

ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, including sweet potatoes, eggplant sticks, corn and apple fritters, and onion rings, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203 (b) (6) of the Act, from Philadelphia, Pa., to all points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Joseph Angiolillo, Manager of Distribution, Mrs. Paul's Kitchens, Inc., 5830 Henry Avenue, Philadelphia, Pa. 19128. SEND PROTESTS TO: Wiley C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138505 (Sub-No. 3 TA), filed February 1, 1974. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak, Suite 100, Houston, Tex. 77024. Applicant's representative: Theodore K. High, 2208 Central Trust Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated and unpackaged furniture and related merchandise* when moving in mixed shipments with uncrated and unpackaged furniture, when moving from retail stores and their branches and warehouses of H. & S. Pogue Company in Hamilton County, Ohio, on the one hand, and, on the other, points in Franklin, Dearborn, Ripley, Ohio, and Switzerland County, Ind., and Campbell, Kenton, Boone, Braken, Pendleton, Grant, Gallatin, and Owen Counties, Ky., for 180 days. SUPPORTING SHIPPER: H. & S. Pogue Company, 4th at Race Streets, Cincinnati, Ohio. SEND PROTESTS TO: District Supervisor John Mensing, 515 Rusk Avenue, 8610 Federal Building, Houston, Tex. 77002.

No. MC 138825 (Sub-No. 2TA), filed February 4, 1974. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY OF INDIANA, INC., 316 S. 13th Street, Decatur, Ind. 46733. Applicant's representative: James L. Beatley, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and recreational vehicles*, (1) between points in Adams and Elkhart Counties, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) between McKinney, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (3) between Carbondale, Pa., on the one hand, and, on the other, points in Pennsylvania, Virginia, North Carolina, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York,

Connecticut, District of Columbia, New Jersey, Delaware, Maryland, and West Virginia, for 180 days. SUPPORTING SHIPPER: Tioga Industries of Pennsylvania, Inc., 15 Fleetwood Road, Carbondale, Pa. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139472 TA, filed January 29, 1974. Applicant: LEE AND TWEEDY, West Penn and Route 1, Hoopeston, Ill. 60942. Applicant's representative: John White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, supplies, and materials* as may be used in the selling, manufacturing or distribution of cans between the plantsite of American Can Company at Hoopeston, Ill., and points in Indiana, Iowa, Michigan, and Wisconsin, for 180 days. SUPPORTING SHIPPER: R. H. Lorenz, Director—Transportation, American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139484 (Sub-No. 1 TA), filed February 1, 1974. Applicant: CLIFTON ROGERS AND RONALD HEMMEN, doing business as ROGERS TRUCK LINE, P.O. Box 97, Webster City, Iowa 50595. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites of Iowa Beef Processors, Inc., at Fort Dodge, and Mason City, Iowa, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139485 TA, filed February 1, 1974. Applicant: CHARLES E. RICHARDSON, doing business as C. E. RICHARDSON TRANSPORTATION, 935 North Sunflower Avenue, Covina, Calif. 91724. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint additives* from Lakewood, Ohio, to San Jose and

Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Limbacher Paint & Color Works, Inc., 13000 Athens Avenue, Cleveland, Ohio 44107. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

No. MC 139486 TA, filed February 4, 1974. Applicant: ARLISS R. DAVIES, doing business as DAVIES FARM & BUILDING SUPPLY, P.O. Box 423, Rexburg, Idaho 83440. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and irrigation pipe*, from Rexburg, Idaho, through Utah on I-15 to Las Vegas, Nev., and from Rexburg, Idaho, to Portland, Oreg., on N-80, for 180 days. SUPPORTING SHIPPERS: Gem State Irrigation, Inc., P.O. Box 351, Rexburg, Idaho 83440; Gordon E. Johnson, Box 325, Sugar City, Idaho. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 139487 TA, filed January 31, 1974. Applicant: COBO, INC., Route 2, Box 78A, Round Rock, Tex. 78664. Applicant's representative: W. S. Levens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in specialized dump truck equipment, from the plantsite of Superock, Inc., Streetman, Tex., to points in Louisiana, Oklahoma, and Arkansas, for 180 days. SUPPORTING SHIPPER: Superock, Inc., P.O. Box 8, Streetman, Tex. 75859. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway Building, Room 206, San Antonio, Tex. 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-4008 Filed 2-19-74; 8:45 am]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8809; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; 38 FR 3649 and 38 FR 27248, for the six months' period ending January 3, 1974.

