

# federal register

February 19, 1975—Pages 7081-7390

WEDNESDAY, FEBRUARY 19, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 34

Pages 7081-7390



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**federal register**

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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 National Advisory Council on Equality of Educational Opportunity; to be held at Memphis, Tennessee (open) 2-28 and 3-1-75.. 2854; 1-16-75

National Advisory Council on Indian Education; to be held in Washington, D.C. (partially open) 2-28 thru 3-9-75..... 6385; 2-11-75  
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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of Agriculture

Section 213.3113 is amended to show that six positions of Regional Director, GS-14 and GS-15, are excepted under Schedule A.

Effective February 19, 1975, § 213.3113 (d) (1) is revised as set out below.

§ 213.3113 Department of Agriculture.

(d) *Agricultural Stabilization and Conservation Service.*

(1) Six positions of Regional Director at GS-14 and GS-15.

(5 U.S.C. secs. 3301, 3302; E. O. 10577, 3 CFR 1054-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE  
COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc. 75-4579 Filed 2-18-75; 8:45 am]

## Title 9—Animals and Animal Products

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

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; IN- SPECTION AND OTHER REQUIRE- MENTS FOR CERTAIN MEANS OF CON- VEYANCE AND SHIPPING CONTAINERS THEREON

#### Relief of Restrictions on Importation of Slaughter Sheep and Goats From Canada

*Statement of considerations.* On December 5, 1974, there was published in the FEDERAL REGISTER (39 FR 42375), proposed amendments to 9 CFR Part 92, to provide for the importation of sheep and goats from Canada for immediate slaughter without the inspection on the premises of origin which is now required. In view of the fact that Canada has animal disease eradication programs comparable to those of the United States, this action is taken to relieve restrictions no longer deemed necessary to protect the livestock industry of the United States. Sheep and goats for immediate slaughter, however, must be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating in substance: (1) That the sheep and goats have been inspected and found free of evidence of

communicable disease, and (2) That, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. The sheep and goats must be consigned from the port of entry directly to a recognized slaughtering establishment and under the condition that they there be slaughtered within two weeks from the date of entry.

A period of 30 days was allowed for submission of comments by interested persons. No comments were received.

Therefore, after due consideration of all relevant information available to the Department, the proposed amendments are hereby adopted without change.

1. § 92.21 is amended by adding a new paragraph (c) reading as follows:

§ 92.21 Sheep and goats from Canada.

(c) Sheep and goats for immediate slaughter may be imported from Canada without the certification prescribed in paragraph (a) of this section but shall be subject to the other applicable provisions of this part and shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating that: (1) The sheep and goats were inspected on the premises where assembled for shipment to the United States within the 30 days immediately prior to the date of export and were found free of evidence of communicable disease, and (2) As far as can be determined, they have not been exposed to any such disease during the 60 days immediately preceding their exportation.

2. § 92.23 is amended to read:

§ 92.23 Animals from Canada for immediate slaughter.

Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within two weeks from the date of entry.

(Secs. 6 and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 104, 105, 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477, 38 FR 19141.)

*Effective date.* The foregoing amendments shall become effective on February 19, 1975.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that further public participation in this rulemaking proceeding

would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of February, 1975.

J. M. HEJL,  
*Deputy Administrator, Veteri-  
nary Services, Animal and  
Plant Health Inspection  
Service.*

[FR Doc. 75-4453 Filed 2-18-75; 8:45 am]

## Title 10—Energy

### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 140—FINANCIAL PROTECTION RE- QUIREMENTS AND INDEMNITY AGREE- MENTS

##### Miscellaneous Amendments

The provisions of section 170 of the Atomic Energy Act of 1954, as amended, (the Act) require the holder of a license for a production or utilization facility to have and maintain financial protection to cover public liability claims. Section 170 of the Act in conjunction with section 201 of the Energy Reorganization Act of 1974 requires the Nuclear Regulatory Commission to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. of the Act requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

The insurers who provide the nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised the Commission that effective January 1, 1975, the maximum amount of privately available nuclear energy liability insurance would be increased from \$110 million to \$125 million.

Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to \$125 million, effective March 21, 1975. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Part 140, Code of Federal Regulations, are published as a document subject to codification.

#### § 140.11 [Amended]

1. Section 140.11(a) (4) is amended by deleting "\$110,000,000" and substituting therefor "\$125,000,000."

#### § 140.91 [Amended]

2. Section 140.91, Appendix A, Conditions, Paragraph 4, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows:

<sup>1</sup> For policies issued by Nuclear Energy Liability Insurance Association the amount will be "\$96,875,000," for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "\$28,125,000."

3. Section 140.91, Appendix A, Optional Amendatory Endorsement, paragraph III, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows:

<sup>1</sup> For policies issued by Nuclear Energy Liability Insurance Association the amount will be "\$96,875,000," for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "\$28,125,000."

#### § 140.92 [Amended]

4. Section 140.92, Appendix B, Article II, Paragraph 8(a), is amended by deleting the amount "\$85,250,000" wherever it appears and substituting therefor "\$96,875,000."

5. Section 140.92, Appendix B, Article II, Paragraph 8(b), is amended by deleting the amount "\$24,750,000" wherever it appears and substituting therefor "\$28,125,000."

6. Section 140.92, Appendix B, Article II, Paragraph 8(c), is amended by deleting the amount "\$110,000,000" wherever it appears and substituting therefor "\$125,000,000."

7. Section 140.92, Appendix B, Article III, Paragraph 4(b) (2), is amended by changing "\$110,000,000" to "\$125,000,000."

#### § 140.93 [Amended]

8. Section 140.93, Appendix C, Article II, Paragraph 8, is amended by deleting the amount "\$110,000,000" wherever it

appears and substituting therefor the amount "\$125,000,000."

9. Section 140.93, Appendix C, Article III, Paragraph 4(b) (2), is amended by changing "\$110,000,000" to "\$125,000,000."

#### § 140.94 [Amended]

10. Section 140.94, Appendix D, Article II, Paragraph 6, is amended by changing "\$110,000,000" to "\$125,000,000."

#### § 140.95 [Amended]

11. Section 140.95, Appendix E, Article III, Paragraph 4(b) (2), is amended by changing "\$110,000,000" to "\$125,000,000."

*Effective date.* The foregoing rule becomes effective on March 21, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 4, Pub. L. 85-256, 71 Stat. 576 (42 U.S.C. 2210))

Dated at Washington, D.C., this 13th day of February 1975.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,

*Acting Secretary of the Commission.*

[FR Doc. 75-4500 Filed 2-18-75; 8:45 am]

### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-101]

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

##### Redesignation of Federal Airways; Correction

On Monday, February 3, 1975, the Federal Aviation Administration published an amendment to Part 71 of the Federal Aviation Regulations (FR Doc. 75-2990; 40 FR 4905). Amendatory item number 3 of that document contains transposed digits in a reference in line 9 of that paragraph on page 4906. The ninth line of amendatory item 3 reading, "267° radials; \* \* \*" is amended by correcting it to read: "276° radials; \* \* \*"

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

Issued in Washington, D.C., on February 12, 1975.

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

[FR Doc. 75-4388 Filed 2-18-75; 8:45 am]

[Airspace Docket No. 75-SO-9]

#### PART 73—SPECIAL USE AIRSPACE

##### Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to lower the ceiling for Restricted Areas R-3004 Fort Gordon, Ga., and R-

6004 Savannah River Plant, S.C., from 18,000 feet MSL to 17,000 feet MSL.

This change can be effected without detriment to the intended purpose of the restricted areas and it will allow a portion of airspace to be returned to public use.

Since this amendment restores airspace to the public, it is a minor matter upon which the public would have no particular desire to comment, therefore, notice and public procedure are unnecessary. Since this action relieves a restriction upon the public, it may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective February 19, 1975, as hereinafter set forth.

In § 73.30 (40 FR 669) the designated altitudes for R-3004 Fort Gordon, Ga., are changed to read as follows:

Designated altitudes. Surface to 17,000 feet MSL.

In § 73.60 (40 FR 693) the designated altitudes for R-6004 Savannah River Plant, S.C., are changed to read as follows:

Designated altitudes. Surface to 17,000 feet MSL.

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

Issued in Washington, D.C., on February 11, 1975.

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

[FR Doc. 75-4390 Filed 2-18-75; 8:45 am]

### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8739]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Bendix Corp. and Fram Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 7, 38 Stat. 731; as amended; 15 U.S.C. 18) [Cease and desist order, The Bendix Corporation, et al., Southfield, Mich., Docket 8739, Nov. 12, 1974]

*In the Matter of the Bendix Corporation, a Corporation, and Fram Corporation, a Corporation*

Consent order requiring, among other things, the establishment of a "New Company" within six months of the effective date of this order and its spin-off to shareholders or the public within two years. When it commences business, the New Company will own Fram Corporation's private label filter division, three of Bendix's and two of Fram's manufacturing divisions and a portion of Bendix's automotive sales divisions. Further, respondent is prohibited from making any acquisitions for a ten-year period, within the fields of automotive

filters for aftermarket distribution, aerospace filters, liquid separators, and automobile parts for aftermarket distribution.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

I. For the purposes of this Order, the following definitions shall apply:

1. *Respondent.* The Bendix Corporation, and those persons, partnerships, corporations or other legal entities acting on its behalf, including, but not limited to, its officers, directors, agents, representatives, employees, majority-owned subsidiaries, successors and assigns; *Provided, however,* That the term Respondent shall not be construed to include the New Company (as hereinafter referred to).

2. *Automobile parts.* All parts used on and in connection with the operation of passenger cars and light trucks. (As used in this Order the term "light trucks" means trucks having a gross vehicle weight of less than 10,000 pounds.)

3. *Bendix ignition parts.* Automobile parts consisting of rotors, condensers, points and distributor caps, as presently manufactured by Bendix; as well as all other parts as may from time to time be manufactured by Bendix which are substitutes therefor, or improvements thereof.

4. *Automobile chemicals.* Automobile parts cleaners, hand cleaners, starting fluid and any other Automobile Chemical products sold by Bendix as of the Effective Date of this Order except for brake fluid and brake lubricant.

5. *Effective date of this order.* The date of issuance of the Commission's Decision and Order with respect to this matter.

6. *Spin-off date.* The date within two (2) years after the Effective Date of this Order when Respondent divests itself of all right, title and interest in, and all capital stock of, the New Company as provided in this Order.

7. *Net parent investment.* The net book value of the assets of the New Company less the book value of the liabilities of the New Company determined in a manner consistent with the footnotes to the New Company balance sheet and income statement (pro forma combined-unaudited) attached as Exhibit IV to this Order.

8. *Intra-New Company eliminations.* Elimination of the sales between those divisions, subsidiaries and product lines to be transferred to the New Company pursuant to Part II(B) hereof.

II. It is ordered, That:

(A) Within six (6) months from the Effective Date of this Order, Respondent shall have existing or cause to be formed a separate corporation (herein "New Company") with at least sufficient shares of authorized capital stock to comply with the provisions of this Order.

(B) Within six (6) months from the Effective Date of this Order, Respondent shall transfer to New Company:

(1) All of the assets, properties, businesses, goodwill, rights, privileges and interests of whatever nature, real, personal, tangible and intangible (subject to liabilities) comprising the following existing divisions and/or subsidiaries of The Bendix Corporation (hereinafter "Bendix") and Fram Corporation (hereinafter "Fram"):

(a) Bendix Motor Components Division, whose principal plant and offices are located at 18th Street at Oakwood, Elmira, New York; *Provided,* That Bendix shall not transfer the facilities and personnel of said Division which are directly involved in or related to the manufacture or sale of bicycle brakes; said assets not to be transferred are listed in Exhibit I to this Order, which is attached and made a part hereof. The portion of said Division to be transferred had, on an unaudited pro forma basis, fiscal 1973 sales (before Intra-New Company Eliminations) of \$19,531,000, pretax profits of \$1,898,000 and, as of September 30, 1973, net assets of \$8,175,000;

(b) Bendix's Filter Division, whose principal plant and offices are located at 434 West, 12 Mile Road, Madison Heights, Michigan, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$5,346,000, pretax net profits of \$320,000, and, as of September 30, 1973, net assets of \$3,100,000;

(c) Bendix's Fuel Devices Division, whose principal plant and offices are located at 696 Hart Avenue, Detroit, Michigan, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$9,351,000, pretax net profits of \$1,117,000, and, as of September 30, 1973, net assets of \$4,264,000;

(d) Fram's Campbell Filter Company, whose principal plant and offices are located at Fram Road, Dexter, Missouri, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$8,227,000, pretax net profits of \$1,755,000, and, as of September 30, 1973, net assets of \$3,472,000;

(e) Fram's Industrial Filter Division, whose principal plant and offices are located at 2929 East Apache, Tulsa, Oklahoma, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$8,056,000, pretax net profits of \$335,000, and, as of September 30, 1973, net assets of \$3,074,000;

(f) Fram's General Products Division, whose principal plant and offices are located at U.S. No. 1 By Pass South, Henderson, North Carolina, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$15,099,000, pretax net profits of \$260,000, and, as of September 30, 1973, net assets of \$11,420,000.

A list of the general product lines to be transferred pursuant to this subparagraph (1) is attached to and made a part of this Order as Exhibit II.

(2) All of the assets and businesses (subject to liabilities) of Bendix's Automotive Aftermarket Operations Division

(hereinafter "AAO"), which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of \$15,942,000, pretax net profits of \$1,650,000, and, as of September 30, 1973, net assets of \$5,838,000, consisting generally of all AAO's equipment, furniture and fixtures which relate to the product lines of AAO being divested as set forth in Exhibit III hereof, including a leasehold of a suitable warehouse facility, with adequate office space, of not less than 50,000 square feet; all AAO's books, catalogs, promotional materials, supplier and customer lists, records, accounts, data processing programs, inventories, machinery, and, subject to the provisions of subparagraph (C) of Part II of this Order, all rights to names, trade names, trademarks, service names and service marks owned by Respondent (including all rights to P&D marks and names limited to the United States), pertaining to said AAO product lines; all AAO contracts (i) with third persons to manufacture, remanufacture or supply said product lines or components thereof to AAO, and (ii) with third persons to purchase any such product lines from AAO, to the extent that such contracts cover said product lines; provided, however, that Bendix shall not be required to divest any of its assets or businesses which relate to its brake, brake parts, brake fluid, brake lubricant, power steering, power hydraulics, or universal joint product lines.

(C) The assets to be transferred pursuant to subparagraph (1) of Part II(B) above shall include, without limitation, all books, catalogs, promotional materials, supplier and customer lists, records, accounts, data processing programs, inventories, tools, dies, jigs, machinery, equipment, manufacturing facilities, research and development capabilities, real and personal property, contract rights (including, but not limited to, all supply and sales contracts and all employment contracts), all rights to names, trade names, trademarks, service names and service marks owned by Respondent (including all rights to P&D marks and names limited to the United States, relating to, or associated with, the businesses to be transferred pursuant to Part II(B)(1) (a) through (f)), *Provided,* That Respondent shall not be required to transfer or otherwise divest the names, trade names, trademarks, service names and service marks (i) which consist of or which include "Bendix" or "Fram", or (ii) "Stromberg" in Asia, Australia and South Africa.

(D) Respondent shall make available to the New Company adequate administrative, sales and service personnel to carry on the businesses to be transferred to New Company.

(E) Respondent shall grant a non-exclusive royalty-free license to the New Company on reasonable terms and conditions to use the name "Bendix" in the United States for a period of five (5) years from the Effective Date of this Order in connection with the sale of (1) automotive starter drives of the general type manufactured by Bendix's Motor

<sup>1</sup> Copies of the decision and order and exhibits filed with the original document.



## RULES AND REGULATIONS

Components Division and (ii) Automobile Chemicals.

(F) Respondent shall, concurrently with the above-described transfers, grant to the New Company the right to purchase, on reasonable terms and conditions no less favorable than those offered to any other customers for replacement use (but subject always to the requirements of law), for a period of five (5) years from the Effective Date of this Order, and for any part of said five year period, all or any part of the New Company's requirements of Bendix Ignition Parts, as the New Company, at its option shall desire.

(G) Unaudited pro forma financial statements of the New Company shall be and are attached and made a part of this Order as Exhibit IV.

**III. It is further ordered, That:**

(A) As of the date of transfer to New Company of the assets and businesses to be transferred pursuant to Part II of this Order, the New Company will have a Net Parent Investment of not less than forty-two (42) million dollars (including good will not to exceed \$3.2 million).

(B) Pending the transfer of the assets and businesses to the New Company pursuant to Part II of this Order, Respondent shall use its best efforts to conduct such businesses in the ordinary course, and shall not make any change in the businesses to be divested or in the New Company (apart from making changes in the ordinary course of said businesses) which would impair the capacity of the New Company to continue the businesses transferred to the New Company pursuant to this Order.

(C) Pending the Spin-Off Date, Respondent shall use its best efforts to assist the New Company in commencing business, and in promoting its products and independent corporate identity. Prior to the Spin-Off Date, Respondent will notify all customers of the businesses transferred to the New Company that the New Company is a successor to Bendix and/or Fram with respect to the divested product lines, and that its products are those previously sold or furnished by Bendix or Fram.

(D) Pending the Spin-Off Date, the New Company, in order to insure an orderly transfer, may use all Bendix and Fram trademarks, trade names, service names and service marks previously used in connection with any lines of business transferred to it, and may inform others that it is associated with, and is a subsidiary of, Bendix and Fram.

(E) Respondent shall not, without the consent of the New Company, employ for three (3) years after the Spin-Off Date, any personnel (i) whose duties relate exclusively to the assets or businesses to be transferred to the New Company pursuant to Part II of this Order, or (ii) as shall be transferred to the New Company under Part II(D). Respondent will use its best efforts to encourage such persons to become employed by the New Company.

(F) In the period beginning on the date the New Company is organized pursuant to Part II(A) hereof until five

years after the Spin-Off Date, Respondent shall not loan any sum of money or other thing of value to, or extend or advance credit to, or indemnify or guarantee the obligations of, the New Company, other than with respect to products or services sold on credit by Respondent to the New Company in the ordinary course of business.

(G)(1) Immediately after the New Company is organized, Respondent shall vote the stock of the New Company for the election of an interim Board of Directors to serve until the election of an initial Board of Directors;

(2) On or prior to the Spin-Off Date, Respondent shall cause the election of an initial Board of Directors of the New Company whose initial terms shall not exceed one (1) year;

(3) Respondent shall not vote any of the stock of the New Company except: (a) as provided in subparagraph 1 or Part III(G), (b) with respect to organizational matters, and (c) with respect to matters preparatory to spin-off;

(4) No member of the initial Board of Directors of the New Company shall at the time of his election or during the period of his service be an officer, director, or employee of Respondent; and

(5) Subsequent to the election of an initial Board of Directors of the New Company, no employee, officer, or director of Respondent shall concurrently be an employee, officer, or director of the New Company.

**IV. It is further ordered, That:**

(A) Within two (2) years of the Effective Date of this Order, Respondent shall divest itself of all right, title and interest in the New Company: (1) by transferring the capital stock of the New Company to persons who are at the time owners of Bendix common stock or Bendix common and preferred stock, or (2) by means of a public offering of the stock of the New Company which is registered pursuant to the Securities Act of 1933, or (3) by any combination of (1) and (2) above; subject always to the provisions of Paragraph (B) of this Part.

(B) In no case shall Respondent knowingly sell, divest, or otherwise transfer, directly or indirectly, any stock of the New Company to any person (other than an underwriter or selling dealer) who is at the time of the transfer the beneficial owner of more than two (2) percent of the outstanding common stock of Bendix; *Provided, however*, That in the event of a transfer of New Company stock under Part IV(A) (1) or (3) hereof, nothing in this Order shall prohibit any of the shareholders of Bendix who are the beneficial owners of more than two (2) percent of the outstanding common stock of Bendix from exercising any rights they may have as such shareholders to obtain their pro-rata shares of any shares of stock of the New Company; and *Further, provided, however*, That in the event of a public offering of New Company stock under Part IV(A) (2) or (3) hereof, Respondent shall exercise its best efforts to achieve a wide distribution of said stock.

**V. It is further ordered, That Respondent shall:**

(A) Not later than sixty (60) days after completion of the transfers described in Part II hereof, furnish to the Commission an independently certified balance sheet of the New Company.

(B) Cause the New Company to furnish to the Commission within one hundred twenty (120) days following the close of its first fiscal year, an independently certified income statement and balance sheet with respect to its first fiscal year's operations.

(C) Submit concurrently to the Commission copies of all registration statements or amendments thereto filed with the Securities and Exchange Commission with respect to any distribution of stock pursuant to Part IV(A).

**VI. It is further ordered, That, for a period of two (2) years from the Spin-Off Date, Respondent shall not engage in the United States in:**

(A) The manufacture or sale of the product lines presently manufactured or sold by Respondent as set forth in Exhibit II (other than sales of such products purchased from others and incorporated as component parts in other products sold by Respondent or sold by Respondent as spare parts for such other products).

(B) The manufacture or sale of Automobile Chemicals or of Bendix Ignition Parts except as provided in Part II(F) above; *Provided, however*, That to the extent that the New Company shall not during said two-year period purchase from Respondent Bendix Ignition Parts in quantities equal to the then current production capacity for such parts of Respondent, Respondent may to this extent: (i) manufacture and sell said ignition parts to new vehicle manufacturers for purposes of installation by them on new vehicles or for resale by them through their service operations as replacement parts under said manufacturers' brand or trade names; (ii) manufacture and sell said ignition parts to other manufacturers of ignition parts for resale by said manufacturers under a brand or trade name other than Respondent's; and (iii) manufacture and sell said ignition parts as part of an automotive tune-up kit which includes spark plugs, *Provided*, That Respondent will make available, on reasonable terms and conditions, spark plugs to the New Company under the New Company's own trade name subject to Respondent's then available production capacity.

**VII. It is further ordered, That for ten (10) years from the Effective Date of this Order, Respondent shall not acquire, directly or indirectly, without the prior approval of the Commission, the share capital or assets (other than products acquired for use or resale in the ordinary course of Respondent's business, or other than the acquisition by Respondent of the share capital or assets of any corporation not organized in the United States of which Respondent owns more than 50 percent of the issued and outstanding share capital as of the Effective Date of this Order) of any corporation**



engaged in the manufacture or sale in the United States of:

(A) Automotive filters, *Provided*, That nothing in this subparagraph (A) shall prohibit Respondent from acquiring the share capital or assets of any corporation engaged at the time in the manufacture or sale of automotive filters solely to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts;

(B) Aerospace filters;

(C) Liquid separators; or

(D) Automobile Parts (other than automotive filters which are covered separately by subparagraph (A) of this Part VII), *Provided*, That nothing in this subparagraph (D) shall prohibit Respondent from acquiring the share capital or assets of:

(1) Any corporation engaged at the time in the manufacture or sale of such Automobile Parts solely to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts, or to any other manufacturer of such Automobile Parts for resale by such manufacturer under a brand or trade name other than Respondent's; or

(2) Any corporation engaged at the time in the manufacture or sale of such Automobile Parts whose sales of such Automobile Parts during the calendar year preceding acquisition (exclusive of sales to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts) did not exceed twenty (20) percent of said corporation's total sales and were not in excess of One Million Dollars (\$1,000,000).

The provisions of this Part VII of this Order shall apply to any arrangements pursuant to which Respondent acquires the market share of any concern, corporate or non-corporate, which is engaged in the manufacture of automotive filters, aerospace filters, liquid separators, or Automobile Parts other than automotive filters (a) through such concern discontinuing the marketing, distribution and/or sale of any said products under its own trade name or labels and thereafter distributing such products under Respondent's trade names or labels, or (b) by reason of such concern's discontinuing the manufacture of any of said products or the sale of any of said products to certain customers, and thereafter transferring to Respondent customer lists or in any other way making available to Respondent access to customers or customer accounts for any of said products.

No acquisition made by Respondent pursuant to the provisions contained in this Part VII shall be deemed immune or exempt from the provisions of the anti-trust laws by reason of anything contained in this Order.

VIII. *It is further ordered*, That, Respondent shall, within six (6) months after the Effective Date of this Order,

and every six (6) months thereafter, until Respondent has fully complied with Parts II through VI of this Order, submit in writing to the Commission a report setting forth in detail the manner and form in which Respondent intends to comply, is complying, and has complied with Parts II through VI of this Order. All compliance reports shall include such other information and documentation as may hereafter reasonably be required to show compliance with this Order.

With respect to Part VII of this Order, Respondent shall, on the first anniversary date of the Effective Date of this Order and on each anniversary date thereafter to and including the tenth anniversary date, submit a report, in writing, setting forth in detail the manner and form in which Respondent intends to comply, is complying and has complied with Part VII of this order, a list of all acquisitions or mergers made by Respondent in the categories described in Part VII, the date of such acquisition or merger, the products involved, and such additional information relating thereto as may from time to time reasonably be required.

IX. *It is further ordered*, That Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation, which may affect obligations arising out of this Order.

Decision and order issued by the Commission Nov. 12, 1974.<sup>2</sup>

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-4394 Filed 2-18-75; 8:45 am]

[Docket No. C-2595]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

J. Walter Thompson Co.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.170 *Qualities or properties of product or service*; § 13.205 *Scientific or other relevant facts*; § 13.210 *Scientific tests*; § 13.265 *Tests and investigations*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature*; § 13.1710 *Qualities or properties*; § 13.1740 *Scientific or other relevant facts*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts*. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*; 13.2275-70 *Television depictions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, J.

<sup>2</sup> Copies of the complaint, initial decision, and original order reported in 77 FTC 731.

Walter Thompson Company, New York City, Docket C-2595, Oct. 8, 1974.]

*In the Matter of J. Walter Thompson Company, a corporation*

Consent order requiring a New York City advertising agency, among other things to cease using deceptive demonstrations and making unsubstantiated claims concerning structural strength, quietness or performance of motor vehicles.

The Decision and Order, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

*It is ordered*, That respondent, J. Walter Thompson Company, its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising or offering for sale or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle, do forthwith cease and desist from:

(a) Unfairly or deceptively advertising any such product by presenting evidence, including tests, experiments, or demonstrations, or the results thereof, that appears or purports to be evidence of the structural strength, quietness or performance of such product, that is material to inducing the sale of such product, but which is not competent or reliable evidence to prove such fact or product feature.

(b) Making any statements or representations, directly or by implication, concerning the structural strength, quietness or performance of the said product or any part thereof, unless there exists a reasonable basis for such statements or representations, provided that such a reasonable basis shall consist of competent and reliable scientific tests or other competent and reliable objective materials; including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

*It is further ordered*, That respondent corporation shall forthwith distribute a copy of this order to its operating divisions involved in the advertising or promotion of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division, Ford Motor Company.

*It is further ordered*, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

## RULES AND REGULATIONS

It is further ordered, That respondent shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

Decision and order issued by the Commission, Oct. 8, 1974, Commissioner Thompson dissenting.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-4437 Filed 2-18-75;8:45 am]

[Docket No. C-2572]

### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

#### Trailer Coach Association and Louis Bell

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170-34 Economizing or saving; § 13.180 Quantity. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Trailer Coach Association, et al., Anaheim, Calif., Docket C-2572, Oct. 8, 1974]

In the Matter of Trailer Coach Association, a Corporation, and Louis C. Bell, Individually and as President of Said Corporation.

Consent order requiring an Anaheim, Calif., trade association representing manufacturers, component suppliers, and dealers of mobile homes and recreational vehicles, among other things to cease making representations as to energy use or energy-saving characteristics of their recreational vehicles or as to the supply or availability of gasoline without having a reasonable basis for such claim.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

It is ordered, That respondent Trailer Coach Association, a corporation, its successors and assigns, and its officers, and Louis C. Bell, individually and as president of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of recreational vehicles, including but not limited to travel trailers, motor homes, van conversions, truck campers and camping trailers, in commerce, as "commerce" is defined in the Federal Trade

<sup>1</sup> Copies of the complaint and decision and order filed with the original document.

Commission Act, do forthwith cease and desist from:

1. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles, or as to the supply or availability of gasoline or any other form of energy; unless, at the time the representation is made, respondents have a reasonable basis for such representation, consisting of tests or surveys;

a. based on reliable data and adhering to generally accepted statistical principles,

b. which shall fully and completely substantiate the representation, and

c. the results and methodology of which, together with the original data collected, are available for public inspection and condensed in a report written in terms understandable to the average consumer, at each of respondents' offices.

2. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles; unless respondents clearly and conspicuously disclose, in immediate conjunction with the representation:

a. The specific forms of energy referred to, unless the representation applies to total consumption of all forms of energy by the consumer or family.

b. The particular type and size of recreational vehicle to which the representation applies, and the nature and extent of accessory equipment, unless it applies to all types and sizes of such vehicles regardless of accessory equipment installed.

c. The particular locations and conditions of use, including but not limited to the season, duration, and number of miles traveled, to which the representation applies, unless it applies to all conditions of use and to all locations and regions in the United States.

d. The specific manner of operation of the recreational vehicle, home, automobiles, and other energy-consuming possessions to which the representation applies, unless it applies to the customary or usual manner of operation of all such possessions by the average consumer of family.

It is further ordered, That respondents forthwith deliver, to all persons and firms which respondents know or have reason to know may engage in dissemination of representations originated or distributed by respondents since June 1, 1973, as to energy use or energy saving characteristics of ownership or operation of recreational vehicles, or as to the supply or availability of gasoline or any other form of energy, a notice containing the following information, without mitigation:

1. The energy-related representations contained in the referenced advertising have been the subject of an investigation by the Federal Trade Commission, which has resulted in the entry of a consent order directing that distribution of the referenced advertisements be restricted.

2. At the time the energy-related representations were made, Trailer Coach Association did not have adequate substantiation to support such representations.

3. Trailer Coach Association has been ordered by the Federal Trade Commission to cease and desist from making energy claims related to recreational vehicles unless Trailer Coach Association can support such claims with reliable and statistically valid tests or surveys.

4. None of the energy-related representations originated or distributed by Trailer Coach Association since June 1, 1973, and no materials containing such representations, are to be further disseminated to the public or others until such time as respondents certify in writing to such person or firm that Trailer Coach Association is in possession of the substantiation required by this order.

5. Further dissemination by the person or firm of such representations without the certification required above may constitute a violation of the Federal Trade Commission Act by the person or firm itself.

It is further ordered, That respondents shall maintain complete records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made. Such records shall include all advertising, promotional material, the basis for all applicable advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents.

It is further ordered, That respondents promptly distribute a copy of this order to each operating division, to all present and future personnel of respondents engaged in the preparation, creation or placing of advertising, and to all present and future agencies engaged in the preparation, creation or placing of advertising on behalf of respondents; and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered that the individual respondent named herein promptly notify the Commission if he discontinues his present business or employment and if he affiliates with another business or employment related to the promotion, sale or distribution of recreational vehicles. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered that respondents shall, within sixty days after service



upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-4438 Filed 2-18-75; 8:45 am]

[Docket C-2587]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**4 Wheel Country, Inc. and Harvey G. Ferguson**

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*; 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act. Subpart—Corrective actions and/or requirements*; § 13.533 *Corrective actions and/or requirements*; 13.533-20 *Disclosures. Subpart—Misrepresenting oneself and goods—Goods*: § 13.470 *Scientific or other relevant facts—Prices*: § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1895 *Scientific or other relevant facts*; § 13.1905 *Terms and conditions*; 13.1905-40 *Insurance coverage*; 13.1905-50 *Sales contract*; 13.1905-60 *Truth in Lending Act. Subpart—Securing signatures wrongfully*: § 13.2175 *Securing signatures wrongfully*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605.) [Cease and desist order, 4 Wheel Country, Inc., et al., Yakima, Wash., Docket C-2587, Oct. 23, 1974.]

*In the Matter of 4 Wheel Country, Inc., a Corporation, and Harvey G. Ferguson, Individually and as an Officer of Said Corporation*

Consent order requiring a Yakima, Wash., retailer of new and used mobile homes, travel trailers, campers and other motor vehicles, among other things to cease violating the Truth in Lending Act by failing to disclose to customers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act. Further, respondent must cease representing that credit insurance is mandatory in order to obtain credit and filling out contracts in such a manner as to obtain customer's signature requesting said insurance without full disclosure of what the customer is signing.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

<sup>1</sup> Copies of the Complaint and decision and order filed with the original document.

It is ordered, That respondents 4 Wheel Country, Inc., a corporation, and its officers, and Harvey G. Ferguson, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et. seq.), do forthwith cease and desist from:

1. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c) (2) of Regulation Z.
2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.
3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c) (7) of Regulation Z.
4. Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and describe that sum as the "finance charge," as required by § 226.8(c) (8) (i) of Regulation Z.
5. Failing to compute and disclose the annual percentage rate accurately to the nearest quarter of one percent, as required by §§ 226.5(b) and 226.8(b) (2) of Regulation Z.
6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.
7. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe that sum as the "total of payments," as required by § 226.8(b) (3) of Regulation Z.
8. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b) (4) of Regulation Z.
9. Failing to describe or identify the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b) (5) of Regulation Z.
10. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b) (7) of Regulation Z.
11. Failing to furnish to the customer, before the transaction is consummated,

a duplicate of the instrument or other statement containing the disclosures prescribed by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

12. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for Vendor's Single Interest insurance unless all subrogation rights against the customer have been effectively waived by the insurer in accordance with § 226.4 (a) (7) of Regulation Z.

13. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for credit life, accident, health or disability insurance, unless respondents can demonstrate that they have:

(a) Refrained from including the cost of such insurance in the "amount financed" and in all other amounts affected by the election or declination of insurance, as such amounts are set forth on the sales contract and any document containing credit cost disclosures, until respondents have completed the actions prescribed by paragraphs (b) and (c), below, and have secured the customer's signature on the statement there provided.

(b) Quoted to the customer, whether in person, by telephone, or otherwise, installment payment amounts exclusive of the charges or premiums for such insurance.

(c) Read and presented to the customer the following statement, printed clearly and conspicuously in 12-point or larger type on one side of a single sheet of paper:

Credit life, accident, health and/or disability insurance are entirely optional. You are NOT REQUIRED to purchase such personal insurance in order to obtain credit through our company, and your voluntary decision in this regard will not affect the granting of credit to you.

Your cost for such insurance, if you choose to purchase it, will be:

[Itemize, as applicable]

I have read this statement to the customer.

(Sales Representative) (Date and Time)

I ACKNOWLEDGE THAT THIS STATEMENT WAS READ TO ME at the date and time indicated. In light of the costs shown above, my voluntary choice is to:

Not purchase any such personal insurance.

