the issuance of a permit to the State of Washington which would allow for the construction of a microwave terminal building and the installation of radio transmitter equipment within the project boundary. The proposed microwave terminal building would be a 16 x 19 foot concrete block building with a 10 foot diameter circular microwave antenna and three radio antennas mounted on the roof and would be located within the Gorge Development Boundary of Project No. 553. The site would be connected by underground cable to an existing State Highway Department Newhalem Maintenance Building (outside the project boundary) which would house a control console.

The proposed radio transmission equipment would be installed in the City of Seattle's existing radio transmitter building near Ross Dam within the Ross Development boundary of Project No. 553. Should the existing radio tower prove to be inadequate, a new 20 foot steel webbed self-supporting tower would be erected adjacent to the existing tower.

These proposed facilities are a part of the State Planned Skagit Valley Communications System to provide radio communication service along Sign Route 20 from Mount Vernon, Washington to the vicinity of Granite Creek near Ross Dam. The system will be a joint system for use by the Washington State Patrol and the Department of Highways, with growth potential for use by other governmental agencies such as the National Park Service and the County Sheriff's Department.

Any person desiring to be heard or to make protest with reference to said application should on or before April 3, 1975, 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.75-5227 Filed 2-26-75;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Further Extension of Procedural Dates

FEBRUARY 20, 1975.

On February 12, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corporation filed a motion to extend the procedural dates fixed by order issued May 1, 1974, as most recently modified by notice issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony—April 18, 1975.
Service of Company Rebuttal—May 2, 1975.
Hearing—May 13, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5215 Filed 2-26-75;8:45 am]

[Docket No. RP75-8]

COMMERCIAL PIPELINE COMPANY, INC.

Order Granting Motion To Terminate Proceedings and Making Proposed Rates Effective Without Refund Obligation

FEBRUARY 21, 1975.

By order issued September 13, 1974, in this docket, the Commission accepted for filing, suspended for one day until September 16, 1974, and set for hearing Commercial Pipeline Company, Inc.'s (Commercial) proposed rate increase tendered on July 31, 1974.

Commercial's filing was noticed on August 16, 1974, with September 3, 1974 established as the deadline for the filing of comments, protests, or petitions to intervene. No comments, protests or petitions to intervene were filed in this proceeding.

On December 16, 1974, Staff Counsel filed a motion to terminate the docket in this proceeding. Staff Counsel stated that recent submittals of data by Commercial reviewed by the Commission Staff indicate that the requested rate relief has

been justified. Staff Counsel's Motion To Terminate Docket was noticed on December 20, 1974. No protests, comments, or answers have been filed pursuant to Staff Counsel's motion.

Upon further evaluation of Commercial's tendered filing, this Commission is of the opinion that the proposed rates are just and reasonable. We shall therefore, grant Staff Counsel's motion to terminate this docket and provide that Commercial's proposed rate be made effective without refund obligation as of September 16, 1974.

The Commission finds. It is in the public interest that Staff's motion of December 16, 1974 be granted and that Commercial's proposed rates be made effective as of September 16, 1974 without refund obligation as hereinafter ordered and conditioned.

The Commission orders. (A) Staff Counsel's December 16, 1974, Motion To Terminate this proceeding is hereby granted and Commercial's proposed rates are hereby made effective as of September 16, 1974, without refund obligation. (B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5217 Filed 2-26-75;8:45 am]

[Docket Nos. RP69-19; et al., RP65-59; RP61-13; et al.]

CONSOLIDATED GAS SUPPLY CORP.

Report of Refunds

FEBRUARY 20, 1975.

Take notice that on July 5, 1974, Consolidated Gas Supply Corp. filed with this Commission, a report of refunds made to its jurisdictional customers. The refunds amount to $2,268,562 and reflect supplier refunds pursuant to Commission order issued May 9, 1974, directing Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation to refund certain amounts to Consolidated.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5216 Filed 2-26-75;8:45 am]

DAYTON POWER AND LIGHT CO.

[Docket No. E-9216]

Order Accepting for Filing and Suspending Proposed Rate Increase, Allowing Interventions, Denying Motion To Reject, and Establishing Procedures

FEBRUARY 19, 1975.

On January 15, 1975, Dayton Power and Light Co. (Dayton) tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1 [1] for service to municipal customers for resale. In addition, Dayton filed a fuel adjustment clause purporting to conform with Commission Order No. 517.

Notice of the filing was issued on January 21, 1975 with comments and petitions to intervene due on or before February 3, 1975. Timely petitions to intervene were received from certain of Dayton's municipal customers.[2] The Cities petition to intervene also contained a request that the Commission reject the filing. On February 13, 1975, Dayton filed an answer to the pleadings of the Cities and the Villages, opposing the request for rejection.

Dayton filed the changes in its tariff pursuant to section 205 of the Federal Power Act. The supporting material is in the form of a Period I, actual data for the twelve months ended April 30, 1974, and a Period II, projected data for twelve months ending December 31, 1975. Based on estimates of billing for Period II, the changes will increase Dayton's wholesale revenue by $1,756,930 (24.2 percent). In addition, under the new tariff Dayton would bill under a three energy block system rather than the current five block system. No change would be made in the KVA demand steps. The base for the tax adjustment clause would be changed to December 31, 1974. As noted above the fuel clause in the filing is in purported conformance with Opinion No. 517.

The Cities base their request for rejection on the alleged meagerness of Dayton's filing and an allegation that Volume II [3] of the filing was never served on Dayton's customers. With regard to the Cities' first point, such an allegation does not meet the standards for the rejection of a filing as set out in *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1345-46, 146 U.S. App. D.C. 294, 298-99, *cert. den.* 405 U.S. 989 (1971), where the Court stated that rejection of a filing is proper in the "clear case of a filing that patently is either deficient in form or a substantive nullity." Our review of Dayton's filing reveals that it complies with the applicable regulations related to filing proposed rate increases. There is no need "for calling on Dayton to put its papers in proper form and order." *Municipal Light Boards, supra,* at 1346. Nor can Dayton's filing be considered a patent, substantive nullity. Rather, the Cities allegations of meagerness go to the issue of whether Dayton can sustain its burden of proof in the hearings we herein order pursuant to section 205 of the Federal Power Act. Arguments on the sufficiency of the support should be saved for those proceedings. With regard to the Cities' second point, we note that our regulations, 18 CFR 35.2(d) do not require that Dayton mail the documents contained in Volume II to their customers until a customer makes a request for the material. Moreover, Dayton states in its answer filed on February 13, 1975 that it has now mailed Volume II to its customers. Accordingly, we cannot accept the Cities second point as an adequate basis for rejection.

However, our review of the proposed changes indicate that the proposed changes may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful within the meaning of the Federal Power Act. Accordingly, we will accept Dayton's filing, suspend it for thirty days, and allow the proposed rates to become effective subject to refund. Furthermore, we shall order a hearing to be held on the lawfulness of Dayton's proposed changes in its FPC Tariff.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in Dayton's FPC Electric Service Tariff, Original Volume No. 1 as proposed to be amended herein. (2) Good cause exists to accept for filing and suspend Dayton's proposed revised tariff sheets for thirty days, to become effective March 31, 1975, subject to refund. (3) Good cause exists and it would be in the public interest to permit the intervention of the above named parties. (4) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders. (A) The Cities' request for rejection of Dayton's filing is denied. (B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on July 29, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in Dayton's FPC Electric Service Tariff, Original Volume No. 1, as

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[1] See Appendix A.

[2] One petition on behalf of the Cities of Celina, St. Mary's, and Tipp City, Ohio and the Villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, Versailles, and Yellow Springs, Ohio (the Cities); separate petitions from each of the following: Villages of Jackson Center, Minster, New Bremen, New Knoxville, and Waynesfield, Ohio (Villages).

[3] Volume II contains the work papers in support of statements A through O, Period II.

proposed to be amended herein. (C) Pending a hearing and final decision thereon, Dayton's proposed revised tariff sheets are hereby accepted for filing, suspended for thirty days and the use thereof deferred until March 31, 1975. (D) On or before June 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before July 1, 1975, the Intervenor shall serve their testimony and exhibits. On or before July 15, 1975, Dayton shall serve its rebuttal testimony and exhibits. (E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's rules of practice and procedure.

(H) Prior to any rate change under the proposed tax adjustment clause, Dayton shall file, 30 days in advance, appropriate data and calculations showing the basis for the change in rate.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

DAYTON POWER AND LIGHT COMPANY

Designations	*Descriptions*
Fifth Revised Sheets Nos. 4 and 5 under FPC Electric Tariff Original Volume No. 1 (Supersedes 4th Revised Sheets Nos. 4 and 5).	Rate Schedule for Service to Municipals for Resale.
Original Sheet No. 5-A under FPC Electric Tariff Original Volume No. 1.	Continuation of the above (Fuel Adjustment Clause).

[FR Doc.75-5218 Filed 2-26-75;8:45 am]

[Docket No. RP71-15; PGA 75-3]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

FEBRUARY 19, 1975.

Take notice that on February 12, 1975, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on March 15, 1975, consisting of the following revised tariff sheets:

Eleventh Revised Sheet No. 4 and Alternate Eleventh Revision Sheet No. 4.

East Tennessee states that the sole purpose of these revised tariff sheets is to adjust East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). East Tennessee further states that Eleventh Revised Sheet No. 4 reflects the rate increase resulting from Tennessee's filing of February 12, 1975, and that East Tennessee's filing of Alternate Eleventh Revised Sheet No. 4 reflects Tennessee's alternate filing of February 12, 1975.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5219 Filed 2-26-75;8:45 am]

[Docket No. RP74-86]

GULF ENERGY & DEVELOPMENT CORP.

Filing of Refund Report

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Gulf Energy & Development Corp. (Gulf Energy) submitted to the Commission Secretary a report of refunds made to Tennessee Gas Pipeline Company. Gulf Energy states that these refunds have been made with interest at 7 percent per annum pursuant to the Commission "Order Approving Settlement With Condition" issued November 14, 1974. Gulf Energy further states that the refunds were made on December 9, 1974, and reflect the difference between the 11.17¢/Mcf rate proposed and collected by Gulf Energy and the 10.45¢/Mcf rate approved by the settlement order.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5220 Filed 2-26-75;8:45 am]

[Docket No. RM74-12; Order No. 521-A]

INVESTIGATION OF RATES CHARGED FOR NONJURISDICTIONAL SALES OF NATURAL GAS

Order Denying Stay and Maintaining Non-Public Status of Data Pending Rehearing

FEBRUARY 19, 1975.

On January 9, 1975, we issued Order No. 521, which promulgated a reporting system whereby jurisdictional companies would submit to the Commission information concerning their intrastate sales during a set period of time. On February 10, 1975, we granted rehearing for purposes of further consideration based on the petitions filed by Atlantic Richfield Co., Texaco Inc., and Union Oil Company of California.

Several of the parties that petitioned for rehearing [1] also requested a stay [2] of the effectiveness of Order No. 521, either until the Commission issues its final order on rehearing or through any period necessary for judicial review. The effect of a stay would be that the information sought by the Commission in Order No. 521 would not be forthcoming. This result is inconsistent with our urgent need for the data, as expressed in Order No. 521, and is, therefore, denied.

Mobil Oil Corp. (Mobil) has requested that we stay the effect of Order No. 521 until ten days after the issuance of any final order on rehearing and Union Oil Company of California has requested that the data filed pursuant to Order No. 521 be kept confidential pending rehearing. One of the reasons expressed by the parties seeking a stay is that the material to be submitted is claimed to be confidential, and we expressly provided in our order that said information would be placed in the public files. This issue is presently being considered by us in our deliberations on rehearing.

Under the provisions of our order, prior to the issuance of our final order on rehearing intrastate rate information filed under the direction of Order No. 521 would be placed in the public files. Such a result would prejudice those companies that chose to comply with the provisions of Order No. 521 and favor those companies that failed to comply pending rehearing. Accordingly, material filed pursuant to Order No. 521 will not be placed by the Commission in the public files until ten days following the issuance of a final order on the petitions on rehearing.[3] Within ten days following the issuance of such order, all reports covering the period during rehearing that have been or should have been filed will be placed in our public files.

The Commission orders. Requests by petitioners for rehearing for a stay of the effect of Order No. 521 pending rehearing and/or judicial review are hereby denied. Information submitted in compliance with Order No. 521 will not be placed in the public files until ten days following the issuance of a final order on the petitions for rehearing.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5228 Filed 2-26-75;8:45 am]

[Docket No. E-9265]

IOWA POWER AND LIGHT CO.

Application

FEBRUARY 20, 1975.

Take notice that on February 14, 1975, Iowa Power and Light Co. (Applicant), filed on application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 100,000 shares of Cumulative Preferred Stock, par value $100 per share. Applicant also seeks exemption from the competitive bidding requirements of section 34.1a (b) and (c) based upon findings as referred to in section 34.1a(a)(4) of the Commission's rules of practice and procedure.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

Holders of the Cumulative Preferred Stock will be entitled to dividends at a stated rate to be determined prior to issuance when and as declared by the Board of Directors out of funds legally available therefor, on a cumulative basis. The proceeds to the Applicant from the sale of the Cumulative Preferred Stock will exceed $1 million.

The proceeds from the sale of the Cumulative Preferred Stock will be used for refunding of certain obligations consisting of a portion of short-term borrowings aggregating $31,600,000 as of December 31, 1974, and expected to aggregate approximately $40,000,000 at the time of this issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.5221 Filed 2-26-75;8:45 am]

[Docket No. CP75-87]

MOUNTAIN FUEL SUPPLY CO.

Initial Rate Tender

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Mountan Fuel Supply Co. (Mountain Fuel), tendered for filing copies of its Initial Rate Schedule X-7, with the request that it be made effective as of January 20, 1975, the date of certificate authorization to Mountain Fuel in Docket No. CP75-87. Mountain Fuel requests waiver of the Commission's regulations to allow the requested effective date.

Mountain Fuel explains that the basis of the rates and charges in Initial Rate Schedule X-7 is a Gas Purchase and Exchange Agreement dated June 21, 1974, between Mountain Fuel and Colorado Interstate Gas Company. The company further states that there is no charge for the exchange under this agreement and Mountain Fuel will receive no revenue for the exchange.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5223 Filed 2-26-75;8:45 am]

[Docket No. CP75-37]

MOUNTAIN FUEL SUPPLY CO.

Initial Rate Tender

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Mountain Fuel Supply Co. (Mountain Fuel), tendered for filing copies of its Initial Rate Schedule X-6, with the request that it be made effective as of the date of Commission authorization in Docket No. CP75-37.

Mountain Fuel explains that the basis of the rates and charges in Initial Rate Schedule X-6 is a Gas Purchase and Exchange Agreement dated June 20, 1974 between Mountain Fuel and Colorado

[1] In addition to the parties mentioned in the February 10, 1975 order, petitions for rehearing have been filed by Mitchell Energy Corp., Continental Oil Co., Mapco, Inc., Cities Service Oil Co., The California Co., a Division of Chevron Oil Co., Mobil Oil Corp., Exxon Corp., Superior Oil Co., Tenneco Oil Co., TransOcean Oil, Inc., National Association of Regulatory Utility Commissioners (NARUC), and Certain Small Producers (Clark Fuel Producing Co., Robert Mosbacher, *et al.*, Reserve Oil and Gas Co., P. R. Rutherford, P. R. Rutherford, Jr., Michael Rutherford, and Wrightsman Investment Co.).

[2] Requests for a stay were submitted by: Union, Mobil, Exxon, Superior, Atlantic Richfield, Continental, Tenneco, TransOcean, NARUC, and Certain Small Producers.

[3] This order is not in contravention of § 2.72 of our regulations which deals with the availability of data acquired by staff investigation. Our order of August 23, 1974 in Docket No. RM74-24, which modified §2.72, made it clear that that order, Order No. 509, applied only to contested cases where the information sought to be kept confidential was acquired through a staff investigation. Order No. 521 is clearly not a staff investigation, since the material to be submitted by the companies will be filed at the direction of the Commission, nor is it a contested case, since this proceeding was begun by the Commission. Therefore, § 2.72 does not apply to the instant proceeding.

[4] Commissioner Brooke, joined by Commissioner Moody, dissenting, would stay Order No. 521 until ten days after issuance of any final order on rehearing to assure confidentiality of data pending judicial appeal, if any.

Interstate Gas Company. The company further states that there is no charge for the exchange under this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5224 Filed 2-26-75;8:45 am]

[Docket No. E-8252]

NORTHERN STATES POWER CO. (MINNESOTA)

Order Approving Settlement Proposal

FEBRUARY 21, 1975.

Northern States Power Co. (Northern States) on June 1, 1973, filed an application for a rate increase which would raise the rates of its Minnesota and South Dakota total requirements municipal customers by $1,400,610 on a 1972 test year basis. By our order issued July 30, 1974, we suspended the proposed rates until October 1, 1973, and permitted the intervention of the 14 municipals.

On October 3, 1974, the Presiding Judge certified to us a settlement proposal which would reduce the impact of the proposed rate increase by $302,388. Existing terms and conditions of service would be amended with respect to notice of termination, restrictions on service to certain retail loads, and the availability of firm service power in the event of customer interconnection and operation in parallel with a system other than Northern States' system (subject to a reservation of the Municipals to contest the justness and reasonableness of the amendment). All parties except Commission Staff support the proposal. Staff filed comments objecting only to the proposal's overall rate of return of 8.35 percent (12.8 percent return on equity).

We believe that the record in this present proceeding establishes a zone of reasonableness within which falls the settlement proposal's rate of return. We also believe that the proposed rate of return is appropriate particularly when sufficient weight is given to the effect of the trend of cost of capital in recent years on utility earnings rates, which we recently examined in Consolidated Gas Supply Corporation, Opinion No. 703, Docket RP71-77. Since the settlement proposal provides an appropriate and reasonable resolution of the issues raised in this proceeding, we find that it is in the public interest to approve the proposal.

The Commission finds. Approval of the proposed settlement agreement is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The proposed settlement agreement between Northen States and its municipal customers certified by the Presiding Judge on October 4, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Northern States shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreements herein approved.

(C) Within 30 days of the filing of the revised tariff sheets, Northern States shall refund to its customers the difference between the amounts collected since October 1, 1973, under the rates currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7 percent per annum.

(D) Northern States shall file with the Commission, concurrently with the refunds ordered in Paragraph (C), a schedule of such refunds.

(E) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Northern States, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Northern States or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5225 Filed 2-26-75;8:45 am]

[Docket No. RP72-154; PGA 75-4]

NORTHWEST PIPELINE CORP.

Change in Rates Pursuant to Purchased Gas Cost Adjustment

FEBRUARY 20, 1975.

Take notice that Northwest Pipeline Corp. (Northwest), on February 14, 1975, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Northwest states that such change in rates is for the purpose of compensating Northwest for (1) increases in the cost of purchased gas which will become effective on or before March 31, 1975; (2) producer increases for the period June 21, 1974 through March 31, 1975 as provided in Opinion No. 699-H; and (3) interest cost attributable to unrecovered purchased gas cost at the Sumas, Washington import point for the period November 1-17, 1974.

Specifically, Northwest states, the current PGAC adjustment aggregates an increase of .726¢ per therm in all rate schedules contained in Northwest's Original Volume No. 1 Tariff. The annualized increase in Northwest's purchased gas costs aggregates $15,169,272. In addition, Northwest will recover, through a surcharge, the balance of $7,289,959 in its Account 191 as of December 31, 1974, the producer increases allowed under Opinion No. 699-H amounting to $652,250, and an interest cost of $239,000 for the period November 1-17, 1974, in which Northwest was not allowed to track increased purchased gas costs from its Canadian supplier at Sumas, Washington. The proposed change in rates would increase revenues from jurisdictional sales and service by $23,156,659.

Northwest is concurrently filing, pursuant to Commission order issued March 29, 1974 at Docket No. RP74-72, a notice of change in rates applicable to section 13.4, Change in Rates to Reflect Curtailment Credits ("Demand Charge Credits"), contained in its Original Volume No. 1 Tariff. Both the PGAC Adjustment and Demand Charge Credits Adjustment are reflected on the tendered Seventh Revised Sheet No. 10, which is proposed to become effective on April 1, 1975.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

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, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5226 Filed 2-26-75;8:45 am]

[Docket No. E-8953]

SUPERIOR WATER LIGHT & POWER CO.

Further Extension of Procedural Dates

FEBRUARY 19, 1975.

On February 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued December 12, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony—March 31, 1975.
Service of Intervener's Testimony—April 14, 1975.
Service of Company Rebuttal—April 28, 1975.
Hearing—May 12, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5299 Filed 2-26-75;8:45 am]

[Docket Nos. RI75-90, et al.]

TENNECO OIL CO., ET AL.

Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 13, 1975.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund issued December 31, 1974, and published in the FEDERAL REGISTER on January 10, 1975 (40 FR 2282):

1. Appendix A, Page 2284, Docket No. RI75-93, Continental Oil Company, change footnote reference "2" to "8".

2. Page 2284, footnote reference 8 change to read "Rate includes applicable tax and is subject to Btu adjustment".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5230 Filed 2-26-75;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPELINE CO.

Extension of Time

FEBRUARY 19, 1975.

On February 11, 1975, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., filed a motion to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued February 3, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including April 4, 1975, and the date for filing briefs opposing exceptions is extended to and including April 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5231 Filed 2-26-75;8:45 am]

[Docket No. CI75-239]

TEXAS GAS EXPLORATION CORP. (OPERATOR), ET AL.

Notice of Withdrawal; Correction

FEBRUARY 10, 1975.

Published in the FEDERAL REGISTER on February 12, 1975 (40 FR 6541), please make the following correction to read.

Name of Company to be changed to Texas Gas Exploration Corporation (Operator), et al.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5232 Filed 2-26-75;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Report of Refunds

FEBRUARY 19, 1975.

Take notice that on June 11, 1974, Transcontinental Gas Pipe Line Corp. (Transco) filed herein a statement of refunds which it made to its customers in accordance with the amended settlement agreement approved by the Commission on April 5, 1974, in the above-referenced docket. Transco states the refunds, which are applicable to deliveries of natural gas from August 13, 1973, through March 31, 1974, were made on May 15, 1974.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Transco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5233 Filed 2-26-75;8:45 am]

[Docket No. RP75-60]

UNITED GAS PIPE LINE CO.

Filing of Tariff Sheets

FEBRUARY 19, 1975.

Take notice that on February 3, 1975, United Gas Pipe Line Company (United) tendered for filing First Revised Sheet Nos. 215 through 227 and 232 of Rate Schedule X-30 (which is a transportation agreement with Louisiana Power & Light Company) to United's FPC Gas Tariff, Original Volume No. 2. United states that these tariff sheets are being filed to: reflect an extension of term to January 1, 1976, and year to year thereafter; establish a rate effective January 1, 1975; and provide for subsequent changes in price as reflected in United's filing made with the Federal Power Commission from time to time.

United further states that the rate reflected on these tariff sheets represents United's Northern Zone jurisdictional cost of service in FPC Docket No. RP74-83. United requests that the information and data included in United's filing in Docket No. RP74-83 be incorporated by reference. According to United, these sheets reflect an annual increase of $193,428 based on the twelve months ending December 31, 1974.

United proposes an effective date of January 1, 1975, for these sheets and states that a copy of this filing and its filing in Docket No. RP74-83 have been sent to Louisiana Power & Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5234 Filed 2-26-75;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCSHARES OF THE SOUTH, INC.

Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(2) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Citizens Bank of Tuscaloosa, National Association, Tuscaloosa, Alabama, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5249 Filed 2-26-75;8:45 am]

TOTAL BANCSHARES CORP.

Formation of Bank Holding Company

Total Bancshares Corp., Miami, Florida, has applied for the Board's approval

under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 75 percent of the voting shares of The Americas Bank, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5250 Filed 2-26-75;8:45 am]

WASHINGTON 1ST BANCO, INC.

Formation of Bank Holding Company

Washington 1st Banco, Inc., Washington, Kansas, 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 86 percent or more of the voting shares of The First National Bank of Washington, Washington, Kansas. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 12, 1975.

Board of Governors of the Federal Reserve System, February 18, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5251 Filed 2-26-75;8:45 am]

[Regs. G, T, U, and X]

SECURITIES CREDIT TRANSACTIONS

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," and in accordance with the criteria specified in § 207.5(d) and (e) of Regulation G, § 220.8(h) and (i) of Regulation T, and § 221.4(d) and (e) of Regulation U, there is set forth below a supplement to the list of stocks traded over-the-counter, current as of February 24, 1975, that the Board of Governors has found that meet the criteria specified above and thus have the degree of national investor interest, the depth, breadth of market, and the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, and U, and Regulation X, 12 CFR Part 224, which makes Regulations G, T, and U applicable to borrowers of securities credit.

It is unlawful for any person to make, or cause to be made, any representation that the inclusion of a security on the OTC Margin Stock List is evidence that the Board has in any way passed upon the merits of, or given approval to, such security or any transaction therein.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this supplement to the list because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the list, specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this supplement to the list, because following such requirements would allow speculators to reap unfair profits and would not aid other persons affected thereby.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Office of Saver and Consumer Affairs pursuant to delegated authority (12 CFR 265.2(h)(1)), effective February 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

SUPPLEMENT TO LIST OF OTC MARGIN STOCKS

EFFECTIVE FEBRUARY 24, 1975

ADDITIONS

American Quasar Petroleum Co., no par common; Arlen Property Investors, $1 par shares of beneficial interest; Bentley Laboratories, Inc., $.10 par common; Chatham Manufacturing Co., $1 par common; Christiana Securities Co., $1.25 par common; Foodways National, Inc., $.25 par common; Gilbert Associates, Inc., Class A, nonvoting, $1 par common; Kapok Tree Inns Corp., $.10 par common; LMF Corp., $.40 par common; Magma Power Co., $.10 par common; Mostek Corp., $.10 par common; Statesman Group, Inc., The, $1 par common; Transcontinental Oil Corp., $.10 par common; Universal Instruments Corp., $1.25 par common.

DELETIONS

Albany International Corp., $1.25 par common; American Family Corp., $.10 par common; Anixter Brothers, Inc., $1 par common; Auto-Train Corp., $.20 par common; Best Products Company, Inc., $1 par common; Centronics Data Computer Corp., $.01 par common; Colonial First National Bank, $1 par common; Corometrics Medical Systems, Inc., $.01 par common.

Crutcher Resources Corp., $1 par common; Family Life Insurance Co., Class A, nonvoting, $1 par common; First Mississippi Corp., $1 par common; Funk Seeds International, Inc., $.10 par common; Horace Mann Educators Corp., $1 par common; Interdata, Inc., $.01 par common; Orange-Co, Inc., $.10 par common; Ozite Corp., $1 par common; Saga Corp., $1 par common; Texas Commerce Bancshares, Inc., $4 par common; Weco Development Corp., $.20 par common; Western Company of North America, the, $.30 par common.

NAME CHANGES

From	*To*
Advanced Micro Devices, Inc., $.10 par common.	Advanced Micro Devices, Inc., $.01 par common.
American Bank and Trust Company of Pennsylvania, $1 par common-capital.	American Bank and Trust Company of Pennsylvania, $5 par common-capital.
Bankers Trust of South Carolina, N.A., $10 par common.	Bankers Trust of South Carolina, $10 par common.
Commerce Bancshares, Inc., $10 par common.	Commerce Bancshares, Inc., $5 par common.
FMIC Corp., no par common	United Guaranty Corp., no par common.
Feld Leasing Company, Inc., $.50 par common.	Gelco-Feld Corp., $.50 par common.
First National Bank of Maryland, The, $5 par common.	First Maryland Bancorp., $5 par common.
Galbreath First Mortgage Investments, no par shares of beneficial interest.	Nationwide Real Estate Investors, no par shares of beneficial interest.
Gelco Corp., $.50 par common	Gelco-Feld Corp., $.50 par common.
Northeast Bancorp, Inc., $5 par common	Northeast United Bancorp Inc. of Texas, $5 par common.
Pennsylvania Gas and Water Co., no par common, $10 stated value.	Pennsylvania Enterprises, Inc., no par common, $10 stated value.
Seattle-First National Bank, $10 par common.	Seafirst Corp., $5 par common.
Security New York State Corp., $10 par common.	Security New York State Corp., $5 par common.
United First Florida Banks, Inc., $1 par common.	Flagship Banks, Inc., $1 par common.

[FR Doc.75-5133 Filed 2-21-75;3:48 pm]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-11)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Materials and Structures will meet on March 25–26, 1975, at NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. The meeting will be held in Room 625. The meeting is open to the public. Admittance will be on a first-come, first-served basis. The available seating capacity of the room is about 50 persons. Arrangements will be made to admit visitors through the receptionist at the conference room.

The NASA RTAC Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Dr. Holt Ashley. There are 12 members. The following list sets forth the approved agenda and schedule for the March 25 and 26, 1975 meeting. For further information, please contact Mr. George C. Deutsch, Area Code 202, 755–3264.

MARCH 25, 1975

Time	Topic
9 a.m.	Chairman's and Executive Secretary's Reports and Review of New Initiatives (Purpose: To approve past meeting minutes, to review results of the November 1974 meeting of the Research and Technology Advisory Council, to discuss recent changes in the NASA organization, and to brief the Committee on proposed new systems technology programs and obtain their comments and recommendations.)
10:15 a.m.	Critical Aerospace Materials (Purpose: A status report will be given to the Committee on studies of 3 members on supply or substitution of alloying materials for aerospace needs. The Committee will recommend possible future action.)
10:45 a.m.	Engine Turbine Materials Properties (Purpose: The Committee will review a report of a study by 3 members and results of a symposium on high temperature properties data on advanced turbine blades and recommend action.)
1 p.m.	"Outlook for Space" Study (Purpose: Two members will report on the status of their participation in the NASA "Outlook for Space" study for Committee comment and recommendations.)
2 p.m.	Shuttle Payload Technology (Purpose: To review the status of recent developments and plans for Shuttle payloads concerned with technology experiments. The Committee will consider recommendations on this subject.)
3 p.m.	Discussion of New Issues (Purpose: The Committee will review and discuss new technology issues identified by NASA and recommend course of action to be taken concerning distribution of research results, NASA workshops and seminars, relative importance of various programs, and improvements to reduction of fuel consumption in aircraft. Other issues will be discussed as may be identified by the members.)

MARCH 26, 1975

Time	Topic
8 a.m.	Continue Discussion of New Issues.
10:15 a.m.	Final Action on Committee Recommendations (Purpose: The Committee will take formal action on recommendations proposed during the meeting.)
11 a.m.	NASA Center Reports (Purpose: NASA Center representatives on the Committee will report on recent progress on materials and structures technology development programs.)
1 p.m.	Members' Reports (Purpose: To present reports of recent accomplishments in research and development programs in members' organizations.)
2:30 p.m.	Plans for Next Meeting (Purpose: To discuss time, place and agenda for next meeting.)
3 p.m.	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

FEBRUARY 19, 1975.

[FR Doc.75-5280 Filed 2-26-75;8:45 am]

[Notice (75-10)]

NASA SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA SPAC Applications Committee will meet on March 13, 1975, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226-A of Federal Office Building 10B, 600 Independence Avenue, SW, Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9 a.m., on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below:

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 11 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755–2070.

The following is the approved agenda and schedule for the March 13, 1975, meeting of the SPAC Applications Committee:

Time	Topic
9 a.m.	Chairman's Remarks.
9:30 a.m.	FY 1976 Budget. Implications on the Applications Program.
10:15 a.m.	NASA–HUD Solar Heating and Cooling Demonstration Program. Status of the plan. Response to concerns and questions.
11:15 p.m.	Applications Program Integration Board (APIB) Meeting, February 12–13, 1975 Issues and Questions.
1 p.m.	Earth Resources Survey System Economic Studies Methodology developed. Implications and future plans.
2 p.m.	Satellite Communications-Related Activities Disaster Warning Satellite System. Public Service Consortium and its relation to NASA's role and continuing Satellite Communications Program. Issue of technology transfer as it relates to NASA's program in satellite communications.
3:15 p.m.	Conclusions and Recommendations.
3:45p.m.	Adjournment.

