

[Notice No. 27]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. 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 13, 1974. 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-74887. (CORRECTED). By order of January 17, 1974, the Motor Carrier Board approved the transfer to Goodman Transportation, Inc., Salt Lake City, Utah, of the operating rights in Permits Nos. MC-134278 and MC-134278 (Sub-No. 2), issued March 2, 1973, and March 2, 1973, respectively, to Charles R. Goodman, doing business as C. R. Goodman Trucking Co., Murray, Utah, authorizing the transportation of sporting goods (a) from Los Angeles, Oakland, and San Francisco, Calif., and points in the Los Angeles, Calif., Harbor Commercial Zone, to Salt Lake City, Utah, and (b) from Salt Lake City, Utah, to points in Idaho, Wyoming, Colorado, and Arizona; and chemicals (except in bulk) and containers, between points in California, Washington, Nevada, and Utah. The purpose of this corrected publication is to describe the correct operating rights authorized to be transferred. The publication in the January 23, 1974, issue (a) inadvertently stated that the operating rights in No. MC-134278 (Sub-No. 4) were included in the transfer and (b) omitted reference to the operating rights in No. MC-134278.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-4123 Filed 2-20-74; 8:45 am]

[Notice No. 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act

provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 730 (Sub-No. 361 TA), filed February 5, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: Alfred G. Krebs (Same address as above). 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), from, to, or between the following points or described areas: (1) Between Spanish Fork, Utah, and the junction of U.S. Highway 290 with Interstate Highway 45, serving no intermediate points, with service at the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of Interstate Highways 10 and 25 for the purpose of joinder only: From Spanish Fork over U.S. Highway 50 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction Interstate Highway 40 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction Interstate Highway 45, and return over the same route; (2) Between Pueblo, Colo., and the junction of Interstate Highway 45 with U.S. Highway 290, serving no intermediate points, with service at the junction of U.S. Highway 287 and Interstate Highway 40, and the junction of Interstate Highways 20 and 45 for the purpose of joinder only.

From Pueblo over Interstate Highway 25 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 40, thence over U.S. Highway 287 to junction Interstate Highway 20, thence over Interstate Highway 20 to its junction with Interstate Highway 45, and thence over

Interstate Highway 45 to junction U.S. Highway 290, and return over the same route; (3) Between Riverside, Calif., and the junction of U.S. Highway 64 (Interstate Highway 40) with U.S. Highway 51, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only: From Riverside over U.S. Highway 60 (Interstate Highway 10) to Quartzsite, Ariz., thence over U.S. Highway 60 to Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 40 (U.S. Highway 66), thence over Interstate Highway 40 (U.S. Highway 66) to junction U.S. Highway 64, thence over U.S. Highway 64 (Interstate Highway 40) to junction U.S. Highway 51, and return over the same route; and (4) Between the junction of U.S. Highway 60 with California Highway 86 and the junction of U.S. Highway 80 (Interstate Highway 20) with U.S. Highway 71, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of Interstate Highways 10 and 25, and the junction of Interstate Highways 20 and 45 for the purpose of joinder only.

From the junction of U.S. Highway 60 and California Highway 86 over California Highway 86 to junction U.S. Highway 80 (Interstate Highway 8), thence over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highways 80 and 82, thence over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction of U.S. Highway 80 (Interstate Highway 20), thence over U.S. Highway 80 (Interstate Highway 20) to junction U.S. Highway 71, and return over the same route. RESTRICTION: The use of the above authority is limited to the movement of traffic interchanged between Ryder Truck Lines, Inc., and Pacific Intermountain Express Co., for 180 days.

NOTE: Applicant states that it does not seek to serve any new points by this application. It is the intention of this application to join routes of Pacific Intermountain Express Co., and Ryder Truck Lines, Inc., as alternative shorter routes between certain points served by each carrier so as to allow combined service by the two carriers to be rendered over shorter, safer, more economical and more efficient routes than those now available for combined service being rendered by the two carriers. This application is also in contemplation of the merger of Pacific Intermountain Express Co., and Ryder Truck Lines, Inc., as required by the Interstate Commerce Commission in Docket No. MC-F-10795 (International Utilities—Control—Pacific Intermountain Express Co.) and currently pending in a merger application in Docket No. MC-F-11594 (Pacific Intermountain Express Co.—Merger—Ryder Truck Lines, Inc.) before the Commission.

