

following new items in paragraphs (c), (d), and (e).

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) * * *

Inert ingredients	Limits	Uses
Almond shells.....	.	Solid diluent and carrier.
Coconut shells.....	.	Solid diluent and carrier.
Wood flour.....	Derived from wood free of chemical preservatives.	Solid diluent and carrier.

(d) * * *

Inert ingredients	Limits	Uses
Dipotassium hydrogen phosphate.....	.	Buffering agent.
Potassium dihydrogen phosphate.....	.	Buffering agent.
Sodium molybdate.....	.	Plant nutrient.

(e) * * *

Inert ingredients	Limits	Uses
α -Oleoyl- ω -(oleoyloxy)poly(oxyethylene) derived from α -hydroxy poly(oxyethylene), molecular weight 600.	.	Emulsifier, defoaming agent.

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[FRL 392-5]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 417—SOAP AND DETERGENT MANUFACTURING CATEGORY

Pretreatment Standards for New Sources

On February 20, 1975, notice was published in the proposed rules section of the FEDERAL REGISTER (40 FR 7580) that the Environmental Protection Agency (EPA or Agency) was proposing regulations amending pretreatment standards for new sources.

The purpose of this notice is to establish final pretreatment standards for new sources for the manufacture of spray dried detergents (Subpart O); manufacture of liquid detergents (Subpart P); manufacture of detergents by dry blending (Subpart Q); and the manufacture of drum dried detergents (Subpart R) subcategories of the Soap and Detergent point source category (40 CFR 417) which discharge to publicly owned treatment works.

This final rulemaking is promulgated pursuant to section 307(c) of The Fed-

eral Water Pollution Control Act, as amended (The Act); 33 U.S.C. 1317(c); 86 Stat. 816 Et seq.; Pub. L. 92-500 This regulation is intended to be complementary to the general regulation for pretreatment standards set forth in 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 417.156, 417.166, 417.176, and 417.186 of the regulation below are to implement the intent of 40 CFR 128, by establishing specific numerical limitations as pretreatment standards. The deletion of §§ 128.121, 128.122, 128.132, and 128.133 is necessary to clearly establish that the numerical limitations set forth in the regulation below constitute the pretreatment standards for the appropriate subcategories.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment works, published pursuant to section 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Interested persons were invited to participate in the proposed rulemaking by submitting written comments within 30 days from the date of publication of the notice. 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. EPA has considered carefully all of the comments received and a discussion of these comments with the agencies response thereto follows:

a. *Summary of comments.* The following responded to one or more of the requests for written comments contained in the preamble to the proposed regulation: Chemical Specialties Manufacturers Association, Incorporated; The Soap and Detergent Association; and the Texize Chemicals Company.

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

Comments were made to the effect that the pretreatment standards for subparts O, P, Q, and R, should be the COD levels used in the original definitions of incompatibility, rather than the lower levels being proposed.

The Agency intended that the lower levels of pretreatment be an optional alternative for those sources which could not regularly achieve the limitations set forth for compatible pollutants. Since the provision was to be optional and since some ambiguity existed in the wording of the proposed regulation, the wording has been changed. It now clearly indicates the limitations which are to determine compatibility and incompatibility for waste water pollutants discharged to publicly owned treatment works.

b. *Revision of the proposed regulation prior to promulgation.* Provisions have been made to prohibit the discharge of waste water pollutants in which the COD/BOD7 ratio exceeds 10.0 and where the (allowable) COD exceeds certain established levels in each of the affected subcategories.

c. *Final rulemaking.* In consideration of the foregoing, 40 CFR Part 417, soap and detergent point source category, §§ 417.151, 417.161, 417.171, 417.181, 417.156, 417.166, 417.176, and 417.186 are hereby amended to read as set forth below. This final regulation is promulgated as set forth below and shall be effective July 30, 1975.

Dated: June 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 417 is amended as follows:

Subpart O—Manufacture of Spray Dried Detergents Subcategory

1. Section 417.151 is amended by adding a new paragraph (g) to read as follows:

§ 417.151 Specialized definitions.

* * * * *

(g) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

2. The existing § 417.156 is revised to read as follows:

§ 417.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of spray dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 2.4 kg/kg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or having a COD content of 2.40 kg/kg of anhydrous product or less the pretreatment standard shall be:

(1) For normal operation of spray drying towers above, the following values pertain:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(3) For fast turnaround operation of a spray tower, the following values pertain: The maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (b) (1) or (2) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (b) (1) or (2) of this section.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart P—Manufacture of Liquid Detergents Subcategory

3. Section 417.161 is amended by adding a new paragraph (f) to read as follows:

§ 417.161 Specialized definitions.

(f) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

4. The existing § 417.166 is revised to read as follows:

§ 417.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of liquid detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 182, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 1.10 kg/kg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or having a COD content of 1.10 kg/kg of anhydrous product or less the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For fast turnaround operation of automated fill lines, the following values pertain; the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (b) (1) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (b) (1) of this section:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart Q—Manufacture of Detergents by Dry Blending Subcategory

5. Section 417.171 is amended by adding a new paragraph (d) to read as follows:

§ 417.171 Specialized definitions.

(d) The term BOD7 shall mean the biochemical oxygen demand as deter-

mined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

6. The existing § 417.176 is revised to read as follows:

§ 417.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of detergents by dry blending subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 0.26 kg/kg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or a COD content of 0.26 kg/kg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart R—Manufacture of Drum Dried Detergents Subcategory

7. Section 417.181 is amended by adding a new paragraph (d) to read as follows:

§ 417.181 Specialized definitions.

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 r.p.m. may be used.