DUWARD L. CROW,
Assistant Administrator for the Office of DOD and Interagency Affairs, National Aeronautics and Space Administration.

FEBRUARY 24, 1975.

[FR Doc.75-5279 Filed 2-26-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

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' Fast Flux Test Facility (FFTF) Subcommittee will hold a meeting on

March 14 and 15, 1975 in Arena #1 and #2 rooms of the Sheraton Inn-Denver Airport, 3535 Quebec Street, Denver, Colorado for the purpose of obtaining information to aid the continuing ACRS review of the project.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, MARCH 15, 1975—8 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Nuclear Regulatory Commission Staff and the Energy Research and Development Administration and its contractors, and will discuss with these participants matters pertinent to the current status of the FFTF project and related research, the proposed post accident heat removal system, the hypothetical core disruptive accident, development and analytical programs and plans and schedules for future work required to accomplish the objectives for the construction and operation of this facility.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8 p.m. on March 14, 1975 and at the end of the day on March 15, 1975 to consider matters relating to the above project. These sessions will involve discussion of preliminary views and will consist of an exchange of opinions and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating 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). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such 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 March 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(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 10:30 a.m. and 11:30 a.m. on March 15, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 13, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after March 20, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Documnt Room, 1717 H Street, NW, Washington, D.C. 20555 after June 17, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Manager Officer.

FEBRUARY 24, 1975.

[FR Doc.75-5304 Filed 2-26-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA) WORKING GROUP

Meeting

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' Working Group on HCDA will hold a meeting on March 14, 1975 in Arena #1 and #2 rooms of the Sheraton Inn-Denver Airport, 3535 Quebec Street, Denver, Colorado.

The purpose of the meeting will be to discuss the VENUS and PAD Computer Codes being developed by Argonne National Laboratory and Los Alamos Scientific Laboratory, respectively. The VENUS Code is a two-dimensional, hydrodynamics code for calculating dynamic behavior of an LMFBR core during a super prompt-critical disassembly excursion. The PAD Code is a one-dimensional neutronics - hydrodynamics code which describes the behavior of a fast reactor subjected to a large reactivity addition with an accompanying relatively short period.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

FRIDAY, MARCH 14, 1975, 9 A.M.-4 P.M.

Presentations will be made on the various aspects of the VENUS and PAD Computer Codes. Discussions with representatives of the Argonne National Laboratory, the Energy Research and Development Administration, the Los Alamos Scientific Laboratory, and the Nuclear Regulatory Commission Staff.

In connection with the above agenda, the Working Group will hold executive sessions prior to, and at the close of, the public session, which will involve a discussion of its preliminary views, and exchange of opinions of the Working Group 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). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Working Group operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group 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 March 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

(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 Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 1:30 p.m. and 3:30 p.m. on March 14, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 12, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202/634-1371) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after March 19, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after June 13, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

FEBRUARY 24, 1975.

[FR Doc.75-5203 Filed 2-26-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT)

Reconstitution of Atomic Safety and Licensing Board to Rule on Petitions to Intervene

In accordance with a FEDERAL REGISTER notice published on September 3, 1974 (39 FR 31941) an Atomic Safety and Licensing Board was established to rule on petitions and/or requests for leave to intervene in the following proceeding:

NORTHERN STATES POWER CO.
(MONTICELLO NUCLEAR GENERATING PLANT)
Docket No. 50-263
Provisional Operating License
No. DPR-22

Dr. John C. Geyer was designated a member of this Board. Dr. Geyer has retired from the Atomic Safety and Licensing Board Panel and, accordingly, Dr. Richard F. Cole is hereby appointed a member of this Board.

It is so *ordered*.

Dated at Bethesda, Maryland this 21st day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,

NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-5200 Filed 2-26-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

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

Regulatory Guide 3.26, "Stand Format and Content of Safety Analysis Reports for Fuel Reprocessing Plants," provides guidance to applicants for construction permits or operating licenses for fuel reprocessing plants on the preparation of Safety Analysis Reports. This guide identifies the type of information needed, the depth of detail required, and the desired standard format to facilitate an orderly review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.26 will, however, be particularly useful in evaluating the need for an early revision if received by April 25, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 3 Regulatory Guides currently being developed include the following:

Control of Stainless Steel Welding for Safety-Related Components of Fuel Reprocessing Plants

Corrosion Testing and Evaluation of Metals for Application in Fuel Reprocessing Plants

Nondestructive Examination of Tubular Products for Use in Fuel Reprocessing and Fuel Fabrication Plants

Control of the Use of Sensitized Stainless Steel for Components of Fuel Reprocessing Plants

Control of Reheat Temperature for the Welding of Low-Alloy Steel for Use in Fuel Cycle Facilities

Welder Qualifications for Welding in Areas of Limited Accessibility of Fuel Reprocessing and of Plutonium Processing and Fuel Fabrication Plants

Nondestructive Examination of Liner Welds in Structures and Components of Fuel Reprocessing Plants

General Design Guide for Process Building Ventilation Systems for Fuel Reprocessing Plants

General Fire Protection Guide for Fuel Reprocessing Plants

Standard Format and Content of Safety Analysis Reports for Plutonium Processing and Fuel Fabrication Plants

Standard Format and Content of License Applications for Commercial Waste Burial Facilities

Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Plants

Guide for Design, Construction, and Operation of Ventilation Systems for Plutonium Fuel Manufacturing Plants

Criteria for Siting, Design, and Operation of Plants for the Manufacture of Mixed Oxide Fuels

Protective Coatings (Paints) for the Nuclear Industry

Guide to the Preparation of Emergency Plans for Uranium and Plutonium Processing and Fuel Fabrication Plants

Design Criteria for Spent Fuel Storage Facilities at HTGR Sites

Guide for Design of Irradiated Fuel Receiving and Storage Facilities

Assumptions Used for Evaluating the Consequences of a Criticality Accident in LWR Fuel Fabrication Plants

Selection, Training, and Qualification of Personnel for Fuel Reprocessing Plants

Temporary Storage of High-Level Liquid Waste at Fuel Reprocessing Plants

Assumptions Used for Evaluating the Consequences of a Criticality Accident in Fuel Reprocessing Plants

Assumptions Used for Evaluating the Consequences of a Criticality Accident in Plutonium Processing and Fuel Fabrication Plants
Confinement Structures and Systems for Plutonium Processing and Fuel Fabrication Plants
Emergency Water Systems for Fuel Reprocessing Plants and Plutonium Processing and Fuel Fabrication Plants
Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants
Design Basis Floods for Fuel Reprocessing Plants
Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants
Design Criteria for Decommissioning of Nuclear Fuel Reprocessing Plants
Definition of Radioactive Waste Categories
Codes Applicable to Quality Control and Fabrication of Metallic Structures, Systems, and Components for Fuel Reprocessing Plants
Administrative Controls for Nuclear Fuel Reprocessing Plants
Design Objectives for LWR Spent Fuel Facilities
Design Objectives for LWR Fuel Handling Systems

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

Dated at Rockville, Maryland this 19th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-5204 Filed 2-26-75;8:45 am]

[Docket Nos. 50-500A and 50-501A]

TOLEDO EDISON CO., ET AL.

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

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 14, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 31, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Nuclear Reactor Regulation.

APPENDIX A

FEBRUARY 14, 1975.

DAVIS-BESSE POWER STATION (UNITS 2 & 3), TOLEDO EDISON COMPANY, ET AL., NRC DOCKET NOS. 50-500A AND 50-501A

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

I. The Applicants. Units 2 and 3 of the Davis-Besse Nuclear Power Station will be located at the site of the Davis-Besse Nuclear Power Station, Unit 1, in north-central Ohio on the shore of Lake Erie, approximately 21 miles east of the City of Toledo. Each of the two units will have an output of 906 mw. The units will be jointly owned by the following investor-owned utilities: The Cleveland Electric Illuminating Company (24.47 percent), Duquesne Light Company (13.74 percent), Ohio Edison Company (35.60 percent), Pennsylvania Power Company (6.28 percent), and The Toledo Edison Company (19.91 percent). The total estimated cost of the units at completion will be $1,219 million. Unit 2 is scheduled to go into operation between 1981 and 1982; Unit 3, between 1982 and 1983. The units will be constructed and operated on behalf of the Applicants by The Toledo Edison Company.

Duquesne Light Company ("Duquesne") is an investor-owned integrated electric utility which serves an 800 square mile area in the northwestern part of Pennsylvania which has a population of approximately 1,600,000 people. At present, Duquesne supplies the full bulk power requirements of one municipal electric utility. In 1973, Duquesne's total electric operating revenues were in excess of $241,753,000; the company has a net generating capacity of 2,518 mw.

Ohio Edison Company ("Ohio Edison") is a fully integrated investor-owned utility serving an area approximately 7,400 square miles with a population of approximately 2,337,000 people in central and northeastern Ohio. Ohio Edison's net generating capacity is 3,658 mw; it supplies the full bulk power requirements of 20 municipal electric utilities. In 1973, Ohio Edison and its subsidiaries had electric operating revenues in excess of $383,238,000.

Pennsylvania Power Company ("PPC"), a subsidiary of Ohio Edison, provides electrical service throughout an area of approximately 1,500 square miles in western Pennsylvania which has a population of 324,000 people. PPC supplies the full bulk power requirements of five municipal systems. In 1973, PPC had operating revenues of $53,201,000 and a net generating capacity of 608 mw.

The Cleveland Electric Illuminating Company ("CEI") is a fully integrated investor-owned utility which serves an area in and surrounding the City of Cleveland of approximately 1,700 square miles which has a population of approximately 2,100,000 people. CEI does not provide full or partial requirements wholesale electric service to any municipal or cooperative electric utility. In 1973, CEI had electric operating revenues in excess of $322,931,000 and a net generation capacity of 4,000 mw.

The Toledo Edison Company ("Toledo Edison") is a fully integrated investor-owned electric utility serving an area of 2,500 square miles, including the City of Toledo and territory to the west, south and east thereof, with a population of approximately 719,000 people. Toledo Edison supplies the full bulk power requirements of 15 municipal electric utilities and the partial bulk power requirements of one such system at wholesale. In 1973, Toledo Edison had electric operating revenues of $126,415,000 and a net generating capacity of 1,046 mw.

II. The CAPCO Pool. The Applicants are all members of a five-company power pool, known as CAPCO, which was organized in 1967. CAPCO provides the framework within which the members coordinate their operations, interchange power and share reserves. Generation and associated transmission facilities for the CAPCO members are planned on the basis of the requirements of the pool as a single system. The Davis-Besse Nuclear Power Station, Units 2 and 3, as well as certain other nuclear facilities subject to NRC (formerly AEC) licensing,[1] are nuclear generating units jointly planned and constructed by members of CAPCO to meet these requirements. The CAPCO members serve approximately two million customers within a 14,000 square mile area in northern Ohio and western Pennsylvania.

III. Competitive Considerations. Two of the Applicants, CEI and Toledo Edison, have made three previous applications on which the Department was requested to render antitrust advice: Davis-Besse Unit 1, Beaver Valley, and Perry; the other Applicants here were parties to the latter two applications. The Davis-Besse Unit 1 and Perry applications are presently the subjects of a consolidated proceeding before an NRC Atomic Safety and Licensing Board.

In the course of the Department's inquiries concerning Applicants' activities, we received additional evidence that each of the Applicants has engaged in anticompetitive activities.[2]

At the present time in the electric power industry, all electric utilities have recognized the importance of obtaining access to the lowest cost electric generating facilities and of increasing system reliability, without substantially increasing costs. The principal instruments for achieving these goals have been interconnection, reserve sharing, and other types of coordination with other systems. Such coordinated operation almost invariably also includes the purchase and sale of economy energy and the wheeling of bulk power. While such coordinated operation and development is commonly effectuated through the mechanism of a multi-utility power pool, agreements between individual utilities sometimes provide the basis for some aspects of such coordination. A small utility which is denied the benefits of coordinated operation and development cannot effectively compete with larger systems, which can and do, engage in such activities. There is reason to believe that Applicants have engaged in a continuing course of anticompetitive conduct which forecloses third parties from membership in the CAPCO Pool and from participation in the benefits of coordinated operation and development with pool members. This conduct is discussed below.

A. Access to the CAPCO Pool

As indicated above, the Applicants utilize the CAPCO Pool as a vehicle for coodinated operation and development of bulk power supply. On several occasions, smaller utilities have attempted to seek access to the benefits flowing from Pool membership. These attempts have been uniformly rejected by the Applicants.

In 1968, the Borough of Pitcairn, Pennsylvania, a small municipal electric system, requested of each of the Applicants that it be admitted to membership in the CAPCO Pool. Each of the Applicants, save CEI, expressly refused this request; CEI never responded. Pitcairn has never become a member of CAPCO. In addition, in 1973, the City of

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[1] Davis-Besse Nuclear Power Station, Unit 1 ("Davis-Besse Unit 1"), NRC Docket No. 50-356A; Beaver Valley Power Station, Unit 2 ("Beaver Valley"), NRC Docket No. 50-412A; Perry Nuclear Power Plant, Units 1 and 2 ("Perry"), NRC Docket Nos. 50-440A and 50-441A.

[2] This evidence involved certain additional matters which were not known to the Department at the times when it previously rendered antitrust advice with respect to the Applicants or at the time the issues were framed by the Atomic Safety and Licensing Board in the pending Perry proceeding.

Cleveland sought to become a member of the CAPCO Pool. Duquesne and CEI explicitly refused to allow Cleveland to join the pool. The other applicants did not respond to Cleveland's request. Since unanimous approval of all CAPCO members would be required for a new member to join the Pool, Cleveland's participation was blocked.

These refusals to allow other utilities to join CAPCO clearly have an adverse impact upon the smaller utilities' ability to compete with CAPCO members. Taken together with Applicant's activities outlined below, they represent a foreclosure of any opportunity to engage in coordinated operation and in the joint development of large-scale generating resources.

B. Other Refusals to Engage in Coordinated Operation

Our review has disclosed that when the CAPCO members have been requested to establish interconnections with smaller systems and to engage in coordinated operation with them on a bilateral basis, CAPCO members have generally refused to do so. In view of their collective refusals to allow small systems to obtain interconnection and coordination benefits via CAPCO pool membership, we believe that the Commission should determine whether the CAPCO members in their purported individual actions are in fact extending their boycott of the smaller systems.

Duquesne appears to have frustrated Pitcairn's attempts to engage in coordinated operations with Duquesne over a long period. Pitcairn asserts that prior to 1968, Duquesne refused to sell or exchange bulk power with Pitcairn on terms comparable to those on which Duquesne dealt with larger utilities.

CEI's dealings with smaller utilities raise serious questions as to the extent to which it has foreclosed its direct competitors, the Cities of Painesville and Cleveland, from receiving the benefits of coordinated operation. (Painesville attempted to negotiate an interconnection agreement with CEI for over five years; such an agreement was finally executed on January 13, 1975.[3]) Although CEI never directly refused to allow Painesville to engage in interconnection plus coordinated operation with the Company, CEI's practice of conducting prolonged negotiations had the effect of preventing the timely effectuation of the requested coordination. Similarly, CEI resisted Cleveland's attempts over a number of years to conclude an interconnection agreement comparable to those which CEI maintains with other electric utilities. CEI's course of conduct in these and other respects has had the cumulative effect of significantly weakening the ability of the City to compete with the Company.

C. Other Refusals to Engage in Coordinated Development of Generating Resources

There is evidence that attempts by the Napoleon municipal system to join with Toledo Edison in coordinated development of generating resources, and particularly in the large-scale generating resources which are most economical, were frustrated. The Cleveland municipal system has sought to obtain participation in various of CEI's nuclear generating projects. Although CEI has not flatly refused such participation, there has been a pattern of lengthy negotiation without agreement comparable to the pattern of interconnection discussions.

D. Refusals to Wheel Bulk Power

Each of the CAPCO members is clearly dominant in the ownership of transmission facilities and in the transmission of bulk power in the respective areas in which they do business. Collectively, they are dominant in the transmission of bulk power in their combined service areas. Thus, any smaller utility located within one of these areas must secure access to the Applicant-owned transmission network which surrounds it in order to engage in any meaningful type of coordinated operations or development.

Within the last few years and at the present time, Ohio Edison is alleged to have made unreasonable demands concerning the establishment of four new delivery points pursuant to an Ohio Power Company Ohio Edison contract under which Ohio Power Company transmitted bulk power on behalf of Buckeye Power, Inc. for its member cooperatives; Ohio Edison's practices have reportedly necessitated the construction of substantial transmission facilities at Buckeye's expense.[4]

Two municipal systems (Bryan and Napoleon, Ohio) in Toledo Edison's area have separately alleged that in the period from 1970 through 1972, Toledo Edison repeatedly refused to wheel bulk power which was available to each of these municipal systems from Buckeye. In each case, Toledo Edison had been supplying the municipals with bulk power and the refusal to wheel prevented Buckeye from competing with Toledo Edison for a wholesale customer.

Since 1973 CEI has continually refused to wheel power from the Power Authority of the State of New York to the City of Cleveland. The asserted ground for this refusal has been that the City's access to low-cost government power would enable it to undercut CEI in their retail competition. CEI is now exploring means of acquiring the city system.

E. Territorial Allocation

Toledo Edison and Ohio Power Company have allegedly entered a wholesale territorial allocation agreement which eliminates any competition between the two companies in supplying bulk power to municipal systems for resale.

IV. *Legal Principles.* The types of activities outlined above, including refusals to allow participation by others in CAPCO, refusals to engage in coordinated development with others, and refusals to allow meaningful access to vital facilities, must be considered under the antitrust principle requiring those who control an essential resource to grant access on equal and nondiscriminatory terms to all others engaged in the given business. See, *e.g.*, *United States* v. *Terminal R.R. Ass'n*, 224 U.S. 383 (1912); *Associated Press* v. *United States*, 326 U.S. 1 (1945); *Gamco, Inc.* v. *Providence Fruit & Produce Bldg.*, 194 F. 2d 484 (1st Cir. 1952), *cert. denied* 344 U.S. 817 (1952). As we have indicated in past advice letters, this principle applies to bulk power supply arrangements. *United States* v. *Otter Tail Power Co.*, 331 F. Supp. 54 (D. Minn. 1971), *aff'd* 410 U.S. 366 (1973).

The Applicants' refusals to wheel power, to interconnect and to engage in coordinated operation with smaller utilities raise problems which should be considered in the perspective of their monopoly control of the transmission facilities surrounding the smaller systems of their competitors. Antitrust principles have evolved which place distinct limits upon a supplier's exercise of monopoly power at one level of distribution to adversely affect competition at another level. The District Court in *United States* v. *Otter Tail Power Co.*, *supra*, clearly held that a utility could not use the power derived from a lawful monopoly at the bulk power supply level (in that case a monopoly of subtransmission facilities) to impair competition at the retail level.

V. *Conclusion.* Based upon our review, the Department of Justice concludes that the conduct described above, if supported by evidence to be produced at a hearing, would constitute a situation inconsistent with the antitrust laws. Construction and operation of the Davis-Besse Nuclear Power Station, Units 2 and 3, and marketing of its power output would maintain such an anticompetitive situation. Granting the license applied for without adequate antitrust conditions will generate new opportunities for the Applicants to engage in coordinated operation with each other and will provide them with a new source of relatively low-cost power and energy at the same time they are effectively foreclosing any possibility of their competitors sharing in the benefits of coordinated operation and development. Extensive discussions have been held between Applicants and the Department, but there is no indication that they are willing to remedy the anticompetitive situation which appears to exist. While a number of the allegations of restrictive conduct outlined above are presently being examined by the Commission in the Perry proceeding, others are beyond the presently established scope of that proceeding. Accordingly, the Department of Justice recommends that the Commission hold an antitrust hearing concerning the conduct and policies of each of the Applicants in the respects referred to above.

[FR Doc.75-5202 Filed 2-26-75;8:45 am]

[Docket No. 50-346-A; Docket Nos. 50-440-A, 50-441-A]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. (DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 AND PERRY PLANT, UNITS 1 AND 2)

Reconstitution of Board

John B. Farmakides, Esq., the desdgnated Chairman of the Atomic Safety and Licensing Board for the above proceeding, shortly will become a member of the Atomic Safety and Licensing Appeal Panel by action of the Commission.

Accordingly, Douglas Rigler, Esq., who is a member of this Board is hereby appointed Chairman. John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is hereby appointed the third member of the Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

It is so *ordered*.

Dated at Bethesda, Maryland this 21st day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-5201 Filed 2-26-75;8:45 am]

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[3] Almost two years ago, CEI informed the Department that an interconnection agreement with Painesville would be executed almost immediately.

[4] In its original working out of the Buckeye arrangement in 1967 Ohio Edison alone among the major Ohio utilities, had refused to wheel Buckeye power, and it became necessary to devise a special purchase and resale arrangement in order to supply the cooperatives in Ohio Edison's area.

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Atomic Power Station, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment authorizes an extension of the date for the performance of the next control rod drop testing from February 22 to March 22, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, (2) Amendment No. 12 to License No. DPR-3, with Change No. 117 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-5187 Filed 2-26-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 24, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Demonstration Centers for Extension and Continuing Education, OE-402, single-time, accredited institutions of higher education, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Bicentennial Celebration—Horizons on Display, single-time public interest groups, Community and Veterans Affairs Division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Application for Dependency and Indemnity Compensation or Death Pension by Widow or Child, 21-534, on occasion, veterans' dependents, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Housing Cost Questionnaire (Federal Employees), 689, annually, married male Federal employees in Washington, D.C., Raynsford, R., 395-3814.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Aplication for Federal Assistance (Nonconstruction) Bilingual Vocational Education, OE 3176, annually, LEA's, State boards for vocational education, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Summary Report of Traineeships Awarded Under Short-Term Traineeship Grant (Public Health/Nursing), NIH 1529, on occasion, schools of medicine, dentistry, etc., Lowry, R. L., 395-3772.

Office of Education, Report on College Retention of Former Upward Bound and Talent Search Students, OE 1225, semiannually, college registrars, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Geological survey:

Report of Operations—Outer Continental Shelf (Oil and Gas), 9-152, monthly, Evinger, S. K., 395-3648.

Request for Well Maximum Production Rate, 9-1867, on occasion, Evinger, S. K., 395-3648.

Pollution Report, 9-1880, on occasion, Evinger, S. K., 395-3648.

Request for Reservoir Mer, 9-1866, on occasion, Evinger, S. K., 395-3648.

Semi-Annual Gas Well Test Report, 9-1870, semiannually, Evinger, S. K., 395-3648.

Quarterly Oil Well Test Report, 9-1869, quarterly, Evinger, S. K., 395-3648.

Well Potential Test Report, 9-1868, on occasion, Evinger, S. K., 395-3648.

Packer Test, 9-1871, annually, Evinger, S. K., 395-3648.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-5371 Filed 2-26-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release 34-11255]

BOSTON, CINCINNATI AND DETROIT STOCK EXCHANGES AND INSTITUTIONAL NETWORKS CORP.

Effective Consolidated Tape Plans

The Securities and Exchange Commission announced that it has sent to the Boston, Cincinnati and Detroit Stock Exchanges and Institutional Networks Corp. a letter declaring effective their respective plans for complying with Rule 17a-15 under the Securities Exchange Act of 1934 (17 CFR 240.17a-15) concerning the consolidated reporting of transactions in "eligible" listed securities. The effectiveness of these plans is subject to each of those entities becoming an "other reporting party" pursuant to the consolidated tape plan filed with the Commission under Rule 17a-15 by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the NASD and declared effective by the Commission as of May 17, 1974.[1] The text of the letter follows:

Boston Stock Exchange,
Cincinnati Stock Exchange,
Detroit Stock Exchange,
Institutional Networks Corporation.

DEAR SIR: The Commission has reviewed your plan submitted pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 and has determined that your assumption of the obligations of an "other reporting party," under the terms of the consolidated tape plan filed by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the NASD declared effective by the Commission as of May 17, 1974 (the "Plan"), will result in the appropriate reporting of your transactions in eligible listed securities, as defined in the Plan, under Rule 17a-15. Therefore, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, the Commission hereby declares your plan effective subject to and upon your signing the necessary agreements with SIAC (the "Processor") to become an "other reporting party" under the Plan.

Sincerely yours,

GEORGE A. FITZSIMMONS,
Secretary.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076 (15 U.S.C. 78q., 78w.))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 18, 1975.

[FR Doc.75-5090 Filed 2-26-75;8:45 am]

[1] Securities Exchange Act Release No. 10787 (May 10, 1974).

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on March 20-21, 1975 at 55 Water Street, Twenty-Third Floor, New York, New York. The meeting will commence at 10 a.m. local time on March 20, 1975 and at 9 a.m. local time on March 21, 1975 and will be for the purpose of discussing the FOCUS Report of financial and operational information and reviewing the public comments received as of that date on the Group's Interim Report including a FOCUS Report Revised Discussion Paper. The public comment period will close on March 31, 1975. A limited supply of the Interim Report including a FOCUS Report Revised Discussion Paper is still available and will be provided upon request on a first come-first served basis.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140.)

The Interim Report including a FOCUS Report Revised Discussion Paper, and information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-5169 Filed 2-26-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 12; Rev. 1—Amdt. 3]

ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

Authority Delegation

Delegation of Authority No. 12 (38 FR 13063), as amended (38 FR 16001 and 38 FR 26509), is hereby further amended to update sources of authority and to include certain authorities necessary for the "Nonbank" Lender Program. Delegation of Authority No. 12, Revision 1, now reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Administrator for Finance and Investment the following Authority:

A. *Financial Assistance Program.* * * *

B. *Lease Guarantee and Surety Bond Programs.* * * *

C. *Participating Lending Institutions Program.* 1. *Eligibility.* To take all necessary actions in connection with determinations of eligibility for lending institutions to participate in SBA lending and financial assistance programs, including the suspension or revocation of such eligibility.

2. *Regulation.* To take all necessary actions in connection with the regulation of lending institutions participating in SBA lending and financial assistance programs, in accordance with the Small Business Act, as amended, and the Regulations thereunder as amended from time to time.

* * * * *

Effective date. February 21, 1975.

Dated: February 25, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5390 Filed 2-26-75;8:45 am]

[Notice of Disaster Loan Area 1115]

TEXAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster following severe storms and flooding beginning on or about January 31, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following county: Nacogdoches and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration, District Office, 505 East Travis Street, P.O. Box 1349, Marshall, Texas 75670.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than April 21, 1975. EIDL applications will not be accepted subsequent to November 21, 1975.

Dated: February 19, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5262 Filed 2-26-75;8:45 am]

RAILWAY ASSOCIATION

[USRA Docket No. 75-70]

PENN CENTRAL TRANSPORTATION CO.

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company (Olean Branch, Sixteenth St. Track) (Cattaraugus County, New York) ("Penn Central") propose to abandon the Olean Branch, Sixteenth St. Track, a line of railroad in Cattaraugus County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

"After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal Law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority."

The Olean Branch, Sixteenth St. Track sought to be abandoned extends from Valuation Station 9+15 to Valuation Station 68+20, a distance of 1.1 miles, all in the City of Olean, Cattaraugus County, New York.

There are no stations on the line.

In support of its request, Penn Central asserts that:

(1) The line is in poor condition. Continued use of the line would require considerable restoration and renewal work due to progressive wear and tear.

(2) The Olean School Board seeks to purchase railroad right of way in connection with the construction of a new school.

(3) The volume of traffic has decreased drastically over the past couple of years.

(4) Alternate rail service in the future will be provided by applicant's team track on its mainline through Olean and by a line of the Erie-Lackawanna Railway serving Olean.

(5) The area is amply served by motor common carriers, as well as by private carriers which will also adequately accommodate any demand for freight service in the area.

(6) No passenger service is provided on the line involved.

(7) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20595, by April 1, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, at the offices of the New York State Department of Transportation, Room 313, 1220 Washington Avenue, Albany, New York, between 8 a.m. and 4 p.m., at the Division Superintendent's Office, Penn Central Transportation Company, Room 204, Penn Central Terminal, 495 Paderewski Drive, Buffalo, New York 14212, at the Division Superintendent's Office, Penn Central Transportation Company, Union Station, 325 East Main Street, Utica, New York, both between 8 a.m. and 5 p.m., Monday through Friday, and at the General Manager's Office, Penn Central Transportation Company, Room 408, 466 Lexington Avenue, New York, New York, between 8:30 a.m. and 5 p.m.

In addition to this publication, Penn Central, shall by March 1, 1975, furnish a copy of this notice and invitation for written submission, to know shippers on the Olean Branch, Sixteenth St. Track, sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from March 1, 1975 to April 1, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of New York, New York Department of Transportation, the Public Service Commission of New York, the Board of Supervisors of Cattaraugus County, the Mayor of the City of Olean, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C., this January 27, 1975.

EDWARD G. JORDAN,
President,
United States Railway Association.

[FR Doc.75-5173 Filed 2-26-75;8:45 am]

[USRA Docket No. 75-69]

PENN CENTRAL TRANSPORTATION CO.

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company (Osseo-Old Road Branch) (Hillsdale County, Michigan) ("Penn Central") propose to abandon the Osseo-Old Road Branch, a line of railroad in Hillsdale County, Michigan, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

"After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority."

The Hillsdale Branch sought to be abandoned extends from milepost 360.7 near Hillsdale, Michigan, to its terminus at milepost 356.4 near Osseo, Michigan, 4.3 miles in Hillsdale County, Michigan.

The line includes the stations of Hillsdale and Osseo, Michigan.

In support of its request, Penn Central asserts that:

(1) The line is not in good condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The City of Hillsdale seeks to purchase the railroad right-of-way for use as a hiking trail.

(3) The line has not handled any traffic since March 1973.

(4) Alternate rail service can be provided by applicant's other rail trackage at Hillsdale, Michigan.

(5) The area is amply served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(6) No passenger service is provided on the line involved.

(7) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, by April 1, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, at the Division Superintendent's Office, Penn Central Station, 501 East Michigan Avenue, Jackson, Michigan, between 8 a.m. and 5 p.m., and at the General Manager's Office, Penn Central Transportation Company, Room 400, Penn Central Station, 2405 West Vernor Highway, Detroit, Michigan, between 8 a.m. and 5 p.m.

In addition to this publication, Penn Central shall, by March 1, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the Osseo-Old Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from March 1, 1975 to April 1, 1975.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of Michigan, the Chief of the Marketing Division, Michigan Department of Agriculture, the Michigan Department of Transportation, the Public Service Commission of Michigan, the Board Chairman of Hillsdale County, the Major of Hillsdale, the Supervisor of the Village of Osseo, and the Supervisors of Cambrie, Hillsdale, and Jefferson Counties, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television

broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this January 27, 1975.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-5172 Filed 2-26-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 692]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 3679 appearing on page 6249 in the issue for Monday, February 10, 1975, the fifth hearing assignment which begins, "MC-F 11787, N.N.C. * * *" should be corrected to read, "MC-F 11787, O.N.C. * * *".

[Notice No. 707]

ASSIGNMENT OF HEARINGS

FEBRUARY 24, 1975.

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 118142 Sub-81, M. Bruenger and Co., Inc., now being assigned April 14, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 119789 Sub-216, Caravan Refrigerated Cargo, Inc., now being assigned April 15, 1975 (2 days), at Dallas, Texas, in a hearing room to be designated later.