No changes since report for period ending July 1973.

Dated: February 6, 1974.

R. R. MANION.

[FR Doc.74-3942 Filed 2-19-74; 8:45 am]

[Ex Parte No. 293 (Sub No. 1)]

NORTHEASTERN RAILROAD INVESTIGATION REVIEW

Public Hearings

February 15, 1974.

On earlier dates by order of the Commission certain preliminary hearing dates and sites were set; and, certain rules of proceeding were stated;

Now on this date, the final list of hearing sites have been set, and, the final rules of procedure and practice have been established:

It is therefore ordered, That

(1) The following dates and hearing sites are set; together with the contact person for receiving a time certain for appearance at the respective hearing:

Monday, March 4, 1974

Washington, D.C.—9:30 a.m., Local Time, at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW. Contact: Sharon Brown, c/o Rail Services Planning Office, 1900 L St. NW., Washington, D.C. Phone: 202-254-3900.

Boston, Massachusetts—9:30 a.m. and 7:00 p.m., Local Time, Room 607-A, Minihan Auditorium, Charles F. Hurley Building, Government Center. Contact: Elaine Spencer, c/o I.C.C. Office, 150 Causeway Street, Boston, Mass. 02114. Phone: 617-223-2372.

Detroit, Michigan—9:30 a.m. and 7:00 p.m., Local Time, 13th Floor, City-County Building, Woodward and Jefferson St. Contact: Erma Johnson, c/o I.C.C. Office, 10 Withersell Street, Detroit, Michigan 48226. Phone: 313-226-4966.

Pittsburgh, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, Court Room No. 2, 8th Floor, U.S. Courthouse, 700 Grant Street. Contact: Mary Walsh, c/o I.C.C. Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222. Phone: 412-644-2929.

Columbus, Ohio—9:30 a.m. and 7:00 p.m., Local Time, Pick Fort Hayes Hotel, 31 West Spring St., Emerald Room, Columbus, Ohio 43215. Contact: Mary White, c/o I.C.C. Office, 255 Federal Building, 85 Marconi Blvd., Columbus, Ohio 43215. Phone: 614-469-5620.

Charleston, W. Va.—9:30 a.m. and 7:00 p.m., Local Time, Room C-D, Main Lobby 2nd Floor, State Office Building, 1900 Washington Street East. Contact: Margaret Thompson, c/o I.C.C. Office, 3108 Federal Bldg., 500 Quarrier Street, Charleston, W. Va. 25301. Phone: 304-343-6181.

Scranton, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, U.S. Naval Reserve Center (Wilkes-Barre/Scranton Airport), Spruce Street, Avoca, Pa. Contact: Mildred McDonough, 309 U.S. Post Office, North Washington Ave. and Linden St., Scranton, Penn. 18503. Phone: 717-344-7111 Ext. 324.

Tuesday, March 5, 1974

Albany, New York—9:30 a.m. and 7:00 p.m., Local Time, Hearing Room A, Legislative Office Building, State Street, 2nd Floor. Contact: Marjorie Maxwell, c/o I.C.C. Office, 518 New Federal Bldg., Maiden Lane and Broadway, Albany, N.Y. 12207. Phone: 518-472-2273.

Monday, March 11, 1974

Baltimore, Maryland—9:30 a.m. and 7:00 p.m., Local Time, Room G-30, Federal Bldg., 31 Hopkins Plaza. Contact: Pat Henley, 814-B Federal Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201. Phone: 301-962-2560.

Chicago, Illinois—9:30 a.m. and 7:00 p.m., Local Time, Room 204-A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street. Contact: Nancy Clawson, c/o I.C.C. Office, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604. Phone: 312-353-6124.

Philadelphia, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, U.S. Customs Court Room, 3rd Floor, U.S. Customs House, 2nd and Chestnut Streets. Contact: Winifred Drumheller, c/o I.C.C. Office, 1518 Walnut St., Room 1600, Philadelphia, Pa. 19102. Phone: 215-597-4449.

Indianapolis, Indiana—9:30 a.m. and 7:00 p.m., Local Time, Indiana Convention Center, 100 South Capitol Avenue, Indianapolis, Indiana. Contact: Linda Mitchler, c/o I.C.C. Office, 36 South Pennsylvania St., 8th Floor, Indianapolis, Ind. 46204. Phone: 317-633-7465.