3. The existing § 417.186 is revised to read as follows:

§ 417.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of drum dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing indus-

try as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 0.20 kg/kkg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or a COD content of 0.20 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52c—MINORITY BIOMEDICAL SUPPORT PROGRAM

In the FEDERAL REGISTER of December 30, 1974 (39 FR 45042) a notice of proposed rulemaking was published in which it was proposed to amend Title 42 of the Code of Federal Regulations by the addition of a new Part 52c, prescribing rules applicable to grants under the Minority Biomedical Support (MBS) Program for the general support of biomedical research, authorized by section 301(c) of the Public Health Service Act, as amended (42 U.S.C. 241(c)). Interested individuals were invited to submit written comments concerning the proposed regulations within a 30-day period, ending January 29, 1975.

Comments were received from 26 organizations and institutions, relating to the following matters:

A. Authority. Two comments were concerned with the legislative authority under which the MBS Program is administered. The Minority Biomedical Support Program was initiated in FY 1972 under the General Research Support authority contained in section 301(c) of the Public Health Service Act (42 U.S.C. 241(c)), utilizing funds earmarked for the Program in the Departments of Labor and Health, Education, and Welfare and Related Agencies Appropriation Act, 1972 (Pub. L. 92-80). In this connection, Senate Report No. 92-316, at p. 68 stated that:

The Committee [on Appropriations] encourages the General Research

Support Branch of the Division of Research Resources, National Institutes of Health) to initiate a program for the development of the health sciences at predominantly black colleges which have been unable to provide adequate preparation for definitive training in health research fields and the health professions. Since historically black students have not had equality of opportunity to become investigators in health research fields and to become physicians, dentists, and other health professionals, chiefly due to a lack of adequate research and teaching facilities and the inability of black institutions to compete for sufficient numbers of professionals, it is incumbent upon the Federal Government to rectify these inequalities.

In appropriating funds for subsequent years, the House Committee on Appropriations indicated that the scope of the Program should be broadened to include not only black colleges but institutions with student enrollments from other minorities as well, and institutions with significant (but less than 50 percent) minority enrollment. See: H. Repts. No. 93-305, at p. 46; No. 93-1140, at p. 45. Also, S. Rep. No. 93-1146, at p. 69.

B. Eligibility. Comments on § 52c.3 pertained to the broadening of MBS eligibility guidelines to include institutions with significant (but less than 50 percent) minority enrollments. Concern was voiced that newly eligible institutions could attract funds away from the smaller minority colleges and universities unless expanded resources were provided to the MBS Program. One comment included a suggestion that a definite percentage of minority students enrolled in the institution or in the biomedical science areas of an institution be set as an eligibility requirement. However, funding of only minority schools would exclude a significant number of minority students and faculty from consideration for support. Therefore, § 52c.3 was not modified in this regard.

It was also suggested that §§ 52c.3(a)(1) and 52c.3(a)(2) be amended by substituting the phrase "a traditionally high (more than 50 percent) minority student enrollment" for the words "a student enrollment derived primarily from ethnic minorities," in order to emphasize that no traditionally minority institution would be penalized under the MBS Program because of a decrease in its percentage of minority students. This suggestion was adopted.

It was proposed that § 52c.3(a)(4), relating to Indian tribes, be revised somewhat and that a reference to Alaska Native Regional Corporations be added. The provision was revised as suggested.

A proposal was made to remove language giving preference to schools with minority enrollments. It was suggested that such language would serve to cause institutions to discriminate against persons outside the ethnic minorities through admission policies in order to gain eligibility for support. However, this ignores the fact that the MBS Program is designed as a vehicle for aiding biomedical research at institutions at which development of this area has been affected by past discriminatory practices, as well as at institutions which have

demonstrated a commitment to the encouragement of and assistance to ethnic minority faculty, students, and investigators. Moreover, the eligibility requirements serve to direct funds to institutions already having significant minority enrollments, and recipient institutions are required to abide by nondiscrimination requirements in the utilization of such funds. Consequently, the suggested change was not adopted.

Further broadening of the eligibility requirements was suggested by one reviewer, to include predominantly minority institutions serving pre-schoolers, dropouts, or the aged. Such an expansion, however, would obscure the primary objective of the MBS Program, i.e., the development of increased ethnic minority participation in biomedical research. Hence, this suggestion was also not adopted.

C. Application. One comment was received concerning § 52c.4, to the effect that a maximum support period of five years was not adequate for the achievement of competitive status by minority institutions and proposing an additional five-year eligibility period based on indicators of progress including publications, grant awards, and the number of students going on to graduate school in the biomedical sciences. A new § 52c.4(d) has been added to make it clear that a grantee institution may compete for additional support periods.

D. Grant Awards. A suggestion was received recommending a lengthening of the budget period prescribed in § 52c.5 (d) from one to three years in order to better assess the long term accomplishments of the grantee's program. In view of the uniform Department policy favoring 12 month budget periods, this recommendation was not followed.

E. Expenditure of Grant Funds. Relating to § 52c.7(a), eleven comments were received objecting to non-payment of indirect costs. The lack of indirect cost support was cited, particularly by minority institutions, as undermining the institution's ability to respond to other Federal initiatives by placing additional strain on limited budgets. The MBS Program is funded out of the General Research Support appropriations which contain language expressly barring payment of indirect costs. Consequently, it is not possible to pay indirect costs under the MBS Program.

Other comments on § 52c.5 concerned the provision of a procedure for budget revision and additional flexibility in the use of funds allocated for equipment. However, these matters are already covered in Department and PHS policies of general applicability to discretionary grant programs.

F. Grantee Accountability. It was suggested that § 52c.12 be modified to require each institution to negotiate with the Department an institutional patent agreement as a prerequisite for receipt of a grant. This matter is already covered by Subpart O of 45 CFR Part 74, to which reference is made in § 52c.10, as well as 45 CFR Parts 6 and 8.