SUPPORTED BY: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 26396 (Sub-No. 116 TA), filed February 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Mfg. P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, including pest and weed control*, from the plant site and warehouse facility of Monsanto Company at or near Muscatine, Iowa, to points in Florida, Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Virginia, for 180 days. **SUPPORTING SHIPPER:** Monsanto Company, 800 North Lindberg, St. Louis, Mo. 63166. **SEND PROTESTS TO:** Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 117 TA), filed February 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Mfg. P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, from Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. **SUPPORTING SHIPPER:** Monsanto Company, 800 North Lindberg, St. Louis, Mo. 63166. **SEND PROTESTS TO:** Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 60014 (Sub-No. 34 TA), filed February 6, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: Edward J. Conto (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), Ohio and Wisconsin, for 180 days. **SUPPORTING SHIPPER:** Bethlehem Steel Corporation, Bethlehem, Pa. 18016. **SEND PROTESTS TO:** John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 103498 (Sub-No. 40 TA), filed February 5, 1974. Applicant: W. D.

SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles and lumber*, treated and/or untreated, from Mena, Ark., to points in Missouri and Kansas, for 180 days. **SUPPORTING SHIPPER:** Edward Hines Lumber Company, 200 South Michigan Ave., Chicago, Ill. 60604. **SEND PROTESTS TO:** District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106674 (Sub-No. 124 TA), filed February 6, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors systems*, knocked down, from Mitchell, Ind., to points east of the Mississippi River, for 180 days. **SUPPORTING SHIPPER:** Synchro-Systems, Inc., 550 South Fifth St., Mitchell, Ind. **SEND PROTESTS TO:** J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 692 TA), filed February 6, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated metal (aluminum and steel) building panels, insulated fiberglass building panels, urethane insulated roof panels, and accessories*, from Holland Township, Mich., to points in Missouri, Wisconsin, Minnesota, Kansas, North Dakota, South Dakota, Colorado, Nebraska, and Iowa, for 180 days. **SUPPORTING SHIPPER:** W. H. Porter, President, W. H. Porter, Inc., 4240 North 136th Avenue, P.O. Box 823-B, Holland, Mich. 49423. **SEND PROTESTS TO:** Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107882 (Sub-No. 34TA), filed February 4, 1974. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert A. Dubin, Federal Bar Bldg., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between any point or place in the United States (except Alaska and Hawaii), for 180 days. **SUPPORTING SHIPPER:** General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. **SEND PROTESTS TO:** Ri-

chard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 110563 (Sub-No. 127TA), filed February 7, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer, P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities utilized by The Miami Margarine Co. located at or near Cincinnati, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia, for 180 days. **RESTRICTION:** Restricted to traffic originating at the above named origin. **SUPPORTING SHIPPER:** The Miami Margarine Co., 5226 Vine Street, Cincinnati, Ohio 45217. **SEND PROTESTS TO:** Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113106 (Sub-No. 40 TA), filed February 6, 1974. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated sheets and boxes*, from Newark, Del. to Salem, N.J., for 180 days. **SUPPORTING SHIPPER:** Mr. Charles E. Smith, Resident Manager, Crown Zellerbach Corp., 1001 Ogletown Road, Newark, Del. 19711. **SEND PROTESTS TO:** William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114725 (Sub-No. 56 TA), filed February 6, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14 St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) From Doniphan, Nebr., and Kansas City, Mo., to points in Kansas; and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska, for 180 days. **SUPPORTING SHIPPER:** Agrico Chemical Co., J. J. Stefanec, Manager of Transportation Legislation, P.O. Box 3166, Tulsa, Okla. 74101. **SEND PROTESTS TO:** District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14 St., Omaha, Nebr. 68102.

No. MC 119634 (Sub-No. 11 TA), filed January 22, 1974. Applicant: DICK IRVIN, INC., P.O. Box F, 218 12th Ave.

North, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, in bulk, and in bags, from Salt Lake City, Utah, to points in Montana, for 180 days. **SUPPORTING SHIPPER:** Wyo-Ben Products, Inc., P.O. Box 1979, Billings, Mont. 59103. **SEND PROTESTS TO:** Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123065 (Sub-No. 11 TA), filed February 6, 1974. Applicant: STX, INC., doing business as SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, Pa. 19425. Applicant's representative: Frederick Phillips (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Hudson, N.C., to points in Delaware, District of Columbia, Maryland, Michigan, Ohio, and West Virginia, for 180 days. **SUPPORTING SHIPPERS:** Sears, Roebuck & Company, Sears Tower, Chicago, Ill. 60684; Terminal Freight Cooperative Association, Terminal Manager, Hudson, N.C. 28638. **SEND PROTESTS TO:** Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., Room 3238, Philadelphia, Pa. 19106.