St. Louis, Missouri—9:30 a.m. and 7:00 p.m., Local Time, Moot Court Room, St. Louis University Law School, 3642 Lindell Blvd. Contact: Velma Russey, c/o I.C.C. Office, 210 North 12th Street, Room 1465, St. Louis, Mo. 63101. Phone: 314-622-4103.

Hartford, Connecticut—9:30 a.m. and 7:00 p.m., Local Time, Room 148-149, Conference Room, State Department of Transportation, 24 Wolcott Hill Rd., Wethersfield, Conn. Contact: Diane Seavey, c/o I.C.C. Office, Room 324, U.S. Post Office, 135 High St., Hartford, Conn. 06101. Phone: 203-244-2560.

Green Bay, Wisconsin—9:30 a.m. and 7:00 p.m., Local Time, City Council Chamber, City Hall, 100 North Jefferson Street. Contact: Susan Lebergen, Information Center, University of Wisconsin at Green Bay, Green Bay, Wisconsin 54302. Phone: 414-465-2293.

New York, New York—9:30 a.m. and 7:00 p.m., Local Time, Room 305, Federal Bldg., 26 Federal Plaza. Contact: W. H. Alan Smith, c/o I.C.C. Office, 26 Federal Plaza, Room 1807, New York, New York 10007. Phone: 212-264-1072.

(2) The following uniform rules, procedures, and practices for the hearings are established:

(a) Hearings will continue daily, if necessary, to afford all interested persons an opportunity to present their testimony. An evening session commencing at 7:00 p.m. will be held on the first day scheduled at each city (except Washington, D.C.) for the convenience of persons unable to attend during the day. Additional evening sessions, based on need, may be held at the discretion of the Administrative Law Judge.

(b) All oral presentations will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person for each city on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits within two weeks after the first day of hearings in that city or until March 28, 1974, whichever is earlier. All

written materials for the record must be on 8 1/2 x 11 in paper and submitted in 10 copies. Materials received after that date cannot be considered in the May 1, 1974, Report of the Rail Services Planning Office.

(c) Persons requesting an appearance time will be asked their name, address, telephone number, for whom they work, are they representing a group, and to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(d) There will be an oath administered to each speaker; however, there will be no cross examination or rebuttal testimony. The proceedings are legislative, not judicial, in nature and designed to elicit as many public views as possible on the present and future rail service needs in the region. Only questions from the Administrative Law Judge and the representative of the Office of Public Counsel will be permitted.

(e) The customary rules of the Commission prohibiting smoking, talking and the limitations on press activities during the proceedings will apply.

(f) Written testimony or correspondence relative to any hearing should be mailed, designating the hearing city involved, directly to:

Rail Services Planning Office
1900 L Street NW.
Washington, D.C. 20036

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4109 Filed 2-19-74; 8:45 am]

FEDERAL ENERGY OFFICE

REFINERS' BUY/SELL LIST

Correction of Crude Oil Allocation Notice

The crude oil allocation notice issued by the Federal Energy Office on January 18, 1974 (39 FR 2522) and subsequently corrected on January 28, 1974 (39 FR 3913) and February 1, 1974 (39 FR 4451), is further corrected by deleting from the refiners' buy-sell list set forth in paragraph (2) of the Appendix the last entry which reads as follows:

"Ingot Oil and Refining . . . 0.0000 . . .
0 . . . 2012493."

Issued in Washington, D.C., on February 19, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

[FR Doc.74-4197 Filed 2-19-74; 12:11 pm]

REFINERY YIELD CONTROL PROGRAM

Notice of Establishment of Adjustment Factor for Kero-Jet Fuels

The Federal Energy Office, pursuant to the provisions of title 10 of the Code of Federal Regulations, § 211.71 the Mandatory Petroleum Allocation Regulations, hereby provides notice of an adjustment factor to be applied to the production of kerosene-base jet fuel, effective immediately. The adjustment

factor as defined in § 211.71(c)(1) is the percentage by which the refiner's base period yield of this product must be multiplied to obtain the adjusted percentage yield of this product.

January 1974 is established as the base period for determining a refiner's base percentage yield. The adjustment factor to be applied to the base percentage yield of kerosene-base jet fuel is 106 percent. This adjustment factor shall be effective

for the period February 18, 1974 through April 30, 1974. Therefore, the adjusted percentage yield of kerosene-base jet fuel for the period February 15, 1974 through April 30, 1974 is a percentage figure equal to 106 percent of a refiner's percentage yield of that product during January 1974.