Purchase credit life insurance.

Purchase {specify type(s)} insurance.

(Signature of Consumer) (Date and Time)

14. Making any marks or otherwise instructing a consumer as to signing or dating any document respecting an election of optional insurance, prior to a clear, voluntary exercise of the consumer's free and independent choice of such insurance.

15. Misrepresenting, orally or otherwise, directly or by implication, that credit life, accident, health and/or disability insurance coverage is required as

a condition of obtaining credit from or through respondents.

16. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of optional or voluntary credit life, accident, health and/or disability insurance.

17. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Sections 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

*It is further ordered*, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure from each such person a signed statement acknowledging receipt of said order.

*It is further ordered*, That respondents prominently display the following notice in two or more locations, including that portion of respondents' business premises most frequented by prospective customers, and including also each area where customers normally sign consumer credit documents or other binding instruments; *provided, however*, That such notices shall be considered prominently displayed only if so positioned as to be easily observed and read by the intended individuals:

**NOTICE TO CREDIT CUSTOMERS**

**IF THE DEALER IS FINANCING OR ARRANGING THE FINANCING OF YOUR PURCHASE, YOU ARE ENTITLED TO CONSUMER CREDIT COST DISCLOSURES AS REQUIRED BY THE FEDERAL TRUTH IN LENDING ACT. THESE MUST BE PROVIDED TO YOU IN WRITING BEFORE YOU ARE ASKED TO SIGN ANY DOCUMENT OR OTHER PAPERS WHICH WOULD BIND YOU TO SUCH A PURCHASE. This notice required by order of the Federal Trade Commission.**

*It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business of employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the

manner and form in which they have complied with this order.

Decision and order issued by the Commission October 23, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-4439 Filed 2-18-75; 8:45 am]

[Docket No. C-2582]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Ford Motor Co.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.170 *Qualities or properties of product or service*; § 13.205 *Scientific or other relevant facts*; § 13.210 *Scientific tests*; § 13.265 *Tests and investigations*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature*; § 13.1710 *Qualities or properties*; § 13.1740 *Scientific or other relevant facts*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts*. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*; 13.2275-70 *Television depictions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Ford Motor Company, Dearborn, Mich., Docket C-2582, Oct. 8, 1974.]

*In the Matter of Ford Motor Company, a corporation*

Consent order requiring a Dearborn, Mich., manufacturer of automobiles, among other things to cease using deceptive demonstrations and making unsubstantiated claims concerning structural strength, quietness or performance of motor vehicles.

The Decision and Order, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

*It is ordered* That respondent, Ford Motor Company, its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division, do forthwith cease and desist from:

(a) Unfairly or deceptively advertising any such product by presenting evidence, including tests, experiments, or demonstrations, or the results thereof, that appears or purports to be evidence of the structural strength, quietness or performance of such product, that is ma-

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

terial to inducing the sale of such product, but which is not competent or reliable evidence to prove such fact or product feature.

(b) Making any statements or representations directly or by implication, concerning the structural strength, quietness or performance of the said products or any part thereof, unless there exists a reasonable basis for such statements or representations; *Provided* that such a reasonable basis shall consist of competent and reliable scientific tests or other competent and reliable objective materials, including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

*It is further ordered* That respondent corporation shall forthwith distribute a copy of this order to its operating divisions involved in the advertising, promotion, distribution, or sale of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division.

*It is further ordered* That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered* That respondent shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

Decision and order issued by the Commission, Oct. 8, 1974.<sup>2</sup>

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-4434 Filed 2-18-75; 8:45 am]

[Docket No. C-2590]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

Kirby of North Providence, Inc., and Emanuel Toro

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.75 *Free goods or services*; § 13.155 *Prices*; 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act*; 13.155-100 *Usual as reduced, special, etc.*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness*

<sup>2</sup> Commissioner Thompson dissenting.



prior to specified time. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed*. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; 13.1051-20 *Adequate*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1740 *Scientific or other relevant facts*; § 13.1747 *Special or limited offers*; § 13.1760 *Terms and conditions*; 13.1760-50 *Sales contract*. Subpart—Prices: § 13.1817 *Reductions for prospect referrals*; § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1857 *Instruments sale to finance companies*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1895 *Scientific or other relevant facts*; § 13.1905 *Terms and conditions*; 13.1905-50 *Sales contract*; 13.1905-60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Kirby of North Providence, Inc., et al., North Providence, R.I., Docket O-2590, Nov. 1, 1974.]

*In the Matter of Kirby of North Providence, Inc., a Corporation, and Emanuel Toro, Individually and as an Officer of Said Corporation*

Consent order requiring a North Providence, R.I., retailer of vacuum cleaners and related products, devices, parts and attachments, among other things to cease using misrepresentations to sell its products and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of credit, such information as required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

I. *It is ordered*, That respondents Kirby of North Providence Inc., a corporation, its successors and assigns, and its officers, and Emanuel Toro individually and as an officer of said corporation trading under said corporate name or any trade name or names, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, offering for sale, sale and distribution of vacuum cleaners and related parts, attachments and devices or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally, visually, in writing or in any other manner, that:

(a) Any price for said products is a special or reduced price; unless such

<sup>1</sup> Copies of the Complaint & decision and order filed with the original document.

price constitutes a significant reduction from the regular selling price at which such products have been sold by respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting in any manner, the savings available to purchasers.

(b) Any offer to sell said products is limited as to time or is limited or restricted in any other manner.

(c) Respondents offer reductions from the regular selling price of said products upon the occasion of the purchaser furnishing the names of other persons as prospective purchasers of such products unless the respondents clearly set forth on the contract the dollar amount of such reduction together with terminology which describes the nature of such reduction from the regular selling price and can affirmatively show that such regular selling price constitutes the price at which respondents have sold such products for a reasonably substantial period of time in the recent, regular course of business; or, in any manner, misrepresenting the amount of discounts, commissions, referral fees or allowances of any type receivable by the purchaser of respondents' products.

2. Failing to maintain adequate records, (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims of the type covered by paragraph 1(a) of this Order are based; and (b) from which the validity of any savings claim, including former pricing claims and similar representations of the type covered by paragraph 1(a) of this Order can be determined.

3. Failing to disclose to prospective customers, at the time of the initial contact by respondents via telephone call or any other type of contact, the fact that the individual making the call or contact is a representative of respondents, that the purpose of the call is to solicit the sale of said products and that if the prospective customer so agrees, respondents will send a salesman to the home of the prospective customer to demonstrate such products.

4. Representing to prospective customers that they will be provided with a free gift, valuable merchandise, or other consideration, at the time of the prior contact by respondents, unless respondents clearly and conspicuously disclose, orally or in writing, that such gift, merchandise or other consideration will be provided only if the prospective customers consent to allow respondents' sales representatives to visit their homes to demonstrate said products; or in any manner, misrepresenting the conditions, limitations, restrictions or requirements imposed upon the receipt of such free gifts, merchandise or other consideration.

5. Failing to inform the prospective purchaser prior to the signing of a contract wherein the respondents extend or offer to extend or arrange or offer to arrange for the extension of consumer credit that it is respondents' customary practice to sell, transfer, or assign their

customers' obligations to various financial institutions, naming the specific financial institution which will receive the contract, if known by respondents, at the time of the sale.

6. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

7. Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE: Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

8. Contracting for any sale arising out of a door to door solicitation which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of signing of the contract.

9. Failing to orally disclose prior to the time of sale, and in writing conspicuously and clearly on any conditional sales contract, promissory note or other instrument executed by the buyer that the buyer may rescind or cancel the sale by written notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondent to collect any goods left in the buyer's home and to return any payments received from him. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to, and for a reasonable period following, cancellation.

10. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

11. Failing to refund immediately all monies or property to customers who have requested contract cancellation in writing within three (3) days from the execution of such contract.

12. Negotiating any conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of execution by the buyer.

Provided, however, that nothing contained in paragraphs 7 through 12 of this Order shall relieve respondent of any contractual obligations required by federal law or that law of the state in which the contract is negotiated. When such obligations are inconsistent, respondent may apply to the Commission for relief from this provision with respect to contracts executed in the state in which

such different obligations are required.

**II. It is ordered.** That respondents Kirby of North Providence, Inc., a corporation, its successors and assigns, and its officers, and Emanuel Toro, individually and as an officer of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or advertisement to aid, promote, assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the date on which the finance charge begins to accrue when that date is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

2. Failing to disclose the finance charge expressed as an annual percentage rate, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in," as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose the "deferred payment price" as the sum of the cash price, all other charges which are part of the amount financed but are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

5. Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

**It is further ordered.** That respondent corporation shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in (a) the offering for sale or sale of respondents' products or services or in the consummation of any extension of consumer credit or in (b) any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of the order from each such person.

**It is further ordered.** That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of sub-

sidaries or any other change in the corporation which may affect compliance obligations arising out of the order.

**It is further ordered.** That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

**It is further ordered.** That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Nov. 1, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-4435 Filed 2-18-75; 8:45 am]

[Docket No. C-2579]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**Bob's Muldoon Lockers, et al.**

**Subpart—Advertising falsely or misleadingly:** § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*; 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices:* § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1905 *Terms and conditions*; 13.1905-60 *Truth in Lending Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Muldoon Lockers, Inc., et al., Anchorage, Alaska, Docket C-2579, Oct. 22, 1974]

**In the matter of Muldoon Lockers, Inc., a corporation doing business as Bob's Muldoon Lockers, and Bob R. Buchta, individually and as an officer of said corporation.**

Consent order requiring an Anchorage, Alaska, retailer of meat and meat products, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:<sup>1</sup>

<sup>1</sup> Copies of the complaint & decision and order filed with the original document.

**It is ordered.** That respondents Muldoon Lockers, Inc., a corporation doing business as Bob's Muldoon Lockers, and Bob R. Buchta, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z as required by § 226.10(d)(2) of Regulation Z:

- the cash price;
- the amount of the downpayment required or that no downpayment is required, as applicable;
- the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;
- the amount of the finance charge expressed as an annual percentage rate, and
- the deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

**It is further ordered.** That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

**It is further ordered.** That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

**It is further ordered.** That the individual respondent named herein promptly



notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 22, 1974.

CHARLES A. TOBIN,  
*Secretary.*

[FR Doc.75-4436 Filed 2-18-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION,  
DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE  
FOR PUERTO RICO, THE VIRGIN ISLANDS,  
AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from \$100 to \$108 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of \$108 each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

[Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205]

Signed at Washington, D.C. this 12 day of February 1975.

BETTY SOUTHARD MURPHY,  
*Administrator,*  
*Wage and Hour Division.*

[FR Doc.75-4431 Filed 2-18-75;8:45 am]

PART 541—DEFINING AND DELIMITING  
THE TERMS "ANY EMPLOYEE IN A  
BONA FIDE EXECUTIVE, ADMINISTRATIVE,  
OR PROFESSIONAL CAPACITY  
(INCLUDING ANY EMPLOYEE EMPLOYED  
IN THE CAPACITY OF ACADEMIC  
ADMINISTRATIVE PERSONNEL OR  
TEACHER IN ELEMENTARY OR  
SECONDARY SCHOOLS), OR IN THE  
CAPACITY OF OUTSIDE SALESMAN"

Labor Standards

Section 13(a) (1) of the Fair Labor Standards Act of 1938, as amended, exempts from its minimum wage and overtime pay provisions any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour Division has been delegated the authority to issue such regulations, which are contained in 29 CFR 541. Among other conditions, these regulations currently provide that executive employees must be paid at a rate of not less than \$125 a week on a salary basis (\$115 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), that administrative employees must be paid at a rate of not less than \$125 a week on a salary or fee basis (\$100 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), and that professional employees must be paid at a rate of \$140 a week on a salary or fee basis (\$125 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). The regulations also contain a so-called upset salary test for certain employees who are paid not less than \$200 a week (\$150 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). All of these salary tests are exclusive of board, lodging, or other facilities.

On August 16, 1974, there was published in the FEDERAL REGISTER (39 FR 29603) a notice of proposed rulemaking to increase the minimum salary requirements of the exemption for bona fide executive, administrative, and professional employees. Interested persons were afforded the opportunity to submit written views, comments, data, or arguments within 30 days to the Administrator of the Wage and Hour Division, Washington, D.C. 20210. On September 17, 1974, a further notice was published in the FEDERAL REGISTER (39 FR 33377) extending the time for comment to October 29, 1974, and announcing a public hearing which was held in Washington, D.C. on October 22, 1974, as scheduled.

The August 16 notice, in order to make the salary tests in 29 CFR 541 more realistic and effective as qualifying re-

quirements for exemption from the Act's monetary provisions, proposed that the salary tests in §§ 541.1(f) and 541.2(e) be increased to \$160 per week for executive and administrative employees (\$130 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) and that the salary test in § 541.3(e) be increased to \$185 per week for professional employees (\$150 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). It was further proposed that the upset salary test in §§ 541.1(f), 541.2(e) and 541.3(e) be increased to \$300 per week (\$200 per week if employed in Puerto Rico, the Virgin Islands or American Samoa), and that the special salary test for the motion picture industry in § 541.5a be increased to \$250 per week.

The August 16 notice made clear that these proposed rates would, when adopted, be in effect for an interim period pending the completion and analysis of a study by the Bureau of Labor Statistics covering a six-month period in 1975.

The rapid increase in the cost of living since the salary tests were last adjusted justifies an interim increase in those tests pending completion of this study. Now, as before, it is believed that the widely accepted Consumer Price Index may be utilized as a guide for establishing these interim rates. The increase in the Consumer Price Index between March 1970 (114.5) and February 1974 (141.5) was 23.67 percent. It was this percentage rate, plus an upward adjustment for anticipated added increases during the period between February and August, 1974, that formed the basis of the regular salary tests set forth in the August 16 proposal. The actual increases which took place during that period would have justified a slightly higher salary rate for executive and administrative employees (\$164 per week) and a slightly lower one for professional employees (\$183 per week). However, in order to eliminate any inflationary impact, the interim rates hereinafter specified are set at a level slightly below the rates based on the CPI. As thus modified, these interim rates should, on the basis of all the available information, including wage and salary data relating to nonexempt employees, be well within the figures revealed by the subsequent study to be made in 1975. Because the interim rates are somewhat more conservative than the subsequent study may justify, no distinction will be made for employees covered prior to the Fair Labor Standards Amendments of 1966 and those covered by subsequent amendments to the Act. Therefore, a regular salary of not less than \$155 per week will be required for bona fide executive and administrative employees. The salary test for bona fide professional employees will be set at \$170 a week, thus maintaining the differential which currently exists between the salary tests for these employees and for bona fide executive and administrative employees. These rates will become effective on April 1, 1975.

An upset salary test for higher salaried executive, administrative, and professional employees has been a part of the regulations since 1950. It was adopted for administrative convenience and contemplated that the salaries specified in the proviso would be high enough to include only individuals whose exempt status was not in question. A bona fide executive, administrative, or professional employee who does not meet this higher salary test would, of course, qualify for exemption under the regular salary test if the other basic requirements are also met. The proposed upset salary test was \$300 a week, but a careful review of the record convinces me that this rate is too high. There are, however, considerations which warrant a proportionate increase in the upset salary test. For example, there are indications that certain employers are utilizing the high salary test to employ otherwise non-exempt employees (i.e., those who perform work in excess of the 20 percent tolerance for nonexempt work or the 40 percent tolerance allowed in the case of executive and administrative employees in retail and service establishments) for excessively long workweeks. Such employees do not qualify for exemption under the regulations' regular salary tests and some may no longer qualify for exemption under the interim upset salary test which, based on the record before me, is set at not less than \$250 per week, to become effective on April 1, 1975.

The interim rates for Puerto Rico, the Virgin Islands, and American Samoa will be adopted as proposed; i.e., \$130 per week for executive and administrative employees, \$150 per week for professional employees, and \$200 per week for such employees under the upset or special high salary proviso. These rates (which do not apply to employees of the Federal Government) are to become effective in Puerto Rico, the Virgin Islands and American Samoa on April 1, 1975.

The interim special salary requirement for the motion picture industry in § 541.5a will also be adopted as proposed: i.e., \$250 per week, effective April 1, 1975.

These interim rates, pending completion of the study to be made in 1975, are necessary because present economic conditions have substantially impaired the current salary tests as effective guidelines for determining the exempt status of bona fide executive, administrative and professional employees. The present rates have become obsolete and interim rates are required to protect the interests of all concerned, including employees and employers, and to enable the Wage and Hour Division to administer the Act in a proper and equitable manner. The use of interim rates is not, however, to be considered a precedent.

Accordingly, Part 541 of Title 29, Code of Federal Regulations, is amended as follows:

1. Paragraph (f) of § 541.1 is revised to read as follows:

#### § 541.1 Executive.

(f) Who is compensated for his services on a salary basis at a rate of not less than \$155 per week (or \$130 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities: *Provided*, That an employee who is compensated on a salary basis at a rate of not less than \$250 per week (or \$200 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands or American Samoa), exclusive of board, lodging, or other facilities, and whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all the requirements of this section.

2. Paragraph (e) of § 541.2 is revised to read as follows:

#### § 541.2 Administrative.

(e) (1) Who is compensated for his services on a salary or fee basis at a rate of not less than \$155 per week (\$130 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for services as required by paragraph (e) (1) of this section, or on a salary basis which is at least equal to the entrance salary for teachers in the school system, educational establishment, or institution by which employed: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than \$250 per week (\$200 per week if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging or other facilities, and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all the requirements of this section.

3. Paragraph (e) of § 541.3 is revised to read as follows:

#### § 541.3 Professional.

(e) Who is compensated for services on a salary or fee basis at a rate of not less than \$170 per week (\$150 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is

actually engaged in the practice thereof, nor in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, nor in the case of an employee employed and engaged as a teacher as provided in paragraph (a) (3) of this section: *Provided further*, That an employee who is compensated on a salary or fee basis at a rate of not less than \$250 per week (or \$200 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

4. Part 541 of Title 29, Code of Federal Regulations, is amended by adding a new section, § 541.52 as follows:

#### § 541.52 Special provision for motion picture producing industry.

The requirements of §§ 541.1, 541.2, and 541.3 that the employee be paid "on a salary basis" shall not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$250 a week (exclusive of board, lodging, or other facilities).

5. Paragraphs (a) and (b) of § 541.117 are to read as follows:

#### § 541.117 Amount of salary required.

(a) Except as otherwise noted in paragraph (b) of this section, compensation on a salary basis at a rate of not less than \$155 per week, exclusive of board, lodging, or other facilities, is required for exemption as an executive. The \$155 a week may be translated into equivalent amounts for periods longer than 1 week. The requirement will be met if the employee is compensated biweekly on a salary basis of \$310, semimonthly on a salary basis of \$335.84 or monthly on a salary basis of \$671.67. However, the shortest period of payment which will meet the requirement of payment "on a salary basis" is a week.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an "executive" is \$130 per week for other than an employee of the Federal Government.

6. Paragraph (b) of § 541.118 is amended to read as follows:

#### § 541.118 Salary basis.

(b) *Minimum guarantee plus extras.*— It should be noted that the salary may consist of a predetermined amount constituting all or part of the employee's compensation. In other words, additional compensation besides the salary is not



inconsistent with the salary basis of payment. The requirement will be met, for example, by a branch manager who receives a salary of \$155 or more a week and in addition, a commission of 1 percent of the branch sales. The requirement will also be met by a branch manager who receives a percentage of the sales or profits of the branch, if the employment arrangement also includes a guarantee of at least the minimum weekly salary (or the equivalent for a monthly or other period) required by the regulations. Another type of situation in which the requirement will be met is that of an employee paid on a daily or shift basis, if the employment arrangement includes a provision that the employee will receive not less than the amount specified in the regulations in any week in which the employee performs any work. Such arrangements are subject to the exceptions in paragraph (a) of this section. The test of payment on a salary basis will not be met, however, if the salary is divided into two parts for the purpose of circumventing the requirement of payment "on a salary basis". For example, a salary of \$200 in each week in which any work is performed, and an additional \$50 which is made subject to deductions which are not permitted under paragraph (a) of this section.

7. Section 541.119 is revised to read as follows:

**§ 541.119 Special proviso for high salaried executives.**

(a) Except as otherwise noted in paragraph (b) of this section, § 541.1 contains an upset or high salary proviso for managerial employees who are compensated on a salary basis at a rate of not less than \$250 per week exclusive of board, lodging, or other facilities. Such a highly paid employee is deemed to meet all the requirements in paragraphs (a) through (f) of § 541.1 if the employee's primary duty consists of the management of the enterprise in which employed or of a customarily recognized department or subdivision thereof and includes the customary and regular direction of the work of two or more other employees therein. If an employee qualifies for exemption under this proviso, it is not necessary to test that employee's qualifications in detail under paragraphs (a) through (f) of § 541.1 of this Part.

(b) In Puerto Rico, the Virgin Islands, and American Samoa the proviso of § 541.1(f) applies to those managerial employees (other than employees of the Federal Government) who are paid on a salary basis at a rate of not less than \$200 per week.

(c) Mechanics, carpenters, linotype operators, or craftsmen of other kinds are not exempt under the proviso no matter how highly paid they might be.

8. Paragraphs (a) and (b) of § 541.211 are revised to read as follows:

**§ 541.211 Amount of salary or fees required.**

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, com-

ensation on a salary or fee basis at a rate of not less than \$155 a week, exclusive of board, lodging or other facilities, is required for exemption as an administrative employee. The requirement will be met if the employee is compensated bi-weekly on a salary basis of \$310, semi-monthly on a salary basis of \$335.84, or monthly on a salary basis of \$671.67.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an administrative employee is \$125 per other than an employee of the Federal Government.

9. Section 541.214 is revised to read as follows:

**§ 541.214 Special proviso for high salaried administrative employees.**

(a) Except as otherwise noted in paragraph (b) of this section, § 541.2 contains a special proviso including within the definition of "administrative" an employee who is compensated on a salary or fee basis at a rate of not less than \$250 per week exclusive of board, lodging, or other facilities, and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of the employer or the employer's customers, or the performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein, where the performance of such primary duty includes work requiring the exercise of discretion and independent judgment. Such a highly paid employee having such work as his or her primary duty is deemed to meet all the requirements in § 541.2(a) through (e). If an employee qualifies for exemption under this proviso, it is not necessary to test the employee's qualifications in detail under § 541.2 (a) through (e).

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the proviso of § 541.2(e) applies to those administrative employees other than an employee of the Federal Government who are compensated on a salary or fee basis of not less than \$200 per week.

10. Paragraphs (a) and (b) of § 541.311 are to read as follows:

**§ 541.311 Amount of salary or fees required.**

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than \$170 per week, exclusive of board, lodging or other facilities, is required for exemption as a "professional employee." An employee will meet this requirement if paid a biweekly salary of \$340, a semi-monthly salary of \$368.33 or a monthly salary of \$736.67.

(b) In Puerto Rico, the Virgin Islands, and American Samoa the salary test for exemption as a "professional" for other than employees of the Federal Government is \$150 per week.

11. Paragraphs (c) and (d) of § 541.313 are revised to read as follows:

**§ 541.313 Fee basis.**

(c) The adequacy of a fee payment. Whether it amounts of payment at a rate of not less than \$170 per week to a professional employee or at a rate of not less than \$155 per week to an administrative employee can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified in the regulations in Subpart A of this part the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least \$170 per week to a professional employee or at a rate of not less than \$155 per week to an administrative employee if 40 hours were worked.

(d) The following examples will illustrate the principle stated above:

(1) A singer receives \$50 for a song on a 15-minute program (no rehearsal time is involved). Obviously the requirement will be met since the employee would earn \$170 at this rate of pay in far less than 40 hours.

(2) An artist is paid \$100 for a picture. Upon completion of the assignment, it is determined that the artist worked 20 hours. Since earnings at this rate would yield the artist \$200 if 40 hours were worked, the requirement is met.

(3) An illustrator is assigned the illustration of a pamphlet at a fee of \$150. When the job is completed, it is determined that the employee worked 60 hours. If the employee worked 40 hours at this rate, the employee would have earned only \$100. The fee payment of \$150 for work which required 60 hours to complete therefore does not meet the requirement of payment at a rate of \$170 per week and the employee must be considered nonexempt. It follows that if in the performance of this assignment the illustrator worked in excess of 40 hours in any week, overtime rates must be paid. Whether or not the employee worked in excess of 40 hours in any week, records for such an employee would have to be kept in accordance with the regulations covering records for nonexempt employees (Part 516 of this chapter).

12. Section 541.315 is revised to read as follows:

**§ 541.315 Special proviso for high salaried professional employees.**

(a) Except as otherwise noted in paragraph (b) of this section, the definition of "professional" contains a special proviso for employees who are compensated on a salary or fee basis at a rate of at least \$250 per week exclusive of board, lodging, or other facilities. Under this proviso, the requirements for exemption in § 541.3 (a) through (e) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance

of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgement, or consists of the performance of work requiring invention, imagination, or talent in a recognized field of artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the "learned" professions or in an "artistic" profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test the employee's qualifications in detail under § 541.3 (a) through (e).

(b) In Puerto Rico, the Virgin Islands, and American Samoa the second proviso of § 541.3(e) applies to those "professional" employees (other than employees of the Federal government) who are compensated on a salary or fee basis of not less than \$200 per week.

13. Section 541.601 is revised to read as follows:

**§ 541.601 Special provision for motion picture producing industry.**

Under § 541.5a, the requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$250 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under §§ 541.1, 541.2, or 541.3 and who is employed at a base rate of at least \$250 a week is exempt if he is paid at least pro rata (based on a week of not more than 6 days) for any week when he does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if he is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and his daily base rate would yield at least \$250 if 6 days were worked; or (b) the employee is in a job category having a weekly base rate of at least \$250 and his daily base rate is at least one-sixth of such weekly base rate.

The higher minimum salary tests will be effective on April 1, 1975.

(Sec. 13, Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 Comp. p. 1004); Secretary's Order No. 13-71 (3 CFR 8755), and Employment Standards Order 1-74 (39 FR 33841).

Signed this 12th day of February at Washington, D.C.

**BETTY SOUTHARD MURPHY,**  
Administrator,  
Wage and Hour Division.

[FR Doc.75-4433 Filed 2-18-75; 9:45 am]

**CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES**

**Employers of Ten or Fewer Employees**

1. *Purpose.* Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 552(a)(1)(D) and sections 8(d) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 657 (d) and (g)(2)) of the Department of Labor's interpretation of the funding limitation in Title I of the Appropriations Act for Fiscal Year 1975 (Pub. Law 93-517). That Act provides as follows: "None of the funds appropriated in this Act shall be used to require recordkeeping and reporting under the Occupational Safety and Health Act of 1970 from employers of ten or fewer employees, and such exclusion shall be governed by the current rules and regulations in CFR, Title 29, Chapter XVII, Part 1904.15." This notice does not amend 29 CFR Part 1904 because of the temporary nature of the funding limitation in the Pub. Law 93-517, but it sets out the scope of that limitation and its relation to State plans approved under section 18 of the Act. Notice of the funding limitation has been prepared as a rulemaking document in order to give the public the most effective notice possible.

2. *Scope.* The funding limitation under Pub. L. 93-517 is applicable to all employers of ten or fewer employees covered by the Act. As stated in the preamble to the notice of proposed rulemaking on 29 CFR 1904.15, the term "employee" is used without limitation. Therefore, the term is intended to include all employees, whether full-time employees, part-time employees, or seasonal employees (37 FR 14316, July 19, 1972).

3. *Requirements.* (a) In accordance with 29 CFR 1904.15(a), an employer who had no more than ten (10) employees at any one time during calendar year 1973 need not comply with any of the requirements of 29 CFR Part 1904, except § 1904.8 concerning fatalities or multiple hospitalization accidents (i.e., he need not prepare the log, OSHA 100, the supplementary record, OSHA 101, nor prepare or post the summary, OSHA 102).

(b)(1) When an employer with only eight, nine, or ten employees is notified in writing in March, 1975 by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses for 1974, he must report to the Bureau of Labor Statistics on the basis of records kept during calendar year 1974 (see the legislative history, Cong. Record H 11099, November 26, 1974).

(2) The exception to complying with the requirements of 29 CFR Part 1904 in paragraph (a) of this section shall, in accordance with 29 CFR 1904.15(b), not apply when an employer of only eight, nine, or ten employees has been notified in writing by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses for 1975. If selected, an employer will be required to maintain a log of occupational injuries and illnesses, OSHA 100, in accordance with 29 CFR 1904.2 and to make reports in accordance with 29 CFR 1904.-21 for the period of time which is specified in the notice.

4. *State plans.* Under section 18(c)(7) of the Act and 29 CFR 1902.3(k), a State plan is required to provide that employers maintain records and make reports to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) in the same manner and to the same extent as if the State plan was not in effect. Those provisions do not limit State authority, under State law, to require additional data or to implement recordkeeping requirements for all employers regardless of the number of employees. This interpretation of State authority has been applied with respect to the limitation on recordkeeping requirements for employers of seven or fewer employees. (See 29 CFR 1952.4(a), 39 FR 29181, August 14, 1974). That regulation requires States with approved plans to adopt recordkeeping and reporting requirements which are substantially identical to 29 CFR Part 1904 and approves the extension of the State requirements to employers of seven or fewer employees. Since the funding limitation in Pub. L. 93-517 only applies to recordkeeping and reporting required under the Federal Act, States with approved State plans may, consistent with State law, require, or continue to require, that employers of ten or fewer employees comply with State recordkeeping and reporting requirements.

5. *Public notice.* Because this notice involves an interpretation of a statute, public comment is determined to be unnecessary as authorized by 5 U.S.C. 553.

6. *Effective date.* This notice is effective February 12, 1975, and will continue to be applicable for as long as the funding limitation in Pub. Law 93-517 remains in effect, unless modified or revised by the Assistant Secretary in the FEDERAL REGISTER.

(Secs. 8(d), 8(g)(2), 84 Stat. 1598 (29 U.S.C. 657(d), 657(g)(2)); 5 U.S.C. 552(a)(1)(D)).

Signed at Washington, D.C. this 12th day of February, 1975.

**JOHN STENDER,**  
Assistant Secretary of Labor.

**JULIUS SHISKIN,**  
Commissioner of Bureau  
of Labor Statistics.

[FR Doc.75-4430 Filed 2-18-75; 9:45 am]

**Title 33—Navigation and Navigable Waters**

**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 75 048]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS, PEQUONNOCK RIVER, CONNECTICUT**

**Correction**

Part 117 of Title 33 of the Code of Federal Regulations is amended by changing the spelling from "Poquonock" to "Pequonnock" as it appears in the heading of § 117.130 and § 117.131, and as it appears in § 117.130(a), § 117.130(c) (2) and (4).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4))

*Effective date.* This revision shall become effective on February 20, 1975.

Dated: February 13, 1975.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard  
Chief, Office of Marine Environment and Systems.

[FR Doc. 75-4459 Filed 2-18-75; 8:45 am]

[CGD 3-75-3-R]

**PART 127—SECURITY ZONES**

**Governors Island, New York**

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York as a security zone. This security zone is established because of the presence of the Italian Fishing Vessel "Antonietta Madre" which, having been duly seized, is in the custody of the United States of America.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.318, to read as follows:

**§ 127.318 Buttermilk Channel, New York.**

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

(46 Stat. 220, as amended, 6(b), 80 Stat. 937; 50 U.S.C. Art. 191, 49 U.S.C. Art. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

*Effective date.* This amendment becomes effective on 12 February 1975:

Dated: February 12, 1975.

FRANK OLIVER,  
Captain, U.S. Coast Guard  
Captain of the Port of New York.

[FR Doc. 75-4460 Filed 2-18-75; 8:45 am]

**Title 40—Protection of the Environment**

[FRL 330-2]

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS**

**PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY**

**Miscellaneous Amendments and Corrections**

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR Part 423, Steam Electric Power Generating Point Source Category, as set forth below. 40 CFR Part 423 was promulgated on October 8, 1974, pursuant to §§ 301, 304 (b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

The purpose of this notice is to correct errors in the preamble and Subparts A through D. The corrections encompass typographical, clerical and editorial errors and do not involve any substantive or policy issues.

In FR Document 74-23333 appearing on pages 36186 through 36207 in the issue of October 8, 1974, make the following changes:

1. In the preamble, comment No. 3, 5th paragraph, line 15, the word "regilation" is corrected to "regulation" (39 FR 36188, 1st column).
2. In the preamble, comment No. 21, 2nd paragraph, line 27, delete the comma after the word "practiced" and insert the word "and" (39 FR 36196 1st column).
3. In the preamble, comment No. 22, 1st paragraph, line 15, the word "phosphorus" is corrected to "phosphorus" (39 FR 36196, 2nd column).
4. In the preamble, comment No. 22, 1st paragraph, line 16, the word "sew-erage" is revised to "sewage" (39 FR 36196, 2nd column).
5. In the preamble, comment No. 22, 3rd paragraph, line 34, "56,000,000" is revised to "5,600,000" (39 FR 36196, 3rd column).
6. In the preamble, comment No. 29, 2nd paragraph, line 5, "280,000,000,000" is revised to "28,000,000,000" (39 FR 36197, 2nd column).
7. Section 423.11 (e), (h), and (l) shall be revised to read as follows:

**§ 423.11 [Amended]**

(e) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

(h) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

(l) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

**§ 423.12 [Amended]**

8. In § 423.12(b)(2) the word "biphenol" is revised to "biphenyl."
9. In § 423.12(b)(4) line 1, the word "quality" is revised to "quantity."
10. Section 423.12(b)(10) shall be revised to read as follows:

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

**§ 423.13 [Amended]**

11. In § 423.13(b) the word "biphenol" is revised to "biphenyl."
12. In § 423.13(e) the word "sluicing" is revised to "transport water."
13. In § 423.13(h) the term "condenser" is revised to "cooling" both times the term occurs.
14. Section 423.13(l)(3) is revised to read as follows:
- (3) Heat may be discharged in blowdown (overflow) from a cooling pond or cooling lake where the owner or operator of a unit otherwise subject to this limitation can demonstrate that a cooling pond, or cooling lake in service or



under construction as of the effective date of this regulation, is used to cool recirculated cooling water before it is recirculated to the main condensers.

§ 423.15 [Amended]

15. In section 423.15(b) the word "biphenol" is revised to "biphenyl."

§ 423.16 [Amended]

16. Section 423.16, 2nd paragraph, 4th and 5th lines of the table are revised by deleting "Do." in each line and substituting "No limitation" in each line.