No. MC 123074 (Sub-No. 8 TA), filed February 6, 1974. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy fuel oil and bunker oil*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Port Huron, Mich., to Galesburg, Jackson, and Parchment, Mich., and points within the commercial zone to such points, for 180 days. **SUPPORTING SHIPPER:** Petro Products, Inc., 7200 Inkster Road, Taylor, Mich. 48180. **SEND PROTESTS TO:** Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 127539 (Sub-No. 31 TA), filed February 5, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th St., Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach, Calif., to points in Oregon and Washington, for 180 days. **SUPPORTING SHIPPERS:** Peirone Produce Company, 524 East Trent, Spokane, Wash. 99202; Standard Fruit & Steamship Company, 666 East Ocean, Suite 1404, Long Beach, Calif. 90802; West Coast Fruit and Produce,

448 East 18th, Tacoma, Wash. 98421; and Pacific Fruit & Produce, P.O. Box 3687, 4103 2d Ave. South, Seattle, Wash. 98124. **SEND PROTESTS TO:** L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128217 (Sub-No. 10 TA), filed February 5, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, from points in the Minneapolis, Minn., commercial zone to points in North Dakota and South Dakota, for 180 days. **SUPPORTING SHIPPER:** Joseph T. Ryerson & Sons, Inc., Box 8000-A, Chicago, Ill. 60680. **SEND PROTESTS TO:** J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 133576 (Sub-No. 3 TA), filed February 4, 1974. Applicant: BUSBOOM TRUCKING, INC., Route 1, Filley, Nebr. 68357. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Calcium chloride*, in containers—for the account of Oldfather's O.K. Tire Co., from Ludington, Mich., to Nebraska, Kansas and points on and west of U.S. Highway No. 65 in Iowa, for 180 days. **SUPPORTING SHIPPER:** Oldfather's O.K. Tire company, John G. Smith, Stockholder and Director of Commercial Sale, Beatrice, Nebr. 68310. **SEND PROTESTS TO:** Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134806 (Sub-No. 19 TA), filed February 4, 1974. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tennis shoes*, from Roberts Shoe Division, Somersworth Manufacturing Co., Somersworth, N.H., to Talcottville, Conn., and the plantsite and warehouse facilities of Head Ski Division of AMF, Inc., Boulder County, Colo., for 180 days. **SUPPORTING SHIPPER:** Head Ski Division of AMF, Incorporated, 4801 North 63d Street, Boulder, Colo. 80301. **SEND PROTESTS TO:** District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4121 Filed 2-20-74; 8:45 am]

[Rev. S.O. 994; I.C.C. Order No. 119]

ILLINOIS CENTRAL GULF RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R.D. Pfahler, Agent, the Illinois Central Gulf Railroad Company is unable to transport traffic over its line between Natchez, Mississippi, and Packton, Louisiana, because of high water and flooding.

It is ordered, That:

(a) *Rerouting traffic.* The Illinois Central Gulf Railroad Company, being unable to transport traffic over its line between Natchez, Mississippi, and Packton, Louisiana because of high water and flooding, that line and its connections are hereby authorized to reroute or divert such traffic via any available route.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.*

(e) *In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.*

(f) *Effective date.* This order shall become effective at 11:30 a.m., February 11, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-4118 Filed 2-20-74; 8:45 am]

[Rule 19; Ex Parte No. 241,
Exemption No. 61, Amdt. 1]

MISSOURI PACIFIC RAILROAD CO.
Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 61 issued January 20, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 61 to the Mandatory Car Service Rules ordered in Ex Parte No.

241 be, and it is hereby, amended to expire March 15, 1974.

This amendment shall become effective February 10, 1974.

Issued at Washington, D.C., February 7, 1974.