MC 103993 Sub-835, Morgan Drive-Away, Inc., MC 106398 Sub-710, National Trailer Convoy, Inc., MC 107295 Sub-731, Pre-Fab Transit Co., MC 113459 Sub-88, H. J. Jeffries Truck Lines, Inc.

MC 119774 Sub-80, Eagle Trucking Company, MC 120430 Sub-8, Coastal Transport Co., Inc., now being assigned April 17, 1975 (2 days), at Dallas, Texas, in a hearing room to be designated later.

MC 531 Sub-299, Younger Brothers, Inc., MC 102567 Sub-177, McNair Transport, Inc., MC 107064 Sub-105, Steere Tank Lines, Inc., MC 107403 Sub-899, Matlack, Inc., now being assigned April 21, 1975 (1 week), at Dallas, Texas, in a hearing room to be designated later.

MC 5623 Sub-24, Arrow Trucking Co., MC 108676 Sub-69, A. J. Metler Hauling & Rigging, Inc., MC 113459 Sub-86, H. J. Jeffries Truck Line, Inc., MC 118159 Sub-148, National Refrigerated Transport, Inc., MC 119399 Sub-45, Contract Freighters, Inc., MC 119774 Sub-79, Eagle Trucking Company, MC 123407 Sub-182, Sawyer Transport, Inc. and MC 129032 Sub-12, Tom Inman Trucking, Inc.; now being assigned May 5, 1975 (2 days) at Dallas, Texas, in a hearing room to be designated later.

MC 95876 Sub-152, Anderson Trucking Service, Inc., now being assigned May 7, 1975 (3 days) at Dallas, Texas, in a hearing room to be designated later.

MC 111401 Sub-429, Groendyke Transport, Inc., now being assigned May 12, 1975 (2 days) at Dallas, Texas, in a hearing room to be designated later.

MC 136828 Sub-3, Cox & Shay, Inc., now being assigned May 14, 1975 (3 days) at Dallas, Texas, in a hearing room to be designated later.

MC 128383 Sub-54, Pinto Trucking Service, Inc., now assigned April 24, 1975 at Washington, D.C., is postponed indefinitely.

MC 134494 Sub-7, Wayne Daniel Truck, Inc., now being assigned April 14, 1975 (1 day) at Chicago, Illinois, in a hearing room to be designated later.

MC 139685 Sub-2, Speedway Carriers, Inc., now being assigned April 15, 1975 (2 days) at Chicago, Illinois, in a hearing room to be designated later.

MC 139847 Sub-1, W-W Transportation Co., Inc., now being assigned April 17, 1975 (2 days) at Chicago, Illinois in a hearing room to be designated later.

FF 95 Sub-8, Lifschultz Fast Freight, Inc., now being assigned April 21, 1975 (1 week) at Chicago, Illinois in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5282 Filed 2-26-75;8:45 am]

(NOTICE NO. 16)

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 21, 1975.

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 within 30 days after date of notice of filing of the application is published in the Federal Register. 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 2202 (Sub-No. 477), filed January 31, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner, P.O. Box 471, Akron, Ohio 44309. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Distribution Center of the W. F. Walker Stores, Inc. located at or near Diboll, Tex., as an off-route point.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 25703 (Sub-No. 26), filed February 3, 1975. Applicant: LANEY TANK LINES, INC., P.O. Box 2934, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between points in York County, S.C., on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Columbia, S.C.

No. MC 29120 (Sub-No. 190), filed January 27, 1975. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). 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, those requiring special equipment, and hides), (1) Between Norfolk and Columbus, Nebr., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, serving no intermediate points. From Norfolk, Nebr. over U.S. Highway 81 to Columbus, Nebr., and return over the same route and (2) Between junction of North Dakota Highway 3 and Interstate Highway 94 and Fargo, N. Dak., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, serving no intermediate points: From junction of North Dakota Highway 3 and Interstate Highway 94 over Interstate Highway 94 to Fargo, N. Dak., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Sioux Falls, S. Dak. or Chicago, Ill.

No. MC 41951 (Sub-No. 25), filed January 31, 1975. Applicant: WHEATLEY TRUCKING, INC., Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, knocked down, flat (except corrugated, in boxes), from Atlanta, Ga., to Cambridge, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 86), filed January 31, 1975. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Weber City, Va., on the one hand, and, on the other, New York, N.Y. Commercial Zone, Bloomfield, N.J. and Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 72285 (Sub-No. 10) (Amendment), filed November 20, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as amended, this issue. Applicant: MOTOR TRANSPORT COMPANY, a corporation, 4101 W. Blue Mound Road, Milwaukee, Wis. 53208. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill machine parts*, between the plantsite of Beloit Corporation located at or near Rockton, Ill., on the one hand, and, on the other, points in Outagamie, Brown, Wood, Portage and Winnebago Counties, Wis.

NOTE.—The purpose of this republication is to include Winnebago County. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 89684 (Sub-No. 88), filed December 9, 1974. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* having a prior or subsequent movement by aircraft (except articles or unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between the Rock Springs City-County Airport near Rock Springs, Wyo., and the junction of Wyoming Highway 370 and U.S. Highway 30 (Interstate Highway 80): From the Rock Springs City-County Airport near Rock Springs, Wyo., over Wyoming Highway 370 to junction U.S. Highway 30 (Interstate Highway 80), and return over the same route, serving all intermediate points; (2) Between Hanna, Wyo., and Evanston, Wyo.: From Hanna, Wyo., over Wyoming Highway 72 to junction U.S. Highway 30 (U.S. Highway 287), thence over U.S. Highway 30 (U.S. Highway 287) to junction Interstate Highway 80 (U.S. Highway 30) at or near Walcott, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to Evanston, Wyo., and return over the same route, serving all intermediate points, and serving the following points as off-route points: (a) Mountain View, Wyo.; (b) Jim Bridger Power Plant in Wyoming on Sweetwater County Road 15 approximately 8 miles north of Point of Rocks, Wyo.; (c) the plant of Texasgulf, Inc., in Wyoming approximately 8 miles east of Granger, Wyo., on an unnumbered highway; (d) the plant of Stauffer Chemical Co. at Leefe, Wyo.; (e) the plant of FMC Corp. at Westvaco, Wyo., on Sweetwater County Road 3 approximately 6 miles north of U.S. Highway 30; (f) the plants of Allied Chemical Corp. and Church & Dwight Co. at Alchem, Wyo., on Sweetwater County Road 40 approximately 4 miles north of U.S. Highway 30; and (g) the plant of Stauffer Chemical Corp. at Stauffer, Wyo., on Wyoming Highway 372 approximately 15 miles north of Interstate Highway 80;

(3) Between the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 187 at or near Rock Springs, Wyo., and Jackson, Wyo.: From the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 187 at or near Rock Springs, Wyo. over U.S. Highway 187 to Jackson, Wyo., and return over the same route, serving all intermediate points, and serving Daniel, Wyo. as an off-route point; (4) Between the junction of Interstate Highway 80 and U.S. Highway 30 near Little America, Wyo., and Sage, Wyo.: From the junction of Interstate Highway 80 and U.S. Highway 30 near Little America, Wyo. over U.S. Highway 30 to junction U.S. Highway 189 at Diamondville, Wyo., thence over U.S. Highway 189 to junction U.S. Highway 30 at Kemmerer, Wyo., thence over U.S. Highway 30 to Sage, Wyo., and return over the same route, serving all intermediate points, and serving Big Piney, Wyo., as an off-route point; (5) Between the junction of Interstate Highway 80 and U.S. Highway 189 approximately 13 miles east of Evanston, Wyo., and Frontier, Wyo.: From the junction of Interstate Highway 80 and U.S. Highway 189 over U.S. Highway 189 to Frontier, Wyo., and return over the same route, serving all intermediate points, and serving Elkol, Wyo. as an off-route point; and (6) Between Sage, Wyo., and Hoback Junction, Wyo.: From Sage, Wyo. over U.S. Highway 30 (Wyoming Highway 89 and U.S. Highway 89) to Hoback Junction, Wyo., and return over the same route, serving all intermediate points; and (B) serving the Jim Bridger Power Plant in Wyoming on Sweetwater County Road 15, approximately 8 miles north of Point of Rocks, Wyo.; Texasgulf, Inc. plant in Wyoming approximately 8 miles east of Granger, Wyo. on an unnumbered highway; and the Stauffer Chemical Company plant at Leefe, Wyo., as off-route points in connection with applicant's authorized regular route operations in MC-89684 (Sub-No. 52) between the International Airport at Salt Lake City, Utah and Rock Springs, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rock Springs, Wyo.

No. MC 95920 (Sub-No. 36), filed January 31, 1975. Applicant: SANTRY

TRUCKING COMPANY, a corporation, 11552 SW Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Olympia, Wash., to points in Missouri; and (2) *supplies, materials, and equipment* used in the manufacture of malt beverages, from points in Missouri, to Olympia, Wash., under a continuing contract or contracts, with Olympia Brewing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 98391 (Sub-No. 2), filed November 4, 1974. Applicant: ROBERT JEKEL AND DAVID JEKEL, a partnership, doing business as JEKEL MOVING & STORAGE CO., 405-36th Street, S.E., Grand Rapids, Mich. 49508. Applicant's representative: Gary Steensma (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Allegan, Barry, Ionia, Kent and Ottawa Counties, Mich., on the one hand, and on the other, points in Michigan.

NOTE.—By instant application applicant seeks to convert its Certificate of Registration No. 98391 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant does not indicate a preference.

No. MC 103993 (Sub-No. 850), filed January 30, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Buildings*, complete, knocked down, or in sections; (b) *building sections and building panels;* (c) *parts and accessories* used in the installation thereof; and (d) *metal prefabricated structural components, and panels*, from points in Doniphan County, Kansas, to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture of buildings and parts thereof (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Doniphan County, Kansas.

NOTE.—Common control was approved by the Commission in MC F 10057. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 106674 (Sub-No. 156), filed February 3, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and accessories*, from Centralia, Ill., and Columbus and Waterville, Ohio, to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (2) *wooden pallets*, from Rosemont, Ill., to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (3) *steel*, from Cleveland, Ohio, to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (4) *plumbing supplies and accessories*, from the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Monroe, Ohio, to points in Connecticut, Delaware, Kansas, Maine, Massachusetts, New Hampshire, Texas, Vermont, and points east of Interstate Highway 81 in New York; and (5) *plumbing supplies and accessories*, from the plantsite and warehouse facilities of the Powers Fiat Corporation, at or near Plainview, Long Island, N.Y., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic either originating at or destined to the plantsites and warehouse facilities of the Powers Fiat Corporation, at Plainview, Long Island, N.Y., or Monroe, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 107882 (Sub-No. 38), filed January 16, 1975. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, between Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Coral Gables, Fla.; Culpeper, Va.; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Ft. Knox, Ky.; Helena, Mont.; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; West Point, N.Y.; and the District of Columbia, under contract with General Services Administration.

NOTE.—Applicant holds common carrier authority in MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 109540 (Sub-No. 33), filed January 29, 1975. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Rd., Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers for air, gas or liquids*, (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas or liquids;* and (3) *parts, attachments and accessories* for use in the installation and operating of the commodities described above, between the site of the plant and warehouse facilities of The Trane Company, located at Lexington, Ky., on the one hand, and, on the other, Newport, Ky., and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, or Frankfort, Ky.

No. MC 110525 (Sub-No. 1115), filed January 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, 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: *Chemicals*, in bulk, in tank vehicles, from Cleveland, Bedford Heights, Bedford, Ashtabula and Painesville, Ohio, to points in Illinois, Indiana, Michigan, Missouri, Minnesota, Kentucky, New York (except points in the New York, N.Y. Commercial Zone, as defined by the Commission, and points in Monroe and Erie Counties, N.Y.), Wisconsin, Tennessee (except Kingsport and Elizabethton), and (except latex to points in New York, and except liquid rubber preservatives to Louisville, Ky.).

NOTE.—The purpose of this application is to replace a terminating interline. If a hearing is deemed necessary, applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 110525 (Sub-No. 1116), filed February 3, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downington, 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: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Newington, N.H. to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *reclaimed vinyl compound*, dry, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111594 (Sub-No. 66), filed January 29, 1975. Applicant: C W TRANSPORT, INC., 610 High St., Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. 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), serving the plant site of the Tenant Company in Maple Grove, Minn., as an off-route point, in connection with carrier's authorized regular route operations to and from the St. Paul-Minneapolis, Minn., Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 111729 (Sub-No. 510), filed February 3, 1975. Applicant: PUROLATOR COURIER, CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading and Wilkes-Barre, Pa., restricted to traffic having an immediately prior or subsequent movement by air; (2) *human blood samples, urine samples and diagnostic reports related thereto*, between Fairfield, Conn., on the one hand, and, on the other, points in Norfolk and Suffolk Counties, Mass., and points in Rhode Island; (3) *radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New Jersey; (4) *replacement parts* for business machines and computers, restricted against the transportation of packages or articles weighing in the aggregate more than 35 pounds from one consignor to one consignee on any one day, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading and Wilkes-Barre, Pa., restricted to traffic having an immediately prior or subsequent movement by air; (5) *automotive parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Elmsford, N.Y., to points in Connecticut, New Jersey, and New York.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 112801 (Sub-No. 168), filed January 23, 1975. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. 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: *Chemicals*, in bulk, in tank vehicles, from Schaumburg, Ill., to points in Indiana, Ohio, Pennsylvania and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 136), filed January 15, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Point Highway, Smyrna, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose*, and *materials and supplies* used in the manufacture thereof (except in bulk), between Elmhurst, Ill. and points in Cook County, Ill., on the one hand, and, on the other, points in Essex County, New Jersey, under a continuing contract or contracts with Electric Hose & Rubber Company.

NOTE.—Applicant holds common carrier authority in MC 135046 and Subs thereunder, therefore dual operations may be involved. If a hearing is deeemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 309), filed January 29, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S. E., Rochester, Minn. 55901. 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 irregular routes, transporting: *Agricultural implements, and parts and attachments* for agricultural implements, from New Albany, Miss., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Birmingham, Ala.

No. MC 113855 (Sub-No. 310), filed February 3, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. 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 irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment; and *related machinery parts 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 requires special equipment; (2) *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 in trailers; and (3) *iron and steel, and iron and steel articles*, between points on the International Boundary line between the United States and Canada, located in Washington and Idaho, on the one hand, and, on the other, points in Washington, Oregon and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 113861 (Sub-No. 62), filed February 3, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama on and north of U.S. Highway 78.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, or Memphis, Tenn.

No. MC 114273 (Sub-No. 229), filed January 30, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 (except commodities in bulk, in tank vehicles), from Denver, Colo., to points in Illinois, Iowa, Kansas, Kentucky, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 387), filed February 3, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications* and *materials, supplies and equipment* used in the maintenance and operation of printing plants, between the plant site of R. R. Donnelly & Sons Co. at Dwight, Ill., on the one hand, and, on the other, points in New York, West Virginia, Missouri, Pennsylvania, Wisconsin, Michigan, Ohio, Indiana and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 116947 (Sub-No. 37), filed January 24, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials*, between Memphis, Tenn. and Winston-Salem, N.C., under a continuing contract with Jos. Schlitz Brewing Company.

NOTE.—Applicant holds common carrier authority in MC 117956 Sub 2 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117439 (Sub-No. 48), filed January 27, 1975. Applicant: BULK TRANSPORT, INC., P.O. Box 89, Port Allen, La. 70767. Applicant's representative: Robert I. Comaux (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, (in bulk), from Houma, La., to points in Alabama, Florida and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge, or New Orleans, La.

No. MC 117765 (Sub-No. 183), filed February 3, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting, floor covering, carpet padding*, and *materials, equipment and supplies* used in the manufacture and installation thereof (except commodities in bulk), from the plantsites and facilities of Sequoyah Industries, Inc., at or near Anadarko and Watonga, Okla., to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia; and (2) *equipment, materials and supplies* used in the manufacture, installation, and distribution of carpeting, floor covering and carpet padding (except commodities in bulk), from points in Georgia, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Pennsylvania, to the plantsites and facilities of Sequoyah Industries, Inc. at or near Anadarko and Watonga, Okla., restricted in (1) and (2) above to traffic originating at or destined to the named plantsites and facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118130 (Sub-No. 72), filed January 29, 1975. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Forth Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Rd., Forth Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet; carpeting or rugs; carpet tile; floor covering; carpet, carpeting tile and floor covering samples; carpet padding and cushion; adhesives and carpeting cement; displays and advertising; and such articles* used in the installation of carpet, carpeting, rugs, and floor covering, from points in Los Angeles County, Calif., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Forth Worth, Tex. or Los Angeles, Calif.

No. MC 119226 (Sub-No. 91), filed January 30, 1975. Applicant: LIQUID TRANSPORT CORP., a corporation, 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies*, and *ingredients used in the processing thereof* (except chemicals), in bulk, in tank or hopper-type vehicles, between the plant and/or warehouse facilities of Krause Milling Company at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., Chicago, Ill. or Washington, D.C.

No. MC 119777 (Sub-No. 317), filed January 27, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: John B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn and corn products*, from Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *soya and soya products*, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Michigan, and Ohio).

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Danville or Chicago, Ill.

No. MC 119880 (Sub-No. 63), filed January 29, 1975. Applicant: DRUM TRANSPORT, INC., 617 Chicago St., East Peoria, Ill. 61611. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Mobile, Ala., New Orleans, La., and Houston, Tex., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 119988 (Sub-No. 75), filed January 29, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. 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: *Charcoal briquettes, and materials, equipment and supplies*, used in the manufacture and distribution thereof, between the plantsite of Carla Charcoal, Inc., located near Winnfield, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120659 (Sub-No. 4), filed February 3, 1975. Applicant: BUSH VAN LINES, INC., 1888 Brown Street, Akron, Ohio 44301. 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: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in Summit County, Ohio, on the one hand, and, on the other, points in Ohio, restricted against the transportation of traffic originating at or destined to Summit County, Ohio, and restricted to service in Summit County, Ohio, for the purpose of interchange traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 120789 (Sub-No. 8), filed January 30, 1975. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2680 Bayshore Frontage Road, Mountain View, Calif. 94040. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, construction, mining and excavation materials and supplies*, in bulk, in pneumatic, hopper and dump vehicles, between points in Nevada and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123407 (Sub-No. 220), filed February 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 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: *Fencing, lath and stakes*, from the plantsite of Cole Forest Products, Inc., located near Grand Rapids, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Duluth, Minn., or Chicago, Ill.

No. MC 123407 (Sub-No. 221), filed February 3, 1975. 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: *Lumber and lumber products*, from points in Washington, Oregon, Idaho, to points in South Dakota, North Dakota, Minnesota, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak., or Chicago, Ill.

No. MC 123407 (Sub-No. 222), filed February 3, 1975. 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) *Material fiberboard, wood fiberboard, gypsum board, and acoustical materials*, from Plainfield, Ill., to points in the United States (except Alaska and Hawaii), (2) *equipment, materials, and supplies* used in the manufacture of items described above, from points in the United States (except Alaska and Hawaii), to Plainfield, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124170 (Sub-No. 50), filed February 3, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Trenton, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 124221 (Sub-No. 51), filed January 29, 1975. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in temperature controlled vehicles, from New Orleans, La., Gulfport, Miss., and Mobile, Ala., to Urbana, Ill. (2) *bananas*, from Mobile, Ala., to Urbana, Ill., the operations proposed in, Parts (1) and (2) above are limited to a transportation service to be performed under a continuing contract, or contracts, with J. M. Jones, Inc., or Urbana, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124813 (Sub-No. 125), filed February 3, 1975. Applicant: UNTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer* and *dry fertilizer materials*, from Tolono, Ill., to points in Iowa; and (2) *dry feed*, from Minneapolis, Minn., to points in Wisconsin in and north of Maintowoc, Calumet, Outagamie, Waupaca, Portage, Wood, Jackson, Trempealeau, and Buffalo Counties.

NOTE.—Applicant holds contract carrier authority in MC 118468 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 125777 (Sub-No. 151), filed January 29, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, between points in Montana, Idaho, Utah, Nevada, Arizona, Wyoming, Colorado, New Mexico, S. Dakota, N. Dakota, Oklahoma, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Texas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Alabama, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126699 (Sub-No. 4), filed January 31, 1975. Applicant: MOORE VAN AND STORAGE OF WOODLAND, INC., 860 Onstatt Road, P.O. Box 244, Yuba City, Calif. 95991. Applicant's representative: Leigh B. Morris, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in Lake and Mendocino Counties, Calif.; and (2) between points in the above counties, on the one hand, and, on the other, points in Yolo, Sutter, Colusa, Butte, Yuba, and Nevada Counties, Calif., restricted to the transportation of traffic 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 packing, crating and containerization, or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 127185 (Sub-No. 6), filed January 27, 1975. Applicant: GATEWAY TRANSFER CO., INC., 1319 Santa Rita Ave., P.O. Box 526, Laredo, Tex. 78040. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile leaf springs*, from ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Eagle Pass, Tex., to the port of entry on the International Boundary line between the United States and the Republic of Mexico, at or near Dolores, Tex., restricted to traffic originating in the Republic of Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Eagle Pass, Tex., Laredo, Tex., or San Antonio, Tex.

No. MC 127668 (Sub-No. 7), filed February 3, 1975. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, skins, hair, tails, switches and bone meal*, (1) from points in Texas and New Mexico, to points in Arizona; (2) between points in Texas; and (3) from points in New Mexico, to points in Texas, under contract with Southwest Hide Co., at Phoenix, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 127840 (Sub-No. 41), filed January 29, 1975. Applicant: MONTGOMERY TANK LINES, INC., P.O. Box 382, 17730 South Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, 127 North Dearborn St., Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating compounds* (in bulk), from Frisco, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128012 (Sub-No. 4), filed January 30, 1975. Applicant: R. E. McCORMACK and D. L. McCORMACK, a partnership, doing business as McCORMACK TRUCK LINES, 2608 Eagle Lane, P.O. Box 74937, Oklahoma City, Okla. 73127. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California, to points in Oklahoma (except Oklahoma City).

NOTE.—If a hearing is deemd necessary, applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 128273 (Sub-No. 170), filed January 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, publications and exempted printed matter*, as described by Section 203(b)(7) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with printed matter and or publications and (2) *materials and supplies* used in maintenance and operation of printing plants, between the plant sites and warehouse facilities of R. R. Donnelley & Sons Company and its subsidiaries at or near Warsaw, Ind., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Indiana).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 171), filed January 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies*, used in the manufacture, assembly and/or distribution of bicycles, bicycle parts and bicycle accessories, between Enid, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Oklahoma).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 129510 (Sub-No. 10), filed January 27, 1975. Applicant: ENGLUND EQUIPMENT COMPANY, a corporation, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fittings, conduit*, in barrels or boxes, with or without insulators, *cable terminals, tools*, hand, *plastic or rubber articles* (except expanded, straps, lashing, tying or tightening, with or without metal hooks or fasteners), in packages, *cable assemblies or harness, electrical wiring*, in packages, between Elizabeth and Mount Laurel, N.J.; Montgomeryville and Doylestown, Pa.; Easton and Somerville, Mass.; Naugatuck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Indianapolis, Ind.; Elk Grove Village, Ill.; Iowa City, Iowa,; Reno, Nev.; Los Angeles and Anaheim, Calif., restricted to a transportation service to be performed under a continuing contract or contracts with Thomas Betts Co., a Division of Thomas & Betts Corporation of Elizabeth, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Elizabeth, N.J.

No. MC 133892 (Sub-No. 5), filed January 27, 1975. Applicant: B & W SERVICE, INC., 25 Littlefield Street, Avon, Mass. 02322. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, *and equipment, materials, and supplies*, used in the operation of retail department stores (except liquid commodities, in bulk), between Avon, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc. of Avon, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134090 (Sub-No. 3), filed January 29, 1975. Applicant: ALL BEST TRANSFER AND WAREHOUSE, INC., 405 Division Street, Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is distributed by a premium stamps redemption center in the redemption of premium stamps, and in connection therewith, (2) *equipment materials and supplies* used in the conduct of such business, between Elizabeth, N.J., on the one hand, and, on the other, Glen Burnie, Md., under a continuing contract or contracts with Top Value Enterprises, Inc., of Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 134145 (Sub-No. 55), filed January 23, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rte. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Three wheeled utility truck*, self propelled, weighing less than 1500 pounds, from Roseau, Minn., to Lake Zurick, Ill., Augusta, Ga., Sarasota, and Fort Lauderdale, Fla., Norton, Grove City, and North Royalton, Ohio, Lansing, Mich., Olathe, Kans., Houston, Arlington, and Dallas, Tex., Plainview, N.Y., and New Kensington and Bethlehem, Pa., Bordertown, N.J., and Falmouth, Mass., under a continuing contract or contracts with Polaris, Division of Textron, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or Pargo, N. Dak.

No. MC 134145 (Sub-No. 56), filed January 30, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, computing machine* (except commodities in bulk), from Owatonna, Minn., to Campton, Ky., Mount Clemens and Rochester, Mich., under a continuing contract with Computer Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134182 (Sub-No. 30), filed February 3, 1975. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Lucy K. Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles, with metal closures*, from the plantsites of Brockway Glass Company, at Muskogee, Okla.; Kerr Glass Company, at Sand Springs, Okla.; and Obear-Nestor Glass Company, at East St. Louis, Ill.; to the plantsite of Milk Producers Marketing Company, d/b/a All Star Beverage, at Lawrence, Kans.; and (2) *fruit juices, fruit punches, and fruit flavored drinks*, from the plantsite of Milk Producers Marketing Company, d/b/a All Star Beverage, at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted in part (1) above, to the transportation of shipments originating at, and destined to, the above-named points, and restricted in part (2) to the transportation of shipments originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134477 (Sub-No. 89), filed January 31, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). 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 (except hides and commodities in bulk), from Huron, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc. and destined to states named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 90), filed January 31, 1975. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). 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 (except hides and commodities in bulk, from Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc. and destined to the states named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134535 (Sub-No. 4), filed January 30, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 1110 Hamilton Boulevard, South Plainfield, N.J. 07080. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from Avenel, N.J., to Danbury, Fairfield, Farmington, Guilford, Meriden, Milford, New Haven, Norwalk, Norwich, Trumbull and West Haven, Conn., New Castle, Del., Baltimore, Hunt Valley, and Landover, Md., Avon, Everett, Hyannis, and Springfield, Mass., Dover and Nashua, N.H., Bloomfield, N.J., Albany, Bayshore, Baldwin, Buffalo, Corum, Endicott, Garden City, Hicksville, Huntington, Huntington Station, Inwood, Kingston, Lake Grove, Middletown, Mount Vernon, New Rochelle, New York, Pleasantville, Port Chester, Schenectady, Smithtown, Westbury, and White Plains, N.Y., Lancaster, Philadelphia, Pittsburgh, Plymouth Meeting and York, Pa., Dartmouth and Hope, R.I., and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with World Carpets. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 134884 (Sub-No. 8), filed January 31, 1975. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840 112th Ave. SE., Renton, Wash. 98055. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* between points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona; and (2) *new furniture*, uncrated, between points in Washington, Oregon and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134922 (Sub-No. 112), filed January 30, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, from Guntersville, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *compounds, materials and supplies* used in the manufacture of the commodities in (1) above, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, to Guntersville, Ala., restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Birmingham, Ala.

No. MC 135840 (Sub-No. 4), filed January 20, 1975. Applicant: S & S ENTERPRISES, INC., 2525 Burlington Avenue, Billings, Mont. 59102. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from the plant of Wy-Mont Beverages, Inc., at Billings, Mont., to the Coca-Cola Bottling Company, at Williston, and Dickinson, N. Dak., and the Coca-Cola Bottling Company of the Black Hills, at Rapid City, S. Dak., under contract with Wy-Mont Beverages, Inc., at Billings, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136283 (Sub-No. 3), filed January 29, 1975. Applicant: DERON INC., 5105 S.E. Brookside Drive, Milwaukie, Oreg. 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from points in Delaware County, Pa., to points on entry on the International Boundary, between the United States and Canada located in Washington and Montana, under a continuing contract with LaSalle Deitch Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138134 (Sub-No. 5), filed February 3, 1975. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, Iowa 52632. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in metal containers of not less than 2 tons capacity, from Keokuk, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, New Jersey, New York, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 138452 (Sub-No. 6), filed January 30, 1975. Applicant: JOSEF T. KRAUS, doing business as JOSEF KRAUS TRUCKING CO., Rt. 2, Box 262–H, Sherwood, Oreg. 97140. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and carpet padding*, between Los Angeles, Calif., on the one hand, and, on the other, Portland, Eugene, and Tualatin, Oreg.; Bellevue, Renton, Kent, Seattle, and Tacoma, Wash.; Boise and Caldwell, Idaho; and Phoenix, Ariz.; under a continuing contract or contracts with Mand Carpet Mills.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138512 (Sub-No. 9), filed January 27, 1975. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, and materials, equipment and supplies* used in the manufacture and display of cheese and cheese products (except commodities in bulk), from Logan, Utah, to Rocky Mount, N.C., Greenville, S.C., Toledo, Dayton and Cleveland, Ohio, and Atlanta, Ga., and *rejected shipments*, from said destinations to Logan, Utah, under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 139123 (Sub-No. 4), filed December 2, 1974. Applicant: GLOUCESTER DISPATCH, INC., Kelly Road, Box 127, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, edible NOI, *doughnut coating dry, icing powder, dessert preparation, wheat flour* (except in bulk), from Hillsdale, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or New York, N.Y.

No. MC 139825 (Sub-No. 2), filed January 27, 1975. Applicant: A & B TRACTOR SERVICE, INC., 2428 South Hanna Street, Fort Wayne, Ind. 46803. Applicant's representative: Donald R. Clifford, 116 East Wayne Street, Suite 344, Fort Wayne, Ind. 46802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Semi-trailers* (except trailers designed to be drawn by passenger automobiles), in initial movements, in tow-away service, from Louisville, Ky., to points in Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, Ohio and Pennsylvania; and (2) *new and used semi-trailers* (except trailers designed to be drawn by passenger automobiles), in subsequent and secondary movements, in tow-away service, between points in Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Wayne, Ind.; Indianapolis, Ind.; or Chicago, Ill.

No. MC 139881 (Sub-No. 1), filed November 25, 1974. Applicant: ROETTELE TRUCKING, a corporation, 14503 Eastbrook, Bellflower, Calif. 90706. Applicant's representative: Lon Roettele (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass tanks, ducting or air handling equipment and sections thereof*, from the plantsite and storage facilities of Century Fiberglass, Inc., at Anaheim or Santa Fe Springs, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, under a continuing contract or contracts with Century Fiberglass, Inc.; and (2) *fabricated structural steel articles, including distribution chutes, structural supports, frames, conveyors, towers and parts thereof*, from the plantsite and storage facilities of Simpson Industries, Inc., doing business as Allied Engineering Co., located at or near Los Angeles, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, under a continuing contract or contracts with Simpson Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139893 (Sub-No. 2), filed February 3, 1975. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LIMITED, P.O. Box 314, Chatam, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and stone*, between ports of entry on the Interstate Boundary line between the United States and Canada, at the Niagara, Detroit, and St. Clair Rivers, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, Illinois, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140373 (Sub-No. 2), filed January 31, 1975. Applicant: COOK TRUCKING SERVICE, INC., 305 South Harbor Blvd., Fullerton, Calif. 92632. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and syrups* (in bulk), from Santa Ana, Calif., to points in the Counties of Clark, Nev., and Maricopa, Ariz., under a continuing contract with Holly Sugar Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140434 (Sub-No. 2), filed January 31, 1975. Applicant: WILLIAM L. ANDERSON, doing business as A–1 TRANSFER SERVICE, 121 West College Street, Jackson, Tenn. 38301. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by distributors of home products, from Jackson, Tenn., to points in Tennessee west of the Tennessee River, restricted to shipments for residence delivery only, and further restricted to shipments having a prior movement in interstate commerce; and (2) *returned, refused or damaged shipments*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, or Memphis, Tenn.