17. In § 423.16, 3rd paragraph, line 8, the word "discharge" is revised to "discharge."

18. Section 423.21 (d), (f), and (j) shall be revised to read as follows:

§ 423.21 [Amended]

(d) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

(f) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

(j) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

§ 423.22 [Amended]

19. In § 423.22(b) (2) the word "biphenol" is revised to "biphenyl."  
20. Section 423.22(b) (10) shall be revised to read as follows:

(b) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

21. In § 423.23(b) the word "biphenol" is revised to "biphenyl."

22. In § 423.23(i), lines 4 and 5, the phrase "low volume waste sources" is deleted and the phrase "cooling tower blowdown" is substituted therefore.

23. In § 423.23(i), 3rd item in table "Phosphates" is revised to "Phosphorus."

§ 423.25 [Amended]

24. In § 423.25(b) the word "biphenol" is revised to "biphenyl."

§ 423.26 [Amended]

25. Section 423.26, 2nd paragraph, 4th and 5th lines of the table are amended by deleting "Do." in each line and substituting "No limitation" in each line.

§ 423.30 [Amended]

26. In section 423.30, 1st paragraph, 6th line, delete the word "generally."

27. Section 423.31 (c), (e) and (i) shall be revised to read as follows:

§ 423.31 [Amended]

(c) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

(e) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

(i) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

28. In § 423.31(h), 5th line, delete the word "process."

§ 423.32(b) (2) [Amended]

29. In § 423.32(b) (2) the word "biphenol" is revised to "biphenyl."

30. Section 423.32(b) (10) shall be revised to read as follows:

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed

the specified limitation for that waste source.

§ 423.33 [Amended]

31. In section 423.33, 1st paragraph, 7th line, after "technology" insert "economically achievable."

32. In § 423.33(b) the term "condenser" is revised to read "cooling" both times the term occurs.

33. In § 423.33(b) the word "biphenol" is revised to "biphenyl."

34. In § 423.33(i), 3rd item in table, the word "Phosphate" is revised to "Phosphorus."

§ 423.40 [Amended]

35. In § 423.40, 1st paragraph, line 2, the word "resulting" is revised to "resulting."

§ 423.41 [Amended]

36. In § 423.41(c), 2nd line, insert the phrase "point source" before the word "rainfall."

Dated: January 29, 1975.

JOHN QUARLES,  
Acting Administrator.

[FR Doc.75-4862 Filed 2-18-75; 9:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT [FPMR Amdt. E-157]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Implementation of Federal Information Processing Standards Publications (FIPS PUBS) into Solicitation Documents

This amendment adds standard terminology developed from Federal Information Processing Standards Publications (FIPS PUBS) initiated by the National Bureau of Standards, U.S. Department of Commerce.

The table of contents for Part 101-32 is amended by adding the following entries:

101-32.1304-15	FIPS PUB 32, optical character recognition character sets.
101-32.1304-16	FIPS PUB 33, character set for handprinting.
101-32.1305-3	FIPS PUB 30, software summary for describing computer programs and automated data systems.

Subpart 101-32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) into Solicitation Documents

Sections 101-32.1304-15, 101-32.1304-16, and 101-32.1305-3 are added as follows:

§ 101-32.1304-15 FIPS PUB 32, optical character recognition character sets.

(a) FIPS PUB 32 provides the description, scope, and identification for different character sets (OCR-A and OCR-B)



to be used in the application of Optical Character Recognition (OCR) systems. (Technical specifications of the standard are included with FIPS PUB 32.)

(b) The standard terminology for use in solicitation documents is:

All applicable Optical Character Recognition (OCR) equipment or services resulting from this solicitation must comply with the provisions of FIPS PUB 32. Applicable OCR equipment also includes data input devices such as typewriters, line printers, and CRT displays. Applicable services include data preparation and processing of information represented in OCR form.

§ 101-32.1304-16 FIPS PUB 33, character set for handprinting.

(a) FIPS PUB 33 announces the adoption of the American National Standard X3.45-1974, Character Set for Handprinting, as a Federal standard. The standard provides the description, scope, and application rules for a character set for handprinting. (Technical specifications of the standard are not included with FIPS PUB 33.)

(b) The standard terminology for use in solicitation documents is:

All applicable Optical Character Recognition (OCR) equipment or services, which result from this solicitation and which are capable of reading handprinted material, must comply with FIPS PUB 33. The applicable services include data preparation and processing of information represented in OCR form.

§ 101-32.1305-3 FIPS PUB 30, software summary for describing computer programs and automated data systems.

(a) FIPS PUB 30 provides for the use of Standard Form 185, Federal Information Processing Standard Software Summary, and the instructions for describing computer programs and/or automated data systems for identification purposes. (Copies of SF-185 are available as a GSA Federal supply stock item FSN 7540-118-8541.)

(b) The standard terminology for use in solicitation documents is:

All documentation of computer programs and/or automated data systems that results

from this solicitation must include completed SF-185 summaries as described by FIPS PUB 30.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective February 19, 1975.

Dated: February 6, 1975.

DWIGHT A. INK,  
*Acting Administrator  
of General Services.*

[FR Doc.75-4448 Filed 2-18-75; 8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 34]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

In FR Doc. 74-21243, appearing in the FEDERAL REGISTER issue of September 13, 1974 (39 FR 33000), Part 308 was amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure*, 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight April 7, 1975, G.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight September 7, 1975, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: February 12, 1975.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,  
*Secretary.*

[FR Doc.75-4465 Filed 2-18-75; 8:45 am]

Title 49—Transportation  
CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1064—LIMITATION OF FREE BAGGAGE ALLOWANCE; NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

[No. MC-C-6829]

[No. MC-C-6829 (Sub-No. 1)]

Limitation of Free Baggage Allowance—Greyhound Lines—Petition for Investigation and Limitation of Free Baggage Allowance—Reasonableness of the \$50 Limitation

George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceedings (including the report and order of the Commission at 120 M.C.C. 719), and of the letter-petition of the National Bus Traffic Association, Inc., filed February 3, 1975; and

*It appearing,* That although the said letter-petition seeks postponement of the effective date of the regulations promulgated in these proceedings from March 3, 1975, to July 1, 1975, in order to provide adequate time for publication of new tariffs and the preparation of the required notices, such purposes may be accomplished within an extension of time until June 2, 1975, and good cause appearing therefor:

*It is ordered,* That the effective date of the order of December 4, 1974, in these proceedings be, and it is hereby postponed to June 2, 1975, and that the letter-petition in all other respects be, and it is hereby, denied.

Dated at Washington, D.C., this 10th day of February, 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.75-4458 Filed 2-18-75; 8:45 am]

# proposed rules

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

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ 26 CFR Part 178 ]

[ Notice No. 267 ]

### COMMERCE IN FIREARMS AND AMMUNITION

#### Pistols and Revolvers; Proposed Reporting Requirements on Multiple Sales

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before March 21, 1975. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d) (7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing to the Director, within the 30-day period. In such case, a public hearing will be held, and notice of the time, place and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in 18 U.S.C. 923(g) (82 Stat. 1223).

Dated: November 11, 1974.

REX D. DAVIS,  
Director, Bureau of Alcohol,  
Tobacco and Firearms.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering amendments to the Commerce in Firearms and Ammunition regulations to require firearms licensees to report the sale or other disposition of two or more pistols or revolvers at one time, or during any five consecutive business days, to an unlicensed person. Authority to prescribe the proposed report is contained in 18 U.S.C. 923(g).

The purpose of the proposed regulations is to enable ATF to monitor and deter illegal interstate commerce in pistols and revolvers by unlicensed persons. Investigations and surveys conducted by ATF indicate that a large number of the pistols and revolvers used in the commission of crimes in States with strict firearms laws were originally sold in States with less strict firearms laws and then transported and sold illegally in interstate commerce.

A licensee is generally prohibited by 18 U.S.C. 922(b) (3) and 26 CFR 178.99 from selling firearms to nonlicensees who do not reside in the State where the licensee maintains his place of business. A nonlicensee is generally prohibited by 18 U.S.C. 922(a) (3) and 26 CFR 178.29 from transporting into or receiving into the State where he resides any firearms purchased or obtained outside the State. A nonlicensee is also generally prohibited by 18 U.S.C. 922(a) (5) and 26 CFR 178.30 from transferring, selling, trading, giving, transporting, or delivering any firearms to any other nonlicensee who the transferor knows, or has reasonable cause to believe, resides in any State other than that in which the transferor resides.

Current regulations in 26 CFR Part 178 prescribe a definition of the term "firearm" which generally includes all weapons other than antique firearms. Since the proposed reporting requirement would not apply to all firearms but rather only to pistols and revolvers, a precise definition of the terms "pistol" and "revolver" is being prescribed.

The proposed regulations will require a licensee to prepare and forward a report whenever the licensee sells or otherwise disposes of two or more pistols and/or revolvers to an unlicensed person at one time or during any five consecutive business days.

The information required to be submitted on the form prescribed by the proposed regulations will generally be the name, address and identification of the purchaser and a statement of the quantity and type of the pistols and revolvers involved in the multiple sale.

It is therefore proposed to amend the regulations in 26 CFR Part 178 as follows:

1. Section 178.11 is amended by adding, in alphabetical order, a definition of the terms "pistol" and "revolver" to read as follows:

#### § 178.11 Meaning of terms.

**Pistol.** A weapon originally designed, made, and intended to fire a small pro-

jectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

**Revolver.** A small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

2. A new § 178.126a is added immediately following § 178.126 to prescribe reports of multiple sales of pistols and revolvers. The added provision reads as follows:

#### § 178.126a Reporting multiple sales or other disposition of pistols and revolvers.

Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or other disposition occurs.

**EXAMPLE 1.** A licensee sells a pistol and revolver in a single transaction to an unlicensed person. This is a multiple sale and must be reported not later than the close of business on the date of the transaction.

**EXAMPLE 2.** A licensee sells a pistol on Monday and sells a revolver on the following Friday to the same unlicensed person. This is a multiple sale and must be reported not later than the close of business on Friday. If the licensee sells the same unlicensed person another pistol or revolver on the following Monday, this would constitute an additional multiple sale and must also be reported.

**EXAMPLE 3.** A licensee maintaining business hours on Monday through Saturday sells a revolver to an unlicensed person on Monday and sells another revolver to the same person on the following Saturday. This does not constitute a multiple sale and need not be reported since the sales did not occur during five consecutive business days.

(82 Stat. 1223 (18 U.S.C. 923(g)))

[FR Doc.75-4405 Filed 2-18-75;8:45 am]

**DEPARTMENT OF AGRICULTURE**  
**Agricultural Marketing Service**  
**[ 7 CFR Part 1207 ]**  
**[Amdt. 1 to § 1207.403]**

**POTATO RESEARCH AND PROMOTION PLAN**

**Proposed Increase in Expenses**

Consideration is being given to a \$207,000 increase in expenses recommended by the National Potato Promotion Board.

The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207) issued under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 7, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Statement of consideration.* On June 19, 1974, the Secretary approved Potato Board expenses of \$1,968,937, for the fiscal period ending June 25, 1975 (39 FR 22941).

On October 25, 1974, the Administrative Committee voted to budget an additional \$50,000 for its merchandising project. Due to unexpectedly heavy participation by food chains in the improved retail display program, there is a need to buy more material and pay a temporary helper to properly service the program.

On February 1, 1975, the Administrative Committee voted to budget an additional \$157,000 for a new advertising campaign to market the plentiful supplies of potatoes available by informing consumers that potatoes are now an even better bargain as an economical source of nutrients. The February 1 potato stocks on hand were 23 percent larger than a year earlier.

These proposed increases would result in a Potato Board budget of \$2,175,937 for the fiscal period ending June 30, 1975.

The proposal is as set forth below:  
 Revise § 1207.403(a) (39 FR 22941) as follows:

**§ 1207.403 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$2,175,937.

Dated: February 13, 1975.

**E. L. PETERSON,**  
*Administrator,*  
*Agricultural Marketing Service.*

[FR Doc. 75-4452 Filed 2-18-75; 8:45 am]

**Agricultural Stabilization and Conservation Service**

**[ 7 CFR Part 728 ]**

**1976 NATIONAL ALLOTMENT FOR WHEAT**

**Proposed Determinations**

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to the 1976 national allotment for wheat. Section 379c(a) (1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary proclaim a national wheat acreage allotment not later than April 15, 1975. The national allotment shall be the number of acres which the Secretary determines on the basis of the estimated national average yield will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for the crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

Prior to determining the 1976 national allotment, consideration will be given to any data, views and recommendations relative to the estimated national yield, estimated domestic utilization of wheat, estimated exports, estimated carryover and other data pertinent to this determination which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than March 21, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on February 11, 1975.

**GLENN A. WEIR,**  
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 75-4398 Filed 2-18-75; 8:45 am]

**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**[ 15 CFR Part 9 ]**

**HOUSEHOLD APPLIANCES AND EQUIPMENT**

**Proposed Procedures on Voluntary Labeling Program To Effect Energy Conservation**

Notice is hereby given that the Department of Commerce proposes to amend Part 9 of Title 15, Code of Fed-

eral Regulations, providing procedures for a voluntary labeling program for household appliances and equipment to effect energy conservation. Two amendments are under consideration.

The first such amendment would revise the definition of the term "manufacturer" at 15 CFR 9.2(b) to clarify the intention of the Department to include private brand labelers within that term. The revised definition has been employed in proposed and final specifications issued to date under Part 9 and it is appropriate to make the underlying procedures consistent with these.

The second such amendment would revise the list of appliances and equipment included in the program under 15 CFR 9.3 by adding television receivers to that list. The procedures, at § 9.3, provide that "additional appliances and equipment may be included in the program by the Secretary pursuant to rule-making procedures as set out in 5 U.S.C. 553." It has been tentatively determined that it would be appropriate to add television receivers to the program because it appears that the technology is available to reduce significantly the energy consumption of these receivers given the incentive provided by this program, and because television receivers, as a group, consume significant amounts of energy, and any savings would be proportional to that. The Association of Home Appliance Manufacturers has estimated that in 1973 television receivers in the United States used the equivalent of 207 trillion Btu's of energy, amounting to 0.3 percent of the total national energy usage during that year. This amount exceeds the energy consumption of room air conditioners and clothes dryers, both of which are already included in the program.

Interested persons are invited to participate in the proposed rule making by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, in Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 21, 1975.

A public docket will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW, Washington, D.C. 20203.

In consideration of the foregoing, it is proposed to amend Part 9 of Title 15, Code of Federal Regulations, as follows:

1. By revising paragraph (b) of § 9.2 to read as follows:

**§ 9.2 Definitions.**

(b) The term "manufacturer" means any person engaged in the manufacturing or assembling of new appliances or equipment in the United States, or in the



importing of such products for sale or resale, or any person whose brand or trademark appears on such products who owns such brand or trademark and has authorized its use on such products, if the brand or trademark of the person actually manufacturing or assembling the products does not appear on the products.

2. By revising the first sentence of § 9.3 to read as follows:

**§ 9.3 Appliances and equipment included in program.**

The appliances and equipment included in this program are room and central air conditioners, household refrigerators, home freezers, clothes washers, dishwashers, clothes dryers, kitchen ranges and ovens, water heaters, comfort heating equipment, and television receivers. . . .

(Sec. 2, 31 Stat. 1440, as amended, sec. 1, 64 Stat. 371; 15 U.S.C. 272, Reorganization Plan No. 3 of 1946, Part VI; Message from the President of the United States Concerning Energy Resources, April 18, 1973 (119 Cong. Rec. H2886); 15 CFR Part 9)

Issued February 13, 1975.

BETSY ANCKER-JOHNSON,  
Assistant Secretary for  
Science and Technology.

[FR Doc. 75-4400 Filed 2-18-75; 8:45 am]

## DEPARTMENT OF LABOR

Wage and Hour Division

[ 29 CFR Part 522 ]

### EMPLOYMENT OF INEXPERIENCED PERSONS AT SUBMINIMUM WAGES

#### Proposed Limited Pilot Project

Section 4(d)(3) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259), as amended, provides in pertinent part that the Secretary of Labor shall conduct a continuing study on means to prevent curtailment of employment opportunities for manpower groups which, because of limited education, training and work experience, have had historically high incidences of unemployment. Each report of the results of such study shall include suggestions respecting the Secretary's authority under section 14 of the Act.

That section provides that the Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall "by regulations or by orders provide for the employment of learners . . . , under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe." (29 U.S.C. 214(a)). The term "learners" can include persons who, because of their limited education, training and work experience, will normally require more training and assistance from their employer.

Pursuant to these two sections, I propose to enter into an agreement with the

Urban Institute, 2100 M Street, NW., Washington, D.C. 20037, for the conduct of a pilot project. Employers will be approved for participation in this project by the Wage and Hour Division.

Interested parties may present written data, views, and argument to the Administrator, Wage and Hour Division, Room 5146, U.S. Department of Labor, Washington, D.C. 20210, not later than March 21, 1975. Such submissions may bear on the substance and details of this proposal. Upon consideration of such submissions, any changes as are appropriate will be made in this part if, or when it is finally published in the FEDERAL REGISTER.

Part 522 of Title 29 would be amended by adding a new § 522.12 to read as follows:

**§ 522.12 Issuance of certificates for a limited pilot project for the employment of inexperienced persons.**

(a) Notwithstanding the provisions of § 522.1 through § 522.10, the Administrator may issue certificates to provide for the employment of inexperienced persons at less than the applicable minimum wage rate under section 6 of the Act as part of an experimental program to determine the effects of such lower wages on employment patterns of young and adult workers.

(b) The number of establishments participating in such project shall be limited to eight and shall, to the extent feasible, be geographically distributed so as to fairly represent all regions of the United States. The number of such workers shall not exceed the lesser of five percent of the workers in the establishment or 100.

(c) The Administrator shall designate such establishments, with due regard for avoiding the creation of unfair labor cost advantages and impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry.

(d) The project shall be administered consistent with all purposes and provisions of the Fair Labor Standards Act.

(e) The special minimum rates of such workers shall be not less than 80 percent of the otherwise applicable minimum wage rate prescribed by section 6 of the Act.

(f) The issuance of any such certificate shall not create a substantial probability of reducing the full-time employment opportunities for other workers.

(g) The Administrator shall neither designate nor continue designation as a participant in this project, any employer who has engaged in conduct in violation of any provision of the Act which has not been remedied or which provides reasonable grounds to conclude that the terms and qualifications of the project may not be complied with, nor any employing establishment where abnormal labor conditions such as a strike, lock-out, or other similar condition exists.

(h) This pilot project shall be so designed as to reasonably assure that all such workers will continue in the employment of the employer after the termination of such project, at a rate equal to or in excess of the minimum wage rate prescribed by section 6 of the Act, and the Administrator is expected to obtain in writing satisfactory assurances for each such employer to that effect.

(i) This section shall terminate and have no force and effect after December 31, 1976.

(Secs. 4(d)(3) and 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 204, 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945-58 Comp. p. 1004), and Secretary's Order No. 13-71 (36 FR 6755) and Employment Standards Order 1-74 (39 FR 33841).)

Signed at Washington, D.C. this 12th day of February 1975.

BETTY SOUTHARD MURPHY,  
Administrator, Wage and  
Hour Division.

[FR Doc. 75-4482 Filed 2-18-75; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[ 45 CFR Parts 144, 175, 176 ]

### SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM, COLLEGE WORK-STUDY PROGRAM, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

#### Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in sections 464, 444, 413B and 413C, of the Higher Education Act of 1965, as amended (20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b-1 and 1070b-2), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Parts 144, 175 and 176 of Title 45 of the Code of Federal Regulations governing the operation of the National Direct Student Loan (NDSL) Program, the College Work-Study (CWS) Program, and the Supplemental Educational Opportunity Grant (SEOG) Program, respectively. The proposed amendments would provide procedures and standards which the Commissioner would use to review and approve, on an annual basis, the various private systems used by institutions of higher education for calculating the expected family contributions for dependent students applying for assistance under these three programs. The proposed amendments would also revise the current regulations the coordination of financial aid programs administered by the Office of Education with other resources available to the student.

1. *Review and approval of need analysis systems.* Section 413B(a)(2)(C) of the Higher Education Act requires that the Commissioner "prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need" of students who

apply for SEOG awards. Under the existing regulations (45 CFR 176.13), the Commissioner has exercised this statutory responsibility by approving certain, specifically named need analysis systems without specifying any duration for such approval. The same regulation further provides that the Commissioner will approve other systems or methods which produce expected family contribution figures which are comparable to those produced by the named systems, with the duration of such approval again being unspecified. The authorizing legislation for the NDSL and CWS programs permit the Commissioner to adopt similar provisions for these two programs. However, in order to administer the three programs involved herein in the manner best fulfilling their statutory purposes, the Commissioner has now determined that he should review these need analysis systems annually and should, each year, publish a list of those which he has approved for use by institutions during the subsequent year.

The proposed regulation set forth herein would provide the procedures and standards for such annual review and approval. The first element of these standards is merely a check that the method under review produces a comprehensive set of figures and maintains its internal consistency and validity. The second element establishes a set of benchmark figures for expected family contributions, which will be compared with the figures produced by the method or system submitted for approval. This set of figures is derived by referring to the previously approved system which was used by the greatest number of students, at a time when that system produced expected family contribution figures which the Commissioner determined met the statutory purposes of these three programs, and updating the output of that system in accordance with the changes in the Consumer Price Index. The updated figures thus produced become the benchmark by which all systems, including the one being used as the referent, are reviewed and approved. Each year, the Commissioner will make public a set of sample cases, comprised of various combinations of standard family characteristics, and the benchmark expected family contribution for each case. These benchmarks will be based upon updating, in accordance with CPI, and figures produced by the previously approved system used by the greatest number of students. Each need analysis system submitted for approval will be required to demonstrate that its method of calculating expected family contributions produces figures which are within 50% of the benchmark figures for at least 75% of the sample cases. Any system which produces figures within the parameters set forth above will then be approved for use in distributing Federal student assistance. Systems seeking approval will submit their results for the sample cases on or before June 30 and the list of approved systems will be published on or before September 1.

If, following the comment period, this proposed review mechanism is published as a final regulation, it is the Commissioner's intention to implement it immediately, so that it would apply to student aid awards to be used by students during the 1975-76 academic year. Consequently, as soon as a final regulation were to be published, the Commissioner would act as quickly as possible to approve systems and publish a list of approved systems, in order that such systems would be made known on a timely basis for the institutions to make award decisions for the 1975-76 academic period. The benchmark expected family contribution figures for the initial implementation of the review mechanism would be derived by reducing, by 20 percent, the 1974-75 "Expected Parent's Contributions From Adjusted Effective Income" published by the College Scholarship Service.

For the 1976-77 academic year, the normal time frame of system submission and approval would be in effect. That is to say, systems must be submitted by June 30, 1975 in order to appear in the Commissioner's September 1, 1975 list. Such systems would then be used by institutions during the fall of 1975 and making decisions on awarding assistance for use by students during the 1976-77 academic year.

2. *Coordination with other student aid resources.* The second proposed amendment revises the current regulation for the SEOG program (45 CFR 176.14) regarding the institution's responsibilities for coordinating student aid programs administered by the Commissioner with other resources available to the student—the regulation commonly referred to as the "over-award provision"—and adds similar provisions for the NDSL and CWS programs. Under the proposed regulation, institutions would be required to use a need analysis system approved by the Commissioner pursuant to the provisions discussed in paragraph (1) above for determining the total amount of aid which may be awarded to a dependent student under the three programs covered by this notice and the Basic Educational Opportunity Grants Program. However, in determining whether such a student's total aid package (including assistance from sources other than the Federal programs) would result in an over-award, the institutions would be permitted to use other need analysis systems approved by the Commissioner which produce different expected family contribution figures. Thus, by using a different need analysis system for the purpose of resolving the over-award question, the institution may provide more total support to a dependent student that would be the case if the institution were required to use one of the systems approved under the procedures discussed in paragraph (1) above. The list of systems from which an institution may choose for the purpose of determining whether there is an over-award would include any system pub-

lished by an organization which has had a system approved by the Commissioner for use in making awards to independent students under these three programs.

The use of two levels of parental contribution—one for determining need for purposes of calculating Federal assistance and a second for determining whether a student has received a total amount of aid in excess of his need—should be regarded as only an interim measure. Institutions should be advised that it is the intention of the Commissioner to move as expeditiously as possible and in cooperation with concerned parties toward bringing these two levels of expected parental contribution into agreement. This interim measure should not be interpreted as giving approval to a dual standard of need, but merely as recognition of the hardship which might otherwise be experienced by institutions which have already made commitments to students using the measurement of expected family contribution which would, under this proposed regulation, be approved for purposes of determining maximum allowable assistance that may be awarded to a student receiving Federal funds.

3. *Independent students.* In making awards to independent students under the three programs covered by this notice the institutions would continue to follow the general procedures set forth in the existing regulations.

4. *Public comment.* Interested parties are invited to submit written comments, suggestions or objections regarding these proposed amendments to the regulations to Dr. John D. Phillips, Associate Commissioner for Student Assistance, U.S. Office of Education, DHEW, Room 4076, ROB#3, 7th and D Streets, S.W., Washington, D.C. 20202.

All relevant material received not later than March 21, 1975, will be considered. All written comments received in response to this notice will be available for public inspection at the above office on Mondays through Friday between 8:30 a.m. and 4:30 p.m.

In addition, in order to provide further opportunity for discussion a public hearing has been scheduled for 10 a.m. Friday, February 28, 1975 in the HEW auditorium, 330 Independence Avenue, S.W., Washington, D.C. 20201. Persons desiring to present oral comments are requested to notify Dr. John D. Phillips at the above address no later than February 25, 1975.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; No. 13.463, Higher Education Work-Study; No. 13.471, National Direct Student Loans)

Dated: February 4, 1975.

DUANE J. MATTHEIS,  
Acting U.S. Commissioner  
of Education.

Approved: February 13, 1975.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.



**PART 144—NATIONAL DIRECT  
STUDENT LOAN PROGRAM**

1. Part 144 of Title 45 of the Code of Federal Regulations is amended by adding §§ 144.14 and 144.15, which read as follows:

**§ 144.14 Approved need analysis systems.**

(a) In order to comply with the requirements of § 144.7(b), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System, shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of \$10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (a) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than \$50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (excluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (a) The parental income, net of Federal and State income taxes, social security tax and business expenses, is equal in the prior year and the current year; (b) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (c) other

family and financial circumstances are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (a) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c) (1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b) (2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c) (2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specific expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1, of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the pub-

lished closing date next following that September 1; and (2) in determining the eligibility of students for loans under this part, and in calculating the amount of such loans, to be used by the students during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1087dd)

**§ 144.15 Coordination of student financial aid programs and overaward.**

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award a loan under this part to a dependent student in an amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the Supplemental Educational Opportunity Grants Program, and the College Work-Study Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution, as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 144.14(b).

(2) The institution shall not award a loan under this part to a dependent student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 144.14(c) for use in determining the expected family contributions of independent students; *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.



(c) Independent students. The institution shall not award a loan under this part to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 144.14(c); *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) Resources. For purposes of paragraphs (b)(2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowship or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV-B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives a loan under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e)(1) Except as provided in paragraph (e)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 144.14. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV-B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than \$15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loans insured by the Commissioner, or by a State or non-profit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed \$2,000 for that academic year.

(f) The institution's responsibility under paragraphs (b)(2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time

that the proceeds of the loan made under this part are disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period covered by the loan under this part shall be deemed to have been known by the institution at the time of the disbursement of such loan. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including a loan under this part, exceeded that student's need by not more than \$100.

(20 U.S.C. 1087dd)

**PART 175—COLLEGE WORK-STUDY PROGRAM**

2. Part 175 of Title 45 of the Code of Federal Regulations is amended by adding §§ 175.17 and 175.18, which read as follows:

**§ 175.17 Approved need analysis systems.**

(a) In order to comply with the requirements of § 175.5(c), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of \$10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (a) Increase in reasonable smooth increments as the parents' financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than \$50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (ex-

cluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (a) The parental income, net Federal and State income taxes, social security tax and business expenses, are equal in the prior year and the current year; (b) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (c) other family and financial circumstance are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (a) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) the system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph

on or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

**§ 175.18 Coordination of student financial aid programs and over-award.**

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award assistance under this part to a dependent student in the amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the Supplemental Educational Opportunity Grants Program, and the National Direct Student Loan Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 175.17(b).

(2) The institution shall not award assistance under this part to a dependent

student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's costs of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 175.17(c) for use in determining the expected family contributions of independent students; *Provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(c) Independent students. The institution shall not award assistance under this part to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 175.17(c); *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) *Resources.* For purposes of paragraphs (b) (2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowships or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV-B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e) (1) Except as provided in paragraph (e) (2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 175.17. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV-B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than \$15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part

177), or in cases in which the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428 (b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed \$2,000 for the academic year.

(f) The institution's responsibility under paragraphs (b) (2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of the disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than \$100.

(42 U.S.C. 2754)

**PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM**

3. Sections 176.13 and 176.14 of Title 45 of the Code of Federal Regulations are revised to read as follows:

**§ 176.13 Approved need analysis systems.**

(a) In order to comply with the requirements of § 176.12, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commission has approved the following systems for the purpose of § 176.12(a):

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of \$10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose § 176.12(a) which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (a) increase in reasonably



smooth increments as the parents' financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than \$50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (excluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (a) the parental income, net of Federal and State income taxes, social security tax, and business expenses, are equal in the prior year and the current year; (b) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (c) other family and financial circumstances are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12 (b) with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 176.12(b) for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (a) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c) (1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b) (2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such sub-

mission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c) (2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for awards under this part, and in calculating the amount of such awards, to be used by the students during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1070b-1 and 1070b-2)

§ 176.14 Coordination of student financial aid programs and over-award.

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award a Supplemental Grant to a dependent student in the amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the College Work-Study Program, and the National Direct Student Loan Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution, as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 176.13(b).

(2) The institution shall not award a Supplemental Grant to a dependent student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 176.13(c) for use in determining the expected family contributions of independent students; provided, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(c) Independent students. The institution shall not award a Supplemental Grant to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 176.13(c); provided, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) Resources. For purposes of paragraphs (b) (2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowships or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV-B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives a grant. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e) (1) Except as provided in paragraph (e) (2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy



the expected family contribution of the borrower calculated in accordance with § 176.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV-B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than \$15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loans insured by the Commissioner, or by a State or non-profit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed \$2,000 for that academic year.

(f) The institution's responsibility under paragraphs (b) (2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the Supplemental Grant is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period covered by the grant award shall be deemed to have been known by the institution at the disbursement of such grant. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including a grant under this part, exceeded that student's need by not more than \$100.

(20 U.S.C. 1070b-1 and 1070b-2)

[FR Doc. 75-4401 Filed 2-18-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 415 ]

[317-3]

### INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

#### Notice of Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 415, Inorganic Chemicals Manufacturing Point Source Category. The portions of Part 415 which are affected by the proposed amendments are as follows: Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory, §§ 415.61 and 415.63; Subpart G—Hydrochloric Acid Production Subcategory, §§ 415.71, 415.72, 415.73 and 415.75; Subpart J—Nitric Acid Production Subcategory, §§ 415.101, 415.102, 415.103 and 415.105; Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory, §§ 415.171, 415.173; Subpart R—Sodium Metal Production Subcategory, §§ 415.

181, 415.183, and 415.185; Subpart S—Sodium Silicate Production Subcategory, §§ 415.191, 415.193, 415.195; Subpart U—Sulfuric Acid Production Subcategory, §§ 415.211, 415.212, 415.213, and 415.215.

40 CFR 415 was promulgated on March 12, 1974 pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended; 33 USC 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq., Pub. L. 92-500 (The Act) (39 FR 9612).

Point sources in these categories were required to achieve no discharge of "process waste water pollutants". Process waste water is defined as "any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product" (40 CFR § 401.11(q)).

The Agency's intention in developing this definition was to ensure that the regulations do apply to all waste waters generated during the manufacturing process while at the same time excluding waste streams such as noncontact cooling water, separate sanitary wastes, boiler blowdown, effluent from supply water treatment systems, etc. In some cases these non-process streams will be subject to effluent limitations which the Agency is presently developing. In any event, all such streams will be regulated in the individual permit proceedings. In either case, however, the effluent limitations promulgated in 40 CFR 415 were not intended to apply to them.

Subsequent to the promulgation the Agency has been furnished additional information which indicates that, in the context of no discharge requirements contained in Subparts F, G, J, Q, R, S and U, the existing definition of process waste water may be overly broad since it may be construed to apply to waste streams other than those directly connected with the production effort.

Accordingly, the Agency is now proposing to add to these subparts a definition of "contaminated non-process waste water". The purpose of this definition is to distinguish between those pollutant bearing streams which are attributable to, and correlated with, production and those ancillary streams which are not.

Based on additional information received and continuing internal review, the Agency has identified four ancillary sources of pollution from plants in the seven affected subcategories which should be controlled by available technology to which a no-discharge standard will not always be appropriate. These streams are: (1) Rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment which are repaired within the shortest reasonable time after discovery (which may not exceed 24 hours); and (4) discharges from safety showers and related personal safety equipment.

Pollutants contained in such streams may be discharged, subject to the provision that all reasonable measures have

been taken to prevent, reduce and control the accidental contact with raw materials, etc., and thereafter to mitigate the effects of such contact once it has occurred.

In addition, information supplied by the industry indicates that in good practice such wastes are typically neutralized prior to discharge. Therefore, the proposed amendments would impose a pH limitation on discharges of contaminated non-process waste water. Limitations on other pollutant parameters may be appropriate for particular subcategories. The Agency thus solicits comments from the public identifying other pollutants of concern in ancillary discharges in these subcategories and indicating the levels of reduction attainable by the best practicable control technology currently available, the best available technology economically achievable, and by technology available and demonstrated for use by new sources.

Additionally, in order to obtain the information necessary to establish more complete effluent limitations for these waste streams, the permit issuing authority may require an applicant for a permit to identify and quantify contaminated non-process waste water and may impose monitoring conditions which will provide data on the nature and volume of pollutants discharged.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations, including the potential applicability of the amendment to other subcategories in this segment of the inorganic chemicals industry which are also subject to a no discharge standard, are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify, and if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in distinguishing between process waste water and contaminated non-process waste water EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of §§ 301, 304(b), and 306 of the Act.

