

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Science Education to be held at 9 a.m. on March 28 and 29, 1974, in Room 651 at 5225 Wisconsin Avenue NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning the impact of all Foundation activities relating to education in the sciences in U.S. schools, colleges and universities.

The agenda for this meeting shall include:

MARCH 28

- 9:00 Presentation of Status of Directorate: Assistant Director for Education.
- 9:30 Discussion of Committee Activities: Chairman.
- 10:00 Science Education of Women and Minorities: Chairman and AD/E Staff.
- 12:30 Recess for Lunch.
- 1:30 Problem-Oriented Education in the Sciences: Assistant Director for Education.
- 2:30 Committee Objectives and Plans, 1974: Chairman.
- 4:30 Business Session.
- 5:00 Adjournment.

MARCH 29

- 9:00 Graduate Education Program Review (Joint Meeting with Advisory Committee for Research): Assistant Director for Education and Staff.
- 10:45 Discussion of Quality of Higher Education in the Sciences (Joint Meeting with Advisory Committee for Research): Chairman.
- 11:30 Discussion of Quality of Higher Education in the Sciences: Advisory Committee for Science Education.
- 12:00 Other Business.
- 12:30 Adjournment.

This meeting shall be open to the public. Individuals who wish to attend should inform Mrs. Frances O. Watts, Administrative Officer, AD/E, Room 600, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550 prior to the meeting. Persons requiring further information concerning this Committee should contact Mrs. Frances O. Watts at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

MARCH 6, 1974.

[FR Doc.74-6375 Filed 3-19-74; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-443]

AIRCRAFT ACCIDENT AT JOHNSTOWN, PA.

Notice of Second Change of Hearing Date

In the matter of investigation of accident involving an Air East, Inc., Beech-

craft 99A of United States Registry N125AE, at Johnstown, Pennsylvania, January 6, 1974.

Notice is hereby given that the date of the Accident Investigation Hearing on the above matter is changed from April 2, 1974, to April 23, 1974. The hearing will commence on the latter date at 9 a.m., e.d.t., in the Heritage Room of the Holiday Inn, 1540 Scalp Avenue, Johnstown, Pennsylvania.

Dated this 13th day of March 1974.

[SEAL] LESLIE D. KAMPSCHORR,
Hearing Officer.

[FR Doc.74-6340 Filed 3-19-74; 8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWS

REGIONAL SELECTION MEETINGS

Pursuant to Public Law 92-463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellows will be held in each of the eleven U.S. Civil Service regions during the week of March 18, 1974. The date and place of each meeting is as follows:

Monday, March 18, 8:45 a.m.
University Club
1683 Sherman
Denver, Colorado

Monday, March 18, 8:30 a.m.
Two Turtle Creek Village, Suite 1605
Corner of Turtle Creek and Blackburn Street
Dallas, Texas

Monday, March 18, 8:30 a.m.
Jewel Companies, Inc.
O'Hare Plaza
5725 East River Road
Chicago, Illinois

Tuesday, March 19, 8:30 a.m.
U.S. Civil Service Commission, Room 1036
Post Office and Courthouse Building
Boston, Massachusetts

Tuesday, March 19, 8:30 a.m.
Alston, Miller & Gaines
National Bank Building
Atlanta, Georgia 30303

Wednesday, March 20, 8:45 a.m.
McKinsey & Co.
245 Park Avenue at 46th Street
New York, New York

Wednesday, March 20, 9:00 a.m.
Union Forge
Broad & Sampson, Lincoln Memorial Room
Philadelphia, Pa.

Wednesday, March 20, 8:30 a.m.
Boeing Aircraft Company
Seattle, Washington

Thursday, March 21, 8:00 a.m.
U.S. Civil Service Commission
Federal Building
450 Golden Gate Avenue
San Francisco, California

Saturday, March 23, 8:30 a.m.
Missouri Athletic Club, Board Room
405 Washington Avenue
St. Louis, Mo.

Saturday, March 23, 8:30 a.m.
Georgetown University
Office of the President
Washington, D.C.

These selection meetings are part of the screening process of the White House Fellows program. In these meetings, selected applicants to the program are interviewed by a panel of five to seven

outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellows those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of section 552(b)(6) of Title 5 of the United States code and that these meetings will be closed to the public.

CARL GRANT,
Director.

[FR Doc.74-6443 Filed 3-19-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 15, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Survey of Reimbursement and Certification Functions, Food Stamp Program, Form -----, Occasional, Lowry, County/State dept. public welfare caseworkers.

REVISIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Retail Outlet Gasoline Survey, Form BLS 3036A and 3036B, Bi-monthly, Weiner, Retail gasoline outlets.

VETERANS ADMINISTRATION

Supplemental Physical Examination Report, Form VA 29-8146, Occasional, Caywood, Veteran applicant.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:

Monthly Retail Inventory Reports, Forms BUS 10A, BUS 11A, BUS 207, BUS 10L, BUS 11L, Monthly, Evinger, Retail businesses.

Legal, Medical, Dental, Other Services; Medical Institutions, Educational Institutions Classification Report, Forms BUS 41, BUS 42, BUS 43, and BUS 44, Monthly, Evinger, Medical, Legal and educational establishment.
Non-profit Educational Institutions Report, Form BUS 84, Quarterly, Evinger, Educational institutions.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Digest of Selected Pension Plans, Form BLS 2714, Occasional, Evinger, Private pension plan administrators.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-6549 Filed 3-19-74;8:45 am]

TARIFF COMMISSION

[332-70]

BRUSSELS TARIFF NOMENCLATURE

Public Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

- Chapter 25: Salt; sulfur; earths and stone; plastering materials, lime, and cement.
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials.
- Chapter 69: Ceramic products.
- Chapter 70: Glass and glassware.
- Chapter 72: Coin.
- Chapter 97: Toys, games, and sports requisites, and parts thereof.

are being released today and that public hearings thereon will begin at 10 a.m., e.d.t., on April 15, 1974, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than April 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after April 8, 1974. Any person who fails to receive such notification by April 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules

(39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D.C. and New York, N.Y.; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6380 Filed 3-19-74;8:45 am]

[TEA-F-61]

CAPITOL FOOTWEAR CORP.

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Capitol Footwear Corp., Worcester, Massachusetts, the United States Tariff Commission, on March 14, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men (of the types provided for in items 700.35 and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.t., on April 11, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, April 5, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission,

8th and E Streets, NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6381 Filed 3-19-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

FRED BRAUN WORKSHOPS, INC.

Investigation of Eligibility of Workers for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Fred Braun Workshops, Inc., New York, New York (TEA-W-223). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before March 22, 1974.

Signed at Washington, D.C. this 11th day of March 1974.

GLORIA G. VERNON,
*Director, Office of
Foreign Economic Policy.*

[FR Doc.74-6372 Filed 3-19-74;8:45 am]

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WEDNESDAY, MARCH 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 55

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

GRAIN MILLS POINT SOURCE CATEGORY

**Effluent Limitations Guidelines
and Standards**

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDSPART 406—GRAIN MILLS POINT SOURCE
CATEGORY

On December 4, 1973, notice was published in the *FEDERAL REGISTER* (38 FR 33438), 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 corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories of the grain mills 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 grain mills category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 406. 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 corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing 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 Grain Processing Segment of the Grain Mills Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Grain milling 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 thereto follows.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Corn Refiners Association, American Corn Millers Federation, U.S. Department of Commerce, Distilled Spirits Council of the United States, Inc., and U.S. Department of Agriculture.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(2) A commenter pointed out a discrepancy in the rationale for the "best practicable" limitations in the corn wet milling subcategory. The Development Document claimed that the recommended technology, if applied to an existing source, would result in a monthly average discharge of 30 to 50 lbs/MSBu for both the BOD5 and TSS parameters. The limitations, however, are 35 lbs/MSBu of TSS and 50 lbs/MSBu of BOD5. It was argued that since EPA is only certain that the 50 lb limit can be attained, the TSS limitation should be changed from 35 to 50 lbs/MSBu.

EPA has carefully reviewed this comment and found it to be justified. Consequently, the best practicable limitation for TSS in the corn wet milling subcategory has been changed from 30 to 50 lbs/MSBu. EPA believes that while the 30 lb limit might be attainable, the technology is not yet available to achieve this effluent level on a routine basis. Currently, many of the existing treatment systems exceed 50 lbs of TSS/MSBu but it is the opinion of EPA, that this is due to inadequate in-plant controls and operation of the treatment systems, and in some cases the discharge of untreated barometric cooling water. With proper

operation, and recycling of barometric cooling water where necessary, the limitation of 50 lbs of TSS/MSBu is achievable and represents a substantial improvement over the present levels of treatment.

(3) Industry objected to the method EPA used to calculate an average raw waste load for the corn wet milling subcategory. EPA based its typical raw waste load on the average raw waste loads for one year at 12 corn wet mills. Industry claimed that such an average is unfair to more than half the plants in the industry, and ignores the fact that the raw waste load can vary by as much as three to ten times the average of any particular plant.