INTERSTATE COMMERCE COM-
MISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-4119 Filed 2-20-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

RUBBER PROCESSING POINT SOURCE CATEGORY

Tire and Inner Tube Plants, Emulsion
Crumb Rubber, Solution Crumb Rubber,
and Latex Rubber Subcategories

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDSPART 428—RUBBER PROCESSING
POINT SOURCE CATEGORYTire and Inner Tube Plants, Emulsion Crumb
Rubber, Solution Crumb Rubber, Latex Rubber
Subcategories

On October 11, 1973 notice was published in the *FEDERAL REGISTER*, (38 FR 28219) 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 tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories of the rubber processing category of point sources. This final rulemaking which established final effluent limitations guidelines and standards of performance and pretreatment standards for new sources 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 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 tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories. 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 Tire and Synthetic Segment of the Rubber Processing Point Source Category" (September 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines," "Rubber Processing Industry" (September 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 thereto follows.

The regulation as promulgated contains minor 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: Phillips Petroleum; Anne W. Amacher, Citizen; B. F. Goodrich Co.; Texas-U.S. Chemical Co.; Dupont-Texas Chemical Council; Carolyn A. Carr, Citizen; Uniroyal, Inc.; Dupont, Wilmington; Los Angeles County; U.S. Department of Commerce and the U.S. Department of the Interior.

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 urged that the Agency not include algae from oxidation ponds in the TSS limitation or that the Agency double the limitation, if algae is to be included.

It is the Agency's intention that any material contributing to TSS is to be included in the limitation and the Agency believes that the limitation can be met by plants practicing best practicable control technology currently available.

(2) It was suggested that the BOD test is inaccurate at low concentrations (5 mg/l) and that best available technology economically achievable to achieve 5 mg/l is unrealistic in terms of cost and water quality impact.

The use of activated carbon technology for best available technology economically achievable will reduce BOD₅ to levels less than 5 mg/l, which in the Agency's judgment is within the range of measurement using standard analytical methods.

(3) The comment was made that one of EPA's contractors has assumed that rubber production is directly proportional to water use.

The data obtained by the contractor shows that there is a high correlation between production and water use within any given synthetic rubber subcategory.

(4) It was recommended that the best available technology economically achievable limitations be doubled or that the Agency study best available technology economically achievable further.

It is the Agency's judgment that, based on current data, the limitations set forth for best available technology economically achievable can be met using activated carbon technology. In addition the Act requires review of the limitations within five years of promulgation.

(5) It was recommended that the wording "30 consecutive days" be changed to "any calendar month" to simplify record keeping.

Since discharges will in any event be required to keep daily production and discharge records to determine compliance with limitations applicable to any one day, additional monitoring or records will not be required to comply with this provision. Moreover, the Agency believes that dischargers should meet the limitations for any 30 consecutive days in order to prevent sustained periods of high levels of discharge.

(6) One commenter stated that the regulations do not prohibit tire and inner tube plants from releasing toxic pollutants and pollutants with unknown effects on human beings and fish. Also the regulation does not prohibit the release of any specific chemical compound by name, neither does the regulation require tire plants to get EPA permission before adding new chemicals to their process which might get into the discharged water.

Although the ingredients used in compounding rubber for tire and inner tube manufacturing might possibly be harmful if discharged as process waste water pollutants, compounding is a dry process and none of the specific ingredients used in compounding the rubber was detected in the waste waters. The limitations for best practicable control technology and best available technology will lead to control and removal of all identified primary pollutants of concern. Discharge of harmful substances are independently controlled under sections 303 and 307 of the Act.

(7) The same commenter noted that EPA did not consult with the American Chemical Society, American Academy of Science, American Cancer Society or NIH in drafting the proposed regulations.

The preamble to the proposed regulations invited comments from all interested persons or organizations. The organizations cited by the commenter did not submit comments or suggestions.

(8) One commenter does not believe there are any benefits to be gained by separating process waste water from utility waste water and storm water in tire and inner tube plants.

The Agency believes that isolation of process waste waters from other types of plant wastes as the least costly alternative to meet the effluent limitations. Any method or procedure can be used that will achieve the required reduction of the process waste water pollutants, TSS and oil and grease.

(9) Two commenters stated that the technology, biological treatment, does not result in a specified COD removal. COD removal is only coincidental with BOD removal.

COD does not always correlate with BOD. However, in this industry, there is sufficient data to indicate that best practicable control technology will result in compliance with the limitations for COD.

(10) Several commenters stated that there has not been enough study on which to base best available technology

economically achievable limitations and recommend a several months testing program to obtain additional information on the applicability of best available technology economically achievable to specific types of synthetic rubber waste water pollutants.

Although the Agency believes that the BATEA limitations are realistic, it is recognized that there may be some technical and economic risk for industry in applying the technology to synthetic rubber waste effluents. However, the Act requires review and, if appropriate, modification of these guidelines every five years. If subsequent data indicate that modification of these guidelines is required, such modification will be considered at that time.