A copy of all public comments received will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Wafer-side Mall, 401 M. St., S.W., Washington, D.C. All of the materials made available during the initial rulemaking leading to promulgation of the regulations proposed to be amended will also continue to be maintained at this location for public review and copying. The EPA Information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 21, 1975, will be considered.

In consideration of the foregoing, it is proposed that 40 CFR Part 415 be amended in the manner set forth below.

Dated: January 29, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 415 is amended as follows:

**Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory**

1. Section 415.61 is amended by adding a new paragraph (e) to read as follows:

**§ 415.61 Specialized definitions.**

(e) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

2. Section 415.63 is amended by adding a new paragraph (c) to read as follows:

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

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent limitations</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**Subpart G—Hydrochloric Acid Production Subcategory**

3. Section 415.71 is amended by adding a new paragraph (b) to read as follows:

**§ 415.71 Specialized definitions.**

(b) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of

process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

**§ 415.72 [Amended]**

4. Section 415.72 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section, \* \* \*" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**§ 415.73 [Amended]**

5. Section 415.73 is amended by inserting "(a)" before the sentence beginning "The following limitations establish \* \* \*" and adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**§ 415.75 [Amended]**

6. Section 415.75 is amended by inserting "(a)" before the sentence beginning "The following standards of performance \* \* \*" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristics:</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**Subpart J—Nitric Acid Production Subcategory**

7. Section 415.101 is amended by adding a new paragraph (b) to read as follows:

**§ 415.101 Specialized definitions.**

(b) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or

processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

**§ 415.102 [Amended]**

8. Section 415.102 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section \* \* \*" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**§ 415.103 [Amended]**

9. Section 415.103 is amended by inserting "(a)" before the sentence beginning "The following limitations \* \* \*" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**§ 415.105 [Amended]**

10. Section 415.105 is amended by inserting "(a)" before "The following standards of performance \* \* \*", and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic:</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

**Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory**

11. Section 415.171 is amended by adding a new paragraph (e) to read as follows:

PROPOSED RULES

§ 415.171 Specialized definitions.

(e) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.173 [Amended]

12. Section 415.173 is amended by inserting "(a)" before the sentence beginning "The following limitations \* \* \*"; by redesignating paragraphs (a) and (b) to (a) (1) and (a) (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

Subpart R—Sodium Metal Production Subcategory

13. Section 415.181 is amended by adding a new paragraph (c) to read as follows:

§ 415.181 Specialized definitions.

(c) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.183 [Amended]

14. Section 415.183 is amended by inserting "(a)" before the sentence beginning "The following limitations \* \* \*"; by redesignating paragraphs (a) and (b) to (a) (1) and (a) (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants

or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

§ 415.185 [Amended]

15. Section 415.185 is amended by inserting "(a)" before the sentence beginning "The following standards of performance \* \* \*"; by redesignating paragraphs (a) and (b) to (a) (1) and (a) (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

Subpart S—Sodium Silicate Production Subcategory

16. Section 415.191 is amended by adding a new paragraph (c) to read as follows:

§ 415.191 Specialized definitions.

(c) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.193 [Amended]

17. Section 415.193 is amended by inserting "(a)" before the sentence beginning "The following limitations \* \* \*"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

§ 415.195 [Amended]

18. Section 415.195 is amended by inserting "(a)" before the sentence be-

ginning "The following standards of performance \* \* \*"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

Subpart U—Sulfuric Acid Production Subcategory

19. Section 415.211 is amended by adding a new paragraph (b) to read as follows:

§ 415.211 Specialized definitions.

(b) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.212 [Amended]

20. Section 415.212 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section, \* \* \*"; by redesignating subparagraphs (a) and (b) to (a) (1) and (a) (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH -----	Within the range 6.0 to 9.0.

§ 415.213 [Amended]

21. Section 415.213 is amended by inserting "(a)" before the sentence beginning "The following limitations \* \* \*"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from



point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH-----	Within the range 6.0 to 9.0.

§ 415.215 [Amended]

22. Section 415.215 is amended by inserting "(a)" before the sentence beginning "The following standards of performance \* \* \*"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

<i>Effluent characteristic</i>	<i>Effluent limitations</i>
pH-----	Within the range 6.0 to 9.0.

[FR Doc.75-4363 Filed 2-18-75; 8:45 am]

[ 40 CFR Part 428 ]

[FRL 334-5]

**TIRE AND SYNTHETIC SEGMENT OF THE RUBBER PROCESSING POINT SOURCE CATEGORY**

**Proposed Effluent Guidelines and Standards**

Notice is hereby given pursuant to sections 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act), that the Environmental Protection Agency is considering the regulations set forth in tentative form below as amendments to the effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the tire and synthetic segment of the rubber processing point source category.

The proposal will amend 40 CFR Part 428, Tire and Synthetic Segment of the Rubber Processing Point Source Category, by amending the Tire and Inner Tube Plants Subcategory (Subpart A), the Emulsion Crumb Rubber Subcategory (Subpart B), the Solution Crumb Rubber Subcategory (Subpart C), and the Latex Rubber Subcategory (Subpart D).

Subsequent to the promulgation of regulations under 40 CFR Part 428 several affected firms petitioned the Agency to reconsider the regulations as they would apply to tire and inner tube plants constructed before 1959 and to those plants manufacturing acrylonitrile-butadiene rubber. An appreciable amount of information and data was submitted to indicate that provision should be made in the regulations to clarify which process waste water streams should be regulated, and to distinguish between process and nonprocess waste water streams in tire and inner tube plants constructed before 1959. Although tire and inner tube

plants constructed after 1959 were designed to segregate process waste water and nonprocess waste water, older plants were not. As discussed in the Development Document, the Agency recognized that in pre-1959 plants major process waste water streams should be isolated from the combined plant effluents. Although the Development Document describes the technical process of isolation of process waste water streams in older tire plants, the regulation, itself does not clearly define which process waste water streams are to be regulated and which discharges from the plants are to be considered nonprocess waste water. Therefore, the proposed amendments to Subpart A of the regulation define which operations within tire and inner tube plants produce process waste waters as well as which nonprocess waste waters are subject to regulation.

A provision is made to control the concentration of oil and grease in nonprocess waste water for tire and inner tube plants constructed prior to 1959. The maximum for any one day is 10 mg/l and the average of daily values for 30 consecutive days shall not exceed 5 mg/l. Moreover, such older plants constructed prior to 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters.

An additional amendment removes the manufacture of acrylonitrile-butadiene rubber from regulation under Subpart B—Emulsion Crumb Rubber Subcategory. Existing data, including data submitted by industry, do not support application of the emulsion crumb rubber subcategory regulations to acrylonitrile-butadiene manufacturing. The Agency intends to gather such additional data as will be necessary to determine what limitations should be applicable to acrylonitrile-butadiene rubber manufacturing.

In view of the foregoing and after careful review and evaluation of all information and data relevant to the discharge of waste waters from the Tire and Inner Tube Plants and Emulsion Crumb Rubber Subcategories, the Environmental Protection Agency proposes to amend 40 CFR Part 428 in the following manner:

(1) For tire and inner tube plants constructed before 1959, the term "process waste water" is defined to mean discharges from: soapstone solution applications; steam cleaning operations; air pollution control equipment; unroofed process oil unloading areas; mold cleaning operations; latex applications; and air conditioners receivers. Discharges from other areas of such plants shall not be classified as process waste water. Also provision is made in the regulations to minimize the discharge of oil and grease in nonprocess waste water.

(2) The manufacturing of acrylonitrile-butadiene rubber is excluded from regulation under the Emulsion Crumb Rubber Subcategory.

(3) The definition of oil and grease in Subparts A, B, C and D is deleted. This

definition is no longer needed, because a method for the identification of oil and grease now appears in 40 CFR Part 136 (38 FR 28758, Tuesday, October 16, 1973).

It is not anticipated that these amendments will alter either the technology required for compliance as set forth in "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" February 1974 or the economic impact as set forth in "Economic Analysis of Proposed Effluent Guidelines Rubber Processing Industry," September 1973.

All comments and documentation supporting the proposed amendments of 40 CFR Part 428 will be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies of the Development Document and the economic report will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report are available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guidelines or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of §§ 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before March 21, 1975, will be considered.

Dated: February 11, 1975.

JOHN QUARLES,  
Acting Administrator.

## PROPOSED RULES

Part 428 is proposed to be amended as follows:

**Subpart A—Tire and Inner Tube Plants Subcategory**

1. Section 428.10 is revised to read as follows:

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

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

2. Section 428.11 is amended by revising paragraph (c) and adding new paragraphs (d) and (e), as follows:

**§ 428.11 [Amended]**

(c) The term "process waste water" shall mean, in the case of tire and inner tube plants constructed before 1959, discharges from the following: soapstone solution applications; steam cleaning operations; air pollution control equipment; unroofed process oil unloading areas; mold cleaning operations; latex applications; and air compressor receivers. Discharges from other areas of such plants shall not be classified as process waste water for the purposes of this section.

(d) Except as provided in paragraphs (c) and (e) of this section, the term "process waste water" shall have the

meaning set forth in § 401.11(q) of this chapter.

(e) Water used only for tread cooling shall be classified as nonprocess waste water."

3. Section 428.12 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b) as follows:

**§ 428.12 [Amended]**

(b) All plants constructed before 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in discharges of nonprocess waste water shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

4. Section 428.13 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b), as follows:

**§ 428.13 [Amended]**

(b) All plants constructed before 1959 shall employ the best available maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in

discharges of nonprocess waste waters shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

**Subpart B—Emulsion Crumb Rubber Subcategory**

**§ 428.21 [Amended]**

5. Subpart B is amended by deleting paragraph (b) of § 428.21.

**Subpart C—Solution Crumb Rubber Subcategory**

**§ 428.31 [Amended]**

6. Subpart C is amended by deleting paragraph (b) of § 428.31.

**Subpart D—Latex Rubber Subcategory**

**§ 428.41 [Amended]**

7. Subpart D is amended by deleting paragraph (b) of § 428.41.

**Subpart B—Emulsion Crumb Rubber Subcategory**

8. It is proposed to revise § 428.20 to read as follows:

**§ 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, other than acrylonitrilebutadiene rubber.

[FR Doc.75-4359 Filed 2-18-75;8:45 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Org. Order 45-1, Amdt. 1, Transmittal 219]

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### Organization and Functions

This order, effective January 27, 1975, amends the material appearing at 40 FR 5549 of February 6, 1975.

Department Organization Order 45-1 dated December 24, 1974, is hereby amended as follows:

1. SECTION 1. *Purpose.* Paragraph .02 is amended to read:

.02 This revision modifies the procedures for approval of public works projects under Sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the 'Act'), except that procedures for projects which require special action remain unchanged.

2. SEC. 11. *Economic Development Regional Offices.* In paragraph .02, delete subparagraph c., reletter the present subparagraph d. as c., and insert the following new subparagraph d.:

d. Forward appropriate processed public works projects documents to EDA headquarters with recommendations to the Assistant Secretary for approval or denial. On projects which require special action Washington staff offices will review the project file and recommend approval or disapproval to the Assistant Secretary.

GUY W. CHAMBERLIN, Jr.,  
*Acting Assistant Secretary  
for Administration.*

JANUARY 27, 1975.

[FR Doc.75-4399 Filed 2-18-75; 8:45 am]

#### Office of the Secretary

#### CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

##### Meeting Cancellation

This is to announce that the planned meeting of the CTAB Panel on Sulfur Oxide Control Technology which was scheduled, on a contingency basis, for February 18, 19 and 20, 1975 in the Main Commerce Building, Washington, D.C. will not be held. The meeting was announced on page 3025 of the January 17, 1975 issue of the FEDERAL REGISTER.

Dated: February 13, 1975.

BETSY ANCKER-JOHNSON,  
*Assistant Secretary for  
Science and Technology.*

[FR Doc.75-4724 Filed 2-18-75; 10:59 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental  
Health Administration

#### INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

##### Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on February 4, 1975, of the following advisory committee:

*Designation.* Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism.

*Purpose.* The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and seek to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

This charter is effective through February 4, 1977.

Dated: February 12, 1975.

JAMES D. ISBISTER,  
*Acting Administrator, Alcohol,  
Drug Abuse, and Mental  
Health Administration.*

[FR Doc.75-4395 Filed 2-18-75; 8:45 am]

#### NATIONAL ADVISORY MENTAL HEALTH COUNCIL AND BOARD OF SCIENTIFIC COUNSELORS, NIMH

##### Meetings

The Acting Administrator, Alcohol Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of March 1975:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL  
March 17-19, 9:30 a.m.  
Conference Room 14-105, Parklawn Bldg.,  
Rockville, Maryland  
Open—March 17; Closed—Otherwise  
Contact Mrs. Zella Diggs, Parklawn Bldg.,  
Rm. 17C-26  
5600 Fishers Lane, Rockville, Md. 20852, 301-  
443-4333.

*Purpose.* The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

*Agenda.* March 17 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On March 18-19, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Sections 552(b) (4) and 552(b) (6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463.

##### BOARD OF SCIENTIFIC COUNSELORS, NIMH

March 28-29, 9:30 a.m.

Conference Rm. 1B-07, Bldg. 36, National Institutes of Health, Bethesda, Maryland  
Open—March 28, 9:30-10 a.m., Closed—  
Otherwise

Open—March 29, 9 a.m. to adjournment  
Contact Dr. John C. Eberhart, Bldg. 36, Rm. 1A-05, NIH<sup>1</sup>  
Bethesda, Maryland 20014, 301-496-3501.

*Purpose.* The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

*Agenda.* The Board will meet in Building 36, Room 1B-07, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the first day's session will be devoted to the review of intramural research projects on depression and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Section 552(b) (6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463. The second day will be devoted to a discussion of the role of the Board of Scientific Counselors in the review and evaluation

<sup>1</sup> Substantive information may be obtained from the contact persons listed above.



of the Intramural Research Program, and will be open to the public.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600

Fishers Lane, Rockville, Maryland 20852, telephone: Area Code 301-443-3600.

Dated: February 12, 1975.

CAROLYN T. EVANS,  
Committee Management Officer,  
Alcohol, Drug Abuse, and  
Mental Health Administration.

[FR Doc.75-4396 Filed 2-18-75;8:45 am]

**Food and Drug Administration**  
**ADVISORY COMMITTEES**  
**Meetings**

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Board of Tea Experts.	March 3, 10 a.m., Room 700, 850 3d Ave., Brooklyn, N.Y.	Open—Robert H. Dick, Food and Drug Administration, 850 3d Ave., Brooklyn, N.Y. 11232, 212-965-6739.

**Purpose.** Advises the Secretary regarding establishment of uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States and makes appropriate recommendations with respect thereto.

**Agenda.** Comments and presentations by interested persons; selection of tea standards. Interested persons may present relevant information or views orally or in writing to the Board for its consideration.

Committee name	Date, time, place	Type of meeting and contact person
2. Neurologic Drugs Advisory Committee.	March 3 and 4, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Stephen Groft, (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products for marketing for the treatment of neurologic diseases.

**Agenda.** Discussion of conflict of interest and the advisory committee member; use of antiemetics in Reye's Syndrome; decisionmaking criteria and processes; adequate and well controlled studies; possible future studies for marketed drugs; and discussion of NDA 17-615 (Eliantrine, Lakeside Laboratories).

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on review of sedative, tranquilizer, and sleep aid drugs.	March 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 3, 9 a.m. to 10 a.m., closed March 3 after 10 a.m., closed March 4. Michael Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, and sleep aid drugs.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on review of cold, cough, allergy, bronchodilator and antiasthmatic drugs.	March 5 and 6, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 5, 9 a.m. to 3:30 p.m., open March 5 after 3:30 p.m., closed March 6. Thomas D. DeCillis (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data on safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

**Agenda.** Closed session: Continued deliberation of the safety and efficacy of ingredients and combination guidelines of the panel. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on review of general and plastic surgery devices.	March 7, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open March 7, 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Mark F. Parrish, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and plastic surgery devices currently in use.

**Agenda.** Open session: Interested parties are encouraged to present information pertinent to the classification of diagnostic, prosthetic, and surgical devices (exclusive of instruments) listed in this announcement. Those desiring to make formal presentations should notify Mark Parrish, Ph. D., Executive Secretary, in writing by March 6, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: **Diagnostic devices:** arterial pressure manometers; biliary-pancreatoscopes; cameras—accessories, still, cine, television, endoscopic, microsurgical, surgical; chairs—accessories, electrical, hydraulic, mechanical, pneumatic; colonoscopes; endoscopes—accessories, fiberoptic, direct vision, mirror, prism, rigid, flexible; esophagoscopes; foreign body locators; gastroscopes; illuminating devices—accessories, flashlights, headlamps, instrument lights, transilluminators; laparoscopes; laryngoscopes; locators—electrical, magnetic, stimulator; manometers—invasive, noninvasive, manual, powered, aneroid, electronic, fluid, hydraulic, ultra-sound; measuring devices; mediastinoscopes; mirrors; monitors and analyzers and accessories—intermittent, continuous, invasive, noninvasive, on-line sensors (surface contact, pressure transducer, ultrasonic, electro-magnetic, chemical, pH electrode), signal conditioners (detectors, amplifiers, filters, signal transformation circuits), display devices (dial indicators, digital displays, cathode-ray tubes, signal lights, audible alarms, hard copy (strip chart, x-y recorders, photograph, microfilm, computer printout), logic module (electronic, digital computers, controllers); peritoneoscopes; proctoscopes; specula—accessories, illuminated, nonilluminated; sphygmomanometers; stethoscopes—direct, electronic-amplified; stimulators—muscle, nerve; tables—accessories, electrical, hydraulic, mechanical, pneumatic; thermometers—electronic, fluid column, liquid crystals; tongue blades. **Prosthetic devices:** external prostheses—adhesives, aesthetic restoration materials, biological prostheses, braces (back, lower extremity, neck upper extremity), canes and crutches, facial fracture appliance, splints (extremities, nasal, postoperative-hand); internal prostheses—arterial graft, chin, eye, larynx, mammary, maxillofacial, otoplasty, penile, rhinoplasty, tendon, testicular; prosthesis kit and accessories; mesh—metallic, polymeric, surgical; materials—biological, fabrics, metallic, polymeric. **Surgical devices (exclusive of instruments):** air handling apparatus—bench type and accessories, enclosures and accessories; room (controls, cooling apparatus, distributors, ducts, filters, humidity control apparatus); apparel—aprons, caps, drapes and drape sets,

dresses, exhaust apparatus, gown (isolation, patient, surgical), helmets, hoods, masks, materials (conductive, nonconductive, woven, nonwoven), shoes, shoe covers, suits; applicators, bags—hemostatic, rectal, stomal; brushes—derm abrasion, biopsy, scrub, buckets; bucket frame with casters ("kick"); catheters—accessories (adaptors, catheter dilators, connectors, catheter needles), gastrointestinal and general (biliary, cholangiography, eustachian, irrigation, peritoneal, rectal, ventricular), urinary (balloon types, continuous irrigation, transformer, surface materials (conductive, multiple lumen, nephrostomy, pediatric, urethral, ureteral), vascular (balloon types, cardiovascular); chairs; cryosurgical apparatus—accessories, applicators,

cryophthalmic units, cryosurgical probes, cryosurgical units, refrigerants, spray containers; electrical safety apparatus—conductivity tester, connectors and outlets (explosion proof, nonexplosion proof), ground fault indicators, isolation (explosion proof), ground fault indicators, isolation (explosion proof) flooring; electrosurgical cutting and coagulation devices—accessories (cables, clamps and clips, cord testers, electrodes, electrode gels and creams, epilation needles, foot switches), generators (electron tube, solid state), patient indifferent cords, patient indifferent plates and ground plates, replacement spark gap assembly, stands and brackets. Closed session: Classification of diagnostic, prosthetic and surgical devices (exclusive of instruments).

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on review of allergenic extracts.	March 7 and 8, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open March 7, 9 a.m. to 10 a.m., closed March 7 after 10 a.m., closed March 8, Clay Eisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

**Purpose.** Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

**Agenda.** Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of allergenic extracts under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on review of hemorrhoidal drugs.	March 9 and 10, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 9, open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m. Thomas D. DeCillis (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data on safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing hemorrhoidal drug products.

**Agenda.** Closed session: Continuing review of over-the-counter hemorrhoidal drug products under investigation. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
8. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	March 10 and 11, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m., closed March 11, Eloise Eavenson, Ph. D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

**Purpose.** Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

**Agenda.** Open session: Interested parties are encouraged to present information pertinent to the development of product class standards and classification of clinical chemistry products listed in this announcement. Those desiring to make formal presentations should notify Dr. Eloise Eavenson in writing by March 1, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants,

references to any data to be relied on, and also an indication of the approximate time required to make their comments. The diagnostic products to be reviewed for classification at the closed session meeting are in vitro diagnostic products used for the determination of glucose, calcium, sodium, potassium, lithium, magnesium, iron, lead chloride, phosphate, and bicarbonate. Closed Session: Review product inventory for the tentative classification of in vitro diagnostic products used for the determination of glucose, calcium, sodium, potassium, lithium, magnesium, iron, lead, chloride, phosphate and bicarbonate; evaluation of comments on the Proposed Glucose Product Class Standard; and evaluation of revised proposal for a draft of the Calibrator Product Class Standard.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on review of bacterial vaccines and bacterial antigens.	March 10 and 11, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m., closed March 11, Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-1676.

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**Purpose.** Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with no U.S. standards of potency.

**Agenda.** Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on review of ear, nose, and throat devices.	March 10 and 11, 9:30 a.m., Room 6821, FD-8, 200 C St. SW., Washington, D.C.	Open March 10, 9:30 a.m. to 12:30 p.m., closed March 10 after 12:30 p.m., closed March 11: Richard A. Hawkins, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of ear, nose, and throat devices currently in use.

**Agenda.** Open session: Interested parties are encouraged to present information pertinent to the classification of ear, nose, and throat devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Richard Hawkins, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Hawkins in writing by March 3, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: hearing aids; esophageal prosthesis; esophageal tubes; gelfoam; silastic implant material; tantalum prosthesis wire; teflon implant material; atticus punch; aural magnifiers; ear cannulae; ear curette; ear drapes; ear excavator; ear hook microsurgical; ear knife; ear pick microsurgical; ear rasp; ear scissor; ear snare; ear spoon; ear suction tubes; ear-lobe perforator; electric ear drills; maleus nipper; mastoid chisel; mastoid gouge; mastoid rongeur; mastoid searcher; measuring rods/gauges; middle-ear chisel; myringotomy knife; myringotomy tube inserter; ossicle holding clamp; otoscopes AC powered; otoscopes battery powered; sacculotomy tack inserter; temporal bone holders; vein press; wire loop; directoscopes; intracardial injection sets; laryngeal knife; laryngeal saw; laryngeal trocar; laryn-

gectomy tubes; laryngoscopes, AC powered; laryngoscopes, battery powered; laryngotoboscopes; life saving tubes; tracheostomy tubes; burrs; elevators ENT; endoscope; AC powered; endoscope, battery powered; fiberillumators ENT; forceps ENT; head mirrors; headlights; mirrors ENT; mobilizers ENT; pneumatic drills; pneumatic saws; probes ENE; retractors ENT; rules and microrules; specula ENT; speculum holders ENT; surgical head supports; surgical microscopes; antrosopes AC powered; antrum perforator; antrum punch; epistaxis balloon; ethmoid curette; ethmoid punch; frontal-sinus rasp; nasal chisel; nasal curette; nasal dilator; nasal gouge; nasal knife; nasal knife; nasal punch; nasal rasp; nasal rongeur; nasal saw; nasal scissors; nasal snare; nasographs; sinus cannules; sinus irrigator; sinus trephine; sinus trocar; adenoid curette; adenoid punch; adenotomes; bite block; eustachian bougie; eustachian catheter; eustachian filliform sets; laryngeal telescope; mouth gag; nasopharyngoscope; oral screw; salpingeal curette; tongue depressors; tonsil dissector; tonsil guillotine; tonsil knife; tonsil punch; tonsil screw; tonsil snare; tonsil suction tube; tonsil suturing hooks; tonsil suturing instruments special; tonsil suturing needles; tonsillectome; bronchial cannulae; bronchoscopes AC powered; bronchoscopes battery powered; esophageal bougie; esophageal dilator; esophageal probang; esophagoscopes, AC powered; esophagoscopes, battery powered; mediastinoscopes; tracheal bistoury; tracheal dilator; tracheal hook; tracheal trocar; tracheal tube cleaning brushes. Closed session: Classification of devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on review of cardiovascular devices.	March 11, 9:30 a.m., Room 4173, HEW-N, 380 Independence Ave. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenn A. Rahmoller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

**Agenda.** Open session: During the open session there will be a presentation concerning a standards priority system for developing cardiovascular device standards. There will also be time for questions and comments from the public. Closed Session: During the closed session the panel will: (1) review recommendations made by its subcommittees concerning electrical safety standards and product development protocol guidelines for prosthetic heart valves, (2) review preliminary results of FDA research contracts related to this committee's responsibilities, and (3) discuss some compliance activities.



Committee name	Date, time, place	Type of meeting and contact person
12. Panel on review of topical analgesics.	March 13 and 14, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 13, 9 a.m. to 10 a.m., closed March 13 after 10 a.m., closed March 14. Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing topical analgesics.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter topical analgesics under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on review of contraceptives and other vaginal drug products.	March 14 and 15, 9 a.m., Conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 14, 9 a.m., to 10 a.m., closed March 14 after 10 a.m., closed March 15. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing contraceptives and other vaginal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. FDA/NIDA Drug Abuse Research Advisory Committee.	March 17 and 18, 9 a.m., Murphy Hall, Room 2121, 405 Hilgard Ave., University of California at Los Angeles, Los Angeles, Calif.	Closed March 17, 9 a.m. to 3 p.m., open March 17 after 3 p.m., open March 18. John A. Selgiano, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

**Purpose.** Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential; advises NIDA on supplies of substances for clinical studies, quantities of substances for animal and in vitro studies beyond the maximum amount available by NIDA staff action, and requests for any amount of substances that involve protocols containing unique problems.

**Agenda.** Closed session: Review of IND applications; progress reports and drug requests for preclinical studies. Open session: Minutes of previous meeting; presentations and discussions on "Marihuana: One Species or Varieties?"; Student Drug Use Surveys, San Mateo County, California; the Freedom of Information Act; marihuana literature; lectures and discussions on "Chromosomal Studies in Marihuana Smokers"; Radioimmuno Assay of THC and Related Molecules; the effect of cannabis on intraocular pressure; pulmonary function in moderate and heavy marihuana smokers; laboratory and drug treatment. Tour of facilities with demonstrations and discussion.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on review of internal analgesic including antirheumatic drugs.	March 17, 18, and 19, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 17, 9 a.m., to 10 a.m., closed March 17 after 10 a.m., closed March 18 and March 19. Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing internal analgesic agents.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on review of physical medicine (physiatry) devices.	March 18, 8 a.m., Room 6621, FB-8, 200 C St. SW., Washington, D.C.	Open March 18, 8 a.m. to 9 a.m., closed after 9 a.m. Robert C. Livingston, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices currently in use.

**Agenda.** Open session: George Smith, Manager of Medical Devices, Pharmaceutical Manufacturers Association,

will speak on performance standards and their content. Interested parties are encouraged to present information pertinent to the classification of physical medicine (physiatry) devices listed in this announcement. Submission of data is also invited on the tentative classifica-

tion findings which may be obtained from Robert C. Livingston, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Livingston in writing by March 14, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: abdominal board; ankle, leg exerciser; arm, wrist and shoulder exerciser; balanced board; electric walking exerciser; exercise and workout bench; exerciser skates; finger exerciser; foot massager; hydraulic assist leg exerciser; knee exerciser with metal upholstered table; bicycle ergometer; bicycle exerciser; lower limb isokinetic exerciser and trainer; manual gravity walking exerciser; massaging apparatus; multipurpose exercise kit; multipurpose resistance exerciser unit; nylon covered polyfoam exercise mat; parallel bars; passive motion exerciser machine; rowing machine, hydraulic; rowing machine, mechanical; striking bag platform; therapeutic exercise device; vestibular board; vibrating massage belt; wood frame mirror; wooden exercise stairs; wooden top/metal platform exercise mat; electrical stimulator; infrared heating unit; microwave diathermy; pulsed diathermy; shortwave diathermy; ultrasonic diathermy; ultrasound and muscle stimulator machine; ultraviolet lamp; adjustable highchair; adjustable stool; adjustable suspension seat; arm bath; bath arm rest; mechanical patient transfer lift; mobile sitz bath; non-disposable sitz-bath bidet; paraffin bath; pool equipment; portable vibrating bath; portable whirlpool bath; sitz bath; tank top seat; thermo-jet foot bath; underwater treatment tank; water purification system; whirlpool bath; whirlpool therapy unit; whole body bath; wheelchairs; wheel chair attachments; walker, wheeled, adjustable, with seat, open end, folding; walker, wheeled, adjustable, with seat, open end, nonfolding; walker, wheeled, adjustable, with seat, closed end, folding; walker, wheeled, adjustable, with seat, closed end, nonfolding; walker, wheeled, multi-purpose, with runner; walker, wheeled, attachments: saddle seat, walker handbrakes, forearm rests, balance ring, rib belt, underarm supports, suspension frame, swivel locks on casters, pressure caster brakes, step-on caster brakes, 3-position caster brakes; walker, nonswivel wheels, triangular frame (rollator); walker, pickup, adjustable (walkerette, walking aid); walker, pickup, non-adjustable (walkerette, walking aid); walker, pickup, attachments: chair seat, sling seat, wheels, runners, underarm supports, forearm rests, basket, utility pouch; walker, pickup, reciprocal, adjustable; walker, pickup, for stairs, adjustable; hemi-walker; scoot-about.

Closed session: The panel will classify devices listed above. A date will be set for the next meeting.

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Committee name	Date, time, place	Type of meeting and contact person
17. Panel on review of antimicrobial agents.	March 21, 22, and 23, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 21, 9 a.m. to 10 a.m., closed March 21 after 10 a.m., closed March 22 and March 23. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
18. Panel on review of miscellaneous internal drug products.	March 24 and 25, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data on the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing miscellaneous internal drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter miscellaneous internal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
19. Respiratory and Anesthetic Drugs Advisory Committee.	March 24, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m.; Gerald M. Rachanow (HFD-180), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

**Purpose.** Advises the Commissioner of Food and Drugs regarding the safety and effectiveness of drugs employed in anesthesiology.

**Agenda.** Open session: Contraindications for halogenated anesthetic drugs and discussion of the presence of methyl methacrylate monomer in the operating room. Closed session: Discussion of IND 5836 (Wyeth Laboratories, Inc.), and discussion of IND 10,470 (Janssen R&D, Inc.).

Committee name	Date, time, place	Type of meeting and contact person
20. Panel on review of antiperspirant drug products.	March 24 and 25, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antiperspirant drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antiperspirant drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
21. Hematology Subcommittee of the Diagnostic Products Advisory Committee.	March 24 and 25, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Eloise Eavenson, Ph. D., (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

**Purpose.** Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

**Agenda.** Open session: Interested parties are encouraged to present information pertinent to the development of product class standards and classification of in vitro diagnostic products used in the hematology laboratory. Those desiring

to make formal presentations should notify Dr. Eloise Eavenson in writing by March 15, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. Closed Session: Discussion of classification approaches; review of information received in response to the Call for Information and Data for Hemoglobin Products; and review of proposal for a draft of a hemoglobin product class standard.

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Committee name	Date, time, place	Type of meeting and contact person
22. Ad Hoc Committee on Reserpine and Breast Cancer.	March 24 and 25, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Jennings, M.D. (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

**Purpose.** Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

**Agenda.** Charge to committee; consideration of published reports linking reserpine with increased risk of breast cancer; discussion of reserpine programs ongoing and proposed research: National Heart and Lung Institute, National Cancer Institute; National Institute of Mental Health, National Center for Health Statistics; discussion of report of the Joint Cardiovascular Renal Advisory Committee and Biometric and Epidemiological Methodology Advisory Committee on the association of reserpine and breast cancer; consideration of further research needs; and public discussions.

Committee name	Date, time, place	Type of meeting and contact person
23. National Advisory Food and Drug Committee.	March 27 and 28, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20852 301-443-1547.

**Purpose.** Reviews and evaluates agency programs and provides advice and guidance to the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs on policy matters of national significance as they relate to FDA's statutory mission in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid

for research projects relevant to the mission of FDA as required by law.  
**Agenda.** Charge to committee; state of the agency reports: congressional investigations, ongoing programs, Freedom of Information regulations, procedural regulations, petitions, legislation, major policy problems, and discussion of deleterious substances in foods; discussion of guidelines for research grant requests; review of research grants applications; and other committee staff items.

Committee name	Date, time, place	Type of meeting and contact person
24. Subcommittee on the Radioactive Pharmaceuticals Advisory Committee.	March 27 and 28, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4290.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of nuclear medicine.

**Agenda.** Guidelines for clinical evaluations of radioactive pharmaceutical drugs.

Committee name	Date, time, place	Type of meeting and contact person
25. Gastrointestinal Drugs Advisory Committee.	March 31 and April 1, 10 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 31, 10 a.m., to 2 p.m., open March 31 after 2 p.m., closed April 1, 10 a.m., to 11 a.m., open April 1 after 11 a.m., Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4740.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of gastrointestinal diseases.

**Agenda.** Closed session: Discussion of IND 6279 (Diphenoxin/atropine, McNeil) and IND 8062 (Kinevac (Sincalide), Squibb). Open session: Discussion of IND 2906 (Biogastrone (Carbenoxolone), Biorex), NDA 7-073 (Azulfidine (Salicylazosulfapyridine) Pharmacia Labs), and NDA 17-657 (Cephulac (Lactulose), Merrell National).

Committee name	Date, time, place	Type of meeting and contact person
26. Panel on review of general hospital and personal use devices.	March 31 and April 1, 9 a.m., Room 1818, FB-8, 200 C St. SW., Washington, D.C.	Open March 31, 9 a.m. to 10 a.m., closed March 31 after 10 a.m., closed April 1, William C. Dierksheide, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3570.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of general hospital and personal use devices currently in use.