Refiners will continue to produce kerosene-base jet fuel to the same specifications which were applicable to their

January 1974 output of this product unless different specifications are mutually agreed upon between a refiner and his kerosene-base jet fuel purchaser or purchasers.

Issued in Washington, D.C., February 19, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

[FR Doc. 74-4196 Filed 2-19-74; 12:11 pm]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment
 CHAPTER I—ENVIRONMENTAL
 PROTECTION AGENCY
 SUBCHAPTER N—EFFLUENT GUIDELINES AND
 STANDARDS

PART 422—PHOSPHATE MANUFACTURING
 POINT SOURCE CATEGORY
 Effluent Limitation Guidelines

On September 7, 1973 notice was published in the FEDERAL REGISTER (38 FR 24470), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the phosphorus producing, phosphorous consuming and phosphate subcategories of the phosphate manufacturing category of point sources. The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the phosphate manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 422. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water-Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c) 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the phosphate manufacturing category. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the PHOSPHOROUS DERIVED CHEMICALS Segment of the Phosphate Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Industrial Phosphate Industry" (August 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to

participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response there-to follows.

The regulation as promulgated contains some significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: Mobil Oil Corporation; FMC Corporation; Manufacturing Chemists Association; Stauffer Chemical Company; Hooker Industrial Chemicals; University of Florida; Institute of Food and Agricultural Sciences; Pasac Valley Sewerage Commissioners; County Sanitation District of Los Angeles County; U.S. Department of Commerce; and Monsanto Industrial Chemicals Company. Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) It was stated by several commenters that a no discharge guideline legally could not be applied until 1985.

EPA has determined that in the case of certain subcategories of the phosphate manufacturing category, either the best practicable control technology currently available or the best available technology economically achievable is the total recirculation of process waste water. In section 101(a)(2) of the Act, Congress established as a national goal the elimination of the discharge of pollutants into navigable waters by 1985. However, Congress also set requirements for technology based standards in sections 301, 304(b) and 306 which require the maximum degree of reduction of pollutant discharges prior to 1985, which is consistent with the technical and economic factors to be taken into account under sections 304(b) and 306 of the Act (notably, standards are to be set for 1977 and 1983 compliance, but no regulations are to be promulgated for 1985). The Agency will require the effluent reduction attainable by the best practicable control technology when establishing regulations under section 304(b) of the Act whether that reduction is to some degree of permitted discharge or down to no discharge.

(2) It was commented that best practicable control technology currently available should be based on a large number of plants if not the entire industry.

The Agency defines best practicable control technology currently available to be the average of the best existing performance by plants of various sizes, ages and unit processes within each industrial

category or subcategory. This average is not based upon a broad range of plants within an industrial category or subcategory, but is based upon performance levels achieved by exemplary plants. In those industrial categories where present control and treatment practices are uniformly inadequate, a higher level of control than any currently in place may be required if the technology to achieve such higher level can be practicably applied by July 1, 1977. Thus best practicable control technology currently available may be based on a few, one or no exemplary plants within that industrial category.

(3) Several commenters pointed out that runoff cannot be kept out of treatment ponds in some terrain and that a state of no discharge cannot be met during periods of heavy rainfall.

Treatment ponds can be built or modified to minimize, if not eliminate, intrusion of storm runoff originating outside of the pond retaining walls. Such ponds can also have sufficient free board as to retain rainfall. Those subcategories which employ treatment ponds are water consuming processes which can utilize the captured rainfall. Hence, there should be no need to discharge pond water.

(4) It was mentioned that the recycle of process waste water for food grade calcium phosphates would cause the Food and Drug Administration (FDA) specifications for process water to be violated.

Water is used in the manufacture of food grade calcium phosphates for reasons of transport or homogeneity, but not for purification. Hence the waste water contains the product, but nothing harmful to the product, which is what the FDA specifications are designed to protect.

The problem of segregation of waste waters, water balances, and storm water runoff, however, are sufficiently great that the industry will not be able to achieve total recycle by 1977 and yet meet FDA specifications. A discharge will therefore be allowed after suitable treatment as demonstrated in the Development Document.