EPA believes that the method used to develop the standard raw waste load is fair and reasonable. All 17 plants in the industry were given the opportunity to submit information on the characteristics of their waste. Twelve of these plants transmitted usable information on their raw waste load to EPA. Careful evaluation of the data showed that these plants could not be further subcategorized on the basis of size or age of facility, nor on the basis of product mix. Consequently, a standard raw waste load was calculated using an average of the available data. EPA recognized the complexity of the various processes of corn wet milling and therefore, decided that the standard raw waste load should be based on the broadest data base available, i.e., an average of 12 plants, rather than on one or two of the better operations.

It is true that large fluctuations in raw waste load may occur in corn wet mills. The variations in raw waste load at any plant around an average figure are only important insofar as they affect the treatment system. As described in section VII of the Development Document, these variations can be minimized by proper in-plant control and a properly designed and operated treatment system.

(4) Industry also claimed that none of the three existing treatment plants in the corn wet milling subcategory could meet the 1977 standards contrary to the claims of EPA. It was alleged that one of these plants operating under a Federal demonstration grant has shown that it cannot meet the effluent levels required by the proposed limitations.

EPA evaluated this demonstration project during its initial stages of operation. The treatment plant was found to be overloaded, and subsequent efforts by the manufacturer reduced the raw waste load normally discharged to the treatment system. While pollutant concentrations in this effluent were reduced, large quantities of pollutants in barometric cooling water continued to be discharged untreated. As discussed in the Development Document, plants with barometric cooling water can drastically reduce their pollutant discharge by recycling this water through cooling towers with the blowdown sent to the treatment system. If this were done at the above plant, even assuming no BOD removal in the cooling tower through biological action, the limitations could be achieved. It is the

Agency's opinion that any of the plants in this subcategory with an adequate treatment system can meet the effluent limitations, provided that proper in-plant efforts are made to prevent excess raw waste from being discharged to the plant waste water treatment system.

(5) Industry claimed that the costs of treatment in the corn wet milling subcategory are underestimated and, in particular, the costs of in-plant controls are not included.

In addition to the comments EPA made in the preamble to the proposed regulation, the following factors are important. The economic impact analysis of the cost of meeting the proposed limitations was based on the construction of complete treatment systems using the best practicable technology currently available. This technology is equalization, activated sludge, and, when necessary, recirculating cooling water systems. In the corn wet milling industry, the actual costs of meeting the limitations will be less than estimated. Since all plants discharging to streams have some treatment, the cost of meeting the 1977 limitations will be reduced by an amount equal to the cost of the system they already have in place. The additional treatment may include cooling towers for recycling barometric cooling water, and an expanded treatment system to handle the blowdown from this cooling tower.

As far as in-plant controls are concerned, the typical plant selected for the calculation assumed good in-plant control. Some plants in the industry already have these controls. Others do not and would have an additional cost depending on the specific circumstances of the plant.

(6) A commenter pointed out that in a few dry corn mills additional processing occurs which is not covered in the Development Document. It was argued that a few of the larger mills further process the grits, meal and flour through expanders and/or extruders. Additional waste waters are generated by air pollution control equipment. Since such processing is not an integral part of the basic milling sequence as described in the Development Document, such wastes should be specifically excluded from the final regulations.

EPA agrees with this comment and the final regulations published below exclude waste waters from air pollution control equipment on expanders and/or extruders in the corn dry milling subcategory. Additional limitations to cover these waste waters cannot be made at this time for lack of adequate information.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Sections 406.11, 406.21, 406.31, 406.41, 406.51, and 406.61 entitled "Specialized Definitions," now include references to general definitions, abbreviations, and methods of analysis in 40 CFR

Part 401 which reduces the need for some specialized definitions in this regulation.

(2) The "best practicable" limitations for the corn wet milling subcategory have been changed. The average monthly limitation for TSS has been raised from 35 to 50 lbs/MSBu. This decision was made recognizing that solids separation is a difficult problem in this industry. While EPA feels that this problem is solvable by the methods suggested in the Development Document, sufficient uncertainty exists to raise the TSS limitation to the same level as the BOD5. This results in an effluent concentration of 125 mg/l for a typical plant. The daily maximum figure is three times the monthly limitation or 150 lbs/MSBu.

(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.