**Agenda.** Open session: Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices listed in this announcement. Those desiring to make formal presentations should notify William C. Dierksheide, Ph. D., Executive Secretary, in writing by May 18, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: chair, blood drawing and other; evacuated blood collection tubes; lancet, blood; manometer, spinal, venous pressure; needles, all; specimen collector, plastic bowl; stopcocks and adapters; syringes, piston (plastic and glass); cape, examination; drapes, modesty; glove, patient examination; gown, examination; tongue depressor; cuff inflators; manometer, aneroid (blood pressure); manometer, mercury (blood pressure); stethoscope, mechanical; stethoscope, ultrasonic; stethoscope, electronic; apnea monitors, nursery; alarm, oxygen depletion; blood pressure monitors—doppler, neonatal; blood pressure monitors—invasive transducer, neonatal; cardiac monitors—battery powered, neonatal; infusion line monitor; oxygen analyzers—invasive, neonatal; oxygen analyzers—noninvasive, neonatal; thermometers, electric; thermometers, general; kick bucket; operating lamps; operating tables; stool, foot; stool, hydraulic; dispenser, brush; grapes; glove, surgical; linen, surgical drop; powdering unit, glove; suit, scrub; wrappers, linen; drying unit, glove; ace bandages, abdominal binders; elastic stockings; perineal binders; scrotal supports; heart-lung resuscitator; jars, dressing; lavage, jet; mask, oxygen; oxygen regulators, reduction; oxygen regulators, flow meters; oxygen regulators, mixing; respirators, pressure, neonatal; respirators, volume, neonatal; respiratory, cardiac; resuscitators, manual; scales; scissors, general; skin closure, staple; skin closure, adhesive strip; skin closure, liquid adhesive; stand, mayo; suction tip; tubing; litters; mouth gags; oropharyngeal airways; padded boards; portable oxygen equipment; sheet, sterile, burn; spine boards; splint, inflatable; splint, padded wooden; stretchers, hand carried; stretchers, wheeled; traction splint, hinged half-ring, lower extremity; transport incubator, neonatal. A panel discussion will be held on medical device problems and their effect on patient care. Closed session: classification of devices listed above.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant



information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognizes that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device

products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the

committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 11, 1975.

SHERWIN GARDNER,  
Acting Commissioner  
of Food and Drugs.

[FR Doc 75-4282 Filed 2-18-75; 8:45 am]

## ADVISORY COMMITTEES

## Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Oral Cavity Drug Products.	March 4 and 5, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 4, 9 a.m. to 10 a.m., closed March 4, after 10 a.m., closed March 5, John T. McKiroy, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing oral cavity drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel Chairmen for Bureau of Medical Devices and Diagnostic Products.	March 5, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open—Robert S. Kennedy, Ph.D., (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Agenda.** Mr. Rodney Munsey of the Pharmaceutical Manufacturers Association will present industry's views on the classification process. The panel chairmen will be briefed by FDA staff on FDA policy regarding release of information following panel meetings; on panel members' terms of service and the mechanisms employed to assure overlapping terms of service among panel members; on potential forms of publication of the panels' recommendations; and on the use of the review panels for Product Development Protocols. Interested persons are invited to attend.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to assist the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that

such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

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The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 13, 1975.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.

[FR Doc. 75-4360 Filed 2-18-75; 9:45 am]

Office of Education  
NATIONAL ADVISORY COUNCIL ON  
INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education will be held February 28, 1975 at 7:30 PM to 10:00 PM at 425 13th Street, NW, Washington, D.C. and on March 1-9, 1975 from 8:00 AM to 6:30 PM every day at Tempo B, Wing 8, 2nd Floor, 2nd and Q Streets, SW, Washington, D.C.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92-318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The first evening of the meeting will be open to the public beginning at 7:30 p.m. to 10 p.m. This meeting will be held at the National Advisory Council on Indian Education office at 425 13th Street, NW., Washington, D.C.

February 28, 1975, 7:30 p.m. to 10 p.m. the proposed agenda includes:

(1) Review of Title IV rules, regulations, and guidelines.

(2) Orientation of Proposal reading procedure.

The March 1-9, 1975, meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of the Federal Advisory Committee Act\* (Pub.

L. 92-463) and under the exemptions contained in the Freedom of Information Act, 5 U.S.C. Section 552(b)(4) and (6), (Pub. L. 90-23), 45 CFR § 5.71(a) and § 5.71(b).

March 1-9, 1975.

The proposed agenda includes:

(1) Review of Title IV proposals submitted under Parts B-C and Part A non-LEAs.

(2) Make recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on February 4, 1975.

DORRANCE D. STEELE,  
Acting Executive Director.

[FR Doc.75-4469 Filed 2-18-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

COLORADO-UTE ELECTRIC  
ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401. The statement covers approximately 98 miles of new 230 kV transmission line from Boone, Pueblo County, Colorado, to Lamar, Prowers County, Colorado; approximately 2.5 mile section of 115 kV tie lines in Pueblo County, Colorado, between the proposed Boone Substation and the existing Midway-LaJunta 115 kV line; approximately 13 miles of new 115 kV transmission line in Prowers County, Colorado, from Lamar, Colorado, to South Lamar, Colorado; a new 100 MVA, 230-115 kV substation at Boone; a new 100 MVA, 230-115 kV substation at Lamar and a new 115 kV switching bay in the existing South Lamar Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be ex-

amined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before April 21, 1975.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 12th day of February 1975.

DAVID A. HAMIL,  
Administrator, Rural  
Electrification Administration.

[FR Doc.75-4464 Filed 2-18-75; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

[CGD 75 037]

Coast Guard

EQUIPMENT, CONSTRUCTION, AND  
MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 23, 1974 to January 3, 1975 (List No. 1-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.



**BUOYANT VESTS, KAPOK, OR FIBROUS GLASS**

Approval No. 160.047/429/0, adult Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/429/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/430/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/430/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/431/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/431/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/632/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/632/0 dated November 2, 1972 to show change of address of manufacturer.)

Approval No. 160.047/633/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/633/0 dated November 2, 1972 to show change of address of manufacturer.)

Approval No. 160.047/634/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/634/0 dated November 2, 1972 to show change of address of manufacturer.)

**BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS**

Approval No. 160.048/231/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048 and UL report

file No. MQ 99, Type IV PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.048/231/0 dated November 1, 1971 to show change of address of manufacturer.)

**BUOYS, LIFE, RING, UNICELLULAR PLASTIC**

Approval No. 160.050/23/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.050/23/0 dated February 18, 1970 and change of name of manufacturer.)

Approval No. 160.050/24/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.050/24/0 dated February 18, 1970 and change of name of manufacturer.)

Approval No. 160.050/25/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, effective December 30, 1974. (It is an extension of Approval No. 160.050/25/0 dated February 18, 1970 and change of name of manufacturer.)

**INFLATABLE LIFE RAFTS**

Approval No. 160.051/50/0, inflatable life raft, 6-person capacity, identified by general arrangement dwg. RFD-US-1072, revision No. 4 dated December 2, 1974, and Specification RFD-US-100, revision No. 3 dated December 9, 1974, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e) (11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

Approval No. 160.051/51/0, inflatable life raft, 15-person capacity, identified by general arrangement dwg. RFD-US-1079, revision No. 4 dated December 2,

1974, and Specification RFD-US-100 revision No. 3 dated December 9, 1974, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e) (11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

Approval No. 160.051/52/0, inflatable life raft, 20-person capacity, identified by general arrangement dwg. RFD-US-1000, revision 8 dated May 1, 1974, and Specification RFD-US-100, revision No. 3 dated December 9, 1974, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e) (11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

**WORK VESTS, UNICELLULAR PLASTIC FOAM**

Approval No. 160.053/3/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.053/3/0 dated February 18, 1970 and change of name of manufacturer.)

**SIGNALS, DISTRESS, FLOATING ORANGE SMOKE (15 MINUTES), FOR MERCHANT VESSELS**

Approval No. 160.057/3/0, floating orange smoke 15-minute distress signal, manufactured by Kilgore Corporation, general arrangement dwg. No. C A 49, Sheet 1 dated June 27, 1968, Sheet 2, Rev. A dated September 29, 1969, dwg. No. B-50 dated October 12, 1968 and U.S.C.G. letter dated January 30, 1970, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 30, 1974. (It is an extension of Approval No. 160.057/3/0 dated February 2, 1970.)

**DESALTER KITS, SEA WATER, FOR MERCHANT VESSELS**

Approval No. 160.058/1/0, desalter kits, sea water, Type BM-6318, U.S.C.G. Specification 160.058, manufactured by Ionac Chemical Company, Birmingham, New Jersey 08011, effective December 30, 1974. (It is an extension of Approval No. 160.058/1/0 dated February 17, 1970.)

**MARINE BUOYANT DEVICE**

Approval No. 160.064/118/1, adult small, Model No. 3965, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/118/1 dated April 10,

1974 to show change in model and address of company.)

Approval No. 160.064/119/1, adult medium, Model No. 3960, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/119/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/120/1, adult large, Model No. 3955, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/120/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/121/1, adult small, Model No. 63262 SML, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/121/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/122/1, adult medium, Model No. 63262 Med, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/122/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/123/1, adult large, Model No. 63262 LGE, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/123/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/189/1, adult X-small, Model No. 3970, cloth covered unicellular plastic foam "Buoyant

Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/189/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/190/1, adult X-small, Model No. 63262 XSML, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/190/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/225/0, child medium, cloth covered unicellular plastic foam "Yachtsmans Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, formerly Ero Manufacturing Company, effective December 30, 1974. (It supersedes Approval No. 160.064/225/0 dated August 1, 1972 to show change of name and address of company.)

Approval No. 160.064/274/0, adult X-small, Model Yachtsmans II, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, formerly Ero Manufacturing Company, effective December 30, 1974. (It supersedes Approval No. 160.064/274/0 dated August 1, 1972 to show change of name and address of company.)

Approval No. 160.064/275/2, adult small, Model No. 3950, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/275/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/276/2, adult medium, Model No. 3945, cloth covered uni-

cellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/276/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/277/2, adult large, Model No. 3940, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/277/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/278/2, adult small, Model No. 63272 Small, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/278/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/279/2, adult medium, Model No. 63272 MED, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/279/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/280/2, adult large, Model No. 63272 LGE, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/280/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/404/1, child medium, Model No. 3980, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539,



Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/404/1 dated April 10, 1974 to show change of address of company and model.)

Approval No. 160.064/405/1, adult X-large Model No. 3975, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/405/1 dated April 10, 1974 to show change of model and address of company.)

Approval No. 160.064/406/1, child medium, Cat. No. 63261, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/406/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/407/1, adult X-large, Cat. No. 63263, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/407/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/623/0, adult, Model No. 4156-6, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/623/0 dated April 23, 1974 to show change in model No.)

Approval No. 160.064/624/0, child medium, Model No. 4160-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/624/0

dated April 23, 1974 to show change in model No.)

Approval No. 160.064/625/0, child small, Model No. 4165-6, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/625/0 dated April 23, 1974 to show change in model No.)

Approval No. 160.064/732/0, child small, Model No. 8216, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/733/0, child medium, Model No. 8217, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/734/0, adult, Model No. 8218, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/749/0, adult, Model No. 63224, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/778/0, child small, Model No. 3985, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974.

Approval No. 160.064/779/0, adult, Model No. 63255, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Il-

linois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/785/0, child small, Model No. 63261, cloth covered unicellular plastic foam, "Helmsman", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/786/0, adult, Model No. IM-S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/787/0, adult, Model No. IM-A, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/788/0, adult, Model No. IM-A, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/789/0, adult, Model No. IM-XL, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/790/0, adult, Model No. IM-XXL, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/799/0, adult, Model No. AV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.



Approval No. 160.064/800/0 adult, Model AV-2, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.

Approval No. 160.064/801/0, adult, Model No. AV-2, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.

Approval No. 160.064/811/0, adult, Model No. CU-S, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/812/0, adult, Model No. CU-M, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/813/0, adult, Model No. CU-L, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/814/0, adult, Model No. CU-XL, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/815/0, adult, Model No. CU-XXL, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/817/0, adult, Model No. 2A, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec,

Inc., 249 Hickory Avenue, Metairie, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/818/0, child medium, Model No. 2M, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec, Inc., 249 Hickory Avenue, Metairie, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/819/0, child small, Model No. 2C, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec, Inc., 249 Hickory Avenue, Metairie, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/823/0, child small, Model No. 7321, cloth covered unicellular plastic foam "Child's Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/824/0, child small, Model No. 7322, cloth covered unicellular plastic foam "Child's Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/825/0, adult, Model No. 3500, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974.

Dated: February 11, 1975.

D. H. CLIFTON,  
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 75-4461 Filed 2-18-75; 8:45 am]

[CGD 75 038]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject

to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 14, 1971 to January 16, 1975 (List No. 2-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

#### SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE HAND, FOR MERCHANT VESSELS

The Smith & Wesson Pyrotechnics, Inc., P.O. Box 247, Jefferson, Ohio 44047, Approval No. 160.023/3/0 expired and was terminated effective January 12, 1975.

#### GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

The Metal Goods Manufacturing Company, 309 West Hensley Boulevard, Bartlesville, Oklahoma 74003, Approval Nos. 162.019/2/5, 162.019/7/2 and 162.019/26/3 were terminated effective January 16, 1975 due to no Q specification.

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval Nos. 162.019/27/1 and 162.019/34/0 expired and were terminated effective January 9, 1974.

The Bastian-Blessing, Division of Astro Controls, Inc., 4201 West Peterson Avenue, Chicago, Illinois 60646, Approval Nos. 162.019/28/0, 162.019/29/0, 162.019/30/0 and 162.019/31/0 expired and were terminated effective August 12, 1974.

The Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, Approval Nos. 162.019/35/0 and 162.019/37/0 were terminated effective January 16, 1975 due to no Q specification.

The Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, Approval No. 162.019/36/0 expired and was terminated effective November 13, 1973.

The GPE Control, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval No. 162.019/38/0 was terminated effective January 16, 1975 due to no Q specification.

**APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING**

The Welbilt Corporation, Garland Division, Welbilt Square, Maspeth, New York 11378, Approval Nos. 162.020/101/1, 162.020/102/1, 162.020/103/1, 162.020/104/1, 162.020/115/0, 162.020/116/0, 162.020/117/0, 162.020/118/0, 162.020/119/0, 162.020/120/0, 162.020/121/0, 162.020/122/0, 162.020/123/1, 162.020/124/0, 162.020/125/0, 162.020/126/0, 162.020/127/0, 162.020/128/0, 162.020/129/0, 162.020/130/0 and 162.020/131/0 were terminated effective January 16, 1975 due to no Q specification.

The Anetsberger Brothers, Inc., Northbrook, Illinois 60062, Approval No. 162.020/143/1 expired and was terminated effective December 14, 1971.

**INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE**

The Jerguson Gage & Valve Company, Adams Street, Burlington, Massachusetts 01803, Approval Nos. 162.025/75/1, 162.025/76/1 and 162.025/91/0 were terminated effective January 16, 1975 due to no Q specification.

The Jerguson Gage & Valve Company, 15 Adams Street, Burlington, Massachusetts 01803, Approval No. 162.025/90/0 expired and was terminated effective January 3, 1974.

The Bailey Meter Company, 29801 Euclid Avenue, Wickliffe, Ohio 44092, Approval No. 162.025/92/1 was terminated effective January 16, 1975 due to no Q specification.

The Clark-Reliance Corporation, 15901 Industrial Parkway, Cleveland, Ohio 44135, Approval Nos. 162.025/93/1, 162.025/94/1, 162.025/95/1, 162.025/98/1, 162.025/99/0, 162.025/103/0 and 162.025/104/0 were terminated effective January 16, 1975 due to no Q specification.

The Bailey Meter Company, Wickliffe, Ohio 44092, Approval No. 162.025/97/0 expired and was terminated effective July 16, 1974.

The Yarway Corporation, Blue Bell, Pennsylvania 19422, Approval Nos. 162.025/100/0 and 162.025/101/0 were terminated effective January 16, 1975 due to no Q specification.

The Jerguson Gage & Valve Company, 15 Adams Street, Burlington, Massachusetts 01803, Approval No. 162.025/102/0 expired and was terminated effective January 14, 1974.

The Diamond Power Specialty Corporation, P.O. Box 415, Lancaster, Ohio 43130, Approval Nos. 162.025/105/0 and 162.025/106/0 were terminated effective January 16, 1975 due to no Q specification.

The Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, Approval Nos. 162.025/107/0, 162.025/108/0 and 162.025/109/0 were terminated effective

January 16, 1975 due to no Q specification.

Dated: February 12, 1975.

**D. H. CLIFTON,**  
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-4462 Filed 2-18-75;8:45 am]

**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

**COMMITTEE ON GRANT AND BENEFIT PROGRAMS**

**Notice of Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grant and Benefit Programs of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, March 21, 1975, in the offices of Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider the reports and recommendations of Professor William D. Popkin on the role of representatives for claimants in Federal disability claims adjudication proceedings and any other new business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during, or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw (phone 202-254-7065). Minutes of the meeting will be available on request.

**RICHARD K. BERG,**  
Executive Secretary.

FEBRUARY 10, 1975.

[FR Doc.75-4393 Filed 2-18-75;8:45 am]

**AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION**  
**AMERICAN REVOLUTION BICENTENNIAL COUNCIL**

**Meeting**

Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Council will be held on February 24, 1975, from 3 p.m. to 5 p.m. in the Hemisphere Room of the Washington Hilton Hotel for briefings by the Administrator of the American Revolution Bicentennial Administration on the role of the ARBA. Subject to the concurrence of the members, the Council may proceed at this meeting with the election of officers and consideration of other

organizational matters. The Council will reconvene at the call of its chairman from 8 a.m. to 9 a.m., February 25, 1975, in the Monroe West Room of the Washington Hilton Hotel. The Council will also meet in joint session with the American Revolution Bicentennial Board from 12:45 p.m. to 1:45 p.m., February 25, 1975, in the Monroe West Room. During the balance of the day, the Council will be attending the National Bicentennial Conference at the hotel.

The meetings will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Jane Shay, Special Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276, telephone (202) 634-1841.

**JOHN W. WARNER,**  
Administrator.

FEBRUARY 12, 1975.

[FR Doc.75-4410 Filed 2-18-75;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 25990; Agreements C.A.B. 24827-24832; Order 75-1-140]

**AMERICAN AIRLINES, INC. ET AL**

**Order Regarding Capacity Agreement To Implement Fuel Allocation Program**

**Correction**

In FR Doc. 75-3468 appearing at page 5556 in the issue for Thursday, February 6, 1975, make the following change:

On page 5560 in the third column, second full paragraph, in the last line the reference to "Docket 28995" should be changed to read "Docket 26995".

[Docket 27064]

**ANTHONY COSIMANO, ET AL**

**Application; Notice of Proposed Approval**

Application of Anthony Cosimano et al. for disclaimer of jurisdiction, approval, or exemption pursuant to sections 408 and 409 of the Federal Aviation Act, Docket 27064.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until February 20, 1975, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 13, 1975.

[SEAL]

**EDWIN Z. HOLLAND,**  
Secretary.

An application<sup>1</sup> has been filed requesting the Board to disclaim jurisdiction or

<sup>1</sup>The application was filed by Decair Corporation; Decair Helicopters, Inc.; Ramapo & Aero Helicopters, Inc.; Decair Helicopters of Peru, Inc.; Anthony Cosimano; Ted Dubolsky; Richard Elmert; Ben Turner and Son (Helicopters) Limited; and Caribbean Bank (Cayman) Limited.



to grant relief, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the transactions set forth below.

In 1968, Anthony Cosimano, Ted Dubolsky, and Richard Elmert formed Decair Helicopters, Inc. (Helicopters), an air taxi operator, and became its sole officers, directors, and stockholders. These same individuals held similar interests in Ramapo Aero & Helicopters, Inc. (Ramapo), which engages in the maintenance and repair of helicopter aircraft.

In 1971, these individuals formed Decair Corporation (Decair), which subsequently acquired Helicopters and Ramapo as wholly owned subsidiaries. Decair is a publicly held company whose shares are traded over the counter. Messrs. Cosimano, Dubolsky, and Elmert hold 50.5 percent of Decair's stock and constitute its entire Board of Directors. The remaining shares are held in amounts of less than 10 percent by approximately 700 persons, virtually all of whom are U.S. citizens.<sup>3</sup>

In 1973, Helicopters formed a wholly owned subsidiary, Decair Helicopters of Peru, Inc. (Peru Inc.), a Delaware corporation, to engage in furnishing helicopters and pilots to oil exploration companies in Peru. Messrs. Cosimano, Dubolsky, and Elmert are the sole directors and officers of Peru Inc.

Applicants now seek approval, disclaimer of jurisdiction, or exemption with respect to the foregoing control relationships, and exemption of the interlocking relationships arising by virtue of the positions of Messrs. Cosimano, Dubolsky, and Elmert as the sole officers and directors of each of the aforementioned companies.

Additionally, Peru Inc. has entered into a joint-venture agreement with two foreign corporations for the purpose of establishing a company operating out of the Cayman Islands which will provide helicopter services to oil companies in South America and elsewhere. The company will not operate in the United States. Under the terms of the agreement, one of the joint-venture partners, Ben Turner and Son (Helicopters) Limited (hereinafter referred to as Ben Turner & Son), will receive an option to purchase up to 10 percent of the stock of Decair as part consideration for its investment of further funds in the joint-venture operations.<sup>4</sup> The applicants request disclaimer, approval, or exemption with respect to (1) the resulting control of the joint-venture company by Peru Inc. and (2) the option held by Ben Turner & Son to purchase a 10-percent stock interest in Decair. In support of the requests, applicants state that the financing to be provided by virtue of the joint-venture agreement is urgently needed to prevent bankruptcy of Decair and its subsidiaries.

<sup>3</sup>The application states that the families and close friends of the directors also constitute a substantial total of the other shareholders.

<sup>4</sup>The other joint-venture partner is the Caribbean Bank (Cayman) Limited, which is incorporated under the laws of Grand Cayman, British West Indies. The application states that neither the bank nor any of its stockholders holds a controlling interest in any sec. 408 enterprise.

ner & Son to purchase a 10-percent stock interest in Decair. In support of the requests, applicants state that the financing to be provided by virtue of the joint-venture agreement is urgently needed to prevent bankruptcy of Decair and its subsidiaries.

No comments have been received with respect to the application.

Upon consideration, it is concluded that Helicopters is an air carrier; that Peru Inc., Ramapo, and the joint-venture company are persons engaged in a phase of aeronautics; and that the following transactions are subject to § 408 of the Act: (1) the acquisition of control of Helicopters by Decair, and through Decair by Messrs. Cosimano, Elmert, and Dubolsky, (2) the acquisition of control by Helicopters of Peru Inc., and through Peru Inc. of the joint-venture company, (3) the acquisition of control of Helicopters through Decair by Ben Turner & Son, and (4) the common control through Decair of Helicopters and Ramapo.

Turning first to the acquisition of control of Helicopters by Decair, and through Decair by its three major shareholders, Messrs. Cosimano, Elmert, and Dubolsky, § 408(a)(5) of the Act prohibits the acquisition of control of an air carrier "by any person" in any manner whatsoever in the absence of prior Board approval, and section 413 provides that "control" may be indirect as well as direct. Thus, the reorganization of Helicopters which resulted in its direct acquisition of control by Decair, and through Decair by its three major shareholders, Messrs. Cosimano, Elmert, and Dubolsky, is subject to the requirements of § 408(a)(5) of the Act.<sup>5</sup> It is further concluded that the proposed control relationships will not result in creating a monopoly, and thereby restrain competition or jeopardize another air carrier; nor does it appear that the requirements of section 408 will be otherwise unfulfilled. The relationships are similar to others which have been authorized by the Board<sup>6</sup> and do not appear to raise any conflicts of interest or other substantive regulatory concerns.<sup>7</sup> Accordingly, it is found that it would be in the public interest to exempt the control relationships from the requirements of § 408(a)(5) pursuant to the proviso therein.<sup>8</sup>

<sup>4</sup> See orders 69-12-121 and 70-6-119.

<sup>5</sup> See order 74-2-114, Feb. 27, 1974.

<sup>6</sup> The reorganization of Helicopters appears to have been consummated without the requisite prior Board approval. However, it has been concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, and that there is no impediment to the processing of the application on its merits (*Sherman, Control and Interlocking Relationships*, 15 C.A.B. 876, 881).

<sup>7</sup> The various affiliations herein presented also give use to interlocking relationships within the meaning of sec. 409 of the Act. However, sec. 29811(h) of the Board's Economic Regulations exempts the air taxi operator from sec. 409 of the Act, and sec. 298.14 of the Economic Regulations grants a blanket approval of virtually all interlocking relationships involving individual officers

As previously noted, Ben Turner & Son has been granted an option to purchase 10 percent of the shares of Decair in exchange for its investment in the joint-venture company. The financing of the joint-venture agreement is dependent upon prior approval of the exercise of that option.<sup>9</sup> In considering the exercise of this stock option, we find that, since Helicopters is a wholly owned subsidiary of Decair, the acquisition of a 10-percent interest in the parent is effectively an acquisition of a 10-percent interest in the air carrier subsidiary. Whether this acquisition has resulted in the acquisition of control of the Act is an issue of fact which must be determined from a broad consideration of the particular facts of this case<sup>10</sup> and in light of § 408(f) of the Act.<sup>11</sup>

The Board further concludes that the applicants have not rebutted the § 408(f) presumption of control and that Ben Turner & Son's acquisition of a 10-percent interest in Decair is an acquisition of indirect control of an air carrier (Helicopters) subject to § 408(a)(5) of the Act. Control by a foreign citizen of a U.S. air carrier, even indirect, does raise serious concern with the Board in view of the congressional policy favoring U.S. control of U.S.-flag operations. However, the particular facts of this case indicate that even with its 10-percent interest, the influence of Ben Turner & Son on the affairs of Helicopters will be very limited. Decair and Helicopters are closely held corporations,<sup>12</sup> and the three majority shareholders (Messrs. Cosimano, Elmert, and Dubolsky) represent 50.5 percent of the stock ownership and will continue to constitute the entire Board of Directors of both Decair and Helicopters. In our view, the information set forth by the applicants appears to be sufficient to show that, despite Ben Turner & Son's interest, the substantive direction and influence over the air carrier will remain in the hands of Messrs. Cosimano, Elmert, and Dubolsky. Ben Turner & Son's focus of interest apparently will be in the successful operation of the joint-venture company rather than in the operation of Helicopters.<sup>13</sup> Thus, we find that it would

and directors of the air taxi operator. In view of the foregoing, the applicant's request for further relief from sec. 409 of the Act will be dismissed.

<sup>9</sup> Ben Turner & Son is a British Company whose operations are limited solely to the sale and financing of helicopter aircraft. The application states that neither the company nor any of its stockholders holds a controlling interest in any sec. 408 enterprise.

<sup>10</sup> See *Eastern-Colonial Control Case*, 20 C.A.B. 629, 634-35 (1955); *Railroad Control of Northeast Airlines*, 4 C.A.B. 379, 381 (1943).

<sup>11</sup> Sec. 408(f) of the Act provides that the acquisition of 10 percent or more of the securities of an air carrier raises a presumption of control unless the Board finds otherwise.

<sup>12</sup> See note 2, *supra*, and accompanying text.

<sup>13</sup> It is this conclusion which distinguishes our decision here from that in *Willy Peter Daetwyler d/b/a Interamerican Air Freight Co.*, order 71-10-114, Oct. 23, 1971, wherein the domination and direction of an air freight forwarder applicant was vested in a foreign citizen, thereby preventing the applicant from qualifying as a U.S. citizen (and thus as an "air carrier" within sec. 101(3) of the Act).



be in the public interest to exempt such control as Ben Turner & Son may have in Helicopters from the requirements of § 408(a)(5) pursuant to the proviso therein, subject to the conditions noted below.

Because of the Board's deep concern of foreign influence over U.S. air carriers, the continued effectiveness of the exemption of control of Helicopters by Ben Turner & Son will be conditioned on the requirements that (1) the direct or indirect stock interest of Ben Turner & Son in Decair and/or Helicopters be limited to a maximum of 10 percent of either company's outstanding stock, and (2) at least two-thirds of the directors and managing officers of Decair and Helicopters remain citizens of the United States. These conditions will not prevent Ben Turner & Son from fully exercising its stock option in Decair, but will insure that the domination, direction, and influence of the air carrier remains in the hands of U.S. citizens.

As noted above, we believe that Messrs. Cosimano, Eimert, and Dubolsky will retain effective control over Helicopters and will continue to exercise such control in the best interests of Helicopters. However, if future circumstances should indicate an attempt by Ben Turner & Son to use its influence through the joint-venture company to adversely affect Helicopters, the Board will be disposed to reconsider the public interest factors in Ben Turner & Son's control of Helicopters. We will retain jurisdiction over the relationships considered herein in order to impose such further terms and conditions, including disapproval, as may be required in the public interest.

Helicopter's acquisition of all the stock of Peru Inc. is subject to § 408(a)(6) of the Act, inasmuch as the air taxi operator is acquiring control of a person engaged in a phase of aeronautics. Similarly, Helicopter's ownership of the joint-venture company, though its subsidiary, Peru Inc., is subject to § 408(a)(6) as an acquisition of indirect control of a person engaged in a phase of aeronautics by an air carrier. However, we find that both acquisitions fall within the exemption from § 408 afforded by § 298.11(g) of the Board's Economic Regulations, and we will therefore dismiss the application to the extent it requests further approval, exemption, or disclaimer of these relationships.

The acquisition of Ramapo by Decair is subject to the provisions of § 408(a)(6) of the Act, since, by reason of the acquisition, a common control relationship is created between Helicopters (an air carrier) and a phase of aeronautics.<sup>23</sup>

<sup>23</sup> Sec. 408(a)(6) requires approval, *inter alia*, of the acquisition of a phase of aeronautics by a person controlling an air carrier. Since Ramapo is a direct subsidiary of Decair (not under Helicopters' control), its control has not been considered in the context of the exemptions previously granted: See, e.g., *Berwind Corporation, et al.*, order 69-11-12, Nov. 4, 1969.

If this control relationship is to be authorized by the Board, it must be approved pursuant to § 408(b). We find, after review of the application, that the sole ownership interest of Decair in Ramapo does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation within the meaning of the third proviso of § 408(b), does not result in creating a monopoly, and does not tend to restrain competition. Moreover, no person disclosing a substantial interest is presently requesting a hearing, and it is found that the public interest does not require a hearing. On the basis of the foregoing, the Board concludes that it should approve, without hearing under the third proviso of § 408(b) of the Act, the acquisition of control of Ramapo by Decair.<sup>24</sup>

The Board's concern in this proceeding is limited to those transactions heretofore considered. Therefore, any further request for relief by the applicants will be dismissed.

Accordingly, it is ordered that:

1. The acquisitions of control of Helicopters by Decair, and through Decair by Messrs. Cosimano, Eimert, and Dubolsky and Ben Turner & Son, be and they hereby are exempted from the requirements of § 408(a)(5) of the Act pursuant to the proviso therein; *Provided, however*, That the exemption herein granted to Ben Turner & Son will be effective only so long as (a) the direct or indirect stock interest of Ben Turner & Son in Decair and/or Helicopters does not exceed 10 percent of either company's outstanding stock, and (b) at least two-thirds of the directors and of the managing officers of Decair and Helicopters remain citizens of the United States;

2. The acquisition of control of Ramapo by Decair be and it hereby is approved pursuant to § 408(b) of the Act;

3. By reason of the exemption granted in Part 298.11 of the Board's Economic Regulations, the request for relief of the acquisition of control by Helicopters of Peru Inc., and through Peru Inc. of the joint-venture company, be and it hereby is dismissed;

4. The Board shall retain jurisdiction over the relationships herein exempted or approved for imposing such further terms and conditions as may be required in the public interest; and

5. Except to the extent noted above, all other requests for relief in docket 27064 be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

[FR Doc.75-4429 Filed 2-18-75; 8:45 a.m.]

<sup>24</sup> Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such publication, both in accordance with the requirements of sec. 408(b) of the Act.

[Docket 23080-2]

**PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION**  
Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on March 25, 1975, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 13, 1975.

[SEAL] THOMAS P. SHEEHAN,  
Administrative Law Judge.  
[FR Doc.75-4425 Filed 2-18-75; 8:45 am]

[Docket 27156]

**LOYAL-AIR LTD.**

Small Aircraft Permit Application  
Canada-United States

**Postponement of Prehearing Conference and Hearing**

Notice is hereby given that, at the request of counsel for the applicant, to which the Bureau of Operating Rights has indicated it has no objection, the prehearing conference and hearing previously scheduled in this case for February 27, 1975 (40 FR 6526, February 12, 1975), has been postponed to March 5, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, DC.

The hearing will be held immediately following conclusion of the prehearing conference unless a person has objected or shown reason for postponement pursuant to notice previously given.

Dated at Washington, D.C., February 12, 1975.

[SEAL] FRANK M. WHITING,  
Administrative Law Judge.  
[FR Doc.75-4426 Filed 2-18-75; 8:45 am]

[Docket 25280; Agreement C.A.B. 24925 R-1]

**INTERNATIONAL AIR TRANSPORT ASSOCIATION**

Specific Commodity Rates; Order

FEBRUARY 12, 1975.

By Order 75-1-119 the Board approved an agreement filed pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between

## NOTICES

various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport As-

sociation (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates, including, inter alia, the following:

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24925: R-1.....	9522	Handicraft Products, <sup>1</sup> 267 cents per kg., minimum weight 100 kgs. 255 cents per kg., minimum weight 300 kgs., from Teresina to New York.

<sup>1</sup> See tariff for complete commodity descriptions.

By subsequent filing received February 3, 1975 on behalf of the above referenced carriers it appears that the origin point designated with respect to the Specific Commodity Item 9522 should be Teheran rather than Teresina, so that the item reads as follows:

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24925: R-1.....	9522	Handicraft Products, <sup>1</sup> 267 cents per kg., minimum weight 100 kgs., 255 cents per kg., minimum weight 300 kgs., from Teheran to New York.

<sup>1</sup> See tariff for complete commodity descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement as corrected is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It IS ORDERED, That:

Agreement C.A.B. 24925, R-1 as corrected, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo  
Rates Division, Bureau of  
Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 75-4427 Filed 2-18-75; 8:45 am]

[Docket 26494; Agreement C.A.B. 24940 R-1 through R-3]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Passenger Fares; Order

FEBRUARY 12, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement, for effect February 15, 1975, proposes slight increases in first class, economy class and creative fares between other Middle Eastern points and Iran. We will approve the increases to first and economy class fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to creative fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24940 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24940: R-1.....	062	TC2 First Class Fares (Not finally adopted) (Within Middle East) (Amending).	2
R-2.....	062	TC2 Economy Class Fares (Not finally adopted) (Within Middle East) (Amending).	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 24940, affects air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24940: R-3.....	072b	TC2 Creative Fares Except Europe (Not finally adopted) (Within Middle East) (Amending).	2

Accordingly, It is ordered, That:

1. Those portions of Agreement C.A.B. 24940 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 24940 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,  
Chief, Passenger and Cargo  
Rates Division, Bureau of  
Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-4428 Filed 2-18-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 334-3; OPP-32000/191]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of  
Applications.