No. MC 140435 (Sub-No. 2), filed January 15, 1975. Applicant: DENNIS CHUTZ AND WAYNE CHUTZ, a partnership, doing business as D & W TRUCKING COMPANY, P.O. Box 116, Slippery Rock, Pa. 16057. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Cambria, Somerset, Indiana, Venango, and Clearfield Counties, Pa., to the plant sites of Cleveland Electric Illuminating Company in Ashtabula and Cuyahoga Counties, Ohio, under a continuing contract or contracts with Pengrove Coal Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 140484 (Sub-No. 1), filed Jan. 30, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, Fort Myers, Fla. 33901. Applicant's representative: Lester A. Coggins, P.O. Box 69, Fort Myers, Fla. 33901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and horticultural commodities, and materials and supplies*, used in the growing, shipping and marketing of agricultural or horticultural commodities (except commodities in bulk), between points in Florida, California, Pennsylvania, Ohio and Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 140544 (Sub-No. 2), filed January 30, 1975. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, a partnership, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and non-metallic ores*, including but not restricted to phosphate and vanadium ore in bulk, in dump vehicles, (1) between points in Illinois and Sublette Counties, Wyo.; (2) between points in Lincoln and Sublette Counties, Wyo., on the one hand, and, on the other, points in Caribou and Bear Lake Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 140547, filed January 6, 1975. Applicant: EVERGREEN TRUCK BROKER, INC., doing business as NORCAL TRUCK LINES, 1805 Industrial Street, Los Angeles, Calif. 90021. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, attachments, accessories and supplies*, from points in Michigan, Indiana, Ohio, Missouri, Texas, New York, California, Wisconsin, Minnesota, Iowa, Colorado, Utah, Nevada and Oregon, to Seattle, Tacoma and Spokane, Wash. and Portland, Oreg., under a continuing contract or contracts with Evergreen Warehouse Distributors, Division of Republic Automotive Parts, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140560, filed January 3, 1975. Applicant: J. REID TRUCKING LTD., 9824 169 Street, Edmonton, Alberta, Canada. Applicant's representative: Jerry Reid (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in California, to port of entry on the International Boundary Line between the United States and Canada at Sweetgrass, Mont.; and (2) *plastic*, in bulk and in sheets and blocks, and *alfalfa pellets*, in bags, (A) from Sweetgrass, Mont., to

points in Montana, Idaho, Nevada, California; and (B) from port of entry on the International Boundary Line between the United States and Canada at Eastport, Idaho, to points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 140581, filed January 14, 1975. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Rt. 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, (1) From Pell City, Ala., to points in Tennessee, Georgia, Kentucky, Florida and Texas; (2) from points in Tennessee, Georgia, Kentucky and Florida, to Pell City, Ala.; and (3) from points in Texas, Georgia, Florida and Tennessee, and New York, N.Y., Detroit, Mich. and Chicago, Ill., to Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 140588 (Sub-No. 1), filed January 27, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to points in Georgia and Alabama.

NOTE.—Applicant holds contract carrier authority in MC 133492 Sub 1 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140606, filed January 28, 1975. Applicant: SAV-MOR WRECKER SERVICE, 206 Appleton Street, Memphis, Tenn. 38109. Applicant's representative: James Jernigan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles or trailers* (except house trailers designed to be drawn by passenger automobiles) *and replacement vehicles or trailers of the same type, or types*, using wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, Texas and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

PASSENGER APPLICATIONS

No. MC 47495 (Sub-No. 12), filed January 7, 1975. Applicant: MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Ave., Coxsackie, N.Y. 12051. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Dutchess and Columbia Counties, N.Y., to points in the United States, including Hawaii and Alaska, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Poughkeepsie, N.Y.

No. MC 84728 (Sub-No. 62), filed January 24, 1975. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. 20005. Applicant's representative: Lawrence E. Lindeman, 425—13th Street NW., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, by motor common carrier, serving the junction of the Baltimore-Washington Expressway and Maryland Highway 450 and all points on Maryland Highway 450 within one mile of said junction, as an off-route point in connection with carriers authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111422 (Sub-No. 7), filed January 28, 1975. Applicant: O. D. ANDERSON, INC., Rural Delivery No. 3, Conneaut Lake Road, Greenville, Pa. 16125. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, in charter and special operations, Between Youngstown, Ohio, and Erie, Pa., serving all intermediate points: From Youngstown, Ohio, along U.S. Highway 62 to its junction with Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to its junction with Interstate Highway 90, thence over Interstate Highway 90 to its junction with Interstate Highway 79, thence over Interstate Highway 79 to Erie, Pa., and return over the same route; (B) IRREGULAR ROUTES: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii; and (2) *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the regular route described in part (A) above and the territory served thereby to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Youngstown, Ohio.

BROKER APPLICATIONS

No. MC 130287, filed December 18, 1974. Applicant: JAMES W. VANGEMERT, 2744 Leonard Road NW., Grand Rapids, Mich. 49504. Applicant's representative: Theodore Earl Dunn, 2745 DeHoop Avenue S.W., Wyoming, Mich. 49509. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Grand Rapids, Mich., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in bus tours, by combination motor common and air carriers, beginning and ending at points in Kent County, Mich. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Rapids, or Lansing, Mich.

No. MC 130298, filed February 7, 1975. Applicant: SPECIAL EVENTS TRAVEL, INC., 500 Fifth Avenue, New York, N.Y. 10036. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations, by motor common carrier bus service, between points in the United States including Alaska and Hawaii, restricted to the transportation of passengers having a prior movement in a foreign country by air or water vessel.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION

No. W-1284 (Sub-No. 1), filed January 23, 1975. Applicant: FLORIDA BARGE & FERRY LINE, INC., Suite 200, 200 S.E. First Street, Miami, Fla. 33131. Applicant's representative: Maurice M. Diliberto (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities* in trailers and or containers by tug and barge, between Ports of Miami, Key West, Port Laudania, Port Everglades, and Marathon, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Miami or Key West, Fla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5147 Filed 2-26-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter-Notices

FEBRUARY 19, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion,

alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19157 (Sub-No. E2) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER December 9, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Rd., Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment and parts*, (5) between points in Massachusetts, on the one hand, and, on the other, points in North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconsin, and (29) between points in Vermont, on the one hand, and, on the other, points in Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, Louisiana, West Virginia, Mississippi, Michigan, Wisconsin, and Alabama. The purpose of this filing is to eliminate the gateway of Schenectady, N.Y. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 21170 (Sub-No. E33), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and feed*, from (1) Arkansas, Kans., to points in that part of Minnesota north and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line, and (2) Atchison, Kans., to points in that part of Minnesota north and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Des Moines, Dubuque, and Marshalltown, Iowa.

No. MC 21170 (Sub-No. E35), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in that part of Iowa west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 59 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 10, thence along Iowa Highway 10 to Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 314, thence along Iowa Highway 314 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 196, thence along Iowa Highway 196 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 89, thence along Iowa Highway 89 to junction Iowa Highway 210, thence along Iowa Highway 210 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Iowa Highway 163, thence along Iowa Highway 163 to Pella, Iowa, thence northeast on unnumbered highway to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 42, thence along Iowa Highway 92 to junction Iowa Highway 92 to junction Iowa Highway 103, thence along Iowa Highway 103 to junction Iowa Highway 149, thence along Iowa Highway 149 to Martinsburg, Iowa, thence south on unnumbered highway to junction U.S. Highway 34, thence along U.S. Highway 34 to Batavia, Iowa, thence south on unnumbered highways to junction Iowa Highway 16, thence along Iowa Highway 16 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 2, thence east along Iowa Highway 2 to junction unnumbered highway, thence over unnumbered highway to the Iowa-Missouri State line, restricted to traffic originating at Detroit, Mich. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. E40), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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, except commodities in bulk, in tank vehicles, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Farmland Industries, Inc., at or near Garden City, Kans., to points in that part of Missouri west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 170, thence along Missouri Highway 170 to junction unnumbered highway, thence north and west on unnumbered highway through Coffey to junction U.S. Highway 69, thence along U.S. Highway 69 to Pattonsburg, thence west on unnumbered highway through Berlin to junction U.S. Highway 169, thence north along U.S. Highway 169 to junction unnumbered highway, thence west on unnumbered highway through Gilford and Barnard to junction U.S. Highway 71, thence north on U.S. Highway 71 to the junction of unnumbered highway at Pumpkin Center, and west along unnumbered highway to junction Missouri Highway 113, thence along Missouri Highway 113 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Missouri Highway 118, thence along Missouri Highway 118 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Missouri-Nebraska State line, restricted to traffic originating at the plant site of Farmland Industries, Inc., at or near Garden City, Kans. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub-No. E41), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and feed*, from Arkansas City and Atchison, Kans., to Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E42), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene

R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and eggs*, from Fargo, N. Dak., to Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E43), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products, and cough drops, and advertising matter*, when shipped therewith, in vehicles equipped with mechanical refrigeration, from the facilities of Luden's, Inc., at or near Reading, Pa., to Fargo, N. Dak., restricted to the transportation of traffic originating at the facilities of Luden's, Inc., at or near Reading, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E46), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs* and *butter*, from Fargo, North Dakota, and Clinton, Joplin, and Webb City, Mo., to Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E48), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in that part of Kansas on the east of U.S. Highway 81, and in that part of Missouri on and north of U.S. Highway 50 (except Jefferson City), and on the west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E49), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed* by *meat packinghouses*, as defined 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 commodities in bulk in tank vehicles, and hides, and restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plantsite of Minden Beef Company at or near Minden, Nebraska, to Kenosha, La Crosse, Madison, Milwaukee, and Racine, Wisconsin. The purpose of this filing is to eliminate the gateways of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63, and Cedar Rapids, Iowa.

No. MC 21170 (Sub-No. E51), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Aurora, Carthage, Joplin, Neosha, Springfield, and Webb City, Mo. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E52), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *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 (except hides and commodities in bulk), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from points in that part of Kansas east of U.S. Highway 81 and in that part of Missouri on and north of U.S. Highway 50 and on the west of U.S. Highway 63, to Kenosha, La Crosse, Madison, Milwaukee, and Racine, Wisconsin. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 21170 (Sub-No. E53), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as defined 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 commodities in bulk, in tank vehicles, and hides, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plantsite of Cornland Dressed Beef Company, at or near Lexington, Nebr., to points in that part of Minnesota beginning at the Iowa-Minnesota State line and extending along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to the Minnesota-Wisconsin State line and that part of Minnesota beginning at Lake Superior and extending along U.S. Highway 2 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63.

No. MC 21170 (Sub-No. E54), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *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 (except commodities in bulk, in tank vehicles, and hides), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from Cozad, Nebraska, to St. Louis, Missouri, restricted (1) to traffic originating at the facilities of Platte Valley Packing Company in Dawson County, Nebraska, and (2) against traffic terminating at points within the Chicago, Illinois, commercial zone. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E55), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (except frozen foods and commodities in bulk), from points in Brown, Clermont, and Hamilton Counties, Ohio, to points in that part of Iowa west and south of a line beginning at the Illinois-Iowa State line and extending along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Nebraska State line, restricted to traffic originating at points in Brown, Clermont, and Hamilton Counties, Ohio, and traffic destined to points in Iowa. The purpose of this filing is to eliminate the gateway of Collinsville, Ill.

No. MC 21170 (Sub-No. E56), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cartons and containers* used in the shipping of butter and eggs, from Pittsburgh, Pa., to points in that part of Minnesota west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 76 to junction Minnesota Highway 43, thence along Minnesota Highway 43 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 31462 (Sub-No. E160), filed May 11, 1974. Applicant: PARAMOUNT

MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 104 to junction U.S. Highway 67, thence along U.S. Highway 67 to Beardstown, thence along Illinois Highway 103 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, to points in Ohio. The purpose of this filing is to eliminate the gateways of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E415), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 66 to the Texas-Oklahoma State line to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at Ashland extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., and Burlington, Iowa, and points within 50 miles thereof.

No. MC 52022 (Sub-No. E1), filed May 23, 1974. Applicant: THE SANTINI BROTHERS INTERNATIONAL MOVERS, 1405 Jerome Avenue, New York, N.Y. 10452. Applicant's representative: Leo A. Santini (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) between points in Connecticut, on the one hand, and, on the other, points in Florida, Georgia, and South Carolina (New York, N.Y.)*; (2) between points in Connecticut, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia (points in New York)*; (3) between points in Connecticut, on the one hand, and, on the other, Chicago, Ill., and points within 10 miles thereof (points in New York and Ohio)*; (4) between points in Connecticut, on the one hand, and, on the other, points in Fulton, Hickman, Carlisle, Ballard, McCrackon, Marshall, Graves, and Calloway Counties, Ky., Minnesota, Missouri, and Wisconsin (points in New York and Chicago, Ill., and points within 10 miles thereof)*; (5) between points in Delaware, on the one hand, and, on the other, points in Illinois and Michigan (points in New York)*; (6) between points in New Castle County, Del., on the one hand, and, on the other, points in that part of Florida on and south of Florida Highway 60 (New York, N.Y.)*; (7) between points in Delaware, on the one hand, and, on the other, Chicago, Ill., and points within 10 miles thereof (points in New York and Ohio)*; (8) between points in Delaware, on the one hand, and, on the other, points in Maine, Ohio, and Tennessee (points in New Jersey)*; (9) between points in Delaware, on the one hand, and, on the other, points in Minnesota (points in New York and Chicago, Ill., and points within 10 miles thereof)*;

(10) Between points in Delaware, on the one hand, and, on the other, points in Wisconsin and that part of Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 66 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Missouri State line (Chicago, Ill., and points within 10 miles thereof, and points in New Jersey)*; (11) between points in Delaware, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof)*; (12) between points in Florida, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (New York, N.Y., and Newark, N.J., and points within 25 miles thereof)*; (13) between points in Florida, on the one hand, and, on the other, points in Massachusetts, New Jersey, and Rhode Island (New York, N.Y.)*; (14) between points in Georgia, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (15) between points in Georgia, on the one hand, and, on the other, points in Rhode Island and Massachusetts (New York, N.Y.)*; (16) between points in Illinois, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof)*; (17) between points in Illinois, on the one hand, and, on the other, points in Massachusetts and Rhode Island (points in New York)*; (18) between points in Illinois, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey)*; (19) between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and points in Illinois)*;

(20) Between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts and Rhode Island (points in New York and Illinois)*; (21) between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey)*; (22) between points in that part of Indiana within 10 miles of Chicago, Ill., on the one hand, and, on the other, points in New York (points in Illinois); (23) between points in Indiana, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (24) between points in Indiana, on the one hand, and, on the other, points in Massachusetts, New Jersey, and Rhode Island (New York, N.Y.)*; (25) between points in Maine, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 431 (Chicago, Ill., and points within 10 miles thereof, and Newark, N.J., and points within 25 miles thereof)*; (26) between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 431 (Chicago, Ill., and points within 10 miles thereof, and points in New York)*; (27) between points in Maine, on the one hand, and, on the other, points in South Carolina (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (28) between points in Maine, on the one hand, and, on the other, points in Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof)*; (29) between points in Maine, on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof)*;

(30) Between points in Maryland, on the one hand, and, on the other, points in Minnesota (points in New Jersey, and Chicago, Ill., and points within 10 miles thereof)*; (31) between points in Maryland, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof)*; (32) between points in that part of Maryland on and east of U.S. Highway 220, on the one hand, and, on the other, points in that part of Wisconsin on and north of U.S. Highway 151 (Chicago, Ill., and points within 10 miles thereof, and points in New York and New Jersey)*; (33) between points in Massachusetts, on the one hand, and, on the other, points in Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia (points in New York)*; (34) between points in Massachusetts, on the one hand, and, on the other, points in South Carolina (New York, N.Y.)*; (35) between points in Massachusetts, on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin (points in New York, and Chicago, Ill., and points within 10 miles thereof)*; (36) between points in Michigan, on the one hand, and, on the other, points in

New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof) *; (37) between points in Michigan, on the one hand, and, on the other, points in Rhode Island, and the District of Columbia (points in New York) *;

(38) Between points in Minnesota, on the one hand, and, on the other, points in New Hampshire and Vermont (Chicago, Ill., and points within 10 miles thereof) *; (39) between points in Minnesota, on the one hand, and, on the other, points in New Jersey and New York (Chicago, Ill., and points within 10 miles thereof) *; (40) between points in Minnesota, on the one hand, and, on the other, points in Rhode Island (points in New York and Chicago, Ill., and points within 10 miles thereof) *; (41) between points in Minnesota, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey and Chicago, Ill., and points within 10 miles thereof) *; (42) between points in Missouri, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof) *; (43) between points in Missouri, on the one hand, and, on the other, points in Rhode Island (points in New York and Chicago, Ill., and points within 40 miles thereof) *; (44) between points in Missouri, on the one hand, and, on the other, points in New Jersey, and New York (Chicago, Ill., and points within 10 miles thereof) *; (45) between points in New Hampshire, on the one hand, and, on the other, points in New Jersey, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof) *; (46) between points in New Hampshire, on the one hand, and, on the other, points in South Carolina (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.) *; (47) between points in New Hampshire, on the one hand, and, on the other, points in Wisconsin (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof) *; (48) between points in New Jersey, on the one hand, and, on the other, points in South Carolina (New York, N.Y.) *; (49) between points in New Jersey, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof) *;

(50) Between points in New Jersey, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof) *; (51) between points in New York, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof) *; (52) between points in that part of New York on and east of Interstate Highway 81, on the one hand, and, on the other, points in South Carolina (New York, N.Y.) *; (53) between points in that part of New York on and south of Interstate Highway 84, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof) *; (54) between points in North Carolina, on the one hand, and, on the other, points in Rhode Island (points in New York) *; (55) between points in North Carolina, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof) *; (56) between points in Ohio, on the one hand, and, on the other, points in Rhode Island (points in New York) *; (57) between points in that part of Ohio on and west of U.S. Highway 422, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof) *; (58) between points in Rhode Island, on the one hand, and, on the other, points in Tennessee, Virginia, and West Virginia (points in New York) *; (59) between points in Rhode Island, on the one hand, and, on the other, points in South Carolina (New York, N.Y.) *;

(60) Between points in Rhode Island, on the one hand, and, on the other, points in Wisconsin (points in New York, and Chicago, Ill., and points within 10 miles thereof) *; (61) between points in South Carolina, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.) *; (62) between points in Tennessee, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles there) *; (63) between points in Vermont, on the one hand, and, on the other, points in Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof) *; (64) between points in Vermont, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof, and Newark, N.J., and points within 25 miles thereof) *; (65) between points in Wisconsin, on the one hand, and, on the other, points in the District of Columbia (points in New York, and Chicago, Ill., and points within 10 miles thereof) *; (66) between points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 85 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Maine and New Hampshire (Perry, Fla., New York, N.Y., and Newark, N.J., and points within 25 miles thereof) *; and (67) between points in that part of Alabama on and south of U.S. Highway 80, on the one hand, and, on the other, points in Rhode Island (Perry, Fla., and New York, N.Y.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52709 (Sub-No. E2), filed May 17, 1974. Applicant: RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Robert P. Tyler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading): (1) between Omaha, Nebr., on the one hand, and, on the other, points in Kansas (except the counties of Doniphan, Brown, Nemaha, Marshall, Washington, Republic, Jewell, and Smith); and (2) between Des Moines, Iowa, on the one hand, and, on the other, points in Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending south along U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Atchison County, Mo.

No. MC 61403 (Sub-No. E16) (correction), filed May 31, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (d) between points in Pennsylvania west of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee south and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line (Kingsport, Tenn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to expand the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 61592 (Sub-No. E103), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight, require the use of special equipment), from Baltimore, Md., to points in Illinois on and west of a line beginning at Illinois Highway 37 at Cairo, Ill., and extending along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and those portions of Iowa on and northwest of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to

junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line; and points in Kansas, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of the facility used by the Deutz Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Mo., and Columbus, Ohio.

No. MC 66886 (Sub-No. E2), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight, require the use of special equipment, from those points in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Texas-Oklahoma State line to those points in Alabama on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E3), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Texas on and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New Mexico-Texas State line to those points in Alabama on and north of U.S. Highway 78. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E4), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 37, thence along Interstate Highway 37 to the Gulf or Mexico to those points in Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E5), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Nebraska on and north of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Colorado-Nebraska State line to points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E9), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment, except Mercer commodities, between those points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, on the one hand, and, on the other, those points in Missouri on and east of Interstate Highway 35; between those points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, those points in Missouri on and east of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E10), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Canada International Boundary line to those points in Tennessee on and east of U.S. Highway 45. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E12), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, require the use of special equipment, from those points in Oklahoma on and west of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line to those points in Tennessee on and east of U.S. Highway 45. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E20), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line to points in Ohio. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E22), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in New Mexico on and north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line to points in Georgia. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC 66886 (Sub-No. E24), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*

which, because of size or weight, require the use of special equipment from those points in Colorado on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6/50 to junction U.S. Highway 6/24, thence along U.S. Highway 6/24 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line to points in Illinois. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E27), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Nebraska on and east of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 92 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line to those points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 67200 (Sub-No. E1), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Gardner, Massachusetts, to Hartford, Middletown, New Britain, New Haven, New London, Norwich, and Waterbury, Connecticut; Albany, New York, Poughkeepsie, Schenectady, and Troy, New York, and points on Long Island and those in Westchester County, New York, and Providence, Rhode Island. The purpose of this filing is to eliminate the gateway of Leominster, Rhode Island.

No. MC 67200 (Sub-No. E2), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from Gardner, Massachusetts, to points in Pennsylvania and New Jesrey. The purpose of this filing is to eliminate the gateway of Leominster, Massachusetts, New Haven, Connecticut, and New York, New York.

No. MC 67200 (Sub-No. E3), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Gardner, Massachusetts, to points in Fairfield County, Connecticut. The purpose of this filing is to eliminate the gateway of Leominster, Massachusetts, and New Haven, Connecticut.

No. MC 67200 (Sub-No. E4), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in those parts of New Jersey and Pennsylvania withn 100 miles of Columbus Circle, New York, New York, to points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 67200 (Sub-No. E5), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 15'5, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in Maine to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E6), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in that part of Maine on and north of a line beginning at Belfast, Maine, extending along Maine Highway 137 to junction Maine Highway 7, thence along Maine Highway 7 to junction Maine Highway 139, thence along Maine Highway 139 to junction Maine Highway 11/100, thence along Maine 11/100 to junction U.S. Highway 201, thence along U.S. Highway 201 to junction Alternate U.S. Highway 201, thence along Alternate U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Maine Highway 5/26, thence along Maine Highway 5/26 to junction U.S. Highway 2, thence along U.S. Highway 2 to the New Hampshire-Maine State line to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Boston, Masachusetts.

No. MC 67200 (Sub-No. E7), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as separate and distinct service in connection with so-called "household movings", from points in Maine to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts, Turners Falls, Massachusetts, and New York, New York.

No. MC 67200 (Sub-No. E8), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in those parts of New Jersey and Pennsylvania within 100 miles of Columbus Circle, New York, New York, to points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line extending along Massachusetts Highway 111 to junction Massachusetts Highway 225, thence along Massachusetts Highway 225 to junction Massachusetts Highway 119, thence along Massachusetts Highway 495, thence along Interstate Highway 495 to junction Massachusetts Highway 111, thence along Massachusetts Highway 111 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction Massachusetts Highway 106, thence along Massachusetts Highway 106 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 25, thence along Massachusetts Highway 25 to Onset, Massachusetts, and points in Barnstable County, Massachusetts, and points in that part of New Hampshire on and east of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 25 to junction New Hampshire Highway

3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 127, thence along New Hampshire Highway 127 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction New Hampshire Highway 77, thence along New Hampshire Highway 77 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateway of New York, New York, and Boston, Massachusetts.

No. MC 67200 (Sub-No. E9), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from Philadelphia, Pennsylvania to points in that part of New York on and north of a line beginning at the New York-Massachusetts State line extending along U.S. Highway 90 to junction New York Highway 12, thence along New York Highway 12 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 67200 (Sub-No. E10), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from Philadelphia, Pennsylvania, to points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway New York, New York, Boston, Massachusetts, and Iviners Falls, New York.

No. MC 67200 (Sub-No. E11), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in New Jersey within 100 miles of Columbus Circle, New York, New York, to points in that part of New York on and north of a line beginning at the New York-Massachusetts State line extending along New York Highway 23 to junction New York Highway 145, thence along New York Highway 145 to junction U.S. Highway 20, thence along U.S. Highway 20 to Buffalo, New York. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 67200 (Sub-No. E12), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in Connecticut (except points located in Windham Count, Connecticut), to points in that part of New Hampshire on, east and north of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 127, thence along New Hampshire Highway 127 to junction New Hampshire Highway 114, thence along New Hampshire 114 to junction New Hampshire Highway 77, thence along New Hampshire 77 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E13), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings" from points in Connecticut (except points located in Windham and New London Counties), to points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line extending along U.S. Highway 3 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 25, thence along Massachusetts Highway 25 to Onset, Massachusetts, and points in Barnstable County, Massachusetts. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E14), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in Connecticut (except points in Fairfield County), to points in New Jersey and Pennsylvania. The purpose of this filing is to eliminate the gateway of New Haven, Connecticut, and New York, N.Y.

No. MC 67200 (Sub-No. E15), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included in the description household goods as defined by the Commission, from points in Connecticut (except points in Fairfield and Windham Counties), to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateway of New Haven, Connecticut, and New York, N.Y.

No. MC 67200 (Sub-No. E16), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included in the description of household goods as defined by the Commission, from points in Rhode Island to points in that part of Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 70 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateways of Boston, Mass., New Haven, Conn., and New York, N.Y.

No. MC 67200 (Sub-No. E17), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported

as a separate and distinct service in connection with so-called "household movings"), from points in Rhode Island to points in Chittenden, Lamoille, and Franklin Counties, Vt. The purpose of this filing is to eliminate the gateways of Boston, Mass., and Turners Falls, Mass.

No. MC 67200 (Sub-No. E19), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Rhode Island, to points in that part of New York on and north of a line beginning at the New York-Vermont State line extending along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 197, thence along New York Highway 197 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 12, thence along New York Highway 12 to junction New York Highway 7, thence along New York Highway 7 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Boston and Turners Falls, Mass.

No. MC 67200 (Sub-No. E20), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Maine to points in Bennington and Windham Counties, Vt. The purposes of this filing is to eliminate the gateways of Boston Mass., and Turners Falls, Mass.

No. MC 67200 (Sub-No. E21), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Maine to points in New Jersey and points in that part of New York on and south of a line beginning at the St. Lawrence River extending along U.S. Highway 81 to junction New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Boston and Turners Falls, Mass.

No. MC 67200 (Sub-No. E22), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household moving"), from points in that part of New Hampshire on and north of a line beginning at the Maine-New Hampshire State line extending along U.S. Highway 2 to the New Hampshire-Vermont State line, to Bridgeport, Danbury, Hartford, Middletown, New Britain, New Haven, New London, Norwich and Waterbury, Conn.; Jersey City, Passaic, and Paterson, N.J.; New York, Poughkeepsie, N.Y., and points on Long Island and those in Westchester County, N.Y.; and Providence, R.I. The purpose of this filing is to eliminate the gateways of Boston and Leominster, Mass.

No. MC 67200 (Sub-No. E23), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in New Hampshire to points in Rhode Island, points in Connecticut (except points in Windham County, Conn.), and points in that part of Massachusetts on and east of a line beginning at Boston extending along U.S. Highway 1 to the Massachusetts-Rhode Island State line. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 67200 (Sub-No. E25), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Vermont to points in that part of Massachusetts east of a line beginning at Boston extending along U.S. Highway 90 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Massachusetts-Rhode Island State line, and points in Rhode Island. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 67200 (Sub-No. E29), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from points in New Hampshire to Baltimore, Md., Newport News, and Richmond, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E30), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from Gardner, Mass., to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E31), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from Boston, Mass., to Baltimore, Md., Newport News and Richmond, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E32), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description household goods, as defined by

the Commission, from points in Rhode Island to Newport News and Richmond, Va. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E33), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped and unboxed, other than new furniture included within the description household goods, as defined by the Commission, from points in Rhode Island (except points in Washington and Newport Counties), to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E34), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from points in Connecticut (except points in Fairfield County and Milford), to Newport News and Richmond, Va. The purpose of this filing is to eliminate the gateways of New Haven and Hartford, Conn.

No. MC 67200 (Sub-No. E35), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture within the description of household goods, as defined by the Commission, from points in Connecticut (except points in Fairfield and New Haven Counties), to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Haven and Hartford, Conn.

No. MC 83539 (Sub-No. E66), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and parts thereof when moving in connection with such commodities, and (2) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, parts, tools, and supplies moving in connection therewith, between points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along Interstate Highway 35 to its junction with the H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Utah. Restriction: The service authorized in (1) above is subject to the following restrictions: (1) Heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, shall not be transported between points in Illinois, on the one hand, and, on the other, points in Mississippi and Louisiana and those in Arkansas on U.S. Highway 61. (2) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, and (3) The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Colorado and Wichita, Kans., in and north of Millard, Sanpeti, Carbon, and Uintah Counties.

No. MC 83539 (Sub-No. E68), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, or handling, and *parts* thereof, and (2) *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), between points in that part of Missouri on and west of U.S. Highway 65, on the one hand, and, on the other, points in Louisiana. Restriction: The operations authorized in (1) above are subject to the following restrictions: (1) Carrier shall not transport (1) any shipment which originates at St. Louis or Kansas City, Mo., and which is destined to any point in Missouri, Kansas, or Iowa, and (2) any shipment which originates at any point in Missouri, Kansas, or Iowa, and which is destined to St. Louis, and Kansas City, or (3) cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Council Bluffs, Iowa; (2) The carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines and (2) in connection with the operation, repair, and maintenance of pipelines; (3) The operations authorized in (2) above are restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 83745 (Sub-No. E3), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over-the-road movements), between points in Butler County, Pa., within 25 miles of Pittsburgh, Pa., on and west of Interstate Highway 79 to points in Ohio (except Mahoning County). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 83745 (Sub-No. E4), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over-the-road movements), between points in Fayette County, Pa., within 25 miles of Pittsburgh, Pa., on and east of Pennsylvania Highway 51, on the one hand, and, on the other, all points in Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 95540 (Sub-No. E855), filed January 15, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned dairy products*, in vehicles equipped with mechanical refrigeration, from La Fargeville, Arkport, and Binghamton, New York, to points in Louisiana and those points in Texas, on and south of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Griffin, Georgia.

No. MC 104887 (Sub-No. E3), filed June 3, 1974. Applicant: AMERICAN VAN AND STORAGE, INC., 2125 N.W. 1st Ct., Miami, Fla. 33127. Applicant's representative: Earle J. Larette (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the counties of Altascosa, Bandera, Bexar, Comal, Dimmit, Frio, Guadalupe, Karnes LaSalle, McMullen, Medina, Uvalde, Webb, Wilson, Zapata, and Zavala, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columiba, and those portions of Michigan, Ohio, Kentucky, Tennessee, and Alabama east of a line beginning at Sault St. Marie, Mich., and extending south along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 113, thence along Michigan Highway 113 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 117, thence along Ohio Highway 117 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to junction U.S. Highway 11, thence along U.S. Highway 11, to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Florida-Alabama State line (Florida);* (2) between points in the counties of Aransas, Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, Refugio, San Patricio, Starr, and Willacy, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Michigan (except points in the Upper Peninsula of Michigan west of a line beginning at Marquette, Mich., and extending south along U.S. Highway 41 to Escanaba, Mich.), and those portions of Indiana, Kentucky, Tennessee, and Alabama east of a line beginning at Michigan City, Ind., and extending east along U.S. Highway 20 to junction U.S. Highway 35.