(11) One commenter suggested that EPA should relate limitations to the size of the receiving stream. The characteristics of receiving water bodies must be taken into account in permit issuance, to ensure that permits require compliance with water quality standards under section 303 of the Act. However, receiving water characteristics are not relevant to determination of effluent reduction attainable by the application of available technology.

(12) One commenter suggested that the control of problems at old tire plants indicate that the "guidelines" should be twice that of newer plants.

The data in possession of the Agency and presented in the Development Document indicate that any tire or inner tube plant practicing BPCTCA can meet the effluent limitations set forth in this regulation regardless of the age of the plant.

(13) Two commenters stated that the costs of segregation of effluent streams at old tire plants are excessive and the lack of available land for waste treatment systems at old plants may entail excessive costs.

The isolation of the process waste waters stream from other waste streams in older tire plants should not require excessive costs. These costs are discussed in detail in the development document. The equipment and control systems required to meet BPCTCA have been estimated to require less than 5,000 square feet of plant area.

(14) One commenter stated that the BPCTCA for emulsion plants contains flaws and does not account for nitrile rubber production peculiarities.

The commenter did not specify any specific respects in which nitrile rubber facilities differ from other facilities in the same subcategory. The Agency is not aware that any relevant differences exist. Accordingly, it is appropriate to require such facilities to achieve the same degrees of effluent control as other plants employing similar processes.

(15) Two commenters stated that there seems to be no logical correlation between neoprene technology and hydrocarbon technology that would justify a common limitation for either BPCTCA or BATEA.

Although neoprene production facilities may have more difficulty operating

treatment systems than hydrocarbon facilities, it is the Agency's judgment that neoprene rubber facilities can meet the limitations for BPCTCA and BATEA as set forth in the regulation.

(16) A comment was made that the start-and-stop process operations at chloroprene plants affect their ability to meet the daily limitations.

The Agency believes that the start-and-stop process operations at chloroprene plants are no more frequent or severe than in hydrocarbon rubber production.

(17) It was recommended that the definitions of specific pollutant parameters measurements be changed and that the basis for limitation reflect both product produced and water use and that the limitation be expressed in mg/l.

These guidelines are based upon the total quantity of pollutant per unit of production, rather than upon the concentration discharged, to preclude the use of dilution as a means of attaining the limitations and to avoid penalizing dischargers who practice good water conservation. However, any discharger will be able to calculate the concentration which he will have to achieve in order to meet the limitations from his known water usage and the limitations set forth herein.

(18) It was recommended that the older and newer tire and inner tube plants subcategories be combined, since the limitations set forth for each of the two subcategories are the same.

The original purpose of the subcategorization for the tire and inner tube plants subcategories was to identify the relative economic impact for old and new plants. Since the Development Document and the Economic Analysis report for the industry clarify the differences in cost for old and new plants, the need to retain the separate subcategorization for older and newer plants is dissipated. The subcategories, therefore have been combined, and the regulation modified to reflect the change.

(19) Two commenters stated that the accuracy of the cost estimates is less than satisfactory for the synthetic rubber subcategories. Costs and economic impacts should be reexamined.

The cost estimates provided in the Development Document and used for the economic analysis have been reexamined. It is the Agency's judgment that the cost estimates, although subject to minor errors and miscalculations, in general accurately reflect the economic impact on the various segments of the industry.

(20) Another commenter thought that the methodology statements are incorrect.

The Agency and the economics contractor have reviewed the methodology and continue to believe that it represents the economic situation fairly.

(21) It was suggested that the Agency did not examine the economic impact or differential treatment costs which would be incurred by small producers.

The Agency has examined a wide range of plants within this industry. All of the

small plants of which we are aware discharge into municipal treatment systems and will therefore not be directly affected by these guidelines. However, because there is a possibility that small plants may exist which discharge directly into navigable waters, the treatment cost which such a plant would incur were examined and discussed in the development document.

(22) A comment was made that the economic analysis presents costs based on a breakdown different from that of the Development Document.

This was checked and the Agency found that the economic analysis used investment and annual costs based on costs provided in the Development Document.

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

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

(1) The older tire and inner tube plants subcategory and the newer tire and inner tube plants subcategory have been combined and designated as tire and inner tube plants subcategory.

(2) The subparts of the regulation have been numbered to reflect a total of four subcategories instead of five.