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the

amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 21, 1975.

Dated: February 11, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

#### APPLICATIONS RECEIVED (OPP-32000/191)

EPA File Symbol 4313-LN. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. CARBOSOL GLYCOL MINT AIR SANITIZER. Active Ingredients: Triethylene Glycol 4.5%; Propylene Glycol 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 34761-I. Ecology Ltd., Industrial Park, Bldg. #5, W. Haverstraw NY 10993. ECOLOGY INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide, Technical 2.00%; Petroleum Distillate 7.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 34761-L. Ecology Ltd. ECOLOGY WASP & HORNET KILLER. Active Ingredients: Pyrethrins 0.075%; Piperonyl Butoxide, Technical 0.188%; Carbaryl (1-Naphthyl N-Methylcarbamate) 0.500%; Petroleum Distillate 24.237%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 34761-G. Ecology Ltd. ECOLOGY ROACH & ANT SPRAY DIAZINON. Active Ingredients: O,O-Diethyl O - (2 - isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 95.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 35062-R. Enzone, Inc., 1737 Campbell Rd., Houston TX 77055. END-ANT. Active Ingredients: Perchloroethylene 33%; Trichloroethylene 83%; I,I,I, Trichloroethane 17%; I,I,2, Trichloroethane 17%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 2831-UI. NAPASCO International, PO Box 1219, Thibodaux LA 70301. LEMONEX AEROSOL QUAT REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 2831-UT. NAPASCO International. SAFARI BOUQUET AEROSOL QUAT REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chlorides 0.25%; Essential oils 0.05%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 2831-UA. NAPASCO International. SAFARI ORANGE AEROSOL QUAT REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 18185-L. Petway Prod. Corp., 350 5th Ave., New York NY 10001. PET WAY FLEA & TICK SPRAY CATS. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-Naphthyl N-methylcarbamate) 0.50%; Butoxypropylpropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6811-OR. Research Prod. Co., 2423 Merrell Rd., Dallas TX 75229. DEFENSE RESIDUAL INSECTICIDE. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.52%; Piperonyl Butoxide Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 346-GO. I. D. Russell Co. Labs., PO Box 1, Kansas City MO 64141. RUSSELL RAKIL CONTAINS PROLIN ANTICOAGULANT RODENTICIDE. Active Ingredients: Warfarin, 3(a-acetonybenzyl)-4-hydroxycoumarin 0.025%; N1-2-quinoxalylsulfanilamide (sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 11715-UL. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER INSECTICIDE, AEROSOL RESMETHRIN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.20%; Related compounds 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11350-RR. Standard Paint & Varnish Co., PO Box 826, Harvey LA 70058. STAN-GARD MARINE COATINGS 693 ALUM-A-TOX ANTI-FOULING WHITE. Active Ingredients: Tributyltin Fluoride 7.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM 24.

[FR Doc.75-4360 Filed 2-18-75; 8:45 am]



[FRL 334-6]

**AREAWIDE WASTE TREATMENT****Management Planning Approvals; Area and Agency Designations**

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period January 8, 1975, thru January 31, 1975.

The following area and agency designations have been approved by the Environmental Protection Agency:

Sussex County, Delaware (Sussex County Government, P.O. Box 507, Georgetown, Delaware 19947).

Southwest Virginia (Plateau and Lenawisco Planning District Commission, U.S. 58, 421 W. Duffield, Virginia 24244).

Palm Beach County, Florida (Planning Board of Palm Beach County, P.O. Box 3643, W. Palm Beach, Florida 33402).

Utah Basin, Utah (Utah Basin Association of Governments, P.O. Box 867, Roosevelt, Utah 84066).

Provo, Utah (Mountainland Association of Governments, 160 East Center Street, Provo, Utah 84601).

Dated: February 12, 1975.

JAMES L. AGEE,  
Assistant Administrator for  
Water and Hazardous Materials.

[FR Doc. 75-4861 Filed 2-18-75; 8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

[FCC 75-162]

**EMERGENCY BROADCAST SYSTEM  
Closed Circuit Test**

FEBRUARY 12, 1975.

A test of the Emergency Broadcast System (EBS) has been scheduled for Friday, February 21, 1975, between 2:07 and 2:14:30 p.m., Washington, D.C. time. Only ABC, CBS, NBC, IMN, MBS, and NPR radio network affiliates and UPI-audio clients will participate. Television networks are not participating in this test.

Network affiliates will be notified of test procedures via their network beginning four days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for four days in advance of the test to insure wide dissemination of test announcement and schedule.

Final evaluation of the November test is scheduled to be made by the end of March 1975.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission February 12, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-4422 Filed 2-18-75; 8:45 am]

[FCC 75-177]

**EMERGENCY BROADCAST SYSTEM  
Interconnecting Systems and Facilities;  
Closed Circuit Test**

In the Matter of a closed circuit test of national-level interconnecting systems and facilities and program origination channels of the Emergency Broadcasting System.

1. The Commission has received a request from the White House Communications Agency to conduct a Closed Circuit Test of the National-Level Interconnecting systems and facilities of the Emergency Broadcast System (EBS) on February 21, 1975, from 2:07 to 2:14:30 p.m. e.s.t.

2. This request has been coordinated with the major radio networks, the American Telephone and Telegraph Company, and the AP and UPI radio wire services.

3. Coordinated arrangements and voluntary agreements have been obtained from the White House Communications Agency, the Office of Telecommunications Policy, the major Radio Broadcast Networks, (ABC, CBS, IMN, MBS, NBC, NPR, UPI-Audio), and the AT&T.

4. It is ordered, pursuant to § 0.381 of the Commission's rules and regulations, That a Closed Circuit Test of the EBS be conducted on February 21, 1975, from 2:07 to 2:14 p.m. e.s.t., in accordance with § 73.962 of the rules.

5. Authority for the adoption of this action is contained in Section 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended.

Adopted: February 11, 1975.

Released: February 13, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 75-4418 Filed 2-18-75; 8:45 am]

[Docket Nos. 20345 and 20346; File Nos.  
BPH-8914 and 9125]

**DR. E. PAUL EDER AND C. C.  
BROADCASTING, INC.****Applications for Construction Permits;  
Hearing Order**

In re applications of Dr. E. Paul Eder, Cape Coral, Florida. Requests: 103.9 MHz, Channel No. 280; 3 kW (H&V); 300 feet. C. C. Broadcasting, Inc., Cape Coral, Florida. Requests: 103.9 MHz, Channel No. 280; 3 kW (H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in Cape Coral, Florida.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated

for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue which, if either, of the applications should be granted.

4. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 5, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 75-4420 Filed 2-18-75; 8:45 am]

[Docket No. 19660; R-690]

**WESTERN UNION AND ITT WORLD  
COMMUNICATIONS INC.****Joint Petition; Order Extending Time**

In the matter of International Record Carriers' scope of operations in the continental United States including possible revisions to the Formula prescribed under Section 222 of the Communications Act.

By the Chief, Common Carrier Bureau.

1. By Order released February 7, 1975 (39 FR 29050) we granted the petition of Western Union International, Inc. to extend the time from February 3, 1975 to February 7, 1975 to respond to the Joint Petition to Approve Settlement Agreement (Joint Petition) filed by the Western Union Telegraph Company (Western Union) and ITT World Communications Inc. in the above-captioned proceeding. By motion dated February 6, 1975, RCA Global Communications, Inc. (RCA Globcom) requests a further extension of time until February 14, 1975, to respond to the Joint Petition.

2. In support of its request, RCA Globcom states that it is actively considering the settlement proposal extended by Western Union and believes that in view of the fact that a settlement may be reached and a response to the Joint Petition rendered moot, it is desirable to extend the time for filing so that it will not be necessary to file pleadings which may support legal petitions without furthering the settlement discussions.

3. Good cause has been shown for the requested extension.

Accordingly, it is ordered, pursuant to § 0.303(c) of the Commission's rules, 47 CFR § 0.303(c), the Motion for Extension of Time filed by RCA Globcom is granted, and the time for response to the Joint Petition is extended until February 14, 1975.

Adopted: February 7, 1975.

Released: February 11, 1975.

[SEAL] WALTER R. HINCHMAN,  
Chief, Common Carrier Bureau.  
[FR Doc. 75-4419 Filed 2-18-75; 8:45 am]

[Dockets Nos. 19991 and 19992; File Nos. BRCT-71 and BRCT-4527; FCC 75R-54]

**RKO GENERAL, INC. AND MULTI-STATE COMMUNICATIONS, INC.**

**Applications for Construction Permits; Memorandum Opinion and Order Enlarging Issues**

In re applications of RKO General, Inc. (WOR-TV), New York, New York, for renewal of broadcast license and Multi-State Communications, Inc., New York, New York, for construction permit for new television broadcast station.

By the Review Board:

1. Before the Review Board for consideration is a motion to enlarge issues (39 FR 29965), filed December 10, 1974, by Multi-State Communications, Inc. (Multi-State), requesting the addition of news falsification, adequacy of supervision, Suburban, and misrepresentation issues against RKO General, Inc. (RKO).<sup>1</sup> Initially, the Review Board notes that Multi-State has not demonstrated that good cause exists to justify the late filing of its motion. However, in view of the serious charges contained in the motion, the Board will accept the motion and examine it on its merits. See *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148, 8 RR 2d 611 (1966).

<sup>1</sup> Also before the Review Board for consideration are the following related pleadings: (a) opposition, filed December 23, 1974, by RKO; (b) opposition, filed December 26, 1974, by the Broadcast Bureau; (c) reply, filed January 8, 1975, by Multi-State; (d) motion for leave to file response to reply, filed January 14, 1975, by RKO; (e) response to reply, filed January 14, 1975, by RKO. RKO has not shown sufficient cause for acceptance of its supplemental pleading; in accordance with our general practice, therefore, we will deny its motion for leave to file response to reply and dismiss the response. In re *Filing of Supplemental Pleadings Before The Review Board*, 40 FCC 2d 1026 (1972).

**NEWS FALSIFICATION AND LACK OF SUPERVISION ISSUES**

2. In support of its request for a news falsification issue, movant asserts that on September 11, 1974, RKO deliberately falsified a news report dealing with racial turmoil in Mozambique. According to Multi-State, RKO received only one newswire dealing with the Mozambique incident on September 11, 1974—a newswire from the Associated Press which reads as follows:

Lourenco Marques, Mozambique—A Portuguese army officer in Mozambique says rioters around the capital are completely out of control. A senior police officer estimates that at least 200 people—mostly black—have died in the racial turmoil that followed the collapse yesterday of a white rebellion. A communique issued earlier in Lisbon said the army and police are having difficulty stemming the violence in the African townships that surround Lourenco Marques.

During the course of its news broadcast that evening, movant maintains, RKO's anchorman, Thomas Dunn, reading from his own script, made the following remarks:

Black Africans in Mozambique (sic) went wild today after whites tried to reverse the freedom of the colony granted by Portugal.

200 persons, most of them white, were stabbed in the fighting in the capital of Lourenco Marques.

A Portuguese army officer says the blacks just went on a rampage and started stabbing every white they could find.

Given the variances between the wire story and Mr. Dunn's presentation, movant argues that an inquiry is necessary to determine whether RKO has intentionally broadcast false information.<sup>2</sup> Moreover, Multi-State alleges that RKO falsification of the Mozambique report is not an isolated act of news rigging or distortion by RKO, and urges the Review Board to also add an issue to determine whether the licensee is adequately supervising its employees.<sup>3</sup>

3. In support of its opposition, RKO submits the affidavit of Thomas Dunn, in which he states that he did not base his news broadcast dealing with the Mozambique uprising upon the Associated Press news wire relied upon by Multi-State, but rather upon a second Associated Press dispatch received that day by RKO.<sup>4</sup> According to RKO, the

<sup>2</sup> In support of its allegations, Multi-State submits the affidavit of Edgar O. Lake, who states he was formerly employed as News Desk Assistant by RKO and was on duty on September 11, 1974. Attached to Mr. Lake's affidavit are copies of the previously mentioned news wire and the related news script allegedly prepared and used by Dunn.

<sup>3</sup> In support, Multi-State points out that it had previously, on April 30, 1974, requested the Review Board to add an issue inquiring into whether RKO employees had attempted to stage a news event. As Multi-State notes, the Board denied that request; see *RKO General, Inc.*, 47 FCC 2d 824, 30 RR 2d 955 (1974).

<sup>4</sup> In his affidavit, Dunn states that the newswire relied upon by Multi-State is known as the Associated Press's "Radio" wire, which is a rewritten version of the Associated Press's "A" wire specifically adapted for broadcast station use. According to Dunn, RKO reporters usually do not use the "Radio" wire but prefer to rewrite significant

discrepancies noted by movant are not the product of deliberate falsification, but resulted from Multi-State and Dunn relying upon separate Associated Press releases, which contained materially different versions of the Mozambique incident.<sup>5</sup> Consequently, RKO urges the Board to deny the request. The Broadcast Bureau, while believing that Multi-State has raised a substantial question as to whether Mr. Dunn intentionally distorted the news, nonetheless opposes the motion since there is no allegation of improper involvement by the licensee, its principals, or management personnel. Moreover, both the Bureau and RKO oppose the request for the addition of an adequacy of supervision issue.

4. The Board will deny Multi-State's request for a news falsification issue since we believe that RKO has satisfactorily responded in its opposition and accompanying affidavit to the allegations raised by movant. In our view, Dunn's explanation in his affidavit for the variances between the newswire cited by Multi-State and his own news script is not unreasonable and it appears that the discrepancies in question were attributable to the release by the Associated Press of conflicting news stories and not to Dunn's improper action.<sup>6</sup> Thus, we be-

news stories themselves directly from the "A" wire. The newswire which served as the basis of Dunn's presentation and is attached to RKO's affidavit, reads as follows:

Lourenco Marques, Mozambique—At least 200 persons, mostly white, were stoned, stabbed or beaten to death in racial rioting that followed the collapse of a white settlers' revolt, a senior police officer said Wednesday.

The officer made his estimate after touring the black shanty towns surrounding the capital of Lourenco Marques on three sides. They have been the scene of destruction, killing, burning and looting since Tuesday when the leaders of a white movement surrendered.

The whites were protesting the signing of an agreement Saturday giving control of the territorial government to Frelimo, the African guerrilla movement that fought the Portuguese for ten years. The colony received its independence in June.

Most of the African townships were sealed off by Portuguese officials Wednesday and one officer said, "They are just in a wild mood and completely out of hand."

A Portuguese Army Captain, reporting via Radio Lisbon, said many Africans reacted to the whites' surrender by going on a rampage. He was in charge of the Lourenco Marques radio station the whites had used as their headquarters.

<sup>5</sup> Dunn avers he used the "A" wire in preparing his script and does not recall having used the "Radio" wire in his presentation or of being aware of any discrepancies between the "Radio" and "A" wires.

<sup>6</sup> Specifically, we note that the "A" wire relied on by Dunn includes the following data supportive of Dunn's position: (1) 200 whites were killed; (2) some of those dead had been stabbed; and (3) an officer of the Portuguese army had been quoted as stating that many Africans had gone on a rampage. Although Dunn's statement that blacks "started stabbing every white they could find" appears to be an exaggeration of the information on the "A" wire, we do not believe that it alone would warrant addition of an issue.



lieve that Multi-State has failed to submit sufficient "extrinsic evidence" to show that RKO has engaged in news falsification. See CBS Program, "Hunger in America," 20 FCC 2d 143, 17 RR 2d 674 (1969); Democratic National Convention Television Coverage, 16 FCC 2d 650, 15 RR 2d 791 (1969).<sup>7</sup> Additionally, we point out that even if Dunn were shown to have falsified the news, Multi-State's request would still be denied since movant has not alleged or indicated that managerial-level employees at WOR-TV were involved in any improper activities. See CBS Program, "Hunger in America," supra; RKO General, Inc. (WOR-TV), 47 FCC 2d 824, 30 RR 2d 955 (1974). Finally, since we do not believe that a substantial question of news falsification by an RKO employee has been raised, the Board finds no justification for the addition of an adequacy of supervision issue.

#### SUBURBAN AND MISREPRESENTATION ISSUES

5. Petitioner alleges that RKO failed to conduct the community leader survey contained in its 1972 renewal application in accordance with the requirements of Q. and A. 11 of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Multi-State predicates its request on two grounds. First, Multi-State alleges that RKO's News Director, Alan B. Zimmerman, improperly delegated the conduct of the community leader survey to non-managerial personnel. According to Multi-State, on or about August 28, 1974, Zimmerman circulated a written memorandum requesting RKO's news reporters assigned to him to interview community leaders. As compensation for their interviewing efforts, Multi-State continues, Zimmerman offered the reporters \$5 per consultation.<sup>8</sup> Multi-State asserts that the procedure outlined in Zimmerman's memorandum contravened the Primer's requirement that the decision-making personnel of an applicant conduct community leader interviews. Second, movant contends that RKO has failed to specify in its application the identity of the individuals who conducted its community leader survey.<sup>9</sup>

<sup>7</sup>The Board also notes that, contrary to Lake's contention, RKO claims to have received three newswires—not one—regarding the Mozambique uprising—one from United Press International and the two from Associated Press.

<sup>8</sup>In support, Multi-State attaches a copy of the Zimmerman memorandum to the previously mentioned affidavit of Edgar Lake. In his affidavit, Lake also makes reference to the Zimmerman memorandum.

<sup>9</sup>In support, Multi-State refers to three statements in RKO's 1972 renewal application. The first, contained in Exhibit No. 1, states that RKO's Vice President for Public Affairs consults with community leaders, but does not indicate whether he conducts all such interviews. Secondly, movant refers to another statement in Exhibit No. 1, in which RKO noted that its in-depth consultations

In light of the foregoing, Multi-State requests the Board to add a Suburban issue against RKO. Additionally, Multi-State asserts that since RKO, in its application, has misrepresented to the Commission that its community leader survey was conducted only by managerial employees, a misrepresentation issue is justified against the applicant.

6. Opposing enlargement, both the Broadcast Bureau and RKO argue that since the Zimmerman memorandum was drafted on or about August 28, 1974, it is irrelevant to any consideration of whether the community leader survey contained in RKO's renewal application and completed in 1972 was conducted in conformity with Q. and A. 11.<sup>10</sup> Rather, RKO points out that the Zimmerman memorandum related to a community leader survey voluntarily conducted by RKO to insure its continuing awareness of community needs. Furthermore, RKO's General Manager, Robert L. Williamson, in an accompanying affidavit, states that upon learning of the Zimmerman memorandum, he countermanded the memorandum and instructed Zimmerman to conduct any future community leader interviews himself. RKO also maintains that the Zimmerman memorandum does not reflect the policy of the station's management and therefore does not justify the addition of the requested issue. Turning to movant's other allegations, RKO argues that, contrary to Multi-State's contentions, the Primer does not require an applicant to inform the Commission of the identity of those who conducted the community leader survey.

7. The Review Board will add a limited Suburban issue since RKO has failed to identify by name those individuals who conducted its community leader interviews. Absent this information, it is impossible for the Board to determine whether RKO has complied with the requirement of Q. and A. 11 of the Primer that interviews of community leaders be conducted by an applicant's principals or management-level employees. KOWL, Inc., --- FCC 2d ---, 31 RR 2d 1589 (1974).<sup>11</sup> Therefore, an appropriate issue will be added. However, the Review

with community leaders were "generally" conducted by management. Finally, Multi-State refers to Exhibit No. 2, in which the renewal applicant stated that community leader survey interviews were conducted by "station management personnel". According to movant, an examination of these statements raises serious doubt as to whether RKO has conducted its interviews in conformity with the Primer.

<sup>10</sup>RKO, in support, submits the affidavits of Zimmerman and four of the five reporters who received the memorandum from Zimmerman, all of whom state that they did not participate in the ascertainment survey contained in the 1972 renewal application.

<sup>11</sup>Although RKO claims that certain portions of the exhibits cited by Multi-State refer to RKO's "continuing dialogue" with the community and not its "survey of community leaders", we note that RKO has not included in either section a listing of the individuals who conducted its community leader survey.

Board finds no merit in the contention that the Zimmerman memorandum raises a serious question as to whether RKO improperly delegated to non-management level employees the conduct of its community leader survey.<sup>12</sup> Finally, in light of the foregoing, the Board finds no basis for Multi-State's claim that RKO intentionally misrepresented to the Commission that only its principals or managerial-level employees conducted its community leader survey.

8. Accordingly, it is ordered, That the motion for leave to file response to Multi-State Communications, Inc.'s reply to opposition to motion to enlarge issues, filed January 14, 1975, by RKO General, Inc., IS DENIED; and

9. It is further ordered, That the response to Multi-State Communications, Inc.'s reply to motion to enlarge issues, filed January 14, 1975, by RKO General, Inc., is dismissed; and

10. It is further ordered, That the motion to enlarge issues, filed December 10, 1974, by Multi-State Communications, Inc. is granted to the extent indicated above, and is denied in all other respects; and the issues in this proceeding are enlarged to include the following issue:

To determine who conducted the community leader interviews relied on by RKO General, Inc. and in light of the evidence adduced, whether the applicant has complied with the requirements set forth in the Commission's Primer.

11. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE on RKO General, Inc.

Adopted: February 6, 1975.

Released: February 12, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-4431 Filed 2-18-75; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### OLD OIL ALLOCATION PROGRAM Entitlement Notice for December 1974

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners and eligible firms as to crude oil receipts, crude oil runs to stills and eligible product imports for December

<sup>12</sup>Specifically, Multi-State has not demonstrated any correlation between Zimmerman's August 28, 1974, memorandum, and the community leader survey contained in RKO's 1972 renewal application, and RKO has categorically denied the existence of such a nexus. Moreover, the memorandum was quickly countermanded by RKO management.



1974 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for December 1974 is calculated to be .400295.

The issuance of entitlements for the month of December 1974 to refiners and eligible firms is set forth as an Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, and the number of barrels of old oil included in each refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of December 1974 at \$5.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1974 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 1974 equal to the difference between the number of barrels of old oil included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1974 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for December 1974, and eligible firms which have been issued entitlements for December 1974, shall sell such excess entitlements to refiners required to purchase entitlements.

The listing of entitlement issuances contained in the Appendix reflects the application of Special Rule No. 3 (as amended February 5, 1975) which operates to relieve certain small refiners from the requirement to purchase entitlements for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills for the months of November and December, 1974. Accordingly, for those small refiners whose purchase requirements were totally exempted pursuant to Special Rule No. 3, as amended, the Appendix specifies issuance of an incremental number of entitlements equal to the number such refiners would have otherwise been required to purchase. The total number of entitlements exempted from the purchase requirements of 10 CFR 211.67(b) is 3,459,272. A factor of .168811 has been applied to the number of entitlements available for sale by each refiner and eligible firm, which has the effect of reducing the total number of entitlements available for sale by an amount equal to the total purchase requirements exempted pursuant to Special Rule No. 3.

The listing of entitlement issuances contained in the Appendix also reflects corrections of November 1974 reports filed pursuant to § 211.66 (h) and (j) by refiners and eligible firms under the provisions of the emergency amendment to 10 CFR 211.67 issued by FEA on the date

of this notice which permitted entitlement adjustments to correct reporting errors. As also provided by this emergency amendment, eligible firms that failed to report volumes of eligible products imported in the month of November 1974 and which have reported such volumes to FEA by February 3, 1975, have received appropriate adjustments in the entitlement issuance for the month of December 1974.

The listing of refiners' old oil receipts contained in the Appendix also reflects any adjustments made by FEA pursuant to § 211.67(h).

Refiners which have reported no volumes of old oil receipts and crude oil runs to stills for December 1974, and eligible firms which have filed reports indicating no eligible product imports for this month, have been included in the listing contained in the Appendix.

The listing contained in the Appendix specifies a negative volume of old oil receipts as to one refiner due to a corrective adjustment. The total number of entitlements issued to such refiner under the listing includes the number specified in the "issued" column, as well as a number of entitlements equal to the number of barrels of old oil shown as this negative volume.

The total volume of entitlements required to be purchased and sold under this notice is 17,032,748.

Entitlement purchases required under 10 CFR 211.67(b) for the month of December must be effected by February 28, 1975. On or prior to March 10, 1975, each refiner and eligible firm which has been issued entitlements for December shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of December. FEA will mail monthly transaction report forms for December 1974 to reporting firms in February 1975. Refiners and eligible firms which have been unable to locate firms for required entitlement transactions by February 21, 1975, may contact FEA at 202-634-7610 to obtain assistance in locating a firm with outstanding purchase or sale requirements. For refiners and eligible firms that have failed to consummate entitlement transactions on or prior to February 28, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

Issued in Washington, D.C., February 11, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel,  
Federal Energy Administration.

APPENDIX  
ENTITLEMENTS FOR ALLOCATION OF OLD OIL

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	0	207,767	0	207,767
Agway	0	18,930	0	18,930
Allied	72,510	72,797	0	287
Amer-Petro	2,725,958	2,063,201	662,752	0
Amerada	3,324,042	6,941,723	0	3,117,686
Amoco	12,898,083	11,589,458	1,308,605	0
Apeco	391,730	569,366	0	117,636
Apex	0	7,195	0	7,195
Arco	6,844,523	7,338,364	0	493,841
Arizona	42,632	42,632	0	0
Ashland	2,915,046	3,871,165	0	953,119
Astiate	0	119,857	0	119,857
Bay	30,264	101,234	0	70,970
Bayou	47,337	47,337	0	0
Beacon	320,317	320,317	0	0
Belcher	0	136,106	0	136,106
Blue-Ridge	0	32,940	0	32,940
C. & H.	6,167	6,167	0	0
Calumet	0	29,479	0	29,479
Canal	0	38,167	0	38,167
Caribon	74,437	79,761	0	5,324
Castle	0	31,782	0	31,782
Central	0	30,727	0	30,727
Champlin	2,062,826	1,830,146	232,680	0
Charter	1,097,858	1,633,133	64,275	0
Cirillo	0	78,127	0	78,127
Citco	4,008,361	2,778,160	1,230,201	0
Claborne	77,230	77,230	0	0
Clark	624,038	976,559	0	352,521
Coastal	2,283,252	1,807,381	485,971	0
Colonial	0	53,868	0	53,868
Colonial-Oil	0	0	0	0
Con-Ed	0	321,449	0	321,449
Con-Ref	0	7,916	0	7,916
Conoco	4,222,750	3,829,906	392,844	0
Consumers-Power	0	34,599	0	34,599
Corco	0	971,965	0	971,965
Cra-Farm	501,122	655,539	0	154,407
Cross	12,784	58,065	0	45,301
Crown	627,832	737,429	0	110,037
Crystal-Oil	231,380	247,360	0	15,980
Crystal-Ref	13,427	29,856	0	16,429
Deepwater	0	13,497	0	13,497
Delta	483,486	508,059	0	19,573
Diamond	683,141	680,980	2,161	0
Dingman	7,520	9,192	0	1,672
Dorchester	1-1,764	9,908	0	11,672
E-Seaboard	0	55,294	0	55,294
Eastern	0	0	0	0
Eddy	36,760	36,760	0	0
Edgington-Oil	545,149	545,149	0	0
Edgington-Oxn.	19,743	21,198	0	1,450
Elm	0	0	0	0
Energy-Fuels	0	0	0	0
Enterprise	0	6,689	0	6,689

## NOTICES

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Evangeline	33,066	33,064	0	0
Exxon	14,838,160	14,562,205	2,275,955	0
F-Fletcher	0	1,715	0	1,715
Famariss	280,746	368,283	0	87,537
Farmers-Un	243,027	387,500	0	144,473
Fletcher	401,093	401,093	0	0
Flint	8,907	9,125	0	218
Fort-Neck	0	0	0	0
Gary	49,826	58,919	0	9,093
Gen-Portland	0	13,024	0	13,024
Geo-Hall	0	3,420	0	3,420
Getty	658,222	859,211	0	200,989
Giant	321,839	322,500	0	751
Gibbs	0	21,202	0	21,202
Gladieux	87,681	87,681	0	0
Goetz	0	0	0	0
Golden-Eagle	208,762	208,762	0	0
Golden-Eagle-N.Y.	0	18,701	0	18,701
Good-Hope	454,019	454,019	0	0
Great-Northern	0	13,227	0	13,227
Guam	0	303,655	0	303,655
Gulf	13,177,080	10,271,672	2,905,408	0
Gulf-STS	4,102	5,769	0	1,667
Hartwell	0	0	0	0
Hiri	118,617	398,224	0	279,607
Howard	0	77,700	0	77,700
Howell	870,030	824,459	45,571	0
Hunt	296,763	296,763	0	0
Husky	570,351	578,371	0	8,020
Indiana-Farm	156,174	234,810	0	78,636
Irving	0	25,219	0	25,219
J & W	189,196	224,984	0	35,788
K-H-White	0	5,255	0	5,255
Kaiser	0	0	0	0
Kentucky	876	5,505	0	4,629
Kerr-McGee	2,203,833	1,863,021	340,812	0
King	0	0	0	0
Koch	301,289	1,077,322	0	776,033
Lagloria	479,270	479,270	0	0
Lakeside	11,369	39,925	0	28,556
Laketon	209,780	209,780	0	0
Little-Amer	289,861	294,793	0	4,932
MacMillan	204,889	204,889	0	0
Marathon	4,301,724	3,713,161	588,563	0
Marlon	109,205	227,984	0	118,779
Meenan	0	0	0	0
Mid-Amer	10,084	30,407	0	20,323
Mid-Tex	0	0	0	0
Midland	251,475	257,271	0	5,796
Mobil	9,840,361	10,523,968	0	683,607
Mohawk	591,013	591,013	0	0
Monsanto	476,642	475,507	1,135	0
Morrison	1,270	5,777	0	4,507
Mountaineer	3,298	3,493	0	195
Murphy	1,134,060	1,247,170	0	113,110
N-Amer-Petro	161,250	161,250	0	0
Narragansett	0	36,155	0	36,155
Natl-Coop	453,185	638,490	0	185,305
Navajo	429,191	429,191	0	0
NE-Petro	0	113,414	0	113,414
Nepco	0	58,706	0	58,706
New-Engl	0	323,508	0	323,508
Newhall	264,050	264,050	0	0
Newman	0	4,714	0	4,714
Norco	0	0	0	0
Northern-NJ	0	0	0	0
Northland	22,228	22,228	0	0
Northville	0	96,689	0	96,689
Oil-Shale	971,597	924,701	46,896	0
O.K.C.	377,647	377,647	0	0
Orange & Rockland	0	5,819	0	5,819
Oriental	10,541	16,635	0	6,094
Pace	0	0	0	0
Paco	888,263	795,072	93,191	0
Patchogue	0	78,429	0	78,429
Patterson	0	0	0	0
Pennzoll	625,131	653,788	0	28,657
Pepco	0	191,527	0	191,527
Petro-Heat-Ct	0	26,129	0	26,129
Petro-Heat-Pa	0	46,836	0	46,836
P.G. & E.	0	21,460	0	21,460
Phillips	4,353,098	4,697,784	0	344,686
Pioneer	10,898	13,313	0	2,420
Plitston	0	247,883	0	247,883
Plateau	43,330	92,583	0	49,253
Powerline	559,720	551,804	7,916	0
Pride	208,256	323,805	0	115,549
Prulease	0	175,245	0	175,245
Publicker	0	0	0	0
Quaker-St	27,270	248,529	0	221,259
Remington	0	32,522	0	32,522
Rico	0	13,294	0	13,294
Road-Oil	0	3,962	0	3,962
Rock-Island	597,544	595,203	2,341	0
Rockway	0	0	0	0
Royal	0	30,720	0	30,720
Saber	0	0	0	0
Sage-Creek	4,642	5,717	0	1,075
San-Josquin	291,548	291,548	0	0
Sears	0	25,466	0	25,466
Seminole	0	35,892	0	35,892
Shahen	0	0	0	0
Shell	15,454,125	11,491,162	3,962,963	0
Sigmor	0	0	0	0
Signal	0	0	0	0
Skelly	1,313,713	934,159	379,554	0
So-Hampton	70,047	77,878	0	7,831

Reporting firm, short name	Old off adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
So-Terminal	0	0	0	0
Socal	2,327,000	10,711,942	0	1,384,942
Socaledison	0	97,123	0	97,123
Soblo	2,254,180	3,975,775	0	721,585
Somerset	0	38,065	0	38,065
Sound	58,165	58,165	0	0
Southland	338,788	338,788	0	0
Southwestern	0	0	0	0
Stephens	0	0	0	0
Stewart	0	130,230	0	130,230
Stillings	0	0	0	0
Sunland	101,604	112,108	0	11,504
Sunoco	6,503,920	6,045,011	456,909	0
Swann	0	26,500	0	26,500
Tarricone	0	0	0	0
Tauber	0	15,957	0	15,957
Tanneco	1,418,347	1,410,692	7,655	0
Tesoro	992,461	887,799	104,662	0
Texaco	15,280,090	14,213,380	1,066,710	0
Texas-Asph.	747	11,652	0	10,905
Texas-City	605,477	805,325	0	109,848
Texas-Fuel	0	0	0	0
Thagard	62,113	62,113	0	0
The Refinery	94,342	167,238	0	72,896
Thriftway	6,042	22,142	0	16,100
Thunderbird	100,313	195,842	0	95,529
Time	0	0	0	0
Tonkawa	12,710	44,756	0	32,046
Toro	355,053	432,831	0	77,778
Total-Leon	145,078	437,059	0	291,981
Union-Oil	6,030,729	5,650,191	371,538	0
Union-Petro	0	0	0	0
Union-Texas	137,868	137,868	0	0
Unid-Ind.	0	0	0	0
Unid-Ref.	312,921	556,181	0	237,260
US-Oil	104,643	104,643	0	0
Ven-Fuel	0	13,572	0	13,572
Vi-Oil	0	0	0	0
Vickers	392,434	399,645	0	7,211
Vulcan	0	27,941	0	27,941
Wallace	0	0	0	0
Wallis	0	9,982	0	9,982
Warrior	82,407	82,407	0	0
Webber	0	0	0	0
Wells	0	0	0	0
West-Coast	83,506	88,506	0	5,000
Western	4,055	29,815	0	19,760
Whaleco	0	11,628	0	11,628
Wickett	0	0	0	0
Winston	118,998	219,642	0	100,644
Wireback	0	692	0	692
Witco	44,373	95,612	0	51,239
Wyatt	0	67,886	0	67,886
Yetter	0	1,243	0	1,243
Young	50,382	50,382	0	0
Total	176,346,407	176,346,407	17,032,748	17,032,748

<sup>1</sup> Reflects a correction for excessive old off receipts reported by this firm for November 1974.