Thence along U.S. Highway 35 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 13, thence along Alabama Highway 13 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Florida-Alabama State line (Florida);*

(3) Between points in the counties of Austin, Brazoria, Calhoun, Chambers, Colorado, De Witt, Ft. Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Lavaca, Liberty, Matagorda, Orange, Victoria, Waller, and Wharton, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columbia, and those portions of Michigan, Indiana, Kentucky, Tennessee, and Alabama east of a line beginning at Sault Ste. Marie, Mich., and extending along Interstate Highway 75 to Mackinaw City, Mich., thence along the Lake Michigan-Michigan shore line to Muskegon, Mich., to Interstate Highway 96, thence along Interstate Highway 96 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to junction Indiana Highway 256, thence along Indiana Highway 256 to junction Indiana Highway 52.

Thence along Indiana Highway 52 to junction Indiana Highway 356, thence along Indiana Highway 356 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 62, thence along Indiana Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 41 Alternate, thence along U.S. Highway

41 Alternate to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 202, thence along Alabama Highway 202 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 80 thence along U.S. Highway 80 to junction U.S. Highway 231.

Thence along U.S. Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 41, thence along Alabama Highway 42 to its termination at the Alabama-Florida State line (Florida);* and (4) between points in the parishes of Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Quachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn, La., on the one hand, and, on the other, points in Vermont, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, District of Columbia, and those portions of Alabama, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia east of a line beginning at the Poultney River in New York and extending south along U.S. Highway 4 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction North Carolina Highway 18 near Edmonds.

Thence along North Carolina Highway 18 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 70, thence along Georgia Highway 70 to junction Alabama Highway 30, thence along Alabama Highway 30 to junction Alabama Highway 51, thence along Alabama Highway 51 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 70, thence along Alabama Highway 70 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Florida State line (Florida).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5283 Filed 2-26-75;8:45 am]

[Notice No. 26]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Anchor Motor Freight, Inc., MC-808 Sub-48	MC-808 Sub-47	June 10, 1974
Carolina Freight Carriers Corp., MC-2253 Sub-62	MC-2253 Sub-63	Apr. 1, 1974
Merrill Transport Co., MC-3252 Subs-79, 80	MC-3252 Sub-81	Apr. 18, 1974
George Transfer and Rigging Co., Inc., MC-8535 Sub-43	MC-8535 Sub-45	Apr. 8, 1974
DBA Mask Transportation Co., MC-10223 Sub-5	MC-10223 Sub-6	Apr. 1, 1974
Deaton, Inc., MC-11207 Sub-330	MC-11207 Sub-321	Mar. 29, 1974
DBA Robinson Truck Lines, MC-16502 Sub-15	MC-16502 Sub-16	Do.
Crouch Bros., Inc., MC-26739 Sub-74	MC-26739 Sub-76	Apr. 23, 1974
Mishak Truck Line, Inc., MC-27500 Sub-8	MC-27500 Sub-6	Apr. 9, 1974
Frank J. Kubly Transfer, Inc., MC-27754 Sub-17	MC-27754 Sub-18	Apr. 23, 1974
Dallas & Mavis Forwarding Co., Inc., MC-29886 Sub-291	MC-29886 Sub-296	Apr. 1, 1974
Kroblin Refrigerated Xpress, Inc., MC-30844 Sub-457	MC-30844 Sub-459	Mar. 29, 1974
Interstate Motor Freight System, MC-35628 Sub-347	MC-35628 Sub-348	Apr. 4, 1974
Schneider Transport, Inc., MC-51146 Sub-321	MC-51146 Sub-319	Apr. 22, 1974
Brown Transport Corp., MC-56679 Sub-77	MC-56679 Sub-75	Apr. 8, 1974
Hecht Brothers, Inc., MC-59570 Sub-36	MC-59570 Sub-37	Apr. 2, 1974
Pauls Trucking Corp., MC-59640 Sub-34	MC-59640 Sub-36	Apr. 11, 1974
Herman Bros., Inc., MC-61376 Sub-230	MC-61376 Sub-248	Do.
Herman Bros., Inc., MC-61376 Sub-249	MC-61376 Sub-252	Apr. 8, 1974
Spector Freight System, Inc., MC-69116 Sub-145	MC-69116 Sub-146	Apr. 17, 1974
Drake Motor Lines, Inc., MC-70083 Sub-24	MC-70083 Sub-27	Apr. 9, 1974
H. F. Walker, Inc., MC-74321 Sub-88	MC-74321 Sub-65	Do.
Parvin's Transfer, Inc., MC-74942 Sub-3	MC-74942 Sub-4	Apr. 8, 1974
Lemmon Transport Co., Inc., MC-107544 Sub-106	MC-107544 Sub-107	Nov. 14, 1973
Exley Express, Inc., MC-114290 Sub-70	MC-114290 Sub-69	Jan. 15, 1974
DBA Central Transport Co., MC-119489 Sub-28 [1]	MC-119489 Sub-29	Feb. 12, 1974
DBA Empire Transport, MC-119567 Sub-12, 13 [1]	MC-119567 Sub-14	Mar. 7, 1974
Great Western Trucking Co., Inc., MC-119988 Sub-50	MC-119988 Sub-55	Feb. 15, 1974
DBA Glvigliano Transport, MC-133316 Sub-6	MC-133316 Sub-7	Nov. 18, 1974
DBA Glvigliano Transport, MC-133316 Sub-8	MC-133316 Sub-9	Do.
Clifford M. Shrock, MC-134084 Sub-1	MC-134084 Sub-2	Jan. 16, 1974
DBA Paul Gransey & Son, MC-136879	MC-136879 Sub-1	Nov. 20, 1974
Wallace Trucking Co., MC-138184	MC-138184 Sub-1	Dec. 18, 1974

[1] In Notice No. 21 (39 FR 41921, Dec. 3, 1974) corresponding permanent authority numbers were incorrectly shown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5151 Filed 2-26-75;8:45 am]

[Notice No. 240]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 27, 1975.

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 March 19, 1975. 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.

No. MC-FC-35462. By order of February 13, 1975, the Motor Carrier Board approved the lease to Jack T. Tucker, Jeffrey Dale Ware and Robert Lee Chandler, a partnership, doing business as Tucker Transportation Co., Ltd.,

Texas City, Tex., of Certificate of Registration No. MC-121457 (Sub-No. 1) issued July 28, 1964 to Carter Swint, doing business as Carter Swint Company, Houston, Texas, and acquired by Jack T. Tucker, Texas City, Texas, pursuant to MC-FC-75652, evidencing a right to engage in transportation in interstate commerce as described in Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5537 issued November 8, 1974 by the Railroad Commission of Texas. Joe G. Fender, 802 Houston 1st Savings Bldg., Houston, Texas 77002, attorney for applicants.

No. MC-FC-75582. By order of February 13, 1975, the Motor Carrier Board approved the transfer to Perry W. Bower, Fort Scott, Kans., of the operating rights in Certificates Nos. MC-104415, MC-104415 (Sub-No. 1), and MC-104415 (Sub-No. 2) issued November 12, 1943, May 9, 1945, and November 8, 1950, respectively, to Verne F. Rager, Fort Scott, Kans., authorizing the transportation of feed, livestock, farm machinery and farm machinery parts, binder twine, and building materials, over regular and irregular routes, to and from Kansas City, Mo., and specified points in Kansas and Missouri. Arthur L. Claussen, 900 Merchants National Bank Building, Topeka, Kans. 66612, attorney for applicants.

No. MC-FC-75599. By order of February 18, 1975, the Motor Carrier Board approved the transfer to Dean Smittkamp, doing business as Morris Van Lines, Paris, Ill., of the operating rights in Certificate No. MC-105306 issued May 25, 1962, to Harvey W. Morris, doing business as Morris Van Lines, Paris, Ill., authorizing the transportation of household goods as defined by the Commission, between points in Edgar County, Ill., on the one hand, and, on the other, points in Indiana. Valjean R. Smith, 804 Myers Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75606. By order of February 18, 1975, the Motor Carrier Board approved the transfer to Echo Freight Lines, Inc., Springfield, Mass., of the Certificate of Registration in No. MC-121074 (Sub-No. 1) issued January 28, 1964, to Jean A. Rainville, doing business as Rainville Trucking, Holyoke, Mass., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Irregular Route Common Carrier Certificate No. 4414 issued February 16, 1961, by the Massachusetts Department of Public Utilities. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-75675. By order of February 18, 1975, the Motor Carrier Board approved the transfer to New England Lumber Transportation, Inc., 22-20 Middiesex Circle, Waltham, Mass., 02154, of the operating rights in Certificates No. MC-108702, MC-108702 (Sub-No. 2), MC-108702 (Sub-No. 3) and MC-108702 (Sub-No. 4) issued November 3, 1949, December 8, 1950, November 17, 1959 and April 4, 1960 respectively to Charles Adamowitch, Groton St., Dunstable, Mass., 01827, authorizing the transportation of various commodities from, to and between specified points and areas in New Hampshire, Vermont, Massachusetts, Maine, Rhode Island, and Connecticut.

No. MC-FC-75681. By order entered February 18, 1975, the Motor Carrier Board approved the transfer to Jones Brothers Trucking, Inc., New Brighton, Minn., of the operating rights set forth in Certificate No. MC-139164, issued by the Commission August 9, 1974, to Nystrom Trucking, St. Paul, Minn., authorizing the transportation of wooden trusses and wooden panels used in conjunction with the erection of wood trusses, from points in Minnesota, to points in Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan. Robert D. Gisvold, 1000 1st Nat'l Bank Bldg., Minneapolis, Minn. 55402, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5281 Filed 2-26-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, March 15, 1975, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Mr. Donald Frush
Hagerstown, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Anthony Abar
Annapolis, Maryland
Mr. John C. Lewis
Hamilton, Virginia
Mrs. Dorothy Grotos
Arlington, Virginia
Mr. Burton C. English
Berkley Springs, West Virginia
Mr. Henry W. Miller, Jr.
Paw Paw, West Virginia
Mr. Lorenzo W. Jacobs, Jr.
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James H. Gilford
Frederick, Maryland
Dr. Kenneth Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Justice Douglas
(Special Consultant)

The matters to be discussed at this meeting include:

1. The status of the General Plan; Public Hearing Schedule.
2. Superintendent's Report.
3. Commission Reports.
4. Potomac River Reports.
5. Field Trip to Ferry Hill Inn.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

FEBRUARY 13, 1975.

[FR Doc.75-5421 Filed 2-26-75;10:52 am]

federal register

THURSDAY, FEBRUARY 27, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 40

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EMISSION REGULATIONS FOR NEW GASOLINE-FUELED HEAVY DUTY ENGINES

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 335-3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

The need for a number of technical amendments has been identified. These amendments and corrections are set forth in this publication and are described in the table below.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking, public rulemaking procedure, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) the changes primarily standardize and improve test and calculation procedures in those areas where the current regulations have been interpreted inconsistently among manufacturers; and (3) to the extent substantive revisions are made they are procedural and do not affect either the stringency of, or the burden of complying with, the standards.

The Agency does, however, wish to call attention to an amendment in § 85.774–5 (a) which adds catalytic converter and thermal reactor characteristics as determinors of engine families. Although not presently used as emission control systems on gasoline-fueled heavy duty engines, the addition of such systems in future model years may increase the amount of testing performed by the manufacturers with the promulgation of this amendment. Accordingly, the Agency will accept comments on the amendment to § 85.774–5(a) which adds catalytic converter and thermal reactor characteristics for a period of thirty days from the date of this publication. If, on the basis of a review of these comments, the Administrator determines that the amendment should be revised, he will publish such notification in the FEDERAL REGISTER on or before March 31, 1975. Comments may be submitted in quadruplicate to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control, Office of Air and Waste Management, Washington, D.C. 20460. Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Since numerous technical amendments have been made to the subpart since November 15, 1972 recompilation, the entire subpart applicable to gasoline-fueled heavy duty engines is included in this publication of technical amendments.

EXPLANATION OF TECHNICAL AMENDMENT CHANGES

Section	Change	Reason
85.701	Update model year	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.702(a)(8)	Update section reference	Do.
85.702(a)(22)	Correct spelling	Error in Feb. 27, 1974, publication.
85.703	Add abbreviations for cubic inch displacement and exhaust gas recirculation.	These abbreviations are commonly used and were not previously included.
85.704(a)(1)	Update section reference	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.704(a)(2)	Add provision (2)(v), that the vehicle manufacturer is responsible for supplying engine maintenance instructions to the ultimate purchaser and must obtain Administrator approval for any modifications to these instructions.	Amplifies responsibility of vehicle manufacturers under sec. 85.774-38 to provide maintenance instructions to ultimate purchasers.
85.705	Delete references to sec. 85.773	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.774-1	Expand section title to clarify model year covered.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774-2(b)	Correct paragraph identification	Error in Nov. 15, 1972, publication.
85.774-5(a)	Adds provisions listing criteria for division into engine families which were formerly included only by reference to subpart A. Also expands subparagraph (a)(2) to explicitly include catalytic converters and thermal reactors.	Permits engine family classification without the need for referring to subpart A. Although not presently used on gasoline-fueled heavy duty engines, catalytic converters, and thermal reactors may be incorporated as heavy duty engine emission standards become more stringent. Since engines with and without such devices can be expected to have significantly different deterioration and emission characteristics, it is appropriate that such engines be classed in engine families on the basis of those characteristics.
85.774-5(b)(2)	Remove reference to "1974" and make it applicable to appropriate model year.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774-5(b)(4)	Replace "engine-system combination" with "engine displacement-exhaust emission control system combination".	Clarifies selection criteria.
85.774-5(d)	Remove reference to "1974" and make it applicable to appropriate model year.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774-6	Reorganize into logical subgroupings involving scheduled maintenance, routine service, and unscheduled maintenance with added provisions clarifying the type of work permitted in each maintenance category. Emphasize that unscheduled maintenance shall not render the engine unrepresentative.	Clarifies the maintenance provisions.
85.774-6(a)(1)(i)	Change scheduled maintenance on durability engines to require the frequency of such maintenance to be comparable to actual in-use intervals which will be determined by the engine manufacturer, provided maintenance is not performed more frequently than every 375 hours of dynamometer operation.	Less stringent scheduled maintenance criteria is justified in light of data presented to EPA which indicates that the scheduled maintenance interval provision was not comparable to actual in-use maintenance intervals.
85.774-7(d)	Expand to include data reporting procedures: specify time allowed for transmittal of test results.	Clarifies procedures: places a more reasonable requirement on time limit.
85.774-7(g)(2)	Correct reference from paragraph sec. 85.770-10 to sec. 85.774-10.	Error in Nov. 15, 1972 publication.
85.774-7(h)	Add provision to prohibit any unauthorized testing of certification engines.	Unauthorized testing of certification engines has not been allowed in past practice, provision makes such prohibition explicit.
85.774-9(b)	Change "average concentrations" to "average brake-specific emission values".	Error was overlooked in June 28, 1973 amendments.
85.774-9(c)	Clarify engine configuration during testing.	Clarifies the test procedure.
85.774-10	Change section reference from sec. 85.775-10 to sec. 85.774-10.	Error in Jan. 21, 1974, amendments.
85.774-11(a)(2)	Delete provision regarding test speeds other than 2,000 r/min; increase speed tolerance during first 4 seconds of each mode.	Provision is unnecessary since such special test procedures are addressed in sec. 85.774-8; increase is necessary to allow for limitations in existing dynamometer equipment.
85.774-13(a)	Add provision that exact conformance with schematic is not necessary.	Recognizes that other configurations of the required components can produce accurate results.
85.774-13(b)(12)	Correct wording	Error in previous publication.
85.774-14(d)	Specify "during each mode"	Clarifies the test procedure.
85.774-14(k)	Delete provisions concerning automatic marker.	Information is specified elsewhere in this section.
85.774-14(l)	Add the provision that 1-second time intervals be indicated on all recorder charts.	Facilitates the interpretation of recorder charts.
85.774-16	Rewrite and reorganize section to clarify the engine storage and preconditioning requirements prior to testing, the sample probe configuration for dual exhaust systems, the engine warmup operation and the details of hydrocarbon "hangup" test. Define minimum acceptable chart speeds for recording required parameters.	Clarifies the test procedure.

Section	Change	Reason
85.774-17	Rewrite and reorganize section to clarify the chart reading techniques and the method to be followed in converting chart readings to concentration values.	Clarify chart reading technique.
85.774-18(d)	Specify horsepower values to be used during idle and closed throttle modes.	Clarifies calculation technique.
85.774-18(e)	Change paragraph reference letter from e to e.	Error in previous publication.
85.774-28(c)(1)(i)(c)	Add provision specifying additional data to be used in determining the deterioration factors.	Makes provision consistent with criteria specified in sec. 85.774-6(a)(5)(iii); clarifies what test results are to used in the deterioration factor calculation.
85.774-28(c)(1)(ii)	Clarify calculation procedures and the number of significant figures to be used.	Clarifies calculation procedures.
85.774-28(c)(1)(iii)	Clarify procedure for calculation of deterioration factor.	Do.
85.774-28(c)(2)	Specify number of significant figures to be used.	Do.
85.774-28(c)(3)	Change "emissions" to "emission values"; clarify determination of significant figures.	Do.
85.774-29	Adds the provision that test engines shall be within the production tolerance as shown on the engine label prior to the official test. Also clarifies the maintenance and adjustments which may be performed with the advanced approval of the Administrator.	Provision allows test engines to be tested in the condition that they are expected to operate in-use. Clarify test procedure.
85.774-30(a)(2)	Correct spelling. ("covers")	Error in Feb. 27, 1974 amendments.
85.774-30(b)(1)(ii)	Replace "engine-system" with "engine displacement-exhaust emission control system".	Clarifies the provision that certain test engines will represent all engines of the same displacement-exhaust emission control system combination.
85.774-33	Correct error in recompilation and in section references is paragraph (a).	Error in Nov. 15, 1972 publication.
85.774-35(a)(4)(vi)	Change reference to "1974" to "19 "	Makes the label specifications applicable to future model years.
85.774-38(a)	Delete references to "ultimate" when referring to the purchaser.	Engine manufacturers are to supply maintenance instructions to the vehicle manufacturers.
85.774-38(a)(3)	Add provision that the written instructions for the new motor vehicle engine maintenance may include maintenance in addition to that performed on the corresponding durability engine under sec. 85.774-6 (a) and (b)(2) provided the maintenance is reasonable and necessary.	Provides for reasonable and necessary maintenance instructions.

Part 85, Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective on February 27, 1975. Sections 85.774-5(a)(2)(viii) and (ix) are amended effective March 31, 1975.

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

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85.774-38 Maintenance instructions.
85.774-39 Submission of maintenance instructions.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

§ 85.701 General applicability.

The provisions of this subpart are applicable to new gasoline-fueled heavy duty engines beginning with the 1974 model year.

§ 85.702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of Title II of the Clean Air Act, 42 U.S.C. 1857f-1 through f-7, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(5) "Heavy duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

(6) "Heavy duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy duty vehicle.

(7) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicle engines.

(8) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.774-5(a).

(9) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(10) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(11) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(12) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(13) Zero (0) hours means that point after normal assembly line operations and adjustments and before one additional operating hour has been accumulated.

(14) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(15) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

(16) "Oxides of Nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(17) "Useful life" means a period of use of 5 years or of 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs.

(18) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(19) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(20) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(21) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system.

(22) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

§ 85.703 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNO—Brake specific oxides of nitrogen.
C.—Centigrade.
C.F.H.—Cubic feet per hour.
C.F.M.—Cubic feet per minute.
C.I.D.—Cubic inch displacement.
CO_2—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
CT—Closed Throttle.
EGR—Exhaust Gas Recirculation.
EP—End point.
F.—Fahrenheit.
FL—Full load.
Gal.—U.S. Gallon(s).
Gm.—Gram(s).
GVW—Gross vehicle weight.
H_2O—Water.
HC—Hydrocarbon(s).
Hg—Mercury.
IBP—Initial boiling point.
Max.—Maximum.
Min.—Minimum.
N_2—Nitrogen.
NDIR—Nondispersive infrared.
NO—Nitric oxide.
NO_2—Nitrogen dioxide.
NO_x—Oxides of nitrogen.
Pb.—Lead.
P.P.M.—Parts per million by volume.
PTA—Part throttle accel.
PTD—Part throttle decel.
R.P.M.—Revolutions per minute.
RVP—Reid vapor pressure.
Sec.—Second(s).
WOT—Wide open throttle.
"—Inches.
°—Degrees.
Σ—Summation.

§ 85.704 General standards: Increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle engine manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to § 85.774–2 through 85.774–4 and § 85.774–29 through 85.774–34 of this subpart.

(2) No heavy duty vehicle manufacturer shall take any of the action specified in section 203(a)(1) of the Act with respect to any gasoline-fueled heavy duty vehicle which uses an engine which has not been certified as meeting applicable standards. Such manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes made solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instructions supplied by the engine manufacturer in compliance with § 85.774–38 will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the Administrator for review and approval. The Administrator will notify the manufacturer of his determination whether the modified instructions are reasonable and necessary to insure the proper functioning of the emission control system.

(b)(1) Any system installed on or incorporated in a new motor vehicle engine to enable such vehicle to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such engine without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicle engines subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with good engineering practice to ascertain that such test engines will meet the requirements of this section for the useful life of the engine.

§ 85.705 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.774–3 or 85.774–30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under § 85.774–3 or 85.774–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.774–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.774–3 or § 85.774–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Office upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements for representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.706 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) (A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for the carburetor, distributor, and fuel system, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.774–9 through 85.774–18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a) (2) (i) (A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *Provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle engine subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such engine relevant to the control of crankcase or exhaust emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the Eng-

lish language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or buildup of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures:

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service, accumulation, production or compilation of records, or any other procedure or activity relating to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

§ 85.774–1 Emission standards for 1974 and later model year engines.

(a)(1) Exhaust emissions from new gasoline-fueled heavy duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a)(1) of this section refer to a composite sample representing the operating cycle set forth in § 85.774–9 through § 85.774–18 and measured in accordance with those procedures.

(b) [Reserved]

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle engine subject to this subpart.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in § 85.774–9 through § 85.774–18 to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

§ 85.774–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the engines for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed service accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary

to assure that the engines covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.774–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

§ 85.774–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.774–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objection to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

§ 85.774–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such engines tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the engine for extended operation, as well as a record of all pertinent maintenance performed on the test engines.

(b) Emissions data on such engines tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 hours, and 125 hours of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.774–1 and the data derived from such tests.

(d) A statement that the test engines with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any engine tested, the engine shall be identified, and all pertinent test data relating thereto shall be supplied.

§ 85.774–5 Test engines.

(a) (1) The engines covered by the application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ½-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data engines:

(1) Engines will be chosen to be run for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(3) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(4) If the engines selected in accordance with paragraphs (b) (2) and (3) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(c) Durability data engines:

(1) A durability data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(2) [Reserved]

(3) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) Any manufacturer whose projected sales of new motor vehicle engines subject to this subpart for the applicable model year is less than 700 engines may request a reduction in the number of test engines determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines will meet the objectives of this procedure.

(e) In lieu of testing an emission data or durability data engine selected under paragraph (b) or (c) of this section and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar engine for which certification has previously been obtained.

(f) For puropses of testing under § 85.774–7(g), the Administrator may require additional emission data engines and durability data engines identical in

all material respects to engines selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of engines selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one engine, whichever is greater.

§ 85.774–6 Maintenance.

(a) (1) Scheduled maintenance may be performed on durability engines only under the following provisions. (i) Major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation, provided no tuneups are performed after 1375 hours of scheduled dynamometer operation. The maintenance to be performed on the durability engines shall be requested in the application for certification and shall be specified at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 85.702(17)). A scheduled major engine tuneup shall be restricted to items (A) through (L) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(A) Ignition system.

(B) Cold starting enrichment system (includes fast idle speed setting).

(C) Curb idle speed and air/fuel mixture.

(D) Drive belt tension on engine accessories.

(E) Valve lash.

(F) Inlet air and exhaust gas control valves.

(G) Engine bolt torque.

(H) Spark plugs.

(I) Fuel filter and air filter.

(J) Crankcase emission control system.

(K) Fuel evaporative emission control system.

(L) Exhaust gas recirculation system.

(ii) Change of engine oil, and change or service of oil filter will be allowed at the equivalent intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 125-hours of engine operation.

(2) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(i) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(ii) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(iv) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(3) [Reserved]

(4) [Reserved]

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning or replacement on durability engines shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(b) (1) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications to be shown on the engine label (see § 85.774–35(a)(4)(iv)).

(2) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement shall be performed only with the advance approval of the Administrator.

(c) [Reserved]

(d) (1) Complete emission tests (see §§ 85.774–10 through 85.774–27) are required, unless waived by the Administrator, before and after:

(i) Scheduled maintenance approved for durability engines.

(ii) Unscheduled maintenance which may reasonably be expected to affect emissions.

(2) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 85.774–28 (c)(1)(i)(B).

(3) The idle speed reset and any scheduled maintenance on the emission data engine shall be performed prior to the 125-hour test. The before maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission data engine are waived.

(4) Test data required by this paragraph shall be air posted to the Administrator within 72 hours (or delivered within five working days), along with a complete record of all pertinent maintenance.

(5) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be supplied within three working days. A final engineering report shall be delivered within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(6) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 85.774–4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (a)(5)(i) of this section for durability engines or paragraph (b) of this section for emission data engines, or

(3) Unless specifically authorized by the Administrator.

§ 85.774–7 Service accumulation and emission measurements.

The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and the modes as speci-

fied in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for nongoverned engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(a) Emission data engines: Each emission data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(b) Durability data engines: Each durability data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Emission measurements, as prescribed, shall be made at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the induction systems.

(c) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(d)(1) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.774–4. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator and make the engine available for such testing under § 85.774–29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(f) Once a manufacturer begins to operate an emission data or durability data engine, as indicated by compliance with paragraph (e) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 85.774–19. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(g)(1) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(2) The test procedures (§ 85.774–10 through § 85.774–18) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.774–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.774–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standards set forth in § 85.774–1.

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train. The test is applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems, or to uncontrolled engines.

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warmup cycles and two hot cycles. The average brake-specific emission values for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer, the fan and optional belt driven accessories will not be installed. Evaporative emission controls need not be connected if data are provided to show that normal operating conditions are maintained in the engine induction system.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component failure or malfunction shall be authorized in accordance with § 85.774–6.

§ 85.774–10 Gasoline specifications.

(a) Fuel having the following specifications will be used by the Administrator in exhaust emission testing. Fuels having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item	ASTM designation	Leaded	Unleaded
Octane, Research minimum	D1656	100	96.
Pb, (organic), grams/U.S. gallons		1.4 minimum	0.00–0.05.
Distillation range	D86		
IBP, °F		75–95	75–95.
10 percent point, °F		120–135	120–135.
50 percent point, °F		200–230	200–230.
90 percent point, °F		300–325	300–325.
EP, °F (maximum)		415	415.
Sulfur, weight percent, maximum	D1266	0.10	0.10.
Phosphorus, grams/U.S. gallons, maximum		0.01	0.005.
RVP, pound	D323	8.0–9.2	8.0–9.2.
Hydrocarbon composition	D1319		
Olefins, percent, maximum		10	10.
Aromatics, percent, maximum		35	35.
Saturates		Remainder	Remainder.

(b) Fuels representative of commercial fuels which will be generally available through retail outlets shall be used in service accumulation. For unleaded fuel, the minimum lead content shall be 0.02 grams per U.S. gallon and the minimum phosphorus content shall be 0.002 grams per U.S. gallon. For leaded fuel, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that engines represented by a test engine will be operated using fuels of different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel with a different lead content. The octane rating of the fuel used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer.

§ 85.774–11 Dynamometer operation cycle and equipment.

(a) (1) The following nine-mode cycle shall be followed in dynamometer operation tests of gasoline-fueled heavy duty engines.

Sequence No.	Mode	Manifold vacuum	Time in Mode-Secs.	Cumulative Time-Secs.	Weighting factors
1	Idle		70	70	0.232
2	Cruise	16" Hg	23	93	.077
3	PTA	10" Hg	44	137	.147
4	Cruise	16" Hg	23	160	.077
5	PTD	19" Hg	17	177	.057
6	Cruise	16" Hg	23	200	.077
7	FL	3" Hg	34	234	.113
8	Cruise	16" Hg	23	257	.077
9	CT		43	300	.143

(2) The engine dynamometer shall be operated at a constant speed of 2,000 r.p.m. ±100 r.p.m. (Speed deviations, not to exceed 200 r.p.m., will be allowed during the first four seconds of each mode.)

(3) The idle operating mode shall be carried out at the manufacturer's recommended engine speed. The CT operating mode shall be carried out at the same engine speed as in paragraph (b) (2) of this section.

(4) If the specified manifold vacuum can not be reached during the PTD mode, the engine shall be operated at closed throttle during that mode. If the specified manifold vacuum can not be reached during the FL mode, the engine shall be operated at wide open throttle during that mode.

(b) The following equipment shall be used for dynamometer tests.

(1) An engine dynamometer capable of maintaining constant speed±100 r.p.m. from full throttle to closed throttle motoring.

(2) A chassis-type exhaust system or substantially equivalent exhaust system shall be used.

(3) A radiator typical of that used with the engine in a vehicle, or other means of engine cooling which will maintain the engine operating temperatures at approximately the same temperature as would the radiator, shall be used. An auxiliary fixed speed fan may be used to maintain engine cooling during sustained operation on the dynamometer.

§ 85.774–12 Dynamometer procedures.

An initial 5-minute idle, two warmup cycles, and two hot cycles constitute a complete dynamometer run. Idle modes may be run at the beginning and end of each test, thus eliminating the need to change speed between cycles. One idle mode preceding the first cycle and one following the fourth cycle is sufficient. The results of the first idle shall be used for calculation of the second cycle emissions and the fourth idle results shall be used for calculation of the third cycle emissions.

§ 85.774–13 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* The following (fig. H774–1) is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Since various configurations of the required components can produce accurate results, exact conformance with this schematic is not required.

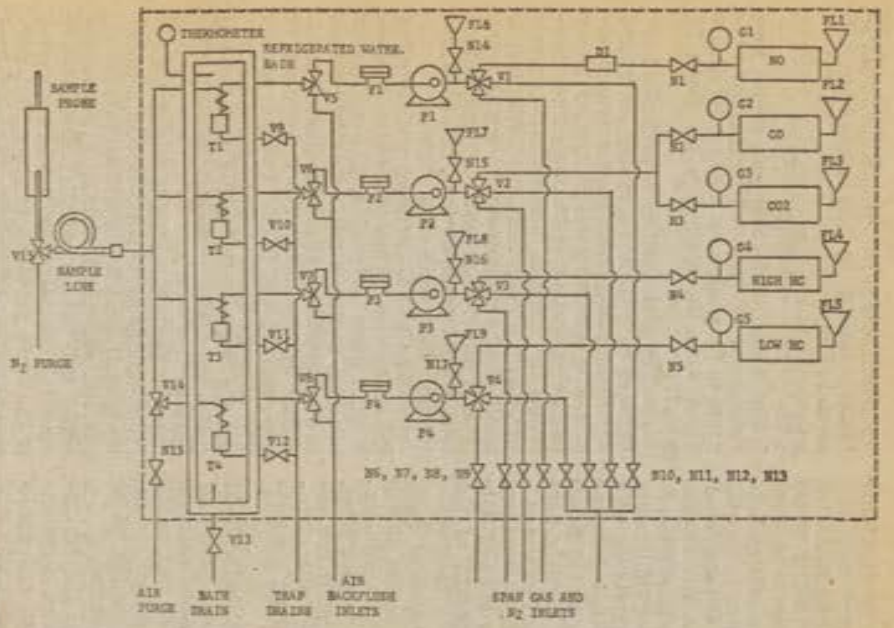

FIGURE H774-1. -- Flow schematic of exhaust gas analysis system employed in Federal facilities.