(5) It was suggested that a limitation for dissolved solids be dropped for best practicable control technology currently available, since in the concentration range of the constituents involved, technology to achieve the proposed degree of control does not exist.

The limitation proposed was based on the raw waste load and was not intended to force treatment of dissolved solids. The limitation was intended to prohibit additional dissolved solids from being discharged. However, due to variability in the process this limitation may require such treatment. Therefore, the limitation on dissolved solids is replaced by limits on specific dissolved constituents that are considered to be the principal pollutants or characteristics to be controlled.

(6) It was suggested that the limits proposed by the Effluent Standards and Water Quality Information Advisory Committee (ESWQIAC) for the phos-

phorus production subcategory be used.

The ESWQIAC limits include two additional phosphorus plants as exemplary. EPA has since accepted these plants as exhibiting best practicable control technology and has allowed a discharge based upon the data in the Development Document for the treatment capabilities of these plants. Therefore, although the Agency does not agree with the underlying rationale for establishing the ESWQIAC limits, the data in the Development Document does support the specific limits proposed by ESWQIAC.

(7) It was requested that discharges to publicly owned treatment works be allowed.

Pretreatment and discharge of waste waters to publicly owned treatment works from existing sources in the phosphate category are covered in the pretreatment guidelines that are proposed at the time this limitation is promulgated. Comments relating to existing sources should be directed to that regulation. For new sources the Agency considers the process waste water constituents from the phosphorus production and phosphorus consuming subcategories to be incompatible with publicly owned treatment works, and that the treatment technology that has been described in Section VII of the Development Document can achieve no discharge of process waste water pollutants to either navigable waters or to publicly owned treatment works.

The principal process waste water pollutant for the phosphate subcategory is phosphate, which cannot be adequately treated by primary or secondary treatment works. Phosphate, however, is considered to be compatible with publicly owned treatment works designed, constructed and operated to achieve optimal removal of dissolved phosphate, and a discharge to such treatment works will be allowed.

(8) Several commenters considered the capital costs of the model treatment systems to be underestimated and that the economic impact is understated.

The Agency has recalculated, in Section VIII of the Development Document, the cost information on model treatment systems as the result of additional data submitted by industry. The calculated changes do not affect the conclusions of the economic analysis, since the percentage increase in capital cost is not significant.

(9) It was stated that some plants were incorrectly cited as to whether they were achieving no discharge or not.

The necessary qualifiers were added to the descriptions in the Development Document of those plants that were disputed. The changes that were made involved treatment of certain portions of the process waste water and do not substantially affect the overall conclusions of the Development Document.

(10) The general comment was made that zero discharge cannot be achieved for some products.

The Agency has reevaluated the data

and is allowing a discharge for phosphorus and food grade calcium phosphates production for the 1977 limitation for the reasons given in comments (4) and (6). The Agency believes the technology exists to substantiate a no discharge of process waste water limitations for the remaining manufacturing processes.

(11) A range of values was recommended rather than a single value for each parameter.

The Agency considers that the limitations already represent ranges, taking into account differences in process, age, size and other factors. Subcategorization has been done to take these factors into account with different limitations for each subcategory. Within subcategories, exceptions to the limitations have been made for certain manufacturing segments or products, constituting a wider range. Each numerical limitation represents a maximum average of daily values over a given period of time. This in effect represents a range from zero up to the specific limitation. A maximum variation is also given for each maximum average limitation. The Agency considers an upper and lower limitation to be somewhat meaningless since the actual range would be from zero to the upper limitation. Thus, in effect, the argument becomes one of making the EPA limitations less severe, since it has been suggested that the EPA limitations should be the lower limits. The EPA limitations are achievable and currently available.

(12) One commenter stated that there is no correlation of contractor validation data with data or conclusions contained in the Development Document.

Data calculated from samples collected by the contractor were not primarily intended to form the basis of a limitation. The validation data was mainly used by the contractor to determine if existing data can be correctly used to establish limitations. Such a correlation does not appear in the Development Document, but the raw data may be reviewed at the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C. Only the data that appears in the Development Document was used in formulating the effluent limitations.

(13) It was stated that the evaporation of PCl_3 and $POCl_3$ process waste waters would require an excessive amount of energy.

The 1983 limitations for the manufacture of PCl_3 and $POCl_3$ are no discharge of process waste water pollutants which can be accomplished by maximum waste water recycle and evaporation of the blowdown. The Agency believes that sufficient time exists for each plant to be examined by the industry in order to minimize water usage, maximize solar evaporation and thus minimize power usage.