<sup>2</sup> Does not include entitlements issued to this firm under this notice as a result of the above-mentioned adjustment of old off receipts.

[FR Doc.75-4293 Filed 2-12-75;11:41 am]

### FEDERAL MARITIME COMMISSION FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND COORDINATED CARIBBEAN TRANSPORT, INC.

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear

and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of agreement filed by:

James N. Jacobi, Esquire  
2000 K Street, N.W.  
Washington, D.C. 20006

Agreement No. 10153 is an arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Coordinated Caribbean Transport, Inc. (CCT), whereby CCT has become asso-

ciated with FLOMERCA for the transportation of cargo from Miami, Florida to Guatemala.

Under the terms of the agreement, CCT will pay FLOMERCA five percent of the gross ocean/inland freight revenue on all cargoes to any point in Guatemala. In return, FLOMERCA (1) will, jointly with CCT, meet with government agencies to coordinate movements of agricultural products; (2) will keep CCT informed of market conditions and opportunities; (3) will prepare and present all necessary documents to Guatemalan authorities for waiver for import cargo, and assist CCT to obtain the necessary permits for its business in Guatemala; (4) advertise in Guatemala that CCT, as an associate, has authority to transport duty exempt cargo; and (5) prepare and present all necessary documents authorizing importers using CCT services to receive industrial development law benefits. Other significant provisions require that all payments by CCT to FLOMERCA be made every three months; all rate changes must be reported to FLOMERCA, 30 days prior to the effective date; a commitment by CCT to export all perishable products originating in Guatemala; FLOMERCA's disclaimer of all liability and responsibility with respect to CCT's operations; the term of the arrangement shall be for three years from date of approval, and may be terminated by FLOMERCA for non-compliance; and obligations under the agreement are to be construed in accordance with the laws of Guatemala, and CCT expressly waives jurisdiction of the courts of its domicile and will submit to the jurisdiction of the courts chosen by FLOMERCA.

By Order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-4443 Filed 2-18-75;8:45 am]

### NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear



and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Jacob P. Billig, Esquire  
Billig, Sher & Jones, P.C.  
1126 Sixteenth Street, N.W.  
Washington, D.C. 20036

Agreement No. 9548-7, among the member lines of the above-named Conference, modifies the organic agreement by providing that the Conference may appoint the Associated North Atlantic Freight Conferences, or its Executive Director, or any other entity to perform cargo inspection services.

By Order of the Federal Maritime Commission

Dated: February 12, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-4440 Filed 2-18-75;8:45 am]

**SOUTH CAROLINA STATE PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Marion S. Moore, Jr.  
Traffic Manager  
South Carolina State Ports Authority  
P.O. Box 817  
Charleston, South Carolina 29402

Agreement No. T-3059, between the South Carolina State Ports Authority (Authority) and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the preferential use by PRMSA of Berths 1 and 2 and lease to PRMSA of 8.91 acres of improved facilities at the Authority's Columbus Street Terminal, Charleston, South Carolina. As compensation, the Authority is to receive: (a) fixed monthly rent of \$5,791.50; (b) 13 percent of the cost of the improvements caused to be constructed by the Authority; (c) all applicable dockage and crane hire charges per the Authority's tariffs; and (d) wharfage on the following basis: (i) a guaranteed minimum annual wharfage based on 150,000 short tons at 100 percent of the Authority's applicable tariff rates; plus (ii) 75 percent of the Authority's applicable tariff rates on tonnage exceeding 150,000 short tons annually; plus (iii) 50 percent of the Authority's applicable tariff rates on tonnage exceeding 250,000 short tons annually.

By order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-4441 Filed 2-18-75;8:45 am]

**COMPANIA AVONIMA VENEZOLANA DE NAVEGACION COMPANIA PERUANA DE VAPORES AND PRUDENTIAL LINES**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination

or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. John R. Marano  
Executive Vice President Operations  
Prudential Lines, Inc.  
One World Trade Center, Suite 3601  
New York, New York 10048

Agreement No. T-3014 among Compania Anonima Venezolana De Navegacion (CAVN), Compania Peruana De Vapores (CPV), and Prudential Lines, Inc. (Prudential), provides for the sharing, on a tonnage basis, of the leasehold expenses (including rent) of Pier 1, Brooklyn, N.Y., under a joint lease with the Port of New York and New Jersey Authority, and the sharing, on the same basis, of any revenues from use of the pier by others. Universal Marine Service Corporation will provide stevedoring at the Pier under separate contracts with each of Prudential, CAVN and CPV. CAVN will administer the various affairs related to the joint terminal lease by the parties as the representative for the parties.

By Order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4442 Filed 2-18-75;8:45 am]

**FEDERAL POWER COMMISSION**

[Docket No. E-8624]

**ARIZONA PUBLIC SERVICE CO.**

**Further Extension of Procedural Dates**

FEBRUARY 11, 1975.

On February 6, 1975, Arizona Public Service Company filed a motion to extend the procedural dates fixed by order issued December 12, 1974, as most recently modified by order of the Presiding Administrative Law Judge issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of cost of service by company, February 18, 1975.

All other dates will be as modified by the order of the Presiding Administrative Judge issued February 11, 1975.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-4375 Filed 2-18-75;8:45 am]

[Docket No. CP75-218]

**CAPROCK PIPELINE CO.****Application**

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, Caprock Pipeline Company (Applicant), P.O. Box 2542, Amarillo, Texas 79105, filed in Docket No. CP75-218 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for exchange and the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to gather, transport and exchange with Transwestern Pipeline Company (Transwestern) up to 350 Mcf of gas per day purchased at the wellhead from C. H. Hinton, et al. Applicant will deliver said gas to Transwestern under the terms of an existing exchange agreement<sup>1</sup> in Carson County, in exchange for thermally equivalent volumes to be delivered by Transwestern at a delivery point in Parmer County, Texas. Transwestern will redeliver such gas, together with other volumes of gas delivered under said exchange agreement, at rates of up to 10,000 Mcf per day.

Applicant proposes to sell the gas delivered by Transwestern to Applicant's parent, Pioneer Natural Gas Company (Pioneer), at the rate of 60.0 cents per Mcf at 14.65 psia. Applicant proposes to effect the sale of such redelivered volumes to Pioneer at the point of redelivery pursuant to an agreement dated November 27, 1974, between Applicant, as seller, and Pioneer, as buyer, proposed to be designated as Applicant's Rate Schedule S-7. The gas to be sold hereunder will supplement other volumes of gas sold to Pioneer in Parmer County, Texas, by Applicant to meet existing demand for gas, fuel and irrigation engines. Applicant proposes to commence service on or before January 31, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a

<sup>1</sup> Applicant indicates that its existing exchange arrangement with Transwestern was certificated in Docket No. CP72-254 and that the rate scheduled providing for such an exchange is on file as Applicant's Rate Schedule S-5, Original Sheet No. 46, et seq., in Applicant's FPC Gas Tariff, Original Volume No. 2.

party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-4377 Filed 2-18-75; 8:45 am]

[Docket No. CP74-126]

**EL PASO NATURAL GAS CO.****Amendment to Application**

FEBRUARY 11, 1975.

Take notice that on January 30, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act in said docket requesting authorization for additional points for the exchange of natural gas between Applicant and Natural Gas Pipeline Company of America (Natural) and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the amendment to the application, which is on file with the Commission and open to public inspection.

In its application in the instant docket Applicant requests a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the delivery in interstate commerce by means thereof of natural gas for exchange with Natural. Applicant states that it has acquired the right to purchase gas produced from various leaseholds in the West Putnam Field in Dewey County, Oklahoma and that it has entered into an exchange agreement with Natural, dated September 24, 1973, in order to make said gas available to its customers. Pursuant to the agreement Applicant is to deliver up to 40,000 Mcf of gas to Natural in Dewey County and Natural is to deliver equivalent volumes to Applicant at a point on Applicant's 36-inch mainline in Reeves County, Texas. The agreement further provides for use of alternative exchange points in Ward and Reeves County, Tex-

as, as required. The proposed exchange has been authorized pursuant to temporary certificates issued by the Commission on July 25, 1974, in the instant docket and in Natural's Docket No. CP74-162.

By the instant amendment to the application Applicant proposes to exchange gas at an additional point of delivery from Applicant to Natural in Beckham County, Oklahoma, and four additional points of delivery from Natural to Applicant in Eddy County, New Mexico. Applicant proposes to deliver to Natural at a point on Natural's 26-inch pipeline in Beckham County natural gas produced from the Annie Bruner No. 1-33 and Price No. 1-3 wells in Beckham County.<sup>1</sup> Applicant contemplates delivery of an additional 3,400 Mcf of gas per day at the Beckham delivery point, which volume will not, when added to the 10,600 Mcf per day presently delivered at 10,600 Mcf per day presently delivered the Dewey Exchange point, exceed the originally requested authorization for the exchange of 40,000 Mcf per day.

In the instant amendment Applicant proposes to exchange gas at the following delivery points from Natural to Applicant:

- (1) Eddy No. 1 Exchange Point for delivery from the Sun State No. 1 well,
- (2) Eddy No. 2 Exchange Point for delivery from Natural's gathering system into Applicant's gathering system,<sup>2</sup>
- (3) Eddy No. 3 Exchange Point for delivery from the Champlin Petroleum Company's Peos Federal No. 1 well, and
- (4) Eddy No. 4 Exchange Point for delivery from the Champlin Petroleum Company's Nix Yates No. 1 well.

The gas to be delivered at points 1, 3 and 4 shall be delivered into Applicant's existing wellhead measurement facilities along with gas being purchased by Applicant from producers at the three named wells. Natural has filed in Docket No. CP74-162 an amendment to its application for a certificate of public convenience and necessity relating to its part of the additional arrangements described herein.<sup>3</sup>

Applicant further requests authority to construct and operate for the purpose

<sup>1</sup> Applicant states that it has entered into agreements with Union Oil Company of California (Union) and Burmah Oil and Gas Company (Burmah) to purchase gas produced from said wells. Applicant further states that it is informed that Union has filed an application on December 11, 1974, in Docket No. CI75-378 for a certificate of public convenience and necessity authorizing Union to sell gas to Applicant and that Burmah is expected to submit appropriate filings to the Commission forthwith.

<sup>2</sup> Applicant states that it has been informed that Natural does not plan to use the Eddy No. 2 Exchange Point at this time due to insufficient gas production from sources intended to supply such delivery point. Applicant proposes to construct the facilities necessary for said exchange point for use at such time as Natural's supply source becomes available at the proposed location.

<sup>3</sup> 39 FR 42423.

of implementing delivery at the Beckham delivery point:

(1) A 6½-inch standard orifice meter station with appurtenances (Beckham meter station) to be located at the point of interconnection between Applicant's gathering facilities and Natural's pipeline,

(2) A 5,000 Mcf per day capacity central dehydration unit to be located near said meter station,

(3) Approximately 2.03 miles of gathering pipeline and well-tie facilities with appurtenances to connect the subject wells with the Beckham meter station.

For the Eddy No. 2 Exchange Point, Applicant proposes to construct and operate a 4½-inch tap and valve assembly, with appurtenances, located at the proposed point of interconnection between Natural's and Applicant's gathering systems. Applicant estimates the total cost of the facilities at \$243,072.

Applicant states that it requests the authorization proposed herein in order to be able to make available to its customers additional quantities of gas produced from sources in Beckham County, thereby obviating the need for constructing additional pipeline facilities which would otherwise be required to connect said supplies.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before February 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-4378 Filed 2-18-75; 8:45 am]

[Docket No. CP75-220]

**NATURAL GAS PIPELINE CO. OF AMERICA**  
Application

FEBRUARY 11, 1975.

Take notice that on January 28, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-220 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 6000 horsepower central field compressor station for the compression of gas pur-

chased by Applicant in the Washita Creek Area, Hemphill County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a compressor station consisting of two 3,000 horsepower compressor engines on a site adjacent to its existing dehydration plant in Hemphill County, Texas, to enable Applicant to lower the gathering system operating pressure for the purpose of maintaining daily deliverability from the Washita Creek Area. The estimated cost of such facility is \$2,015,000, which cost will be met from funds on hand.

Applicant states that reduction of the gathering system operating pressure to 500 psig from the present 1,000 psig will permit the recovery of approximately 29.5 million Mcf of gas during the first 10 years of production under such lowered compression, and by approximately 40 million Mcf over the life of the field, which volumes would not otherwise be recoverable.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-4382 Filed 2-18-75; 8:45 am]

[Dockets Nos. RP71-125; PGA75-6]

**NATURAL GAS PIPELINE CO. OF AMERICA**  
Special One-Time PGA Filing To Track Gas Cost Increases Incurred as Result of Opinion No. 699

FEBRUARY 11, 1975.

Take notice that on February 5, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Nineteenth Revised Sheet No. 5.

Natural states the purpose of this filing is (1) to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion No. 699-H at Docket No. R389-B, to track increases in purchase gas costs attributable to the national rate which are in effect pursuant to filings made by natural gas producers on or before January 31, 1975, and (2) to make a special one-time PGA surcharge, as provided for in the Commission's Opinion No. 699-G at Docket No. R389-B, for the recovery of all Opinion No. 699 producer increases to be incurred up to the effective date of the surcharge.

The proposed effective date of the above tariff sheet is February 5, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-4381 Filed 2-18-75; 8:45 am]

[Docket No. CI75-440]

**NORTH AMERICAN ROYALTIES, INC.**  
Application

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, North American Royalties, Inc. (Applicant), 200 East 8th Street, Chattanooga, Tennessee 37402, filed in Docket No. CI 75-440 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Garden City Field, St. Mary Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.



Applicant states that it made a sale of natural gas to Texas Gas from the subject acreage within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8, 1974. Applicant proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which Applicant commences deliveries within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. Applicant alleges that the price to Texas Gas is substantially less than the price Applicant could charge and receive if such natural gas were sold in the intrastate market. Applicant further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-4384 Filed 2-18-75; 8:45 am]

[Dockets Nos. CP75-217; CP75-222]

**NORTHERN NATURAL GAS CO. AND  
KANSAS-NEBRASKA NATURAL GAS CO.,  
INC.**

**Applications**

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and January 30, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket Nos. CP75-217 and CP75-222, respectively, applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the exchange of natural gas between the two companies and the sale of natural gas by Northern to Kansas-Nebraska, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Northern states that it owns and controls 50 percent of the production from the Brown-Federal No. 1 Well in the West Frenchie Draw Field in Fremont County, Wyoming, located some distance from its existing gathering system. Northern further states that it has contracted with the Oil Development Company of Texas (ODC) to purchase the other 50 percent interest in the production of said well.

Under the terms of a June 5, 1974, agreement between Northern and Kansas-Nebraska:

(1) Northern will deliver all gas it owns or controls from the subject well to Kansas-Nebraska at the wellhead;  
(2) Seventy-five percent of said gas will be redelivered to Northern by Kansas-Nebraska in Seward County, Kansas, and the remaining twenty-five percent will be purchased by Kansas-Nebraska.

(3) Northern will pay Kansas-Nebraska 11.0 cents per Mcf for all gas transported and redelivered to Northern;

(4) Kansas-Nebraska will pay Northern for each Mcf of the gas sold to Kansas-Nebraska the price equal to Northern's jurisdictional cost of service for such gas at the wellhead, or the highest price which Northern has paid the producer for gas transported by Kansas-Nebraska, whichever is the lesser;

(5) Kansas-Nebraska will install, own and operate all facilities necessary to accept delivery of gas from Northern at the wellhead; and

(6) All such costs are to be reimbursed by Northern. Kansas-Nebraska anticipates that any construction necessitated will be within the annual budget authority obtained by each company.

Northern states that the proposed arrangement will permit it to avoid the expenditures associated with installation of considerable gathering and transportation facilities to connect the subject well to its transmission system, and will thereby provide an economical means for receiving full gas purchase en-

titlement from said well. Kansas-Nebraska states that the proposed arrangement will provide it with additional gas supply to meet foreseeable future firm market requirements.

Annual gas production from the subject well is estimated at 290,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 75-4384 Filed 2-18-75; 8:45 am]

**PENNZOIL CO. AND  
UNITED GAS PIPE LINE CO.**

[Docket No. RP74-87]

**Investigation of Spin-Off and Related  
Transactions; Order Establishing Proce-  
dures**

FEBRUARY 11, 1975.

On February 5, 1975, the Chief Presiding Administrative Law Judge in the instant proceeding filed a certification of Procedural Recommendation with this Commission. The Judge filed the certification following a February 3, 1975, pre-hearing conference at which Pennzoil, United and a group of intervenors reported on the status of settlement negotiations among them. The Judge in his certification recommended the following:

(1) That the Commission promptly issue an order consolidating the "old gas

pricing" issue dockets with the instant show cause proceeding for the sole and limited purpose set forth above (i.e., for the sole and limited purpose of dealing with that portion of the instant settlement proposal relating to resolution of the "old gas pricing" issue, which was the subject of Opinion No. 682, and Docket Nos. RP74-41, et al.)

(2) That any such Commission consolidation order should inform the parties and make them subject to the following procedural dates laid down by the Presiding Judge in the instant show cause proceeding, at the February 3 prehearing conference:

(a) March 10—Deadline for submission of any evidence, plus written comments, relating to the proposed settlement.

(b) March 17—Final hearing session for limited interrogation, if any, with respect to any evidence related to the settlement, following which the proposed settlement will be certified to the Commission.

On February 6, 1975, Staff Counsel filed a response and objection to the certification that took issue with the procedures recommended in the Presiding Judge's certification.

In order to clarify the proper procedures to be followed by the Presiding Judge and the parties in dealing with the further course of the proceedings, the following procedures are established:

Pennzoil, United or the intervenors supportive of the settlement offer, but particularly Pennzoil, have the burden through a direct evidentiary presentation to:

(a) Demonstrate that the consolidation of the instant proceeding with docket (Nos. RP74-41, RP72-75, RP74-20, RP74-83, RP75-30, RP71-54, and RP72-133) involving the "old gas pricing" issue that was the subject of Commission Opinion No. 682 (January 11, 1974) operates in the public interest and set forth the benefits to be derived therefrom.

(b) Fully explain the settlement and in so doing to also demonstrate that the issues raised in our original orders (May 14, 1974 and June 12, 1974) herein and those additional issues that may have come to light during the hearings are resolved by the proposed settlement.

Additionally, the parties should be afforded the opportunity by the Law Judge of setting forth the procedural mechanics whereby these cases could be consolidated and resolved in light of the fact that Opinion No. 682 is now before the Fifth Circuit of Appeals (United Gas Pipe Line Company v. F.P.C., Case No. 72-2159). Here again the burden is with the moving party.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission require substantial evidence to support any settlement proposal that may be considered by it in this proceeding.

The Commission orders:

(A) The procedures recommended by the Chief Administrative Law Judge as

set forth in his certification are hereby modified in accordance with this order.

(B) The Presiding Law Judge should establish procedures for the filing and presentation of direct evidentiary support by the proponents of the settlement as well as procedures for the orderly preparation of cross-examination and for the submittal of any rebuttal testimony after the direct evidence is cross-examined. In this regard, Pennzoil, United, and supportive intervenors, but particularly Pennzoil, should be required to provide substantial record evidence in support of the following:

(1) To demonstrate that the consolidation of the "old gas" pricing issue which was the subject of Commission Opinion No. 682, January 11, 1974, in United Gas Pipe Line Company (Pennzoil Phase I), Docket No. RP70-13 and which now remains to be litigated for a cost-of-service determination in a remanded proceeding incorporating the same issue from Dockets Nos. RP71-41, RP72-75, RP74-20, RP74-83, RP75-30, RP71-54, and RP72-133, with the instant proceeding, is in the public interest; (2) To fully explain the precise dimensions of the settlement proposal and the rights and obligations of the parties thereunder; (3) Resolution of the issues raised in the Commission's original orders and any additional issues arising in the course of the investigation.

(C) Additionally, the proponents of the settlement have the burden of coming forward either through legal argument or an evidentiary presentation supportive of the mechanics they would espouse to accomplish the proposed consolidation of dockets herein described.

(D) Pennzoil counsel shall serve the proposed settlement agreement not only on all parties to the instant show cause proceeding, but also on all parties on the Commission's service list in all of the "old gas pricing" issue dockets listed above, and shall certify such service to the Commission.

(E) The Secretary is directed to serve a copy of this order on all the parties in the instant docketed proceeding, all parties to the proceeding in Opinion No. 682, and in all the docketed proceedings listed in paragraph (B) above.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.

[FR Doc.75-4379 Filed 2-18-75; 8:45 am]

[Docket No. RP69-27, et al.]

#### TRANSWESTERN PIPELINE CO.

Retention and Disbursement of Producer Supplier Refunds

FEBRUARY 10, 1975.

Take notice that Transwestern Pipeline Company (Transwestern) on January 30, 1975, filed a letter dated January 28, 1975, in which it stated that Transwestern proposes to retain and commingle in its general corporate funds the refund of \$10,249.96 including interest received from Phillips Petroleum Company and to disburse such refunds pur-

suant to Article IV of Transwestern's Stipulation and Agreement dated October 2, 1970, approved by Commission order issued November 24, 1970 in this proceeding.

No statement of service of copies of this letter upon its jurisdictional customers and interested State commissions is included in the letter; and no copy of a proposed notice for publication in the FEDERAL REGISTER is included in the filing pursuant to § 2.1(a) of the Commission's rules and § 154.28 of the regulations).

Any person desiring to be heard or to protest said application should file a petition to intervene (unless such intervention has previously been granted herein) or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10): All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.75-4385 Filed 2-18-75; 8:46 am]

[Docket No. E-8959]

#### UTAH POWER & LIGHT CO.

Notice of Filing.

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, pursuant to Section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, and by direction of the Commission by order issued November 15, 1974 herein, Utah Power & Light Company (Applicant) tendered for filing a January 20, 1975 Amendment to Service Schedule F-1 of the Interconnection Agreement with Arizona Public Service Company, dated May 31, 1973, reflecting elimination of the provision set forth in subparagraph 5.1(b) of Service Schedule F-1 which automatically adjusted the material cost component of the operation and maintenance charge associated with the 100 mw unit sale to Arizona Public Service Company from Applicant's 415 mw Huntington Plant. The automatic adjustment provision was intended solely to allow Arizona Public Service Company to fully recover its proportionate share of O&M costs associated therewith, based upon the Industrial Commodities Index prepared by the United States Department of Labor.

The tendered Amendment provides that Arizona Public Service Company pay Applicant a monthly readiness-to-supply charge equal to 1/2 of Applicant's actual fixed charge rate applied to an investment of \$13,106,176, plus actual O&M charges, less fuel cost, incurred by



Applicant in generation unit operation multiplied by the ratio of 100 mw to the total 415 mw capacity of the Huntington unit. The readiness-to-supply charge is additionally not subject to adjustment due to reduction in capacity, use by Applicant, or sale by either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.75-4386 Filed 2-18-75; 8:45 am]

[Docket No. E-8619]

**WISCONSIN ELECTRIC POWER CO. AND  
WISCONSIN MICHIGAN POWER CO.**

**Further Extension of Procedural Dates**

**FEBRUARY 11, 1975.**

On February 4, 1975, Wisconsin Electric Power Company and Wisconsin Michigan Power Company filed a motion to extend the procedural dates fixed by order issued April 19, 1974, as most recently modified by notice issued December 10, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company rebuttal, March 25, 1975.

Hearing, April 22, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.75-4387 Filed 2-18-75; 8:45 am]

**NUCLEAR REGULATORY  
COMMISSION**

[Dockets Nos. 50-524A, 50-525A, 50-526A, and  
50-527A]

**ALABAMA POWER CO.**

**Receipt of Attorney General's Advice and  
Time for Filing of Petitions To Intervene  
on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated February 5, 1975:

You have requested our advice pursuant to provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

A description of the Applicant, its history and structure, conduct with respect to smaller systems and our conclusions based thereon was transmitted to the Atomic Energy Commission on August 16, 1971, in connection with its request for our advice on Alabama Power Company's application to construct the Joseph M. Farley Nuclear Units 1 and 2, AEC Docket Nos. 50-348A and 50-364A. We concluded then that Applicant's activities under the Farley licenses might create or maintain a situation inconsistent with the antitrust laws, and we recommended that your predecessor Commission hold a hearing on the matter. An antitrust hearing on the Farley application is now proceeding before an NRC Atomic Safety and Licensing Board, and we are a party thereto.

The Alan R. Barton Nuclear Plant now applied for will consist of four 1200-megawatt units, for a total of 4800 megawatts of nuclear generation. This new generation will become an integral element of Applicant's bulk power supply system and further will be integrated into the Southern System Power Pool, of which Applicant is a member. When the Barton units are operational, nuclear generation will represent 43% of Applicant's total generating capacity, and its growing importance to Applicant's future as a producer and supplier of electric power is quite clear.

The electric power market structure in central and southern Alabama and Applicant's practices and policies toward its competitors and potential competitors in that area which led to our conclusions of August 16, 1971, concerning the Farley license application, and upon which we are now focusing in the Farley hearing, have been equally significant to our antitrust consideration of the instant application. We conclude that Applicant's activities under the Barton licenses now sought, whereby Applicant would construct, operate and market power from these four 1200-mw nuclear units while continuing to foreclose to its smaller competitors the ability to produce power from large nuclear units to meet growing loads, would create or maintain a situation inconsistent with the antitrust laws.

We therefore recommend that a hearing be held in accordance with section 105c of the Atomic Energy Act on the subject license application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 21, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW.; Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

**ABRAHAM BRAITMAN,**  
*Chief, Office of Antitrust &  
Indemnity Nuclear Reactor  
Regulation.*

[FR Doc.75-4366 Filed 2-18-75; 8:45 am]

[Docket No. 86-255]

**CONSUMERS POWER CO.**

**Issuance of Amendment to Provisional  
Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment involves: editorial corrections to clarify the intent of several specifications and to correct typographical errors; a modified specification for reactor coolant flow testing; revised acceptance criteria for containment leak testing; revised diesel generator surveillance; the addition of allowable tolerances for safety valve setting; modified procedures for testing reactor coolant samples and air filters; new surveillance requirements for the hydrogen recombiners; a revised setting for initiation of engineered safeguards on high containment pressure; elimination of surveillance requirements for the Reactor Protection System during prolonged refueling shutdown periods; modifications to the surveillance requirements for the containment high pressure channels; a revised method for testing the Safety Injection Refueling Water Tank Level Switch interlock and a different surveillance test for the interlock on the shutdown cooling system isolation valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 8, 1974, (2) Amendment No. 12 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of February 1975.

For The Nuclear Regulatory Commission.

**ROBERT A. PURPLE,**  
*Chief, Operating Reactors  
Branch #1, Division of Reactor  
Licensing.*

[FR Doc.75-4367 Filed 2-18-75; 8:45 am]



[Docket No. 50-298]

**NEBRASKA PUBLIC POWER DISTRICT**  
**Issuance of Amendment to Facility License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-46 issued to the Nebraska Public Power District which revised Technical Specification for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment modifies the core spray and primary containment instrumentation requirements and revises the Specifications for filter systems and coolant chemistry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, and supplement thereto dated September 16, 1974, (2) Amendment No. 7 to License No. DPR-46, with Change No. 10 and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of February 1975.

For the Nuclear Regulatory Commission.

**DENNIS L. ZIEMANN,**  
*Chief, Operating Reactors*  
*Branch #2, Division of Reactor Licensing.*

[FR Doc.75-4368 Filed 2-18-75;8:45 am]

[Dockets Nos. 50-324 and 50-325]

**DAVID M. STEWART, ET AL.**  
**Petition for Show Cause Order**

Notice is hereby given that on January 29, 1975, David M. Stewart, et al., by their attorney, filed a request pursuant to 10 CFR 2.206 of the Commission's rules of practice for the issuance by the Acting Director, Office of Nuclear Reactor Regulation of an order to show cause why the Carolina Power & Light Company, Brunswick Steam Electric Plant license should not be amended to require a comprehensive and independent re-evaluation of the seismic safety of the plant site as a continuing condition of the fueling, testing and operation of the Brunswick Plant. In accordance with the procedures

specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the petition for the order to show cause is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 10th day of February 1975.

For the Nuclear Regulatory Commission.

**WALTER R. BUTLER,**  
*Chief, Light Water Reactor*  
*Branch 1-2, Division of Reactor Licensing.*

[FR Doc 75-4365 Filed 2-18-75; 8:45 am]

[Dockets Nos. STN 50-502 and STN 50-503]

**WISCONSIN ELECTRIC POWER CO. ET AL.**  
**(KOSHKONONG NUCLEAR PLANT,**  
**UNITS 1 AND 2)**

**Special Prehearing Conference**

Before the Atomic Safety and Licensing Board.

In the Matter of Wisconsin Electric Power Co., Wisconsin Power & Light Co., Wisconsin Public Service Corp., and Madison Gas and Electric Co. (Koshkonong Nuclear Plant, Units 1 and 2).

Please take notice, that the Special Prehearing Conference in the above-captioned proceeding, initially scheduled for February 14, 1975, is hereby rescheduled for March 4, 1975. As noted in the earlier notice, the public is invited to attend. However, the purpose of the special conference is to consider petitions to intervene and related matters. No limited appearance statements will be received.

Each of the attorneys for the parties and for the petitioners to intervene shall adhere to the following:

- (a) Supply in writing directly to each member of this Board and to each other on or before February 23, 1975, a statement of a proposed schedule for each requirement or phase leading to the evidentiary hearing in this proceeding; and
- (b) In filing any document, or paper in this proceeding, attach a certificate of service properly setting forth the name and address of the person on whom served, and the manner and date of service. See Rules of Practice, §§ 2.701 and 2.712.

Accordingly, the said conference will commence at 9:30 a.m. local time, on March 4, 1975 at the Council Chambers, City-County Building, Room 201, 210 Monona Avenue, Madison, Wisconsin 53709.

*It is so ordered.*

Dated at Bethesda, Maryland, this 12th day of February 1975.

**ATOMIC SAFETY AND LICENSING BOARD**  
**JOHN B. FARMAKIDES,**  
*Chairman.*

[FR Doc.75-4369 Filed 2-18-75;8:45 am]

[Docket No. 50-302]

**FLORIDA POWER CORP. CRYSTAL RIVER**  
**UNIT 3 NUCLEAR GENERATING PLANT**  
**Order Extending Construction Completion Date**

Florida Power Corporation is the holder of Provisional Construction Permit No. CPPR-51 issued by the Commission on September 25, 1968, for construction of the Crystal River Unit 3 Nuclear Generating Plant presently under construction at the Company's site on the Gulf of Mexico in Citrus County, Florida.

On July 12, 1974 and October 21, 1974, the Company filed requests for an extension of the completion date because construction has been delayed due to (1) construction schedule, (2) work stoppages, (3) design modifications, (4) rework, and (5) delays due to financial considerations. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated February 12, 1975.

*It is hereby ordered,* That the latest completion date for CPPR-51 is extended from September 30, 1974 to December 31, 1976.

For the Nuclear Regulatory Commission.

Date of Issuance: February 12, 1975.

**VOSS A. MOORE,**  
*Assistant Director for Light*  
*Water Reactors, Group 2,*  
*Division of Reactor Licensing.*

[FR Doc.75-4444 Filed 2-18-75;8:45 am]

[Docket No. 50-315]

**INDIANA AND MICHIGAN ELECTRIC CO.**  
**AND INDIANA AND MICHIGAN POWER**  
**CO. (DONALD C. COOK NUCLEAR**  
**PLANT, UNIT 1)**

**Issuance of Amendment to Facility**  
**Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment is effective as of its date of issuance.

The amendment eliminates a Technical Specification requirement, unintended when the Technical Specifications were originally issued, that prohibits a change in reactor operating mode when meteorological monitoring instrumentation is inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated February 11, 1975, (2) Amendment No. 3 to License No. DPR-58, with any attachments, and (3) the Commission's letter to the licensee transmitting the amendment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of February 1975.

For The Nuclear Regulatory Commission.

KARL KNIEL,  
Chief, Light Water Reactors  
Branch 2-2, Division of Re-  
actor Licensing.

[FR Doc.75-4445 Filed 2-18-75;8:45 am]

[Docket Nos. 50-282 and 50-306]

**NORTHERN STATES POWER CO. (PRAIRIE  
ISLAND NUCLEAR GENERATING PLANT,  
UNITS 1 AND 2)**

**Reconstitution of Atomic Safety and  
Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Alan S. Rosenthal, *Chairman*  
Dr. John H. Buck, *Member*  
Dr. W. Reed Johnson, *Member*

Dated: February 12, 1975.

MARGARET E. DU FLO,  
Secretary to the  
Appeal Board.

[FR Doc.75-4446 Filed 2-18-75;8:45 am]

**NATIONAL SCIENCE FOUNDATION  
ADVISORY PANEL FOR ECONOMICS  
Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Economics to be held at 9 a.m. on March 7 and 8, 1975, in room 621, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning specific proposals submitted for consideration by the Economics Program.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal informa-

tion concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. James H. Blackman, Program Director for Economics, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5968.

R. GAIL ANDERSON,  
Acting Committee  
Management Officer.

FEBRUARY 12, 1975.

[FR Doc.75-4403 Filed 2-18-75;8:45 am]

**ADVISORY PANEL FOR GENETIC  
BIOLOGY**

**Notice of Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Genetic Biology to be held at 9 a.m. on March 7 and 8, 1975, in room 338, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning the merit of specific research proposals submitted for consideration by the Genetic Biology Program.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Rose M. Litman, Program Director, Genetic Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-5985.

R. GAIL ANDERSON,  
FRED K. MURAKAMI,  
Acting Committee  
Management Officer.

FEBRUARY 13, 1975.

[FR Doc.75-4404 Filed 2-18-75;8:45 am]

**NATIONAL TRANSPORTATION  
SAFETY BOARD**

**INDEXES OF MATERIALS FOR PUBLIC  
INSPECTION**

**Notice of Delay in Availability**

Pursuant to subsection (a)(2) of the Freedom of Information Act, 5 U.S.C.