(b) Component description. The following components shall be used in sampling and analytical systems for testing under the regulations in this subpart. Other types of sampling and analytical systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) Flowmeters FL1, FL2, FL3, FL4, and FL5 for indicating the sample flow rate through the analyzers.

(2) Nitric oxide NDIR analyzer.

(3) Carbon monoxide NDIR analyzer.

(4) Carbon dioxide NDIR analyzer.

(5) High-range hydrocarbon NDIR analyzer.

(6) Low-range hydrocarbon NDIR analyzer.

(7) Pressure gauges G1, G2, G3, G4, and G5 for indicating the analyzer sample pressure.

(8) Needle valves N1, N2, N3, N4, and N5 for regulating the sample flow rate to the analyzers.

(9) Drier D1 for removing water vapor from the sample.

(10) Needle valves N6, N7, N8, N9, N10, N11, N12, and N13 for regulating the flow rates of N_2 and span gases to the analyzers.

(11) Ball valves V1, V2, V3, and V4 for directing either sample or span gases to the analyzers.

(12) Needle valves N14, N15, N16, and N17 regulate the sample flow rate through the bypass system.

(13) Flowmeters FL6, FL7, FL8, and FL9 for indicating the flow rate through the bypass system.

(14) Pumps P1, P2, P3, and P4 for forcing the sample through the analyzers.

(15) Filters F1, F2, F3, and F4 for removing contaminants from sample prior N17 for regulating the sample flow rate to analysis.

(16) Ball valves V5, V6, V7, and V8 for directing sample gas to the analyzers or for backflushing the sampling system with air or nitrogen.

(17) Toggle valves V9, V10, V11, V12, and V13 for draining the condensate traps and the refrigerated bath.

(18) Traps T1, T2, T3, and T4 for separating condensed water vapor from the cooled sample gases.

(19) Ball valve V14 for diverting air to the low-range hydrocarbon analyzer during periods of high hydrocarbon concentrations in the exhaust sample.

(20) Needle valve N18 for regulating the air flow to the low-range hydrocarbon analyzer during purge conditions.

(21) Thermometer for indicating the bath temperature.

(22) Refrigerated water bath for cooling the sample gases.

(23) Sample line for connecting the analysis system to the sample probe.

(24) Sample probe for extracting a sample of the exhaust downstream of the muffler.

(25) Ball valve V15 for directing nitrogen through the sampling system.

§ 85.774–14 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument Operator.

(e) Driver or Operator.

(f) Engine Make—identification number—date of manufacture—number of hours — engine displacement — engine family—idle r.p.m.—number carburetors—number of carburetor venturis.

(g) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range.

(h) Barometric pressure, intake air temperature and humidity and, as applicable, the temperature of the air in front of the radiator during the test.

(i) Brake horsepower and fuel consumption during each mode.

(j) Analyzer responses, continuously recorded with zero, span and sample traces identified on each chart.

(k) Intake manifold vacuum and engine r.p.m. continuously recorded on the same chart.

(l) The analyzer recorders and the manifold vacuum-engine r.p.m. recorder shall be provided with automatic markers which indicate one second intervals. Chart paper preprinted with one second intervals may be used in lieu of the automatic markers provided the use of the correct chart speeds is verified on the charts for each test run.

§ 85.774–15 Calibration and instrument checks.

(a) The instrument assembly shall be calibrated at least once every 30 days, using the same flow rate as when sampling exhaust and proceeding as follows:

(1) Tune analyzers.

(2) Zero the analyzers with zero grade air or nitrogen. The allowable zero gas impurity concentrations should not exceed 10 p.p.m. equivalent carbon response, 10 p.p.m. carbon monoxide and 1 p.p.m. nitric oxide. Set the instrument gain to give the desired range. Normal operating ranges are as follows:

Low-range hydrocarbon analyzer.	0–1,000 p.p.m. hexane equivalent.
High-range hydrocarbon analyzer.	0–10,000 p.p.m. hexane equivalent.
CO analyzer	0–10 percent CO.
CO_2 analyzer	0–16 percent CO.
NO analyzer	0–4,000 p.p.m. NO.

Lower operating ranges may be used as required.

(3) Calibrate with the following calibration gases. Flow rates should be set at 10 c.f.h. on the hydrocarbon and nitric oxide analyzers and 5 c.f.h. on the carbon monoxide and carbon dioxide analyzers. The concentrations given indicate nominal concentrations, and actual concentrations should be known to within ±2 percent of true value. Prepurified N_2 is used as the diluent.

Low range HC analyzer—Hexane equivalent [1]	High range HC analyzer—Hexane equivalent	NO analyzer—NO	CO and CO_2 analyzers—Blend of CO and CO_2 containing—
			CO plus CO_2
p.p.m.	*p.p.m.*	*p.p.m.*	*Mole percent*	*Mole percent*
100	600	250	0.5	16.0
200	1,000	500	1.0	15.0
300	1,500	750	2.0	14.0
400	2,500	1,000	3.0	13.0
600	4,000	1,500	4.0	12.0
800	6,000	2,000	6.0	10.0
1,000	8,000	2,500	8.0	8.0
	10,000	3,000	10.0	6.0
		3,500		
		4,000		

[1] The hexane equivalent of propane, when used as the normalizing gas for calibrating nondispersive infrared analyzers, is prescribed to be 0.52 (propane concentration × 0.52 = hexane equivalent concentration). Minimum storage temperature of the cylinders shall be 60° F.; minimum use temperature shall be 68° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100 percent CO_2. If response is greater than 0.5 percent full scale, refill filter cells with 100 percent CO_2 and recheck. Note any remaining response on chart. If response still exceeds 0.5 percent, replace detector.

(6) Check response of hydrocarbon analyzers to nitrogen saturated with water at ambient temperature. Record ambient temperature. If the low-range instrument response exceeds 5 percent of full scale with saturated nitrogen at 75° F., replace the detector. If the high-range response exceeds 0.5 percent of full scale, check detector on low-range instrument, then reject if response exceeds 5 percent of full scale at 75° F.

(b) The following daily instrument check shall be performed, allowing a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned off.):

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce the span gas and set the analyzer gain to match the response to the value indicated by the calibration curve. In order to avoid a correction for sample cell pressure, use the same flow rate as that used to calibrate the analyzer. The span gas should produce a signal from 80 to 100 percent of the full scale response. The concentration of the span gas should be known within ±2 percent of the actual gain. If gain has shifted by more than 3 percent of scale, check tuning. If necessary, check calibration. Recheck after test. Record actual concentrations on chart.

(3) Check nitrogen zero, repeat the procedure in paragraphs (b) (1) and (2) of this section if required.

(4) Check flow rates and pressures.

§ 85.774–16 Dynamometer test run.

(a) (1) Mount test engine on the engine dynamometer.

(2) Start the engine and precondition it by operation over one or more cycles prescribed for service accumulation (§ 85.774–7) or dynamometer operation (§ 85.774–11) until the engine has reached normal operating conditions. The engine shall not be exposed to precipitation or condensation after preconditioning.

(3) The engine shall be turned off and allowed to stand for at least 1 hour, but not more than 2 hours, at an ambient temperature of 60° F to 86° F.

(b) The following steps shall be taken for each test:

(1) Maintain the ambient temperature between 68° F and 86° F.

(2) Calibrate exhaust emission analyzer assembly.

(3) Check the condition of the drier in the nitric oxide analyzer sampling line. Replace the drying agent if necessary.

(4) Insert the sample line at least 2 feet into the tailpipe. When this is not possible, a tailpipe extension should be used. Where dual exhaust tailpipes are employed, a sample probe shall be inserted in each exhaust tailpipe and the two probes shall be connected to form a common sample line. The variation between the two sample probe lengths shall be no greater than four inches. The sample probes shall be inserted in the same manner, made from the same material, and have the same diameter and configuration.

(5) Start cooling system, if it is to be used.

(6) Start the engine and operate within the manufacturer's r.p.m. specifications for off-idle operation.

(7) Return the engine throttle control to the normal idle position, start sample flow and recorders. A minimum chart speed of 6 inches per minute shall be used.

(8) Run four nine-mode cycles.

(c) Upon completion of the test, purge the sample line with nitrogen to establish a constant hydrocarbon "hangup" level. The hydrocarbon concentration shall drop to 5 percent or less of full scale within 10 seconds and 3 percent or less of full scale within 3 minutes or the test is invalid. Check calibration of exhaust emission instruments. A drift in excess of 2 percent of full scale in the calibration of any one of the exhaust emission analyzers will invalidate the test results.

§ 85.774–17 Chart reading.

The exhaust gas analyzer recorder response always lags the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the analyzer responses for each mode may not be located on the charts at a point corresponding to the exact time of the mode. For each warm-up or hot cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was run in accordance with the procedure specified in § 85.774–11 by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. The test will be invalidated if there is a deviation by more than:

(1) two seconds from the specified time for the CT mode, or

(2) 0.3 inch Hg during the cruise and PTD modes, or more than 0.2 inch Hg during the PTA and FL modes from the specified mode vacuums during the last ten seconds of a mode, or

(3) 200 r.p.m. during the first four seconds of each mode, or 100 r.p.m. during the remainder of each mode.

(b) Time correlate the hydrocarbon, carbon monoxide, carbon dioxide, and nitric oxide charts. Determine the location on the chart of analyzer response corresponding to each mode. Determine and compensate for trace abnormalities.

(c) Locate the last 3 seconds of the HC, CO, CO_2, and NO traces obtained from the 3 inch, 10 inch, 16 inch, 19 inch and idle modes. Divide this portion of each trace into a minimum of three segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(d) The values recorded for the initial idle mode are used for both warmup cycles 1 and 2. The final idle mode values are applied to hot cycles 3 and 4.

(e) Locate the HC, CO, CO_2, and NO closed throttle mode traces. Divide each trace into a minimum of 43 segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(f) Direct computer analysis of analyzer output may be utilized provided that the analysis is sufficiently similar to the above procedures to result in comparable data results and the analyzer output is continuously recorded at a chart speed of at least 3 inches per minute with an automatic marker being used to identify the time intervals during which data are accepted by the computer for processing.

§ 85.774–18 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine total carbon (TC) equivalent concentration in accordance with the following:

$$TC = \%CO_2 + \%CO + (1.8 \times 6)\%HC$$

(b) Calculate the mass emission for HC (HC_{mass}), CO (CO_{mass}), and NO_x ($NO_{x\,mass}$) in grams per hour for each mode as follows:

$$(1)\quad HC_{mass} = 10.8 \times 10^{-4} \times HC_{conc}\,(\text{p.p.m.}) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

$$(2)\quad CO_{mass} = 2.02 \times CO_{conc}\,(\%) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

$$(3)\quad NO_{x\,mass} = 3.32 \times 10^{-4} \times NO_{x\,conc}\,(\text{p.p.m.}) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

(c) Multiply the HC_{mass}, CO_{mass}, and $NO_{x\,mass}$ values for each mode by the appropriate weighting factors.

(d) Multiply the measured brake horsepower values for each mode by the appropriate weighting factors. Horsepower for the idle and closed throttle mode shall be defined as "zero" for calculation purposes. (Negative values are not used.)

(e) Calculate the brake specific emissions for HC, CO, and NO_x for each cycle as follows:

$$(1)\quad BSHC = \frac{\Sigma(HC_{mass} \times \text{WF})}{\Sigma(\text{Measured } BHP \times WF)}$$

$$(2)\quad BSCO = \frac{\Sigma(CO_{mass} \times \text{WF})}{\Sigma(\text{Measured } BHP \times WF)}$$

$$(3)\quad BSNO_x = \frac{\Sigma(NO_{x\,mass} \times \text{WF})}{\Sigma(\text{Measured } BHP \times WF)}$$

(f) Average the composite BSHC, BSCO, $BSNO_x$ emissions of the first and second cycles.

(g) Average the composite BSHC, BSCO, and $BSNO_x$ emissions of the third and fourth cycles.

(h) Combine the results of (f) and (g) according to the formula: 0.35 × composite of (f) + 0.65 × composite of (g).

(i) Correct the $BSNO_x$ value for the humidity at test conditions by multiplying by conversion factor "K" where:

$$K = 0.634 + 0.00654H - 0.0000222H^2$$

H = Humidity at test conditions, grain H_2O/lb. dry air.

§§ 85.774–19—85.774–27 [Reserved]

§ 85.774–28 Compliance with emission standards.

(a) The exhaust emission standards in § 85.774–1 apply to the emissions of engines for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emission results of the durability data engines for each engine-system combination. Separate factors shall be established for CO and for the combined emissions of HC and NO_x.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(A) All emission data from the tests required under § 85.774–7(b), except the zero-hour tests. This shall include the official test results, as determined in § 85.774–29, for all tests conducted on all durability engines of the combination selected under § 85.774–5(c) (including all engines elected to be operated by the manufacturer under § 85.774–5(c)(3)).

(B) All emission data from the tests conducted before and after maintenance provided in § 85.774–6(a)(1)(i).

(C) All emission data from the tests conducted before and after maintenance provided in § 85.774–6(a)(5)(iii) if emission tests were conducted.

(ii) All applicable emission results for (A) HC+NO_x and (B) CO shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines ((A) HC+NO_x and (B) CO), fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points on each line, rounded to whole numbers in accordance with ASTME 29–67, must be within the standards specified in § 85.774–1 or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(iii) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions interpolated to 1500-hours minus the exhaust emissions interpolated to 125-hours.
(Negative deterioration factors shall be considered zero.)

(2) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission data engine.

(3) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(2) of this section rounded to whole numbers in accordance with ASTM E 29-67 for each emission data engine.

(4) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(3) of this section, before any engine in that family will be certified.

§ 85.774-29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer. *And further provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(3)(i) The emission data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 85.774-35(a)(4)(v) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission data engine.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed:

(A) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.774-6. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(B) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission data engine.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section to enable the Administrator to determine whether an emission data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(ii)(A) and (B) of this paragraph. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 85.774-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.774-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.774-30(c).

(b)(1) The Administrator will determine whether an engine covered by the application complies with applicable standards by observing the following relationships:

(i) A test engine selected under § 85.774-5(b)(2) and (4), shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(ii) A test engine selected under § 85.774-5(b)(3) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(iii) A test engine selected under § 85.774-5(c)(1), shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the engines belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.774-29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.705, or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 85.774–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed, or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of ceritfication under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

§ 85.774–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all engines for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test engines and the computation of test results will be determined separately for each application.

§ 85.774–32 Addition of an engine after certification.

(a) If a manufacturer proposes to add to his product line an engine of the same engine-system combination as engines previously certified but which was not described in the application for certification when the test engine(s) representing other engines of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.774–34. This notification shall include a full description of the engine to be added.

(b) The Administrator may require the manufacturer to perform such tests on the engine(s) representing the engine to be added which would have been required if the engine had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.774–29, the Administrator determines that the test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test engine(s) does not meet applicable standards, he will proceed under § 85.774–30(b).

§ 85.774–33 Changes to an engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in §§ 85.774–5(a)(2) and (3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.774–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the engine, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified engines, he will notify the manufacturer in writing. Except as provided in § 85.774–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified engines would not be covered by the certificate then in effect, then the modified engines shall be treated as additions to the product line subject to § 85.774–32.

§ 85.774–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of an engine under § 85.774–32 or a change in an engine under § 85.774–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce engines as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer

to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.774–32 (b) and (c), or § 85.774–33 (b) and (c) as appropriate.

(d) Election to produce engines under this section will be deemed to be a consent to recall all engines which the Administrator determines under § 85.774–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 85.774–35 Labeling.

(a) (1) The manufacturer of any heavy duty gasoline-fueled engine subject to the standards prescribed in § 85.744–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such engines available for sale to the public and covered by a certificate of conformity under § 85.774–30(a).

(2) The plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(3) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(4) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(i) The label heading: Engine Exhaust Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Date of engine manufacture (month and year);

(v) Engine tuneup specifications and adjustments as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop) and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(vi) The statement: "This Engine Conforms to U.S. Environmental Protection Agency Regulations Applicable to 19— Model Year Gasoline-Fueled Heavy Duty Engines."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such engine conforms to any applicable State emission standards for new motor vehicle engines or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle or engine.

(c) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

§ 85.774–36 [Reserved]

§ 85.774–37 Production engines.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production engines selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These engines shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

§ 85.774–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle engine subject to the standards prescribed in § 85.774–1, written instructions for the maintenance and use of the engine by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.774–6(a). Scheduled maintenance in addition to that performed on the durability engine under § 85.774–6(a) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or a mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 85.774–6(a).

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 85.774–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.774–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.774–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the engine's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

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ENVIRONMENTAL PROTECTION AGENCY

■

SUGAR PROCESSING POINT SOURCE CATEGORY

Interim and Proposed Effluent Limitations, Guidelines, and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 338-7]

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Interim Rule

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation set forth below will amend 40 CFR 409—sugar processing point source category by adding effluent limitations and guidelines for point sources other than publicly owned treatment works, which require the application of the best practicable control technology currently available for existing sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301 and 304(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314(b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form limitations for existing sources and standards of performance for new sources and pretreatment standards for existing sources and for new sources.

(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 procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source 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 report on "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

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 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. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER a regulation is proposed in fulfillment of these requirements.

b) *Summary and Basis of Interim Final Effluent Limitations and Guidelines for Existing Sources and Proposed Effluent Limitations and Guidelines for Existing Sources, Proposed Standards of Performance and Pretreatment Standards for New Sources, and Proposed Pretreatment Standards for Existing Sources*—(1) *General methodology.* The effluent limitations and guidelines set forth 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 for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow, and volume of water used in the process employed, the sources of waste and waste waters in the operation, and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations 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 is 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 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", "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.

(2) Summary of conclusions with respect to the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw can sugar processing subcategory (Subpart E), the

Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(i) *Categorization.* For the purpose of establishing effluent limitations guidelines and standards of performance, the raw cane sugar processing segment of the sugar processing category has been divided into five subcategories:

(1) Subpart D—Louisiana raw cane sugar processing subcategory: This subcategory includes those plants located in the State of Louisiana which process sugar cane into a raw sugar product.

(2) Subpart E—Florida and Texas raw cane sugar processing subcategory: This subcategory includes those plants located in the States of Florida and Texas which process sugar cane into a raw sugar product.

(3) Subpart F—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory: This subcategory includes those plants located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii which process sugar cane into a raw sugar product.

(4) Subpart G. Hawaiian raw cane sugar processing subcategory: This subcategory includes the remaining plants (those not included in Subpart F) located in the State of Hawaii which process sugar cane into a raw sugar product.

(5) Subpart H. Puerto Rican raw cane sugar processing subcategory: This subcategory includes those plants located in the Commonwealth of Puerto Rico which process sugar cane into a raw sugar product.

Factors such as the nature of raw materials, harvesting techniques, land availability, length of the grinding season, climatic variations, size of plants, nature of the soil, process variations, age of plants, and nature of the water supply substantiate and verify this subcategorization.

(ii) *Waste characteristics.* The known significant pollutant properties or constituents of waste waters resulting from the processing of sugar cane into a raw sugar product are biochemical oxygen demand, total suspended solids, and pH. Other parameters considered to be of less significance are chemical oxygen demand, temperature, total dissolved solids, coliform bacteria, and nutrients. These pollutant properties or constituents are present in the waste waters of plants within all subcategories of the raw cane sugar processing segment of the sugar processing category.

(iii) *Origin of waste water pollutants.* Major in-plant water uses resulting in waste water streams include barometric condenser cooling water, filter cake slurry, ash slurries, floor wash, excess condensate, chemical washing and rinsing of evaporators and vacuum pans, and cane wash water. Water of a non-contact nature may result from chemical washing and rinsing of heat exchangers, boiler blowdowns, and noncontact cooling waters such as bearing cooling water.

These various waste water streams are discharged from plants in all of the subcategories of the raw cane sugar processing segment of the sugar processing category, but all streams are not necessarily present at any single plant. In many cases natural gas is burned as fuel, and an ash discharge stream does not exist. The filter cake and ash discharge streams may be handled in dry form, thus eliminating a water discharge. In certain instances where sugar cane is hand cut or where the cane is relatively free of extraneous matter, cane washing is not employed and no cane wash water discharge stream exists.

Pollutants which enter into the discharge streams include: (1) dissolved sugar contributed by (a) the leaching of sugar during the washing of sugar cane, (b) the entrainment of sugar into the vapors of the evaporators and vacuum pans which are condensed in the barometric condensers, and (c) the dissolution of sugar spills during floor washing; and (2) solid matter contributed by the extraneous material which is introduced into the factory with the sugar cane. Solid material enters (a) the cane wash water discharge stream during the washing of sugar cane, (b) the filter cake slurry stream subsequent to clarification and filtration of the juice, and (c) the ash slurry stream if bagasse is burned or fly ash arrestors in the form of wet scrubbing devices are present.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry segment to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Such technologies as sedimentation, filtration, waste stabilization, aeration lagooning, oxidation lagooning, impoundage lagooning, cane wash recirculation, entrainment prevention, dry handling of ash and filter cake, barometric condenser cooling water recirculation, and irrigation have been identified as proven methods of control and treatment of waste waters from the raw cane sugar processing segment of the sugar processing category. These control and treatment technologies are currently practiced and well demonstrated within the industry in all cases.

The following is a discussion of the control and treatment technologies for each subcategory.

(1) *Control and treatment*—Louisiana raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by plants of this subcategory to reduce pollutant discharge. Best practicable control technology currently available is to totally retain or dry haul the filter cake and ash discharge streams, practice entrainment prevention techniques to reduce sugar entrainment into barometric condenser cooling water, and provide biological treatment of the cane wash water discharge stream. The technology on which the effluent limitations and guidelines are based involves the retention of the cane wash water stream in an oxidation pond, held until waste stabilization occurs and discharged after the grinding season. Alternative methods of treatment which are applicable and capable of achieving or exceeding the efficiency of treatment specified by the effluent limitations are treatment of the cane wash water stream in an aerated lagoon or recirculation of the cane wash water stream with discharge of the blowdown to an oxidation pond to be held until waste stabilization occurs. All of these methods are being applied in this subcategory at the present time, although the use of aerated lagoons is very limited.

Best available technology economically achievable is the recirculation of the barometric condenser cooling water stream through a cooling device with the blowdown discharged as make-up to the cane wash system. The cane wash water is recirculated with discharge of the blowdown to an oxidation pond where it is held until waste stabilization occurs. Barometric condenser cooling water systems are widely employed within this subcategory; at least fifteen of the thirty-nine cane sugar factories currently operating in Louisiana recycle barometric condenser cooling water through a cooling tower, spray pond, or cooling pond. Recirculation of cane wash water is also widely practiced with at least thirteen of the Louisiana cane sugar factories recirculating cane wash water.

(2) *Control and treatment*—Florida and Texas raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is being accomplished. Various methods such as recirculation and reuse techniques, impoundment concepts, irrigation methods, deep-well injection, and discharge to the factory's private canal system are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(3) *Control and treatment*—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory. Until recently, very little application of waste water treatment has been employed by plants in this subcategory other than those in-plant controls, such as the prevention of sucrose entrainment into barometric condenser cooling water, which maximize the production of a salable product. Historically these plants were built on the cliffs at the Pacific Ocean's edge to enable the fluming of hand harvested sugar cane from the cane fields located above the raw sugar factories. With the labor shortage which occurred subsequent to World War II, mechanical harvesting with bulldozers and push-rakes was implemented for

reasons of plant economics. With the advent of the current harvesting techniques came a tremendous increase in the percentage of extraneous material (approaching 51 percent) incorporated into the sugar cane entering the factory, bringing about the need for elaborate cane washing equipment to ensure a raw material which is processable in the milling operation.

Currenty, considerable research and development is being undertaken in the area of waste water treatment as well as in the area of new harvesting equipment which would leave the bulk of extraneous material in the cane fields. Treatment methods which have been employed within the last two years by those raw sugar factories which form this subcategory are dry hauling of filter cake, dry hauling of ash, screening and disposal of trash, and disposal of rocks which enter the factory with the sugar cane. Bench and pilot-scale studies have been established with regard to the sedimentation of the cane wash waste water stream resulting in the design of a system to handle this discharge stream. This system is expected to be online next year. Also, research and development is being done with regard to a dry cleaning system which would clean sugar cane by means of mechanical shaking, stripping, and air blowing followed by washing with cane juice which would act as a recoverable dry cleaning solution. This dry cleaning system is as yet undemonstrated with much work to be accomplished before it can be considered available technology.

Best practicable control technology currently available is based on the treatment system discussed above which is expected to be installed at one of the cane sugar factories next year. This involves screening and removal of trash, dry hauling of filter cake and ash, entrainment prevention, and primary settling of the cane wash water stream with the aid of polymer addition. Best available technology economically achievable incorporates the currently developing technology of improved harvesting techniques, the addition of a barometric condenser cooling water recirculation system, and the addition of a biological treatment system in the form of an aerated lagoon to treat the discharge stream. These techniques are either currently available or researched to the extent that reliable predictions as to the effect of their application is possible.

(4) *Control and treatment*—Hawaiian raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is achieved. Various methods such as recirculation and reuse techniques, impoundment concepts, and irrigation methods are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(5) *Control and treatment*—Puerto Rican raw cane sugar processing subcategory. Current treatment and control practices employed within this subcategory include recirculation of barometric condenser cooling water, dry hauling of filter cake, impoundage of filter cake slurry, ash slurry, and chemical wash and rinse, primary sedimentation of the cane wash discharge stream, waste stabilization, and application of irrigation techniques. The Puerto Rican cane sugar industry is currently in a state of decline with production dropping sharply in the last ten years, and in a state of flux in that consolidation of the industry is taking place and increased reliance is being placed on mechanical rather than hand harvesting. The limited data available indicate that the raw waste loadings associated with this subcategory fall within the range of data available for the Louisiana raw cane sugar processing subcategory. Best practicable control technology currently available and best available technology economically achievable are therefore based upon those recommended for the Louisiana raw cane sugar processing subcategory. These technologies are directly applicable to the Puerto Rican cane sugar processing subcategory and many are in fact currently employed. The application of the Louisiana raw cane sugar processing subcategory effluent limitations and guidelines to the Puerto Rican raw cane sugar processing subcategory is considered to be a conservative approach for the following reasons: (1) irrigation techniques are applicable to certain plants within this subcategory with two of the eleven plants which make up this subcategory currently utilizing this technique; (2) two factories do not employ cane washing thus eliminating a major waste water stream; and (3) mechanical harvesting, while increasing in general practice is not employed exclusively at any factory, while mechanical harvesting is the general practice of all the Louisiana factories. Thus, it can be generalized that the raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories.

However, because of the state of flux of the Puerto Rican raw cane sugar industry, the limited data available on which to base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that application of those techniques currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations and guidelines for the Puerto Rican raw cane sugar processing subcategory.

Solid waste control must be considered. Sludges in the form of muds, ashes, or cakes may result from the processing of sugar cane into raw sugar. These may be substantial in volume and contribute to the cost of achieving the recommended effluent limitations and guidelines.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines, 40 CFR Part 241, may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located. It should be noted that there is no evidence that hazardous materials are present in the slurries, sludges, muds, ashes, and cakes which result from the processing of sugar cane into a raw sugar product.

(v) *Cost estimates for control of waste water pollutants.* The capital and total yearly costs (August–1971 dollars) to the raw cane sugar processing segment of the sugar processing category to achieve the interim final best practicable control technology currently available effluent limitations guidelines are estimated to range from between $9.52 and $10.41 million, and $2.98 and $4.06 million, respectively. This estimate is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. These costs do not include expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

The additional capital and total yearly costs (August–1971 dollars) to the raw

cane sugar processing segment of the sugar processing category to achieve the proposed best available technology effluent limitations guidelines are estimated to range from between $6.05 and $7.53 million, and $1.02 and $1.33 million, respectively. This estimate does not include those costs associated with attainment of best practicable control technology currently available and is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. This cost estimate does not include those expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

These costs are summarized for each individual subcategory in the following table:

COST ESTIMATES ($MM)

Subcategory	BPCTCA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	$1.01 to $1.15.	$0.324 to $0.528.
Florida and Texas raw cane sugar processing.	0	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	$6.60 to $7.28.	$2.32 to $2.94.
Hawaiian raw cane sugar processing.	0	0.
Puerto Rican raw cane sugar processing.	$1.88 to $1.98.	$0.334 to $0.502.
Total	$9.52 to $10.41.	$2.98 to $4.06.

COST ESTIMATES ($MM)

Subcategory	BATEA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	$2.90 to $4.38.	$0.577 to $0.874.
Florida and Texas raw cane sugar processing.	0	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	$1.70	$0.377 to $0.383.
Hawaiian raw cane sugar processing.	0	0.
Puerto Rican raw cane sugar processing.	$1.45	$0.0084.
Total	$6.05 to $7.53.	$1.02 to $1.33.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy. The raw cane sugar processing segment of the sugar processing category is a high energy user in that the production of sugar is basically an evaporative process. Large quantities of energy are required for the production of steam to evaporate the cane juice and for the mechanical harvesting of sugar cane. Many cane sugar factories produce steam in sufficient quantity to maintain the milling operation and boiler house and also produce excess electricity which is sold to commercial utilities. In many cases, the source of this energy is bagasse, a by-product of the production of raw sugar.

It is estimated that less than 0.83 percent additional energy consumption is required of a factory to attain the best practicable control technology currently available and the best available technology economically achievable effluent limitations guidelines for all subcategories with the exception of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory. This subcategory will require less than a 3.32 percent energy increase to achieve interim final and proposed effluent limitations guidelines.

Solid Waste. The removal of extraneous material from the incoming sugar cane presents a solid waste disposal problem. Solid waste in the form of bottom ash, filter cake, muds resulting from the washing of sugar cane, trash, and in certain instances fly ash, are produced in varying quantities during the processing of sugar cane into raw sugar. The costs of solids handling have been factored into the control and treatment costs for all subcategories. It should be noted that these are not hazardous materials and that many technologies exist for the land disposal of these solid wastes.

Air Pollution. Air pollution problems in the form of odors can result from waste water lagooning. This technology is currently employed throughout this industry segment and experience has been that odor problems can be minimized by design and operating techniques. In general, the impact of aesthetic considerations, including odor and noise effects, are minimized by the typical location of sugar factories away from urban areas.

(vii) *Economic impact analysis.* Generally, the costs of compliance for BPCTCA are not expected to significantly affect prices, industry production, employment, or growth. Due to competition from other foreign and domestic sources, it is expected that the costs of pollution control cannot be passed on to the consumer through price increases. As a result, producers will be forced to absorb these costs through reduced profits. Despite this reduction in profitability, no plant closures are anticipated for 1977.

However, seven to twelve plants in Louisiana and Puerto Rico may be expected to close due to the additional costs of meeting the BATEA standards. These plants represent approximately 2.7 to 6.0 percent of current U.S. raw cane sugar production. Approximately 700 to 1800 employees would be affected by these closures. The dislocated employees in Louisiana are expected to have opportunities for reemployment; thus, the community impacts are expected to be minimal. In Puerto Rico, very few opportunities for reemployment are expected to exist. These dislocated employees represent 0.02 to 0.08 percent of the labor force of Puerto Rico. Thus, a small increase in unemployment and some community impacts are anticipated as a result of the mill closures in Puerto Rico. The balance of trade and industry growth effects are expected to be negligible.