(14) It was pointed out that percolation can occur from waste water ponds.

Infiltration of pond water to ground water cannot be controlled by this regulation. Possible problems have been pointed out in the preamble to the proposed regulation (38 FR 24470) and

methods of correction have been suggested.

(15) The comment was made that no discharge of process waste water pollutants is an impractical limitation because the methods of analysis are not sufficiently sensitive.

Where no discharge of process waste water pollutants is prescribed, model treatment systems are described in the Development Document in which no process waste waters are discharged, hence no process waste water pollutants. For the purpose of determining if process waste water pollutants have contaminated other allowable discharges, this limitation is considered to be the detectable limit of the appropriate analytical method.

(16) It was suggested that no discharge of process waste water pollutants should mean no discharge that would degrade the quality of the receiving stream.

The Act is quite specific in stating the difference between limitations based on treatment technology and limitations handled on a case by case basis in order to insure that water quality standards are attained. The limitations promulgated in this regulation are technology based and independent of water quality standards, as is the intent of the Act.

(17) It was suggested that concentrations (mg/l) should be used with instantaneous maximum values instead of production based limitations.

Production based limitations such as kg of pollutant per kg of product insure that dilution is not practiced. Daily maximum values are also promulgated.

(18) One commenter stated that phosphate limitations for the phosphate industry are unduly restrictive when compared to phosphate limitations for publicly owned treatment works.

The Act establishes separate time tables for industrial and municipal sources. Limitations for phosphate discharges from publicly owned treatment works will be proposed at a later date. However, effluent guidelines for industrial sources are to be based on the best practicable, best available, and best demonstrated technologies for each separate category and separate economic considerations for each category.

(19) One company agreed with the proposed limitation for the manufacture of phosphoric acid, phosphorous trichloride and phosphorous oxychloride.

(20) Another company suggested that no discharge of process waste water pollutants for the manufacture of phosphorus, sodium tripolyphosphate and food grade calcium phosphate is the best available technology rather than the best practicable control technology.

The Agency has reviewed the data and agrees that a discharge resulting from the manufacture of phosphorus and food grade calcium phosphate should be allowed for the 1977 limitations for the reasons listed in comments (4) and (6). However no discharge of process waste water pollutants still qualifies as best practicable control technology currently

available for the manufacture of sodium tripolyphosphate.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Minor adjustments have been made to reflect the fact that an increased number of definitions and analytical methods have been included in 40 CFR 401 and are incorporated by reference in 40 CFR 401 and are incorporated by reference in these subparts.

(2) A discharge will be allowed for the 1977 limitation for the phosphorus production subcategory. This change was made in response to comments (2), (6), (10) and (20) in section (a) above. The limitations are based upon two plants that discharge process waste water from treatment facilities exhibiting exemplary performance.

(3) The total dissolved solids limitations for the manufacture of phosphorus trichloride and phosphorus oxychloride have been replaced with limitations on specific dissolved species. This change was made in response to comment (5) in section (a) above.

(4) A discharge will be allowed for the 1977 limitation for the manufacture of food grade calcium phosphate. The reasons for this change are listed in comments (4), (6) and (20). The limitations are based upon the volume of water used in the process and the technological capability of treating suspended solids and total phosphorus.

(5) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The changes that were made to the proposed regulations for the phosphate category do not substantially affect the initial economic analysis. These changes center about the feasibility of recycling treated process waste water rather than different treatment systems. Additional cost data was received from the phos-

phate manufacturing industry, and a careful review of the costs of alternate treatment technologies was performed. Appropriate upward changes to the cost estimates were made in Section VIII of the Development Document. These changes likewise do not affect the conclusions of the economic impact study, since the cost increases are minimal.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the phosphorus production subcategory, phosphorus consuming subcategory and the phosphate subcategory of the phosphate manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the PHOSPHORUS DERIVED CHEMICALS Manufacturing Segment of the Phosphate Manufacturing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the INDUSTRIAL PHOSPHATE INDUSTRY" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the phosphate manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the PHOSPHORUS DERIVED CHEMICALS Segment of the Phosphate Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401, for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40

CFR Chapter I, Subchapter N is hereby amended by adding a new Part 422, Phos-

phate Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 22, 1974.