(3) 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 resultant changes to the regulation will not affect the results of the economic analysis prepared for the proposed regulation.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the tire and synthetic segment of the rubber processing point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Tire and Synthetic Segment of the Rubber Processing 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 RUBBER PROCESSING INDUSTRY" (September 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 rubber processing 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) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing 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 428, Rubber Processing 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: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

PART 428—RUBBER MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Tire and Inner Tube Plants Subcategory

- Sec.
- 428.10 Applicability; description of the tire and inner tube plants subcategory.
- 428.11 Specialized definitions.
- 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.
- 428.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 428.14 Reserved.
- 428.15 Standards of performance for new sources.
- 428.16 Pretreatment standards for new sources.

Subpart B—Emulsion Crumb Rubber Subcategory

- 428.20 Applicability; description of the emulsion crumb rubber subcategory.
- 428.21 Specialized definitions.
- 428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 428.24 Reserved.
- 428.25 Standards of performance for new sources.
- 428.26 Pretreatment standards for new sources.

Subpart C—Solution Crumb Rubber Subcategory

- 428.30 Applicability; description of the solution crumb rubber subcategory.
- 428.31 Specialized definitions.
- 428.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 428.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 428.34 Reserved.
- 428.35 Standards of performance for new sources.
- 428.36 Pretreatment standards for new sources.

Subpart D—Latex Rubber Subcategory

- 428.40 Applicability; description of the latex rubber subcategory.
- 428.41 Specialized definitions.
- 428.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 428.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 428.44 Reserved.
- 428.45 Standards of performance for new sources.
- 428.46 Pretreatment standards for new sources.

Subpart A—Tire and Inner Tube Plants Subcategory

- § 428.10 Applicability; description of the tire and inner tube plants subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

§ 428.11 Specialized definitions.

For the purpose of this subpart:

- (a) Except as provided below, the general definitions, abbreviations and meth-

ods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "raw material" shall mean all natural and synthetic rubber, carbon black, oils, chemical compounds, fabric and wire used in the manufacture of pneumatic tires and inner tubes or components thereof.

(c) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.12 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 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 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.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/l,000 lb of product)		
TSS.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

§ 428.14 Reserved.

§ 428.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.096	0.064
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

§ 428.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the tire and inner tube plants

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 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.15; *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—Emulsion Crumb Rubber Subcategory

§ 428.20 Applicability; description of the emulsion crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of emulsion crumb rubber.

§ 428.21 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

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

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

other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

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)		
COD.....	12.00	8.00
BOD ₅	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	12.00	8.00
BOD ₅	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed--
Metric units (kg/kg of product)		
COD.....	3.12	2.08
BOD ₅	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	3.12	2.08
BOD ₅	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	

§ 428.24 Reserved.

§ 428.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.22.

§ 428.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the emulsion crumb rubber 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 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.25; 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—Solution Crumb Rubber Subcategory

§ 428.30 Applicability: description of the solution crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the

§ 428.31 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.

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.32 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 ac-

count 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)		
COD.....	5.91	3.94
BOD ₅	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	5.91	3.94
BOD ₅	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	

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

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

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)		
COD.....	3.12	2.08
BOD ₅	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	3.12	2.08
BOD ₅	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	

§ 428.34 [Reserved]

§ 428.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.32.

§ 428.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the solution crumb rubber 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 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.35: *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 pre-

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

Subpart D—Latex Rubber Subcategory

§ 428.40 Applicability; description of the latex rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of latex rubber.

§ 428.41 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.42 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 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 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) and 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)		
COD.....	10.27	6.85
BOD ₅	.51	.34
TSS.....	.82	.55
Oil and grease.....	.21	.14
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	10.27	6.85
BOD ₅	.51	.34
TSS.....	.82	.55
Oil and grease.....	.21	.14
pH.....	Within the range 6.0 to 9.0.	

§ 428.43 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:

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)		
COD.....	2.66	1.78
BOD ₅	.11	.07
TSS.....	.21	.14
Oil and grease.....	.11	.07
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	2.66	1.78
BOD ₅	.11	.07
TSS.....	.21	.14
Oil and grease.....	.11	.07
pH.....	Within the range 6.0 to 9.0.	

§ 428.44 [Reserved]

§ 428.45 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 point source subject to the provisions of this subpart: the limitations shall be as specified for § 428.42.

§ 428.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the latex rubber 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 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.45; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

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