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., 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 regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by this 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 Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

(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 for the sugar 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) Hawaiian Sugar Planters' Association; (4) Puerto Rico Sugar Corporation; (5) American-Florida Sugar Cane League; (6) The American Society of Mechanical Engineers; (7) The Conservation Foundation; (8) Businessmen for the Public Interest; (9) Environmental Defense Fund, Inc.; (10) Natural Resources Defense Council; (11) The American Society of Civil Engineers; (12) Water Pollution Control Federation; (13) National Wildlife Federation; (14) Theo. H. Davies and Company Ltd.; and (15) C. Brewer and Company, Ltd.

The following responded with comments:

(1) Effluent Standards and Water Quality Information Advisory Committee; (2) Minnesota Pollution Control Agency; (3) American Sugar Cane League; (4) South Coast Corporation; (5) Louisiana State University; (6) Delaware River Basin Commission; (7) Department of the Interior; (8) Department of Health, Education, and Welfare;

(9) Hawaiian Sugar Planters' Association; (10) Florida Sugar Cane League, Inc.; (11) United States Water Resources Council; and (12) Rio Grande Valley Sugar Growers, Inc.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) The comment was made that the model factories presented in the draft Development Document project water usages and raw waste loadings which were considerably overstated.

The Agency has reviewed the data which formed the basis of the presentations of the draft Development Document and the data received subsequent to publication of the draft Development Document and has revised the water usages and raw waste loadings for the model factories where appropriate. The related cost estimates have also been modified to represent the model factories.

(2) One commenter stated that experts in the field of oceanography and marine biology clearly indicate that BOD removal prior to open ocean disposal is wasteful of resources in that no benefit is derived from this removal.

Under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations guidelines are to be based on defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

(3) The comment was made that because limited data was available from the sugar mills in Puerto Rico, to base recommendations on operations and data related to Louisiana is questionable.

The Agency recognizes that limited data is available on Puerto Rican cane sugar factories. Data was obtained during a sampling program undertaken under the Agency's direction and also all relevant data available was acquired from the University of Puerto Rico. Whereas in the past, hand harvesting of sugar cane prevailed, the recent trend is toward mechanical harvesting techniques similar to those employed in Louisiana. As discussed previously, it can be generalized that raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories. However, because of the state of flux of the Puerto Rican raw sugar industry, the limited data available on which to base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that the application of those technologies currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations guidelines for the Puerto Rican raw cane sugar processing subcategory.

The Agency does, however, solicit data with regard to the applicable control and treatment technologies, raw waste loadings, water usages, costs associated with pollution control, and various economic parameters (future selling prices of raw sugar, production costs, profit margins, and cash flows).

(4) A commenter questioned the cost-effectiveness of the treatment system and control technology for Subcategory III, because the cost of treatment is so much greater than Subcategory I.

Subcategory III sugar factories are those located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii. The unique conditions which exist at these sugar factories (i.e., topography, climate, harvesting techniques employed, length of grinding season, and land availability) substantiate separate subcategorization. The cost estimates presented in the Development Document reflect these unique conditions and the economic impact has been assessed based upon the projected cost estimates.

(5) One commenter objected to the Texas sugar cane factory being placed in a subcategory which requires zero discharge, and requested limitations similar to Subcategories I, III, and V.

The information available on the only existing Texas cane sugar factory indicates that this factory is currently attaining the zero discharge limitation through the application of irrigation techniques. Therefore, the zero discharge limitation is substantiated by current operating practices. A new source would have the opportunity of site selection with the application of irrigation techniques expected to be available.

(6) One commenter explained that during rainfall conditions it is possible that overflows from irrigation, impoundment, or cooling canal systems may occur and that no discharge of waste waters is in some cases impracticable, particularly for certain mills located in Hawaii and Florida where rainfall may vary greatly over even small areas of land.

The Agency recognizes that these overflows may occur. Limitations are specified in the regulation which allow for such discharges, providing that impoundage facilities are designed, constructed, and operated to contain all process generated waste waters. There is no data available with regard to such overflow discharges to indicate any distinction between agricultural and process waste water runoff.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train et al.* (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than January 10, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under Section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline, 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 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, 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 on or before March 31, 1975, 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). In the event that the final regulation differs substantially from the interim final regulation set forth herein, the Agency will consider petitions for reconsideration of any permits issued in accordance with the interim final regulation.

In consideration of the aforegoing, 40 CFR Part 409 is hereby amended as set forth below.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

Sec.

409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.
409.41 Specialized definitions.
409.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.
409.51 Specialized definitions.
409.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.
409.61 Specialized definitions.
409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.
409.71 Specialized definitions.
409.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.
409.81 Specialized definitions.
409.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

§ 409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories operating in the State of Louisiana.

§ 409.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	*Effluent Limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

§ 409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located in the states of Florida and Texas.

§ 409.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 409.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

§ 409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii.

§ 409.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

(c) The term "net cane" shall mean that amount of "gross cane" less the weight of extraneous material.

(d) The term "x" shall mean that fraction of the "net cane" harvested by the advanced harvesting systems.

§ 409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD5	No limitation	
TSS	4.2	2.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/000 lb of net cane		
BOD5	No limitation	
TSS	4.2	2.1
pH	Within the range 6.0 to 9.0.	

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

§ 409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories, other than those described by Subpart F, located in the State of Hawaii.

§ 409.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 409.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If

such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

§ 409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located on the Island of Puerto Rico.

§ 409.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307 (c) and (d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.)

[FR Doc.75-5286 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

[FRL 338-8]

SUGAR PROCESSING POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources and standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation proposed below will amend 40 CFR Part 409—sugar processing point source category by adding §§ 409.43, 409.44, 409.45 and 409.46 to the Louisiana raw cane sugar processing subcategory (Subpart D), §§ 409.53, 409.54, 409.55 and 409.56 to the Florida and Texas raw cane sugar processing subcategory (Subpart E), §§ 409.63, 409.64, 409.65 and 409.66 to the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), §§ 409.73, 409.74, 409.75 and 409.76 to the Hawaiian raw cane sugar processing subcategory (Subpart G), and §§ 409.83, 409.84, 409.85 and 409.86 to the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301, 304(b) and (c), 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal Authority.

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 procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source 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 report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

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 sugar processing category. The regulation proposed herein sets forth the standards of performance applicable to new sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point 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 409.46, 409.56, 409.66, 409.76, and 409.86, proposed below, provide pretreatment standards for new sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 409.44, 409.54, 409.64, 409.74, and 409.84 proposed below provide pretreatment standards for existing sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(b) Summary and Basis of Proposed Effluent Limitations for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.

The general methodology and summary and conclusions are discussed in considerable detail in the preamble of the interim final regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The regulations proposed herein set forth pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973

(38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 409.44, 409.54, 409.64, 409.74, and 409.84 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, 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 regulation 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, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rule making by submitting written comments in triplicate to the EPA, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of Sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. 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 on or before March 31, 1975, 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: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend part 409 by adding the following sections:

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

Sec.

409.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.44 Pretreatment standards for existing sources.
409.45 Standards of performance for new sources.
409.46 Pretreatment standards for new sources.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

409.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.54 Pretreatment standards for existing sources.
409.55 Standards of performance for new sources.
409.56 Pretreatment standards for new sources.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

409.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.64 Pretreatment standards for existing sources.
409.65 Standards of performance for new sources.
409.66 Pretreatment standards for new sources.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

409.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.74 Pretreatment standards for existing sources.
409.75 Standards of performance for new sources.
409.76 Pretreatment standards for new sources.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

409.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.84 Pretreatment standards for existing sources.
409.85 Standards of performance for new sources.
409.86 Pretreatment standards for new sources.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.

§ 409.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation
TSS	Do.
pH	Do.

§ 409.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.

§ 409.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

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

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to Section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.55 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	

§ 409.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Petreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.03 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the rage 6.0 to 9.0.	

§ 409.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

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

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source sub-

ject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.75 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic: (Metric units) kg/kkg of gross cane:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.

§ 409.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Puerto Rican raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations:

Effluent characteristic: (Metric units) kg/kkg of gross cane:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.

§ 409.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Puerto Rican raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD	Do.
TSS	Do.

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 316(b) of the Federal Water Polution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.)

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PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Interim and Proposed Effluent Limitations, Guidelines, and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 338-4]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Interim Regulations

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 26, 1974, EPA promulgated a regulation adding Part 421 to Chapter 40 of the Code of Federal Regulations (39 FR 12822). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the nonferrous metals manufacturing point source category. The regulation set forth below will amend 40 CFR 421—Nonferrous metals manufacturing point source category, by adding thereto effluent limitations and guidelines for existing sources for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H) pursuant to sections 301, 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.: Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) *Legal authority.* 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 procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source 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 reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

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 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. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) *Summary and basis of interim final effluent limitations and guidelines for existing sources and proposed standards of performance and pretreatment standards for new sources*—(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations 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 for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations 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 is 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 curently available." 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 permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

(i) *Categorization.* (1) *Subpart D.* Primary copper smelting subcategory: Primary copper smelting is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, raw materials, products produced, wastes generated, plant size and age, plant location, and air pollution control

supports this conclusion. This subcategory has been defined to include all primary copper smelting operations and does not discern among those smelters which are integrated with mining and/or milling operations or have on-site electrolytic refining operations. One hydrometallurgical primary copper facility, currently under construction, is not considered at this time to be a part of this subcategory, since data are presently insufficient for possible categorization.

(2) *Subpart E.* Primary copper refining subcategory: Primary copper refining is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, raw materials, products produced, wastes generated, plant size and age, plant location, and air pollution control supports this conclusion. This subcategory has been defined to include all primary copper refining operations, which are not located on-site with a primary copper smelter. Those remaining primary copper refineries, which are located on-site with a primary copper smelter, are considered as a part of the primary copper smelting subcategory. The primary copper refining subcategory is further divided into those facilities geographically located in areas of net evaporation and those facilities geographically located in areas of net precipitation. This differentiation is primarily based on water usage and waste water control and treatment technology as practiced by the currently operating facilities.

(3) *Subpart F.* Secondary copper subcategory: Secondary copper is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. However, five principal waste streams resulting from five distinct water uses within the secondary copper industry have been identified and are subject to individual effluent limitations and standards of performance. These are: (a) Waste water from metal cooling, (b) waste water from slag quenching and granulation, (c) waste water from slag milling and classification, (d) waste water from furnace exhaust scrubbing, and (e) waste water from electrolytic refining operations. Plants using water for metal cooling only will be subject to one series of effluent limitations; plants using water for both metal cooling and slag quenching and granulation will be subject to two series of effluent limitations, etc. The consideration of such factors as raw materials processed, products produced, processes employed, plant age, plant size, air pollution control techniques, and plant location supports the conclusion that effluent limitations should be based on the specific water uses within a plant.

(4) *Subpart G.* Primary lead subcategory: Primary lead is a single subcategory for the purposes of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, age of plant, plant size, raw materials and products, plant location, and air pollution control techniques supports this conclusion. Plant location is considered to have a bearing on specific limitations and standards for this subcategory. Thus, this subcategory is further divided into those facilities geographically located in areas of net evaporation and those facilities geographically located in areas of net precipitation. One of the currently operating primary lead industry facilities, a primary lead refinery, not located on-site with a primary lead smelter, is not considered as a part of the primary lead subcategory since, due to process, no process waste water (as defined for this subcategory) is produced at this facility.

(5) *Subpart H.* Primary zinc subcategory: Primary zinc is a single subcategory for the purposes of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as processes employed, age and size of plant, plant location, raw materials, waste characteristics, and by-products and ancillary operations supports this conclusion.

(ii) *Waste characteristics.* (1) *Subpart D.* Primary copper smelting subcategory: The pollutants contained in the raw waste water from the facilities of the primary copper smelting subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, cadmium, copper, lead, selenium, zinc, and acidity and alkalinity. Raw process waste water from the primary refining of copper, when such an activity is conducted on-site at a primary copper smelter, contains significant quantities of total suspended solids, arsenic, zinc, selenium, copper, and acidity and alkalinity. Raw waste load data have been collected on each process waste stream, and information has been assembled on the treatment procedures required for each waste water effluent.

(2) *Subpart E.* Primary copper refining subcategory: The pollutants contained in the raw waste water from the facilities of the primary copper refining subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, zinc, selenium, copper, oil and grease, and acidity and alkalinity.

(3) *Subpart F.* Secondary copper subcategory: The pollutants contained in the raw waste water from the facilities of the secondary copper subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, copper, zinc, oil and grease, and acidity and alkalinity.

(4) *Subpart G.* Primary lead subcategory: The pollutants contained in the raw waste water from the facilities of the primary lead subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, cadmium, lead, zinc, and acidity and alkalinity.

(5) *Subpart H.* Primary zinc subcategory: The pollutants contained in the raw waste water from the facilities of the primary zinc subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, cadmium, selenium, zinc, and acidity and alkalinity.

Other pollutants are found in the process waste waters of these five subcategories and include dissolved solids for all subcategories; iron and nickel for the primary copper smelting and refining subcategories; chemical oxygen demand, phosphorus, aluminum, magnesium, and boron for the secondary copper subcategory; bismuth, arsenic, calcium, and magnesium for the primary lead subcategory; and lead, nickel, and copper for the primary zinc subcategory. These pollutants are not considered, at this time, to be significant, primarily due to their concurrent control with the treatment technologies applied to the significant pollutants, to the lack of sufficient data on which to base effluent limitations and standards of performance, to their intermittent discharge and small concentration in the process waste water, or to current economic prohibition of known treatment methods for their removal from waste waters.

(iii) *Origin of waste water pollutants.* (1) *Subpart D.* Primary copper smelting subcategory: Process waste waters evolved from facilities within this subcategory include effluents from slag granulation; acid plant blowdown; fire-refined copper, anode copper, shot copper, and various forms of cathode copper casting (metal cooling); refining operations, when such operations are conducted on-site with a primary copper smelter, such as the disposal of spent electrolyte, electrolytic refinery washing, and slimes recovery; and miscellaneous operations such as dimethylaniline plant blowdown and purge, slurry overflow from dust collection systems and wet fluid-bed roaster charge systems, arsenic plant washdown, as well as general plant washdown, and byproduct scrubbing, as in rhenium recovery from molybdenum roaster offgases. Dissolved metals, such as the salts of cadmium, zinc, copper, arsenic, lead, iron, nickel, and selenium, are found in the highly acidic sulfuric acid plant blowdown and dimethylaniline plant blowdown. Total suspended solids are readily found in the process waste water generated during metal cooling and slag granulation. Arsenic concentrations are extremely high in arsenic plant washdown water.

(2) *Subpart E.* Primary copper refining subcategory: Process waste waters evolved from facilities within this subcategory include effluents from the disposal of spent electrolyte, the direct contact cooling of anode copper and various forms of cathode copper, electrolytic refinery washing, and slimes recovery. Oil and grease, as well as total suspended solids are constituents of the metal casting water generated at these facilities. The dissolved metals of arsenic, zinc, selenium, and copper are primary constituents found in the process waste waters produced in the acidic spent electrolyte and the small volume solutions from slime recovery.

(3) *Subpart F.* Secondary copper subcategory: Process waste waters evolved from facilities within this subcategory

include effluents from metal cooling, from slag quenching and granulation, from slag milling and classification, from furnace exhaust scrubbing, and from electrolytic refining operations. The pollutants of total suspended solids, oil and grease, and small amounts of metal oxides are found in metal cooling water. Slag granulation and slag milling and classification generate waste waters with high pH values, high levels of total suspended solids, and the heavy metal components of the slags such as soluble amounts of antimony, cadmium, copper, chromium, iron, lead, manganese, nickel, and zinc. Oil and grease is picked up during the wet milling of slag, but is not present in slag granulation water. The large volume of water used to operate wet air scrubbers contains large amounts of total suspended solids, most of which is zinc oxide, and dissolved solids of metals. Waste water from electrolytic operations contains high acid and copper values. Cementation of this effluent reduces the copper concentration, but increases that of iron.

(4) *Subpart G.* Primary lead subcategory: Process waste waters evolved from facilities within this subcategory include effluents from acid plant blowdown; from slag, speiss, and/or dross granulation; and from furnace exhaust scrubbing. The acidic waste effluent of acid plant blowdown contains salts of trace metals such as lead, zinc, cadmium, and to a lesser extent, mercury. Slag granulation water contains total suspended solids and minor quantities of metal oxides. Speiss granulation water contains copper and arsenic. Metal oxides of cadmium, lead, and zinc are primarily found in furnace fume scrubber waste effluents.

(5) *Subpart H.* Primary zinc subcategory: Process waste waters evolved from facilities within this subcategory include effluents from acid plant blowdown; reduction furnace gas cleaning operations; metal casting cooling; cadmium production; auxiliary air pollution control operations; electrolyte purification, wash water, and spills; and preleaching of zinc concentrates. The major waste effluent, acid plant blowdown, contains high levels of sulfates, low pH, and high levels of arsenic, lead, cadmium, selenium, zinc, and, depending upon the zinc concentrates used for processing, mercury. Total suspended soils and zinc appear as constituents of metal cooling water. Cadmium, lead, zinc, and dissolved and suspended solids are collected in waste waters from gas scrubbing and reduction furnace gas cleaning operations.

Storm water runoff at all of the facilities of the above five subcategories is considered as a process waste water only when it commingles with process waste water, as discussed above, or when it is intentionally collected because of pollutant pickup on plant property.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

(1) *Subpart D.* Primary copper smelting subcategory: The best practicable control technology currently available for the process waste water effluents within this subcategory includes the recycle and reuse of this waste water after, as needed, neutralization and settling. This technology is primarily based on both the disposal and reusage sources existing and readily available at the primary copper smelting facilities. The numerous pyrometallurgical processing operations produce hot offgases, which can be used as a disposal source of waste water through thermal consumption, as a cooling media, and as a reusage source of waste water through gas preconditioning prior to hot electrostatic precipitators. Many of the primary copper smelting facilities are physically integrated with mining and/or milling operations. Reusage of process waste water as a part of the influent water requirement to the mill flotation circuit is currently a common practice at many of the integrated primary facilities. The hydrometallurgical leaching operation, if such an operation exists at a primary smelting facility, provides an excellent reusage source of process waste water. Maximization of the recycle of process waste water is achieveable through the use of well-designed and operated cooling towers and/or cooling ponds, both with sufficient retention time for the settling of solids, as needed for recycle. The best practicable control technology currently available for this subcategory also includes, but to a lesser extent, the disposal of process waste water through impoundment and solar evaporation. This technique could be employed as a disposal method for all process waste waters or for just a portion of these waters. A discussion of the best practicable control and treatment technologies applied to specific process waste water sources generated within this subcategory follows:

(a) The best practicable control technology currently available for process waste water generated during slag granulation includes the complete recycle and reuse of this water after treating the effluent, if necessary, to reduce suspended solids by settling and filtration, as well as temperature; conversion from slag granulation to air cooling of slag (i.e., waste dumping); and the impoundment of this source of waste water with disposal by solar evaporation.

(b) The best practicable control technology currently available for the process waste water source of acid plant blowdown includes the complete recycle and reuse of this water after treating, if necessary, to neutralize and settle and the impoundment of this source of waste water with disposal by solar evaporation. Minimization of acid plant blowdown can be achieved by the usage of highly-efficient primary particulate control devices, as well as efficiently operated cooling towers and/or ponds.

(c) The best practicable control technology currently available for process waste water generated during the contact cooling of blister copper, shot copper, anode copper, fire-refined copper, and cathode-shape copper includes the complete recycle and reuse of this water after treating, if necessary, for solids removal and cooling; the use of air cooling for blister copper; and the impoundment of this source of waste water with disposal by solar evaporation.

(d) The best practicable control technology currently available for process waste water generated during the electrolytic refining of copper, if such an operation is conducted on-site with a primary copper smelter, includes, for spent electrolyte, the complete recycle and reuse after copper removal by means of liberator cells, electrowinning cells, and cementation, recovery of nickel values through evaporation, if nickel concentration is sufficient, the sale of spent electrolyte for commercial recovery of nickel sulfate, if nickel concentration warrants, copper sulfate, and black acid, and the impoundment of this source of waste water with disposal by solar evaporation; for electrolytic refining washing, the complete recycle and reuse of this wash water by collection in a holding area, if necessary, and direct reuse as electrolytic makeup water, or recycle as wash water and the impoundment of this source of waste water with disposal by solar evaporation; for slimes recovery waste water, the shipment of the slimes to other off-site locations for recovery of contained elements and the impoundment of this source of waste water with disposal by solar evaporation; and for waste water generated by the usage of nickel sulfate vacuum evaporators, the application of efficient mist eliminators and proper operating and maintenance procedures to minimize or eliminate entrainment, the sale of spent electrolyte to other facilities for nickel sulfate recovery, conversion to open evaporators without a need for barometric condensers, the use of cooling towers, and the impoundment of this source of waste water with disposal by solar evaporation.

(e) The best practicable control technology currently available for process waste water generated by miscellaneous sources at primary copper smelting facilities, if such operations are conducted at the primary copper smelter, include, for dimethylaniline plant blowdown and purge, the complete recycle and reuse of this water after treating, if necessary, to neutralize and settle and the impoundment of this source of waste water with disposal by solar evaporation, and for other miscellaneous sources, as defined for this subcategory, the complete recycle and reuse of all waste water after, if necessary, neutralization, settling, and temperature control and the impoundment of these sources of waste water with disposal by solar evaporation.

(f) The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

The best available technology economically achievable and the best available demonstrated control technology, proc-

esses, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities included in the primary copper smelting subcategory.

(2) *Subpart E.* Primary copper refining subcategory: For facilities geographically located in areas of net evaporation, the best practicable control technology currently available for the process waste water effluents includes the recycle and reuse of this waste water after, as needed, neutralization and settling and disposal through impoundment and solar evaporation. The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

For the remainder of the primary copper refineries of this subcategory not located on-site with a primary copper smelter, but geographically located in an area of net precipitation, the best practicable control technology currently available includes the maximization of recycle and reuse of process waste water to achieve levels of water usage demonstrated by the average of the best of these same facilities. Subsequent liming and settling of the resultant effluent, with concentration values for significant pollutants and pollutant parameters (as considered to be best practicable), results in effluent loadings based upon refined copper production.

A discussion of the best practicable control and treatment practices for specific process waste water sources generated at facilities geographically located in areas of net precipitation follows:

(a) The best practicable control technology currently available for process waste water generated during the contact cooling of anode, fire-refined, and cathode-shape copper includes the reuse or recycle of at least 90 percent of this contact cooling water. The amount of bleed is determined by the capacity of the cooling tower and/or pond and its settling and cooling ability. The discharge of the bleed after treatment for settling suspended solids is considered as best practicable.

(b) The best practicable control technology currently available for spent electrolyte is the removal of contained materials for byproduct recovery, as warranted, and the return to the electrolytic cell or the reuse of the spent electrolyte. This is a current practice within this industry.

(c) The best practicable control technology currently available for those few waste water sources generated during slimes recovery is the discharge of the small flow volumes, but only after neutralization.

(d) The best practicable control technology currently available for electrolytic refinery washing water is the reuse and recycle as either electrolytic make-up or make-up for copper sulfate production.

(e) The best practicable control technology currently available for process waste water generated from the usage of nickel sulfate vacuum evaporators is the elimination of entrainment by the application of efficient mist eliminators and proper operating and maintenance procedures. Conversion to open evaporators or the use of cooling towers also represents best practicable control technology for this large source of process waste water.

The resultant best practicable flow from the above sources of process waste water averages to about 2000 l/kkg (480 gal/ton) of copper. The treatment of this flow of water by liming and settling, considered as the best practicable treatment approach, permits the achievement of the best practicable pollutant characteristic concentrations.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities of the primary copper refining subcategory which are geographically located in areas of net evaporation.

The best available technology economically achievable for those remaining facilities of this subcategory, which are geographically located in areas of net precipitation, includes a 90 percent reduction in flow volumes from the 2000 l/kkg (480 gal/ton) best practicable value. This best available value is 200 l/kkg (48 gal/ton).

The allocation of best available components to this composite flow includes 100 l/kkg (24 gal/ton) as bleed from contact cooling; 40 l/kkg (10 gal/ton) from spent electrolyte and electrolytic refinery washing; and 60 l/kkg (14 gal/ton) from slimes recovery. The use of well-designed cooling towers or ponds, and, possibly, the application of side-stream filtration will reduce the bleed from contact cooling for the maintenance of acceptable salt concentrations. Additional waste water can be disposed of by using the heat evolved in cooling either anode or cathode copper as evaporative energy. Conversion of vacuum evaporators to open evaporators, the application of well operated and maintained mist eliminators, or the use of cooling towers, would also be required. The treatment technology of lime and settle, as recommended for the best practicable treatment technology, is also considered as the best available treatment technology.

The best available demonstrated control technology, processes, operating methods, or other alternatives for those primary copper refineries geographically located in areas of net precipitation are identical to the best available technology economically achievable as described above.

(3) *Subpart F.* Secondary copper subcategory: The best practicable control technology currently available for the process waste water effluents generated by the sources of the secondary copper subcategory include the complete recycle and reuse after settling preceded by pH adjustment, if necessary. A discussion of the best practicable control and treatment technology currently available applied to the specific process waste water sources generated within this subcategory follows:

(a) The best practicable control technology currently available for process waste water generated during the contact cooling of copper ingots, anodes, billets, or shot is the complete elimination of water discharge by the recycling and reuse of all waste waters. With the reuse and recycle of water, the need for solids and oil removal would be dictated by plant operational procedures. Removal of solids such as the charcoal used to cover copper alloy ingots and the oxide scale and mold wash from anode casting requires settling and filtration before the water is reused. The pond used for settling will provide cooling. Alternatively, a cooling tower circuit can provide settling capacity. Of the plants within this subcategory, which use water for direct contact cooling of metal, 25 percent recycle this process waste water with no discharge, 22 percent recycle with periodic discharge, and 12 percent recycle with a continuous discharge. The remaining 41 percent of the 37 plants do not recycle any metal casting cooling water.

(b) The best practicable control technology currently available for process waste water generated from the quenching and granulation of copper-rich slags is the elimination of water discharge by the recycle and reuse of waste water after treating this stream to reduce suspended solids by settling and filtration or by air cooling this molten slag after it has been cast into slag pots for subsequent metal recovery by dry processes. When quenching and granulating depleted (waste) slags, the best practicable control technology currently available is the recycle and reuse of this waste water after treatment to reduce suspended solids by settling and filtration. Eleven percent of the 37 copper-alloy producers use water to quench their copper-rich slags; all four of these plants report no discharge of waste water after settling. The remaining 33 plants air cool those copper-rich slags in slag pots. Of the seven unalloyed copper plants, four use water to quench depleted slags; three of these four plants recycle this water after settling.

(c) The best practicable control technology currently available for the process waste water generated during copper-rich slag milling and classifying is the elimination of this discharge by either recycling and reusing all of this water after treatment to reduce solids content by pH adjustment to between eight and nine, if necessary, and settling, followed by filtration or by melt-agglomerating the metal in a blast, cupola, or rotary furnace. In the former technology, lagoons or settling tanks followed by filtration are used to remove solids. The pH is maintained near a value of eight with acid to control the extent of hydrolysis of the basic metal oxides of the slag. Twenty-one secondary copper plants process copper-rich slags, six by wet milling and classifications and the remaining 21 by melt-agglomerating in a

furnace. Three of the six wet milling operations have no discharge of process waste water, while the other three recycle water and discharge only periodically.

(d) The best practicable control technology currently available for process faste water from furnace exhaust scrubbing is the elimination of this discharge by recycling all of the waste water from this source after pH adjustment to between eight and nine, and removal of solids by settling and filtration or centrifugation. The use of cooling towers may be necessary, depending upon the waste water storage capacity available, the size of the emission control system, and the period of time that it is operated per day. Another alternative to the elimination of this waste water effluent is by conversion to dry air pollution control equipment. Thirteen of the 44 plants use wet air pollution control; of these 13 users, eight recycle all of their water. All of the remaining plants employ dry air pollution controls on furnace offgases.

(e) The best practicable control technology currently available for waste water from electrolytic refining is the elimination of this discharge by treating the bleed or breakdown stream from electrolytic cell operations, so that it is suitable for reuse in other plant processes. The treatment consists of removal of copper by cementation with iron metal, line neutralization to a pH of between eight and nine, and sand filtering this stream to remove solids before discharge into a combined process water reservoir serving other plant water needs. Of the four producers of secondary unalloyed metal, one employs the above technology, one has a market for the spent electrolyte, one treats the electrolyte by cementation and the resulting iron sulfate solution is discharged into a joint treatment plant, and the last one evaporates this solution during metal (i.e., nickel) sulfate recovery. Only one plant is known to recover precious metals on-site, and the small production of process waste water can easily be reused for hot offgas cooling prior to baghouse entrance, or for other plant uses, after, as needed, neutralization and precipitation.

(f) The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities included in the secondary copper subcategory.

(4) *Subpart G.* Primary lead subcategory: For those primary lead facilities geographically located in areas of net evaporation, the best practicable control technology currently available includes the recycle and reuse of this waste water after, as needed, neutralization and settling and disposal through impoundment and solar evaporation. The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

For the remainder of the primary lead facilities of this subcategory, which are geographically located in areas of net precipitation, the best practicable control technology currently available includes the maximization of recycle and reuse of process waste water to achieve levels of water usage demonstrated by the average of the best of the same facilities. Subsequent liming and settling of the resultant effluent, with concentration values of significant pollutants and pollutant parameters (as considered to be best practicable), result in effluent loadings based upon lead bullion production.

A discussion of the best practicable control and treatment practices for specific process waste water sources generated at facilities geographically located in areas of net precipitation follows:

(a) The best practicable control technology currently available for process waste water generated during wet offgas scrubbing is the elimination of this water by complete recycle and reuse. The best practicable control technology currently available for process waste water generated during the granulation of slag is the minimization or complete elimination of this water by various recycle and reuse means. One alternate method of the handling and disposing of slag without the use of water would be by tapping the slag into a pot and then pouring the slag onto the customary slag disposal site. The usage of some slag granulation water as a cooling media for the hot smelter offgases prior to entrance into baghouse is considered as an excellent disposal source for this process waste water. Cascading of process waste water, such as the usage of acid plant blowdown as slag granulation water with a resultant effluent from the slag granulation—acid plant blowdown circuit, is also considered as best practicable control technology currently available.

(b) The best practicable control technology currently available for acid plant blowdown is the treatment of this volume, calculated to be 825 l/kkg (200 gal/ton) as determined from the flow usage within the current industry, by lime and settle. The resultant effluent pollutant parameter concentrations were selected from available data on effluents as contained in documents of record, field analyses, and projected effluent concentrations as described by information submitted by the industry. The combination of neutralization and clarification is required to achieve the best practicable control technology currently available. Clarification alone will reduce only total suspended solids; neutralization without clarification will reduce dissolved metals, but not suspended ones, and will not provide an effluent of satisfactory quality. Neutralization with lime to a pH in the eight to ten range will reduce the concentrations of those metals precipitable as hydroxides, and with properly designed retention facilities will also reduce total suspended solids to below the recommended effluent limitations guideline.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practical control technology currently available for those facilities included in the primary lead subcategory.

(5) *Subpart H.* Primary zinc subcategory: The best practicable control technology currently available for the process waste water generated by the facilities of the primary zinc subcategory is considered to include measures to achieve the reuse and recycle of these waters to minimize discharge, and the treatment of the remaining waste water by liming and settling before discharge. A review of water use practices in various zinc plant systems has shown that in specific cases, some process waste waters are currently being used on a once-through basis; whereas, in other existing plants, the discharge from the same process operation is considerably lower on a unit-product basis by virtue of recycle. Further, various examples of reuse of process waste water (e.g., acid plant blowdown used for cadmium leaching) were also identified. Potential reductions in process waste water volume are given in various proposed plans for decreased discharge of process waste waters.