Dated: January 31, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Phosphorus Production Subcategory

- Sec.
- 422.10 Applicability; description of the phosphorus production subcategory.
- 422.11 Specialized definitions.
- 422.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.14 Reserved.
- 422.15 Standards of performance for new sources.
- 422.16 Pretreatment standards for new sources.

Subpart B—Phosphorus Consuming Subcategory

- 422.20 Applicability; description of the phosphorus consuming subcategory.
- 422.21 Specialized definitions.
- 422.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.24 Reserved.
- 422.25 Standards of performance for new sources.
- 422.26 Pretreatment standards for new sources.

Subpart C—Phosphate Subcategory

- 422.30 Applicability; description of the phosphate subcategory.
- 422.31 Specialized definitions.
- 422.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.34 Reserved.
- 422.35 Standards of performance for new sources.
- 422.36 Pretreatment standards for new sources.

Subpart A—Phosphorus Production Subcategory

- § 422.10 Applicability; description of the phosphorus production subcategory.

The provisions of this subpart are applicable to discharges of pollutants re-

sulting from the production of phosphorus and ferrophosphorus by smelting of phosphate ore.

§ 422.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 422.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS	1.0	0.5
Total phosphorus	.30	.15
Fluoride	.10	.05
Elemental phosphorus	No detectable quantity.	
pH	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS	1.0	0.5
Total phosphorus	.30	.15
Fluoride	.10	.05
Elemental phosphorus	No detectable quantity.	
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties 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.

§ 422.14 [Reserved]

§ 422.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 422.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphorus production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the

pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart B—Phosphorus Consuming Subcategory

§ 422.20 Applicability; description of the phosphorus consuming subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of phosphoric acid, phosphorus pentoxide, phosphorus pentasulfide, phosphorus trichloride, and phosphorus oxychloride directly from elemental phosphorus. The production of phosphorus trichloride and phosphorus oxychloride creates waste water pollutants not completely amenable to the procedures utilized for best practicable control technology currently available. The standards set for phosphorus trichloride manufacture and phosphorus oxychloride manufacture, accordingly, must differ from the rest of the subcategory at this level of treatment.

§ 422.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 422.22 Effluent limitations guidelines, representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that

facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties 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) There shall be no discharge of process waste water pollutants to navigable waters from the manufacture of phosphoric acid, phosphorus pentoxide, or phosphorus pentasulfide.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from phosphorus trichloride manufacturing on the basis of production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	1.4	0.7
Total phosphorus...	1.6	.8
Arsenic.....	.0001	.00005
Elemental phosphorus.	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	1.4	0.7
Total phosphorus...	1.6	.8
Arsenic.....	.0001	.00005
Elemental phosphorus.	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from phosphorus oxychloride manufacturing on the basis of production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.3	0.15
Total phosphorus.....	.34	.17
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.3	0.15
Total phosphorus.....	.34	.17
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties 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 to navigable waters of process waste water pollutants to resulting from the manufacture of phosphoric acid, phosphorus pentoxide, phosphorus pentasulfide, phosphorus trichloride or phosphorus oxychloride.

§ 422.24 [Reserved]

§ 422.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 422.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphorus consuming subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart C—Phosphate Subcategory

§ 422.30 Applicability; description of the phosphate subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of sodium tripolyphosphate, animal feed grade, calcium phosphate and human food grade calcium phosphate from phosphoric acid. The production of human food grade calcium phosphate creates waste water pollutants not completely amenable to the procedures utilized for best practicable control technology currently available. The standards set for human food grade calcium phosphates accordingly must

differ from the rest of the subcategory at this level of treatment.

§ 422.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 422.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharge or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) There shall be no discharge of process waste water pollutants to navigable waters from the manufacture of sodium tripolyphosphate, or animal feed grade calcium phosphate.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from human food grade calcium phosphate manufacturing based on production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kg of product)		
TSS.....	0.12	0.06
Total phosphorus.....	.06	.03
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.12	0.06
Total phosphorus.....	.06	.03
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the 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 to navigable waters of process waste water pollutants resulting from the manufacture of sodium tripolyphosphate, animal feed grade calcium phosphate, or human food grade calcium phosphate.

§ 422.34 [Reserved]

§ 422.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 422.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphate subcategory, which is a user of a publicly owned treatment works (and which would be

a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that process waste waters from this subcategory are not considered to be incompatible with publicly owned treatment works designed, constructed and operated to remove dissolved phosphate and, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

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