(4) In the corn dry milling subcategory, waste waters from air pollution control equipment on expanders and extruders have been excluded from the limitations. Insufficient data exists upon which to base limitations. The change is reflected in § 406.20.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation. The only subcategory affected by the revisions is the corn wet milling subcategory. Since the revision to the "best practicable" limitations raised the allowable discharge of TSS for 1977, the cost to be incurred by industry will be somewhat less than anticipated in the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the grain processing segment of the grain mills point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Grain Processing Segment of the Grain Mills Point Source Category" (March 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 Grain Milling 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 grain milling 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 Grain Processing Segment of the Grain Mills 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 406, Grain Mills Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Corn Wet Milling Subcategory

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- 406.60 Applicability; description of the parboiled rice processing subcategory.

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406.64 [Reserved]
406.65 Standards of performance for new sources.
406.66 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86-Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Corn Wet Milling Subcategory
§ 406.10 Applicability; description of the corn wet milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is steeped in a dilute solution of sulfuric acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup, and dextrose.

§ 406.11 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.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, 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.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD ₅	2.67	0.89
TSS.....	2.67	.89
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD ₅	150	50
TSS.....	150	50
pH.....	Within the range 6.0 to 9.0.	

§ 406.13 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 (kilograms per 1,000 kg of corn)	
BOD ₅	1.08	0.36
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD ₅	60	20
TSS.....	300	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.14 [Reserved]

§ 406.15 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 (kilograms per 1,000 kg of corn)		
BOD ₅	1.08	0.36
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	60	20
TSS.....	30	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter 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 406.15: *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—Corn Dry Milling Subcategory

§ 406.20 Applicability; description of the corn dry milling subcategory.

(a) The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed.

(b) The provisions of this subpart do not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.

§ 406.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the gen-

eral definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, 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 (kilograms per 1,000 kg of corn)		
BOD ₅	0.21	0.07
TSS.....	.18	.06
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	12.0	4.0
TSS.....	10.5	3.5
pH.....	Within the range 6.0 to 9.0.	

§ 406.23 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 (kilograms per 1,000 kg of corn)		
BOD ₅	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 406.24 [Reserved]

§ 406.25 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:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD ₅	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stbu of corn)		
BOD ₅	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 406.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn dry milling 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter 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 406.25; *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—Normal Wheat Flour Milling Subcategory

§ 406.30 Applicability; description of the normal wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

§ 406.31 Specialized definitions.

For the purpose of this subpart:

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

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, to 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 infor-

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

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.33 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 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.

§ 406.34 [Reserved]

§ 406.35 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.

§ 406.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal wheat flour milling 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter 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 406.35; *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.

Subpart D—Bulgar Wheat Flour Milling Subcategory

§ 406.40 Applicability; description of the bulgar wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.

§ 406.41 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "wheat" shall mean wheat delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of wheat weighing 60 pounds.

(d) The abbreviation "MSBu" shall mean 1,000 standard bushels.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, 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.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD ₅	0.025	0.0083
TSS.....	.025	.0083
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	1.50	0.50
TSS.....	1.50	.50
pH.....	Within the range 6.0 to 9.0.	

§ 406.43 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 (kilograms per 1,000 kg of wheat)	
BOD ₅	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

§ 406.44 [Reserved]

§ 406.45 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD ₅	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD ₅	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

§ 406.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the bulgur wheat flour milling 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter 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 406.45: *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.

Subpart E—Normal Rice Milling Subcategory

§ 406.50 Applicability; description of the normal rice milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned and milled by dry processes.

§ 406.51 Specialized definitions.

For the purpose of this subpart:

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

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant,

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.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

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

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

§ 406.54 [Reserved]

§ 406.55 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 sub-

ject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal rice milling 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 Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter 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 406.55: *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 F—Parboiled Rice Processing Subcategory

§ 406.60 Applicability; description of the parboiled rice processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.

§ 406.61 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "rice" shall mean rice delivered to a plant before processing.

(c) The abbreviation "cwt" shall mean hundred weight.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, 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 discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of rice)		
BOD ₅	0.42	0.14
TSS.....	.24	.08
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per hundred-weight of rice)		
BOD ₅	0.042	0.014
TSS.....	.024	.008
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of rice)		
BOD ₅	0.21	0.07
TSS.....	.09	.03
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per hundred-weight of rice)		
BOD ₅	0.021	0.007
TSS.....	.009	.003
pH.....	Within the range 6.0 to 9.0.	

§ 406.64 [Reserved]

§ 406.65 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of rice)		
BOD ₅	0.21	0.07
TSS.....	.09	.03
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per hundred-weight of rice)		
BOD ₅	0.021	0.007
TSS.....	.009	.003
pH.....	Within the range 6.0 to 9.0.	

§ 406.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the parboiled rice processing 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 part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter 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 406.65: *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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