Internal streams in primary zinc plants vary considerably with differences in plant operations, and no specific list of control measures may be presented for all plants. Those measures that have been identified include:

(a) The minimization of acid plant blowdown by appropriate proper operation of prescrubber gas cleaning facilities to minimize particulate loadings into the wet scrubbers, cooling capacity and provisions for settling in the scrubber liquor recycle circuit, and, possibly, the reuse of the scrubber bleed stream in other plant operations.

(b) The minimization of metal casting cooling water discharge by recycling, possibly including provisions in the circuit for removal of suspended solids, oil and grease, and thermal load.

(c) The exploitation of the evaporative capacity of hot gases or hot metal for in-plant disposal of waste water.

The flow rates of process waste water discharges at the domestic primary zinc plants were inspected to determine the best practicable water usage rate. This value was determined to be 8,350 l/kkg (2,000 gal/ton) and was calculated as the average value of six primary plants.

The end-of-pipe treatment identified as part of the best practicable control technology currently available is the lime and settle treatment. Currently, some form of this treatment is being applied to some portion of process waste water

at five of the six plants in this industry. Current lime and settle treatment facilities achieve the concentration of significant pollutant parameters for this subcategory and are considered as best practicable values for the calculation of effluent limitations. Thus these demonstrated levels of concentrations were applied, together with the selected flow value, to derive the recommended effluent limitations based upon the best practicable control technology currently available.

The identification of the best available technology economically achievable is analogous to the best practicable control technology currently available and includes control measures to further minimize the volume of process waste water streams by additional recycle, reuse, and segregation, as well as the application of chemical treatment to achieve controlled precipitation followed by sedimentation. As with the best practicable technology, the current and potential discharges of process waste water were inspected to determine the best available technology flow value. This value was determined to be 5,425 l/kkg (1,300 gal/ton) and was calculated as the average of the five best discharge rates. The same treatment technology pollutant concentrations, as were used in the calculations of the best practicable effluent limitations, were considered as those achievable through the application of the best available technology economically achievable. These concentrations are achievable by means of lime and settle technology. Thus, these levels of concentrations were applied, together with the selected best available technology flow value, to derive the recommended effluent limitations based upon the best available technology economically achievable.

The best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best available technology economically achievable for the facilities included in the primary zinc subcategory.

Solid waste control must be considered. The treatment technology of lime and settle produces solid waste as an adjunct to its operation. The resulting solids will contain precipitated insoluble metal hydroxides, as well as calcium and magnesium sulfate.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* (1) *Subpart D.* Primary copper smelting subcategory: For the existing facilities in the primary copper smelting subcategory to achieve the level of control of process waste water pollutants, as recommended, would require an approximated total capital cost and annual operating cost of $1,212,000 and $284,000, respectively.

(2) *Subpart E.* Primary copper refining subcategory: For the existing plants of the primary copper refining subcategory to achieve the levels of control of process waste water pollutants recommended for July 1977, the capital cost required will approximate $334,000 and the annual operating cost required will be about $118,000. Incremental control and/or treatment costs of approximately $1,581,000 capital and $805,000 annual operating will be required of three plants to achieve the further reductions in discharge of process waste water pollutants recommended for the best available technology economically achievable effluent limitations of 1983. Therefore, the total estimated capital and annual operating costs for the primary copper refining subcategory are $1,915,000 and $923,000, respectively.

(3) *Subpart F.* Secondary copper subcategory: It has been estimated that for the existing plants within this subcategory to achieve the recommended limitation of no discharge of process waste water pollutants to navigable waters would require a capital cost and annual operating cost of $538,000 and $270,000, respectively. The vast majority of these estimated costs have been allocated to the control of process waste water pollutants at one plant.

(4) *Subpart G.* Primary lead subcategory: For the existing facilities within the primary lead subcategory to achieve the levels of control of process waste water pollutants, as recommended, would require an estimated capital cost and annual operating costs of $1,275,000 and $570,000, respectively, most of which is attributable to additional control and treatment technology required at one plant.

(5) *Subpart H.* Primary zinc subcategory: It has been estimated that for the existing plants in the primary zinc subcategory to achieve the levels of control of process waste water pollutants recommended for July 1, 1977, the capital costs required will approximate $1,515,000 and annual operating costs required will be about $458,000. Incremental control and/or treatment costs of approximately $1,054,000 capital and $450,000 annual operating will be required of two plants to achieve the further reductions in discharge of process waste water pollutants recommended for the best available technology effluent limitations of 1983. Therefore, the total estimated capital and annual operating costs to this industry are $2,569,000 and $908,000, respectively.

(vi) *Energy requirements and non-water quality environmental impacts.* Specific data on energy requirements were not available for the vast majority of the plants surveyed. Electrical energy is consumed in the waste water treatment for the operation of process equipment, such as pumps, blowers, centrifuges, and filters. Mechanical operations totaling 50 horsepower or less would be typical; the required amount of fuel or electricity consumption for treatment of process waste water would be negligible when compared to the total energy consumption in the industries of this category. For the secondary copper subcategory, energy requirements would amount to only 14.9 kwhr/annual kkg (13.5 kwhr/annual ton) (for 7,200 hr/yr and 18,000 kkg (19,800 tons) annual secondary copper production) or $0.15/kkg ($0.14/ton) (at $0.01/kwhr). Similar estimates from one primary zinc producer indicated a power consumption of about 4.3 kwhr/kkg (3.9 kwhr/ton) of zinc production, or $0.04/kkg ($0.04/ton) at $0.01/kwhr.

Solid wastes are generated from the neutralization and settling of the process waste waters of the primary copper, lead, and zinc and the secondary copper industries. The volume of the sludge is principally determined by the desired pH adjustment. One domestic primary zinc plant is currently investigating treatment techniques for its process waste waters. One of the design parameters is solid waste generation. The direct treatment approach of lime and settle is anticipated to produce about 222 kkg (245 tons)/day (41 kkg (45 tons)/day dry weight) of solid waste. This waste will consist mostly of calcium sulfate and magnesium sulfate, as gypsum. Basic research studies on the usage of different flocculents indicate the possible usage of a lower pH and the subsequent generation of about one-third as much sludge. One currently operating lime and settle treatment facility at a primary zinc plant ships its sludge, after solar drying, to one of its lead smelters for zinc recovery in a zinc fuming furnace. A domestic primary copper facility is currently starting up a lime and settle facil-

ity, which will treat much of the commingled plant effluent. Sludge generation is anticipated to be about 36 kkg (40 tons)/day and will be stored in a nearby site. Generated solid waste from a lime and settle facility at one primary zinc-lead smelting complex will be disposed of by storing in the plant's tailings pond.

(vii) *Economic impact analysis.* The general conclusion of this study is that the guidelines will have little economic impact on the nonferrous metals industry. In primary copper, fourteen of the industry's twenty-two plants already meet the BPCTCA guidelines. Plants already in BPCTCA compliance account, collectively, for 58 percent of total employment in primary copper, 63 percent of total smelter capacity and 70 percent of total refinery capacity. To achieve BPCTCA compliance, incremental capital costs to primary copper producers will reach only about $1.6 million while incremental operating costs will run at about $0.4 million annually (1972 dollars). The increment to operating costs amounts to an increase over base operating costs of less than 0.4 percent or 0.03¢ per pound of metal currently selling for 76¢ per pound. BPCTCA and BATEA are identical for smelters but not for refineries. Hence only three plants, all refineries, will confront additional costs to meet BATEA once the industry has achieved BPCTCA compliance. For these plants, incremental capital costs are estimated at $1.6 million and incremental operating costs at $0.8 million annually. In both BPCTCA and BAT, analysis indicates that cost increments are too modest to imply significant internal or external economic impacts. In particular, it is not expected that primary copper prices will rise as a consequence of BPCTCA and BATEA implementation.

Of the forty-four plants in the secondary copper industry, all but one are already in compliance with the BPCTCA/BATEA guidelines, which are identical. There are several additional plants which will have to make minor waste water treatment adjustments to achieve compliance with the guidelines, but the costs involved are trivial. Hence these plants are treated here as though they were already in compliance. Estimated incremental capital costs for the remaining plant to achieve BPCTCA and BATEA are approximately $0.5 million while incremental operating costs will be about $0.3 million annually. No significant internal or external economic impacts are anticipated. In particular, no increases in secondary copper prices are expected since the market is dominated, in the aggregate, by producers already in compliance with the guidelines.

BPCTCA and BATEA are also identical in primary lead. In this industry, five of the present seven plants are already in compliance with the guidelines. These plants account for 53 percent of the industry's capacity and 70 percent of its total employment. Incremental capital costs for the remaining plants are estimated at $1.3 million while incremental operating costs are about $0.6 million annually. The increment to operating costs represents less than 0.1¢ per pound of refined lead, which currently sells for 24½¢ per pound. Thus no significant internal or external economic impacts are anticipated in this industry.

In primary zinc, three of the seven plants in the industry are already in compliance with the BPCTCA guidelines. Estimated incremental capital costs to achieve compliance for the remaining four plants approximate $1.6 million while incremental operating costs will run about $0.5 million annually. The increment to operating costs is less than half of one percent of 1972 base operating costs for this industry and would add approximately 0.04¢ per pound to the cost of producing zinc. Zinc sells currently for 38 to 40¢ per pound. Accordingly, no significant internal or external economic impacts are anticipated to follow from BPCTCA implementation in this industry.

Achievement of the BPCTCA guidelines would leave only two primary zinc plants not in compliance with BATEA guidelines. Total incremental capital costs to achieve BATEA compliance for these plants is estimated at $1.1 million while incremental operating costs will run to about $0.5 million annually. Approximately 90% of the incremental capital and operating costs will impact on a single plant. Even so, the increment to operating costs adds less than 0.1¢ per pound to the 1972 base operating cost of about 8 to 10¢ per pound. Analysis indicates that, while these costs are not negligible, the plant in question will not be threatened with closure or curtailment of output. No significant price increases are anticipated.

In conclusion, it should be noted that impact of the incremental capital costs will probably be minimized by project execution over several years. Further, in several cases (e.g., zinc) incremental costs have been estimated on a "worst case" basis in situations in which managements have several less expensive compliance options.

For the industry as a whole, no closures or curtailments in output or employment are anticipated as consequences of guidelines implementation.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Primary Copper Smelting Subcategory and the Primary Copper Refining Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Secondary Copper Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category," "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Lead Segment of the Nonferrous Metals Manufacturing Point Source Category," and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Zinc Segment of the Nonferrous Metals Manufacturing Point Source Category," detail the analyses undertaken in support of the interim final regulation set forth herein and are available for inspection in the EPA Freedom of Information Center, Room 204, 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 regulation is also available for inspection at these locations. Copies 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 these reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(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 nonferrous metals manufacturing category. All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. 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 American Society of Mechanical Engineers; (4) The Conservation Foundation; (5) Environmental Defense Fund, Inc.; (6) National Resources Defense Council; (7) The American Society of Civil Engineers; (8) Water Pollution Control Federation; (9) National Wildlife Federation; (10) American Institute of Chemical Engineers; (11) Hudson River Sloop Restoration, Inc.; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of the Interior; (14) U.S. Department of Commerce; (15) Water Resources Commission; (16) Atomic Energy Commission; (17) U.S. Department of Defense; (18) Office of Management and Budget; (19) Aluminum Smelting and Recycling Institute; (20) American Mining Congress; (21) The Aluminum Association; (22) Copper and Brass Fabricators Council;

(23) Institute of Printed Circuits; and (24) Master Electroplating Association.

The following responded with comments: United States Water Resources Council; American Mining Congress; New York State Department of Environmental Conservation; Parsons, Behle, and Latimer on behalf of Kennecott Copper Corporation; Anaconda Company; State of Delaware, Department of National Resources and Environmental Control; National Zinc Company, Inc.; American Institute of Chemical Engineers; Fennenore, Craig, Von Ammon and Udall on behalf of Kennecott Copper Corporation (Ray Mines Division); Arizona State Department of Health; U.S. Department of the Interior; St. Joe Minerals Corporation; Texas Water Quality Board; AMAX American Metal Climax, Inc.; and the Bunker Hill Company.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A common criticism was that hydrometallurgical operations, specifically leaching, should not be considered as part of the copper segment. The commenters felt that the discharges from such hydrometallurgical operations should be regulated as part of the ore mining and milling category.

Leaching operations, as discussed in the contractor's draft report, are not part of the primary copper smelting and refining industry for the purpose of establishing effluent limitations. This source of waste water will be covered by a pending study of the ore mining and dressing industry, from which effluent limitations will be derived.

(2) Several commenters stated that the setting of regulations for waste water effluents from the primary copper smelting and refining industry should be delayed to coincide with pending regulations on ore mining and milling. They indicated that the process flows are cross-connected and abatement systems are common to both types of discharge.

A building block approach is being applied to regulate the mining and milling sources of process waste water and the smelting and refining sources of the copper industry. In developing effluent limitations for the primary copper industry, there has been a full awareness of the existence of the integrated mining and milling operations.

(3) Many commenters felt that the geographical area, specified for Category I in the contractor's report on the primary copper industry and requiring no discharge of process waste water pollutants for facilities in this same area, is water, based upon a state-wide solar evaporation rate, impracticable include (a) near-zero evaporation rates during cold winter weather, (b) large acreage of level impoundment land which is not available in mountainous terrains, (c) current State law stipulates that, after usage, water must not be wasted or interdicted, and (d) nonwater quality problems related with "huge" evaporation ponds.

The development document for the primary copper industry has been rewritten and now places most of its emphasis upon recycle and reuse of process waste water. The primary copper smelter, when integrated with an ore milling or leaching operation, can reuse much of its smelter waste water (and refinery waste water, if a refinery is located on-site) within the milling or leaching processes. The high processing temperatures employed in each pyrometallurgical operation at the primary copper smelters produce high temperature offgases which provide a disposal route for some waste water. Each source of waste water was investigated, and the development document tabulates current and anticipated control and treatment practices for each of these sources. From these tabulations and their discussion in the text of the document, the conclusion regarding no discharge of process waste water pollutants to navigable waters was reached. Thus, impoundment with solar evaporation is only part of the rationale. In specific reference to the four subcomments above, the net evaporation-precipitation rain water discharge provision, contained in the proposed regulation, will alleviate problems associated with near-zero evaporation rates during cold weather; the maximization of recycle and reuse of process waste water will produce a minimum-sized "level" impoundment area, so that mountainous terrain locations are not adversely affected; current State laws prohibiting the "wasting" of water will not be violated since the regulation places its emphasis on reuse and recycle (as shown by the smelter operators of the Southwest); and, finally, nonwater quality problems related to the application of "huge" evaporation ponds to smelter waste water effluents will be minimized since disposal by solar evaporation is only considered as an alternate approach to the achievement of no discharge of process waste water pollutants to navigable waters.

(4) One commenter stated that the contractor's primary copper development document did not encourage treatment, recycle, and reuse of process waste waters from category I (i.e., contractor's nomenclature for copper facilities located in areas of net evaporation).

The rewritten edition of the contractor's document places nearly all of the emphasis on control and treatment practices used within this industry. Methods of recycle and reuse have been tabulated, so that the rationale for the best practicable control technology currently available of effluent segregation, recycle, reuse, and treatment, if needed, supports a no discharge of process waste water pollutants to navigable waters limitation. Impoundment, with solar evaporation, is considered as a disposal means for process waste water pollutants where such factors as land availability, local law, and climate permit such an application as practicable.

(5) Another common criticism was that the contractor's report on primary copper smelting and refining did not provide any recommendations for the problem of storm water runoff.

Special provisions for storm water runoff have been provided in the proposed regulations for all sources in the primary copper smelting subcategory and certain sources in the primary copper refining subcategory.

(6) Several commenters stated that the contractor's report on primary copper did not provide sufficient information to evaluate whether the reduction in effluent volumetric flow rate, required to meet the 1983 recommendations, could be achieved. They also indicated that if a large magnitude of recycle is necessary and if an ore milling operation is part of the smelting complex, there must be further assessment of the effect of process waste water recycle upon the copper recovery values in the flotation process.

For the primary copper refining subcategory, the flow reduction used in the derivation of the 1983 limitations was based upon the flow values discussed in the development document; the usage of once-through contact cooling water will no longer be permitted. For the primary copper smelting subcategory, the ability for integrated sources to reuse process waste water in milling operations is factual. Firm evidence that the copper recovery value of some ores, such as chalcopyrite, will be effected if milling is practiced with "reused" smelter process waste water, even after treatment, must be presented. If such a recovery loss does exist, its economic value must be weighed against environmental gains.

(7) A comment received from several parties was that the contractor's draft documents did not consider the disposal problems of solids and sludges generated by the proposed treatment practices.

Issues of nonwater quality environmental impact, such as sludge generation from lime neutralization, have been addressed in the proposed editions of the development documents. The primary copper, lead, and zinc industries currently use lime treatment. One primary lead-zinc complex is currently in the start-up phase of its new lime treatment plant, which will treat waste water effluents from its mining, milling, electrolytic zinc, and lead smelting operations. This complex plans to impound its sludge in its tailings pond. An electrolytic zinc plant in the Southwest, also operating a lime neutralization facility, currently eliminates some contained moisture from its lime treatment sludge and then ships the "dried" sludge to its lead smelter for recovery of zinc values (the sludge is reported to contain an average of 25 percent zinc). The volume of generated sludge is very small in comparison to the product-type solid wastes (i.e., slags and tailings) produced at these plants. One new lime and settle treatment facility at a domestic copper smelter will produce about 36 kkg (40 tons)/day of sludge which represents about 0.04 percent of the total daily production of solid waste at this plant. The industry is currently performing research on flocculent additives, which should enable neutralization at lower pH and, likewise, a much smaller volume of generated sludge. The EPA is

aware of land usage and sludge generation; it has found and recommended methods of sludge-value recovery and sludge volume minimization.

(8) One commenter stated that arsenic should be deleted from the list of selected pollutant parameters for the primary lead industry since there is insufficient information available on which to base an effluent limitation for this parameter.

Arsenic has been deleted from the significant pollutant list for the primary lead subcategory. Effluent data regarding arsenic concentrations are insufficient, and it is believed that most of the arsenic present in the lead concentrates proceeds with the contained copper to form speiss.

(9) Two parties submitted a comment stating that the contractor's draft documents for the primary lead industry and the primary zinc industry listed incorrect effluent concentration data for specific pollutant parameters as anticipated from the proposed treatment facility of Plant D. They stated that these incorrect values were used as a prime consideration in the development of the 1983, and to some extent the 1977, effluent limitations. Their comments contained the correct values. These same two commenters also stated that the contractor had used an incorrect process waste water discharge rate for Plant D (400 gpm), and that the correct rate (745 gpm) should be used in the zinc document rationale.

In the case of primary lead, the best available technology has been changed and is now identical to the best practicable technology. The resultant 1983 limitations are identical to the 1977 limitations. This technology is based on best practicable control practices and a composite of data on pollutant concentrations from lime and settle treatment practice. For primary zinc, the incorrect values of both pollutant parameter concentrations and the process waste water discharge rate for Plant D, as used in the contractor's document, have been dismissed and new 1983 limitations have been derived. These new limitations are based on additional reuse, recycle, and segregation of process waste water and the best available treatment technology of lime and settle, identical to that used in the development of the 1977 limitations.

(10) Another common criticism was that the zinc document rationale for the 1983 effluent limitations used the anticipated results of a sulfide precipitation treatment scheme, for possible application at one domestic electrolytic zinc plant, which was not only technically misinterpreted by the contractor, but was also based on basic research, and should, therefore, not be considered as best available technology.

After an EPA review of this specific case, it was found that the contractor had misinterpreted a proposed treatment scheme at one domestic zinc plant. A correct narrative of the possible treatment schemes, which this same facility may use, is contained in the new zinc development document. The technology discussed in this narrative is presented solely for possible application after further industry investigation and is not intended for use as a basis for either the best practicable or the best available technology.

(11) A question was raised concerning the efficacy of lime and settle treatment for the removal of mercury from primary zinc and lead plant wastewaters.

The Agency has determined that no standards for mercury will be promulgated at this time and will continue to evaluate all available information on this pollutant. We therefore solicit any information regarding the importance of mercury as a pollutant from these plants, the feasibility of removal by lime and settle or by other treatment, the economics of such treatment, and other pertinent information which would assist the Agency in making a final decision regarding this matter.

(12) Some commenters felt that the minimum flow requirements for zinc plants, as used by the contractor, should be reevaluated, since the contractor used the lower part of several ranges of water usage, as supplied by the industry. They also stated that by requiring the application of the lowest water usage value, the purity of byproduct sulfuric acid would be impaired.

In calculating the best practicable effluent limitations for the primary zinc subcategory, the average of the indicated range of water usage was used. The water usage value used in the computation of the best available limitations was based upon the lower part of the range. By 1983, the lower values should readily be achievable by the usage of efficient electrostatic precipitators and cooling towers for acid plant blowdown, as well as the maximization of recycle and reuse of other effluents.

(13) Several commenters submitted cost data and stated that the contractor's document on the primary zinc subcategory had serious omissions of substantial cost data.

These cost data have been included in the new development document for the proposed effluent limitations for the primary zinc subcategory.

(14) Two responders felt that large clarification areas would be necessary for the primary lead and zinc plants to comply with the effluent limitations on total suspended solids and that the mountainous terrain of the Coeur d'Alene Mining District would prohibit the construction of such necessary facilities. The commenters stated that special provisions should be given to the one plant (Plant D) in this terrain.

Plant D very recently began operation of a new treatment facility, which uses clarifiers to reduce the suspended solids level. It is well known that clarifiers require minimal land area and much less land than do settling ponds. The facility was designed for an effluent suspended solids level over twice that used as the basis for the suspended solids limitation; however, actual plant experience has shown effluent values well below 25 mg/l. Should any difficulties be encountered in complying with the regulation, because of high flow values counterbalancing the low concentration, the flow might be reduced by recirculation of water to the on-site fertilizer plant or to the ore mining and dressing operation.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in Natural Resources Defense Council v Train et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 30, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline 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 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents 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 interim final regulation 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). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with the interim final regulation.

In consideration of the foregoing, 40 CFR Part 421 is hereby amended as set forth below.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 421—NONFERROUS METALS POINT SOURCE CATEGORY

Subpart D—Primary Copper Smelting Subcategory

Sec.

421.40 Applicability; description of the primary copper smelting subcategory economically achievable.
421.41 Specialized definitions.
421.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart E—Primary Copper Refining Subcategory

421.50 Applicability; description of the primary copper refining subcategory.
421.51 Specialized definitions.
421.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.53 Effluent limitations guidlines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart F—Secondary Copper Subcategory

421.60 Applicability; description of the secondary copper subcategory.
421.61 Specialized definitions.
421.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart G—Primary Lead Subcategory

421.70 Applicability; description of the primary lead subcategory.
421.71 Specialized definitions.
421.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart H—Primary Zinc Subcategory

Sec.

421.80 Applicability; description of the primary zinc subcategory.
421.81 Specialized definitions.
421.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart D—Primary Copper Smelting Subcategory

§ 421.40 Applicability; description of the primary copper smelting subcategory.

The provisions of this subpart are applicable to discharges resulting from the primary smelting and refining, when refining is performed on-site with a primary copper smelter, of copper. The primary refining of copper, not performed on-site with a primary copper smelter, is a part of the primary copper refining subcategory. Facilities recovering copper from the ore by hydrometallurgical methods are not a part of this subcategory.

§ 421.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

§ 421.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NDPES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within

the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

Subpart E—Primary Copper Refining Subcategory

§ 421.50 Applicability; description of the primary copper refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of copper at primary copper refineries not located on-site with a primary copper smelter. Primary copper refineries located on-site with a primary copper smelter are a part of the primary copper smelting subcategory.

§ 421.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

(e) The term "product" shall mean electrolytically refined copper.

(f) The term "net evaporation" shall mean that the evaporation rate exceeds the precipitation rate during a one year period.

(g) The term "net precipitation" shall mean that the precipitation rate exceeds the evaporation rate during a one year period.

§ 421.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can effect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits)

that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historic area of net evaporation, after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impound is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.10	0.05
As	0.04	0.02
Zn	0.02	0.01
Se	0.02	0.01
Cu	0.001	0.0005
Oil and grease	0.04	0.02
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.10	0.05
As	0.04	0.02
Zn	0.02	0.01
Se	0.02	0.01
Cu	0.001	0.0005
Oil and grease	0.04	0.02
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this sec-

tion, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	

Subpart F—Secondary Copper Subcategory

§ 421.60 Applicability; description of the secondary copper subcategory.

The provisions of this subpart are applicable to discharges resulting from the recovery, processing, and remelting of new and used copper scrap and residues to produce copper metal and copper alloys.

§ 421.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

§ 421.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for the month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process

waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

Subpart G—Primary Lead Subcategory

§ 421.70 Applicability; description of the primary lead subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of lead at primary lead smelters and refineries. Primary lead refineries, not located on-site with a primary lead smelter, are not a part of this subcategory.

§ 421.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

(e) The term "product" shall mean lead bullion.

(f) The term "net evaporation" shall mean that the evaporation rate exceeds the precipitation rate during a one year period.

(g) The term "net precipitation" shall mean that the precipitation rate exceeds the evaporation rate during a one year period.

§ 421.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best practicable control technology currently available.

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic

Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best practicable control technology currently abailable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

Subpart H—Primary Zinc Subcategory

§ 421.80 Applicability; description of the primary zinc subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of primary zinc by either electrolytic or pyrolytic means.

§ 421.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean zinc metal.

§ 421.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found

to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.42	0.21
As	1.6×10^{-3}	8×10^{-4}
Cd	0.008	0.004
Se	0.08	0.04
Zn	0.08	0.04
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.42	0.21
As	1.6×10^{-3}	8×10^{-4}
Cd	0.008	0.004
Se	0.08	0.04
Zn	0.08	0.04
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.28	0.14
As	1.1×10^{-3}	5.4×10^{-4}
Cd	5.4×10^{-3}	2.7×10^{-3}
Se	0.054	0.027
Zn	0.054	0.027
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.28	0.14
As	1.1×10^{-3}	5.4×10^{-4}
Cd	5.4×10^{-3}	2.7×10^{-3}
Se	0.054	0.027
Zn	0.054	0.027
pH	Within the range 6.0 to 9.0.	

(Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 88 Stat. 816 et seq.; Pub. L. 92-500)

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 421]

[FRL-338-5]

NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

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

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 26, 1974, EPA promulgated a regulation adding Part 421 to Chapter 40 of the Code of Federal Regulations (39 FR 12822). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the nonferrous metals manufacturing point source category. The regulation proposed below will amend 40 CFR 421—nonferrous metals manufacturing point source category by adding §§ 421.44, 421.45 and 421.46 to the primary copper smelting subcategory (Subpart D), §§ 421.54, 421.55 and 421.56 to the primary copper refining subcategory (Subpart E), §§ 421.64, 421.65 and 421.66 to the secondary copper subcategory (Subpart F), §§ 421.74, 421.75 and 421.76 to the primary lead subcategory (Subpart G) and §§ 421.84, 421.85 and 421.86 to the primary zinc subcategory (Subpart H) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal Authority.* 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 nonferrous metals manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point 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 421.46, 421.56, 421.66, 421.76, and 421.86, proposed below, provide pretreatment standards for new sources within the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 421.44, 421.54, 421.64, 421.74 and 421.84 proposed below provide pretreatment standards for existing sources within the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

(b) *Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatments standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 421.44, 421.54, 421.64, 421.74 and 421.84 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Primary Copper Smelting Subcategory and the Primary Copper Refining Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Secondary Copper Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Lead Segment of the Nonferrous Metals Manufacturing Point Source Category", and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Zinc Segment of the Nonferrous Metals Manufacturing Point Source Category", detail the analyses undertaken in support of the regulation

being proposed herein and are 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 regulation is also available for inspection at these locations. Copies 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 these 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.

When this regulation is promulgated, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the primary copper smelting subcategory, the primary copper refining subcategory, the secondary copper subcategory, the primary lead subcategory, and the primary zinc subcategory being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307(b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents 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 on or before March 31, 1975 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: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

1. It is proposed to amend Part 421 by adding the following sections to the table of contents:

* * * * *

Subpart D—Primary Copper Smelting Subcategory

* * * * *

Sec.
421.44 Pretreatment standards for existing sources.
421.45 Standards of performance for new sources.
421.46 Pretreatment standards for new sources.

Subpart E—Primary Copper Refining Subcategory

* * * * *
421.54 Pretreatment standards for existing sources.
421.55 Standards of performance for new sources.
421.56 Pretreatment standards for new sources.

Subpart F—Secondary Copper Subcategory

* * * * *
421.64 Pretreatment standards for existing sources.
421.65 Standards of performance for new sources.
421.66 Pretreatment standards for new sources.

Subpart G—Primary Lead Subcategory

* * * * *
421.74 Pretreatment standards for existing sources.
421.75 Standards of performance for new sources.
421.76 Pretreatment standards for new sources.

Subpart H—Primary Zinc Subcategory

* * * * *
421.84 Pretreatment standards for existing sources.
421.85 Standards of performance for new sources.
421.86 Pretreatment for new sources
421.86 Pretreatment standards for new sources.

2. Subpart D is amended by adding §§ 421.44, 421.45 and 421.46 as follows:

§ 421.44 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary copper smelting subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
As	10 mg/l.
Cu	0.25 mg/l.
Pb	0.5 mg/l.
Cd	0.5 mg/l.
Se	5 mg/l.
Zn	5 mg/l.

§ 421.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

§ 421.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary copper smelting subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
As	10 mg/l.
Cu	0.25 mg/l.
Pb	0.5 mg/l.
Cd	0.5 mg/l.
Se	5 mg/l.
Zn	5 mg/l.

3. Subpart E is amended by adding §§ 421.54, 421.55 and 421.56 as follows:

§ 421.54 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary copper refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Oil and grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.
(English units) lb/1000 lb of product		
Oil and grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.

§ 421.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source which is geographically located in an historical area of net evaporation, subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source, which is geographically located in an historical area of net precipitation, subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	

§ 421.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary copper refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the

navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Oil and Grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD5	No limitation	No limitation.
(English units) lb/1000 lb of product		
Oil and Grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD5	No limitation	No limitation.

4. Subpart F is amended by adding §§ 421.64, 521.65 and 421.66 as follows:

§ 421.64 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the secondary copper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
BOD5	Do.
Oil and grease	100mg/l.
Cu	0.25 mg/l.
Zn	5 mg/l.

§ 421.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

§ 421.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the secondary copper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
BOD5	Do.
Oil and grease	100 mg/l
Cu	0.25 mg/l.
Zn	5 mg/l.

5. Subpart G is amended by adding §§ 421.74, 421.75 and 421.76 as follows:

§ 421.74 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary lead subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

§ 421.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source, which is geographically located in an historical area of net evaporation, subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source which is geographically located in an historical area of net precipitation, subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

§ 421.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary lead subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

§ 421.84 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary zinc subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

§ 421.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.28	0.14.
As	1.1×10^{-3}	5.4×10^{-4}.
Cd	5.4×10^{-3}	2.7×10^{-3}.
Se	0.054	0.027.
Zn	0.054	0.027.
pH	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS	0.28	0.14.
As	1.1×10^{-3}	5.4×10^{-4}.
Cd	5.4×10^{-3}	2.7×10^{-3}.
Se	0.054	0.027.
Zn	0.054	0.027.
pH	Within the range 6.0 to 9.0.	

6. Subpart H is amended by adding §§ 421.84, 421.85 and 421.86 as follows:

§ 421.86 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary zinc subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

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