552, as amended by Pub. L. 93-502, notice is hereby given that the National Transportation Safety Board deems it impractical at this time to publish indexes of materials available for public inspection and copying. Printed indexes are now in preparation and will be available for distribution at an early date. Meanwhile, the Safety Board will continue to provide prompt service to those seeking information concerning its records. All requests should be directed to the Accident Inquiry Unit, Office of the General Manager, National Transportation Safety Board, Washington, D.C. 20591.

[SEAL]

FRITZ L. PULS,  
General Counsel.

FEBRUARY 13, 1975.

[FR Doc.75-4492 Filed 2-18-75;8:45 am]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 500-1]

**AMERICAN AGRONOMICS CORP.**

**Suspension of Trading**

FEBRUARY 11, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-4412 Filed 2-18-75;8:45 am]

[Rel. No. 18810; (70-5610)]

**NEW ENGLAND POWER COMPANY  
Notice of Proposed Issue and Sale of First  
Mortgage Bonds at Competitive Bidding**

FEBRUARY 12, 1975.

Notice is hereby given that New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Mass. 01581, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), 10 and 12 of the Act and Rules 42 and

50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to issue and sell up to \$80,000,000 aggregate principal amount of its First Mortgage Bonds, Series U, %, to mature not more than 30 years from March 1, 1975. Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of  $\frac{1}{8}$  of 1%) and the price exclusive of accrued interest (which shall be not less than 100% nor more than 102.75% of the principal amount) will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of November 15, 1936, between NEPCO and New England Merchants National Bank, Trustee, as heretofore supplemented and amended and as to be further supplemented by a twentieth Supplemental Indenture to be dated as of March 1, 1975. NEPCO shall notify prospective bidders no later than the second full business day prior to the time designated for the submission of bids of (i) the maturity date of the bonds and (ii) whether or not the bonds shall be redeemable during the first five years of their term in connection with a refunding of the bonds at a lesser effective interest cost to NEPCO.

The proceeds from the sale of the bonds will be applied to the reduction of outstanding short-term promissory notes of NEPCO issued to pay for capitalizable expenditures or to reimburse the treasury therefor.

The application-declaration states that the Massachusetts Department of Public Utilities, The New Hampshire Public Utilities Commission and the Vermont Public Service Board have jurisdiction over the issue and sale of the bonds, and the Connecticut Public Utilities Commission may also have jurisdiction, subject to waiver, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid by NEPCO are estimated at \$140,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary company of NEES, of \$40,000. The fees of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

Notice is further given that any interested person may, not later than March 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy

of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 75-4409 Filed 2-18-75; 8:45 am]

[File No. 500-1]

#### ROYAL PROPERTIES INC.

##### Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 75-4413 Filed 2-18-75; 8:45 am]

[File No. 500-1]

#### WINNER INDUSTRIES, INC.

##### Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is

suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 75-4414 Filed 2-18-75; 8:45 am]

#### VETERANS ADMINISTRATION

##### CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

###### Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room 119, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on March 20, 1975, at 10 a.m. The meeting will be held for the purpose of reviewing the December 17, 1974, decision of the Director, Veterans Benefits Office, Washington, D.C., that benefits to all eligible persons enrolled in Modern School of Music, 3109 Georgia Avenue NW., Washington, D.C., be discontinued, effective December 16, 1974.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief Appraisal and Compliance, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850) prior to March 10, 1975.

Dated: February 12, 1975.

[SEAL] R. L. ROUDEBUSH,  
*Administrator.*

[FR Doc. 75-4416 Filed 2-18-75; 8:45 am]

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

##### STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

###### Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, March 4; Wednesday, March 5; and Thursday, March 6, 1975, starting at 9 a.m. in the Francis Scott Key Room B of the Key Bridge Marriott Motel, 1401 Lee Highway, Arlington, Virginia. The meeting will be open to the public.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations for longshoring, with respect to marine terminal facilities, for the purpose of making recommendations to the Assistant Secretary of Labor for Occupational Safety and Health.



Written data, views, or comments may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business March 3, 1975. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the committee should submit a written request to be heard to the Committee Management Officer no later than close of business March 3, 1975. The request must contain the name of the person who wishes to make a presentation, whom he represents, a short summary of the intended presentation, and an estimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the Committee Chairman.

Communications should be addressed to:

J. Goodell  
Committee Management Office  
Occupational Safety and Health Administration  
U.S. Department of Labor  
1726 M Street, N.W., Room 200  
Washington, D.C. 20210

Signed at Washington, D.C. this 14th day of February, 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

**NOTE.**—With regard to the meetings announced by this notice, the requirement for 15 days advance notice has been impossible to meet. It was only at the conclusion of the most recent meeting of this committee on February 13, 1975, that a decision was made to hold the above-announced series of meetings.

[FR Doc.75-4668 Filed 2-18-75; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

#### Elimination of Gateway Applications

FEBRUARY 10, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before March 21, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the

proposal. No rebuttal statements will be accepted.

No. MC 119789 (Sub-No. 203G) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Confectionery, from Columbus, Ohio, to points in Arizona, California, and Utah. The purpose of this filing is to eliminate the gateway of Thibodaux, La. The purpose of this correction is to correct the "E" number, previously published as 293G.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E14), filed May 12, 1974. Applicant: CROSSETT, Inc., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank trucks (except petrochemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from those points in Wayne County, N.Y., which are north of New York Highway 31, to points in Ohio and Michigan. The purpose of this filing is to eliminate the gateways of points in McKean County, Pa.

No. MC 7597 (Sub-No. E1), filed May 31, 1974. Applicant: ASBESTOS EASTERN TRANSPORT, INC., Main Street, Manville, N.J. 08835. Applicant's representative: Ronald I. Shapps, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment,

and those injurious or contaminating to other lading; (a) between New York, New York and points in Nassau County, New York, on the one hand, and, on the other, points in that part of New York, east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York, to the United States-Canada International Boundary line, and north of a line beginning at South Kortright, New York and extending easterly through Spencertown, New York to the New York-Massachusetts State line; (b) between points in Suffolk County, New York, on the one hand, and, on the other, points in that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York to the United States-Canada International Boundary line, and north of a straight line beginning at South Kortright, New York and extending easterly through Spencertown, New York to the New York-Massachusetts State line; and (c) between Westchester County, New York, on the one hand, and, on the other, points that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York to the United States-Canada International Boundary line, and north of a straight line beginning at Raquette Lake, New York and extending easterly through Wright, New York to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Bergen County, New Jersey.

No. MC 15558 (Sub-No. E16), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Avenue, Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in New York, on the one hand, and, on the other, those points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E17), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, from points in North Carolina, on the one hand, and, on the other, those points in

Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 7 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E18), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Avenue, Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 220 to the Virginia-North Carolina State line, those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 7 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 47149 (Sub-No. E1), filed May 30, 1974. Applicant: C. D. AMBROSIA TRUCKING CO., Rural Delivery 1, Edinburg, Pa. 16116. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone* and *limestone products*, insecticides, herbicides, fungicides, fertilizer, and fertilizer ingredients and materials (other than such commodities in bulk liquid form), and ironbearing agglomerates, when transported in dump trucks, (a) From points in that part of Columbiana County, Ohio, on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558 to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 the Columbiana-Stark County line, to points in Jefferson, Berkeley and Morgan Counties, West Virginia, and to those points in West Virginia on and east of U.S. Highway 19 and

on and north of U.S. Highway 50. (b) From points in Mahoning and Trumbull Counties, Ohio, to those points in West Virginia on and north of U.S. Highway 50. (c) From points in Portage County, Ohio, to those points in West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50. (2) *Limestone*, in dump trucks in Crawford, Lawrence, and Mercer Counties, Pennsylvania. (a) From points to those points in West Virginia on and north of U.S. Highway 50, and those points in Ohio on and east of U.S. Highway 23, except in bulk to points in Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Summit, and Wayne Counties, Ohio. (b) From points in Beaver County, Pennsylvania, to those points in Ohio on and east of U.S. Highway 23.

(c) From points in Astabula County, Ohio to those points in West Virginia on and north of U.S. Highway 50, except point in Hancock County, West Virginia. (d) From those points in Columbiana County, Ohio, on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558, to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Columbiana-Stark County line, to points in Jefferson, Berkeley, and Morgan Counties, West Virginia, and points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50. (e) From points in Mahoning and Trumbull Counties, Ohio, to those points in West Virginia on and north of U.S. Highway 50. (3) *Iron-bearing fines*, in dump truck, (a) From points in that part of West Virginia on and north of U.S. Highway 50, except points in Hancock County, West Virginia, to points in Ashtabula County, Ohio. (b) From points in Jefferson, Berkeley and Morgan Counties, West Virginia to points in that part of Columbiana County, Ohio on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558 to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Columbiana-Stark County line. (c) From points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50, to points in the above-described portion of Columbiana County, Ohio. (d) From those points in West Virginia on and north of U.S. Highway 50, to points in Mahoning and Trumbull Counties, Ohio. (e) From points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50, to points in Portage County, Ohio. (f) From points in Jefferson, Berkeley and Morgan Counties, West Virginia to points in Stark County, Ohio. (g) From points in Jefferson, Berkeley and Morgan Counties, West Virginia, to points in Stark County, Ohio.

No. MC 59247 (Sub-No. E2), filed June 4, 1974. Applicant: LINDEN MOTOR

FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies* used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Massachusetts to points in Delaware, Nassau and Suffolk Counties, New York, and points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Delaware-Maryland-Virginia Peninsula. The purpose of this filing is to eliminate the gateway of Linden, New Jersey.

No. MC 59247 (Sub-No. E7), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies*, used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Rhode Island to points in Delaware, Nassau and Suffolk Counties, New York, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Delaware-Maryland-Virginia Peninsula, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to its junction with Interstate Highway 83, thence along Interstate Highway 83 to its junction with unnumbered highway (formerly U.S. Highway 111) at York, Pennsylvania, thence along unnumbered highway to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Linden, New Jersey.

No. MC 59247 (Sub-No. E8), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies in containers*, between points in Rhode Island, on the one hand, and, on the other, points in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer and Morris Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59247 (Sub-No. E13), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz



(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies in containers*, between points in Connecticut, on the one hand, and, on the other, point in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer, and Morris Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59247 (Sub-No. E17), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies* in Nassau and Suffolk Counties, New York, on the one hand, and, on the other, points in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer and Morris Counties, New Jersey. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 59247 (Sub-No. E21), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies* in containers, between Philadelphia, Pennsylvania, on the one hand, and, on the other, points in Massachusetts, Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 61592 (Sub-No. E12), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements*, from points in Wisconsin south of U.S. Highway 10 to points in Nebraska and points in South Dakota on and south of South Dakota Highway 34. The purpose of this filing is to eliminate the gateway of Ida Grove, Iowa.

No. MC 61592 (Sub-No. E68), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck-tractors and except those which because of size or weight, require the use of special equipment), from New Orleans, La., to points in Michigan on and north of a line beginning at the Michigan-Indiana State line and extending north along U.S. Highway 131 to junction Michigan Highway 46, thence along

Michigan Highway 46 to Lake Huron, and points in Nebraska on and north of a line beginning at the Nebraska-Missouri State line and extending along Nebraska Highway 92 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-South Dakota State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plantsites or warehouse facilities of International Harvester Company, and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of the facility of International Harvester at Davenport, Iowa.

No. MC 61592 (Sub-No. E93), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from points in Iowa to Dothan, Ala., points in Connecticut, Delaware, Florida; those points in Georgia on and southeast of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 19 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line; those points in Indiana on and north of U.S. Highway 30; those points in Kentucky on and east of a line beginning at the West Virginia State line and extending along U.S. Highway 60 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 699, thence along Kentucky Highway 699 to junction Kentucky Highway 463, thence along Kentucky Highway 463 to junction U.S. Highway 119, thence east along U.S. Highway 119 to junction Kentucky Highway 160, thence along Kentucky Highway 160 to the Kentucky-Virginia State line; points in Maine, Massachusetts, Maryland; points in Michigan on and south of Michigan Highway 72; points in New Hampshire, New Jersey, New York, North Carolina; points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Pennsylvania State line; points in Pennsylvania, South Carolina, Tennessee on and east of Tennessee Highway 70, Virginia, and West Virginia. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant site or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E95), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and flakeboard, and plywood* in mixed loads with hardboard and flakeboard, from Catawba, S.C., to points in Colorado, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming, and points in Illinois on and west of U.S. Highway 67. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E108), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (except truck-tractors and those that because of size or weight require the use of special equipment) from Baltimore, Maryland, to points in Indiana, the lower peninsula of Michigan, and those in Kentucky on and north of a line beginning at the Kentucky-Tennessee State line, extending along U.S. Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at Louisa, Kentucky. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 61592 (Sub-No. E110), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those that because of size or weight require the use of special equipment), from the facilities of Burkhardt-Larsen Company at Minneapolis, Minnesota, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Mississippi, Vermont, Virginia, West Virginia, and Michigan on and south of Michigan Highway 72. The purpose of this filing is to eliminate the gateway of Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E111), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Philadelphia, Pa.,



to points in Indiana, the Lower Peninsula of Michigan, and points in Kentucky on and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 28, thence along Kentucky Highway 28 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to Louis, Ky., at the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Hayward Distributing Co., at Columbus, Ohio.

No. MC 61592 (Sub-No. E114), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Philadelphia, Pa., to points in Kansas, Missouri, Nebraska, those points in Iowa on and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, and those points in Illinois on and west of a line beginning at Illinois Highway 37 at Cairo, thence along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to U.S. Highway 51, thence along U.S. Highway 51 to Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, and the facilities of the Deuty Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Mo.

No. MC 103926 (Sub-No. E1), filed May 31, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING, CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Paul M. Danell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *prestressed and precast concrete and prestressed and precast concrete products*; from Charlotte, North Carolina, to points in Alabama, points in that part of Tennessee on and west of U.S. Highway 41, points in that part of Florida west of the Suwanee River, and points in that part of Florida in and south of Pinellas, Hillsborough, Polk, Osceola, and Indian River Counties, Florida (Fulton County, Ga.\*); and (b) *contractors' metal tanks*, setup, requiring special equipment and handling, not limited to such tanks as are intended solely for use by contractors; (1) from points in that part of Florida east of the Apalachicola River; (4) from points in that part of North Carolina in and east of Yancey, McDowell and Rutherford Counties, to points in Mississippi; (5) between in Alabama, on the one

hand, and, on the other, points in that part of North Carolina north and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line; (6) between points in that part of North Carolina west and south of U.S. Highway 52, on the one hand, and, on the other, points in that part of Alabama west and south of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Georgia State line.

(7) From points in that part of South Carolina on, east and south of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to Charleston, to points in that part of Kentucky on and west of Interstate Highway 65; (8) from points in that part of South Carolina north and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to Georgetown, to points in that part of Kentucky on and west of U.S. Highway 231; (9) from points in Richland, Calhoun, and Lexington Counties, South Carolina, to points in that part of Kentucky on and west of U.S. Highway 231; (10) from points in that part of North Carolina on, east and north of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 701 to its junction with U.S. Highway 74, thence along U.S. Highway 74 to Wilmington, to points in that part of Kentucky on and west of U.S. Highway 231; (11) from points in that part of North Carolina on and east of U.S. Highway 1, to points in that part of Kentucky on and west of U.S. Highway 45; (12) between points in that part of South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 1 to the North Carolina-Georgia State line, thence along the North Carolina-Georgia State line to Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along Tennessee Highway 13 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line; (13) Between points in Mecklenburg County, North Carolina, on the one hand, and, on the other, points in that part of Tennessee on and west of the Tennessee River; (14) between points in that part of North Carolina on and east

of U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 41; (15) between points in that part of South Carolina, on, south and east of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to Charleston, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 78; (16) between points in that part of South Carolina bound by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to the South Carolina-Georgia State line, thence along the South Carolina-Georgia State line to U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, thence along the South Carolina-North Carolina State line to U.S. Highway 301, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 80; and (17) between points in that part of South Carolina on and west of South Carolina Highway 72, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 78 (Newnon, Georgia\*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 104654 (Sub-No. E22), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill., 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points and places within an area in Kentucky bounded by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to Bowling Green, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, thence west along the Kentucky-Tennessee State line to the Mississippi River, thence along the Ohio River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lawrenceville, Ill.

No. MC 104654 (Sub-No. E23), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor*

*Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, to points and places in Missouri bounded by a line beginning at the Missouri-Illinois State line on U.S. Highway 66, extending southerly along U.S. Highway 66 to U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, thence along the Missouri-Arkansas State line to the Mississippi River, thence along the Mississippi River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of St. Elmo and Gale, Ill.

No. MC 104654 (Sub-No. E25), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St. Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points and places in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line south along U.S. Highway 89, then south along U.S. Highway 22 to the Tennessee-Mississippi State line, thence along the Tennessee-Mississippi State line to the Mississippi River, thence north along the Mississippi River to the Kentucky-Tennessee State line to point of beginning including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E27), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St. Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the States Oil Co., Inc., river terminal at or near Hickman, Ky., to points and places in Arkansas within an area bounded by a line beginning at the Missouri-Arkansas State line at Arkansas Highway 9, extending southwest along Arkansas Highway 9 to junction U.S. Highway 65, thence south along U.S. Highway 65 to U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence southeast along U.S. Highway 49 to the Arkansas-Mississippi State line, thence north along the Mississippi River to the Missouri-Arkansas State line to point of beginning, including points and places on the indicated portions of the highways speci-

fied. The purpose of this filing is to eliminate the gateway of Caruthersville, Mo.

No. MC 104654 (Sub-No. E30), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid hydrogen derived from petroleum and road building and construction materials derived from petroleum), in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of that part of Jackson County, Ill., located on and east of a line extending from the Jackson-Bartholomew County line south along Indiana Highway 58 to junction Indiana Highway 135, thence along Indiana Highway 153 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 250, thence along Indiana Highway 250 to the Jackson-Jennings County line.

No. MC 104654 (Sub-No. E31), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid chemicals, liquid hydrogen derived from petroleum and road building and construction materials rederived from petroleum), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to point in Pennsylvania. The purpose of this filing is to eliminate the gateways of Jackson County, Ind., and Butler County, Ohio.

No. MC 104654 (Sub-No. E32), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid chemicals, liquid hydrogen derived from petroleum, and road building and construction materials derived from petroleum), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis, and Cahokia, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of Jackson County, Ind., and Butler County, Ohio.

No. MC 104654 (Sub-No. E38), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the American Oil Co., located approximately 2 miles south of Brookston, Ind., on or near Indiana Highway 43 to points and places in Kentucky bounded by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to Bowling Green, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, thence west along the Kentucky-Tennessee State line to the Mississippi River, thence along the Ohio River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lawrenceville, Ill.

No. MC 104654 (Sub-No. E41), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of The American Oil Co., located approximately 2 miles south of Brookston, Ind., on or near Indiana Highway 43, to points and places in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line at Tennessee Highway 89, thence south along Tennessee Highway 89 to Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line, thence along the Tennessee-Mississippi State line to the Mississippi River, thence north along the Mississippi River to the Kentucky-Tennessee State line to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E43), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Whiting, Ind., to points and places in that part of Kentucky west of a line extending from the Illinois-Kentucky State line at Kentucky Highway 453, thence



south along Kentucky Highway 453 to Kentucky Highway 282, thence along Kentucky Highway 282 through Calvert City, Ky., to U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State line, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lambert Field, St. Louis, Mo.

No. MC 106775 (Sub-No. E4) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, metal castings, and reinforcing rods*, between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Oklahoma, points in that part of Louisiana on and west of U.S. Highway 71 and on and north of Louisiana Highway 6, and points in that part of Arkansas on and south of U.S. Highway 67 and on and west of Arkansas Highway 35 and U.S. Highway 137. The purpose of this filing is to eliminate the gateway of Fort Worth, Tex., and those points within 250 miles of Fort Worth, Tex. The purpose of this correction is to correct the MC number, previously published as 206775.

No. MC 106920 (Sub-No. E72), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in the upper peninsula of Michigan bounded by a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to junction of Michigan Highway 28, thence along Wisconsin Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 45, thence along U.S. Highway 45 to the point of origin, to points in Mississippi north and east of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 50 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E74), filed June 3, 1974. Applicant: RIGGS FOOD

EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula south of a line beginning at Lake Michigan and extending along unnumbered highway to junction U.S. Highway 2 at Gulliver, thence along U.S. Highway 2 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction County Highway 58, thence along County Highway 58 to junction County Highway 37, thence along County Highway 37 to junction Michigan Highway 123, thence along Michigan Highway 123 to junction Interstate Highway 75, to points in Kentucky north of a line beginning at the Indiana-Kentucky State line and extending along Kentucky Highway 69 to junction Kentucky Highway 369, thence along Kentucky Highway 369 to junction Kentucky Highway 106, thence along Kentucky Highway 106 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 962, thence along Kentucky Highway 962 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E75), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula of Michigan to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E76), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from points in the Upper Peninsula of Michigan to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E77), June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois to points in New Hampshire, Maine and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E78), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 90, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Iowa State line to points in Georgia. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E79), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products*, under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, to points in Florida. The purpose of this filing is to eliminate the gateways



of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E80), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Illinois on and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Interstate Highway 55, thence along Interstate Highway 55 to Lake Michigan, to points in Alabama on and east of a line beginning at the Florida-Alabama State line and extending along Alabama Highway 55 to junction U.S. Highway 29, thence along U.S. Highway 29 to Junction U.S. Highway 331, thence along U.S. Highway 331 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E81), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E82), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P. O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Iowa State line, to points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 27 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107478 (Sub-No. E12) (Correction); filed June 4, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C., 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, and fittings therefor*, from those points in North Carolina and South Carolina, north and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to its junction with U.S. Highway 74, thence along U.S. Highway 74 to its junction with U.S. Highway 221, thence along U.S. Highway 221 to its junction with South Carolina Highway 11, thence along South Carolina Highway 11 to junction South Carolina Highway 105, thence along South Carolina Highway 105 to junction South Carolina Highway 211, thence along South Carolina Highway 211 to junction with South Carolina Highway 97, thence along South Carolina Highway 97 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to those points in Florida south and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C. The propose of this correction is to correct the territorial description.

No. MC 107515 (Sub-No. E75), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with

mechanical refrigeration, from Harrisburg, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Gainesville, Ga.

No. MC 107515 (Sub-No. E101), filed May 29, 1974. Applicant: REFRIGERATED CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Gainesville, Ga.

No. MC 107515 (Sub-No. E113), filed May 29, 1974. Applicant: Refrigerated Transport Co., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles, hides), from New York, N.Y., to points in Illinois on and south of a line beginning at the Indiana-Illinois State line, at Shawneetown, Ill., thence along Illinois Highway 3 to junction with Illinois Highway 149, thence along Illinois Highway 149 to its junction with Illinois Highway 3, thence along Illinois Highway 3 to Chester at junction of Illinois Highway 51, thence along Illinois Highway 51 to the Illinois-Missouri State line, that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 51 to junction U.S. Highway 61 at Perryville, Mo., thence north along U.S. Highway 61 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 67 at Farmington, Mo., thence north along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 64 at Lebanon, Mo., thence along Missouri Highway 64 to junction U.S. Highway 65, thence north along U.S. Highway 65 to the junction of U.S. Highway 54 at Preston, Mo., thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Madison, Tenn.

No. MC 107515 (Sub-No. E336), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen*

meat, meat products, and meat by-products, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Smith, Ark., to points in Connecticut, Massachusetts, New Jersey, Delaware, points in Maryland on and east of U.S. Highway 522, and New York, N.Y., and its commercial zone, and points in Nassau, Suffolk, and Westchester Counties, N.Y., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E405), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods*, in mechanically refrigerated equipment from Hart, Ludington, Ionia, and Suttons Bay, Michigan to points in Connecticut, Rhode Island, Massachusetts, and New York. The purpose of this filing is to eliminate the gateway of Mendon, Michigan, and Toledo, Ohio.

No. MC 114211 (Sub-No. E454) (Correction), filed June 4, 1974, published in the *FEDERAL REGISTER* January 28, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, from points in North Dakota to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice and Omaha, Nebr., and Council Bluffs, Iowa. The purpose of this correction is to correct the "E" number, previously published as E254.

No. MC 114211 (Sub-No. E689), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from Gainsville, Tex., to points in Montana, North Dakota, South Dakota; to

points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State line; to points in that part of Nebraska on and north of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; to points in that part of Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 136, thence along Wyoming Highway 136 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line; and to points in that part of Michigan on and north of a line beginning at Tawas City, Mich., extending along Michigan Highway 55 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 72, thence along Michigan Highway 72 to Empire, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E801), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, between points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line, thence along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, thence along Illinois Highway 34 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 51, thence along Illinois Highway 51 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Nebraska-Kansas State line, thence

along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 193, thence along Kansas Highway 192 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of the St. Louis, Mo., commercial zone, and Martin City, Mo.

No. MC 114211 (Sub-No. E802), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 402, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which because of size or weight, requires special equipment, between points in that part of Illinois on and east and south of a line beginning at the Wisconsin-Illinois State line, thence along Illinois Highway 47 to junction Illinois Highway 176, thence along Illinois Highway 176 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 34, thence along Illinois Highway 34 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Kentucky State line, on the one hand, and, on other, points in that part of Kansas on and south of a line beginning at the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and Martin City, Mo.

No. MC 114211 (Sub-No. E857), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed



frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, attachments for the above-described commodities, and *parts* of the commodities described above in mixed loads with such commodities from points in that part of Minnesota on and north and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to the Minnesota-Canada International Boundary line to points in North Dakota (except Pembina County), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E858), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designated for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above, in mixed loads with such commodities, from points in that part of Minnesota on and west of a line beginning at Duluth, Minn., thence along U.S. Highway 61 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Wisconsin State line to points in that part of North Dakota on and north of a line beginning at the South Dakota-North Dakota State line, thence along North Dakota Highway 3 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line, thence along the North Dakota-Minnesota State line to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 115554 (Sub-No. E1), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1136, Cedar Rapids, Iowa 52403.

Applicant's representative: James R. Madler, Suite 100-327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 2 to its intersection with Indiana Highway 8, thence along Indiana Highway 8 to its intersection with Indiana Highway 17, thence along Indiana Highway 17 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with Indiana Highway 13, thence along Indiana Highway 13 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, Kansas on and east of Kansas Highway 99, Oklahoma on and east of Oklahoma Highway 99, Texas on and east of U.S. Highway 75, Arkansas on and west of Arkansas Highway 7, Louisiana on and west of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 71 to the junction with U.S. Highway 167, thence along U.S. Highway 167 to the Gulf of Mexico, (2) between points in Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 13 to its intersection with U.S. Highway 30 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, Arkansas on and west of U.S. Highway 71 beginning at the Missouri-Arkansas State line and ending at Port Smith, Ark., Kansas on and east of Kansas Highway 99, Oklahoma on and east of Oklahoma Highway 99, and points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to the Gulf of Mexico, and on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction County Highway 356, thence along County Highway 356 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 116915 (Sub-No. E2), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney St., Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Aluminum and aluminum products and equipment, materials and supplies* used in the manufacture and processing of aluminum and aluminum products (ex-

cept commodities in bulk), between points in Arkansas and Texas, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Hawesville, Ky.

No. MC 116915 (Sub-No. E8), filed June 4, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (other than motor vehicles) which requires the use of special equipment by reason of size or weight from points in Virginia and West Virginia on and south of U.S. Highway 60 to Minneapolis, Minnesota, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Hancock County, Kentucky.

No. MC 116915 (Sub-No. E10), filed June 4, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil wells and mine machinery, pipe and supplies* which because of size or weight require the use of special equipment, (1) from points in Georgia and Mississippi to points in Ohio, Indiana, Illinois, and the Lower Peninsula of Michigan, (2) from points in Mississippi to points in Virginia and West Virginia, (3) from points in Georgia to points in Missouri, (4) from points in Tennessee to Illinois, Ohio, Indiana, and the Lower Peninsula of Michigan and from points in Kentucky to points in Ohio, Illinois, Indiana, Missouri, and the Lower Peninsula of Michigan, (5) from points in Kentucky on and west of Interstate Highway 25 and points in Tennessee on and west of U.S. Highway 231 to points in Virginia, (6) from points in Kentucky on and west of Interstate Highway 75 to points in Tennessee, (7) from points in Indiana and Illinois to points in Tennessee, and (8) from points in Indiana west and south of a line beginning at Bristol and extending south along Indiana Highway 15 to Marion, thence east along Indiana Highway 18 to the Indiana-Ohio State line and points in Illinois to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of those points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky.

No. MC 117344 (Sub-No. E14), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over



irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Hamilton and Middleton, Ohio, to points in Kentucky (except points in Jefferson County, Ky.), Tennessee and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Ohio, Pleasants, and Wetzel Counties, and the plant site of the Celanese Corporation of America near Point Pleasant, Mason County, W. Va. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119702 (Sub-No. E5), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in Indiana, Iowa, Kentucky, Michigan, Missouri (except to points in that part of Missouri within 125 miles of East St. Louis, Illinois, points in Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of St. Louis, Missouri.

No. MC 119702 (Sub-No. E6), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil and asphalt*, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in that part of Missouri on and east of U.S. Highway 65 (except from Hartford, Roxana, and Wood River, Illinois, to those points in Missouri within 125 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of St. Louis, Missouri, Wood River, Illinois, and points in Illinois within five miles thereof.

No. MC 119702 (Sub-No. E7), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in Iowa. The purpose of this filing is to eliminate the gateway of the terminal of Great Lakes Pipe Lines Company, near Palmyra, Missouri.

No. MC 119702 (Sub-No. E8), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street

NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana and Wood River, Illinois, to those points in Wisconsin on, south and east of a line beginning at the Mississippi River and extending along U.S. Highway 16 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Illinois Road Contractors, Inc., Amboy, Illinois.

No. MC 119968 (Sub-No. E12), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beary, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and north of U.S. Highway 60, and on and west of Interstate Highway 77, on the one hand, and, on the other, points in Connecticut, Massachusetts, that part of the Southern Peninsula of Michigan on and north of Michigan Highway 21; that part of New Jersey on and north of U.S. Highway 322; New York; that part of Ohio on and north of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending east along Pennsylvania Highway 68, to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E14), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beary, 8 East Broad Street, Columbus, Ohio 43115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery,

equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and bounded by a line beginning at the Ohio-West Virginia State line and extending south along Interstate Highway 77 to junction U.S. Highway 119, thence north along U.S. Highway 119 to the Pennsylvania-West Virginia State line, except those points in Marshall County, W. Va., on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State line; that part of Indiana on and north of U.S. Highway 6; the southern Peninsula of Michigan; that part of Ohio on, north, and west of a line beginning at the Ohio-Indiana State line and extending east along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to Lake Erie; that part of New York on and north of a line beginning at Morristown, N.Y., and extending east along New York Highway 58 to junction New York Highway 3, thence along New York Highway 3 to Plattsburg, N.Y. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E15), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beary, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending north along Interstate Highway 77 to junction U.S. Highway 119, thence south along U.S. Highway 119 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in that part of Illinois on and north of Interstate Highway 80; that part of Indiana on and north of U.S. Highway 6; the southern Peninsula of Michigan; that part of New York on, west and north of New York Highway 7; that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 6 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction Ohio Highway 18, thence along Ohio

Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-4457 Filed 2-18-75; 8:45 am]

[Notice No. 700]

#### ASSIGNMENT OF HEARINGS

FEBRUARY 13, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 19, 1975.

MC 32882, Sub 67, Mitchell Bros., Truck Lines, now assigned February 24, at San Francisco, Calif., and March 10, 1975, at St. Paul, Minn., hearing is cancelled and application is dismissed.

MC 121586, Sub 1, Kruse Transportation Co., Inc., now assigned March 5, 1975, at Omaha, Nebr., is cancelled and application is dismissed.

MC 110420, Sub 727, Quality Carriers, Inc., now being assigned April 4, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 126716, Sub 2, Weston Trucking Company dba Weston Trucking, now being assigned April 8, 1975 (3 days), at Carson City, Nevada, in a hearing room to be designated later.

MC 126477, Sub 4, Jet Air Freight & Parcel Delivery, Inc., now being assigned April 8, 1975 (3 days), at Indianapolis, Ind., in a hearing room to be designated later.

MC 95540, Sub 915, Watkins Motor Lines, Inc., now being assigned March 17, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 140081, A & A Trucking, Inc., now being assigned April 4, 1975 (3 days) at Lincoln, Nebr., in a hearing room to be later designated.

MO 106644, Sub 184, Superior Trucking Company, Inc., now assigned February 24, 1975, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-4455 Filed 2-18-75; 8:45 am]

[Notice No. 232]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 18, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 10, 1975. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75512. By order of February 6, 1975, the Motor Carrier Board approved the transfer to Hall Way, Inc., Ankeny, Iowa, of the operating rights in Certificate No. MC 136385 (Sub-No. 2) issued August 20, 1974, to Hall Truck Lines, Inc., Ankeny, Iowa, and the operating rights in Certificate No. MC 135521 (Sub-No. 1) issued October 31, 1973, to Ernest S. Hall, Harold E. Hall, and Cleo L. Hall, a partnership, doing business as Hall Truck Lines, Lone Tree, Iowa, respectively authorizing the transportation of (1) frozen foods, from the facilities of the Kitchens of Sara Lee Corporation at or near New Hampton, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) meats, meat products and meat by-products, and articles distributed by meat packinghouses, except hides and commodities in bulk, from the facilities of Tama Meat Packing Corporation, at Tama, Iowa, to points in the same destination States as specified in (1) above. Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-75514. By order of February 6, 1975, the Motor Carrier Board approved the transfer to L J P Truck Lines, Inc., Howard Beach, N.Y., of the operating rights in Certificate No. MC 59114 issued February 2, 1972, to Flexible Freight Transport, Inc., Edgewater, N.J.,

authorizing the transportation of general commodities, with usual exceptions, between Elizabeth, N.J., on the one hand, and, on the other, points in Camden, Passaic, Bergen, Hudson, Essex, Union, Middlesex, Monmouth, Mercer, Somerset, Morris, Ocean, and Sussex Counties, N.J., and those in Pennsylvania on and east of Pennsylvania Highway 309. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, and Harold M. Cohen, 1180 Raymond Boulevard, Newark, N.J. 07102, attorneys for applicants.

No. MC-FC-75637. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Alex Chalmers, Cornwell Heights, Pa., of the operating rights set forth in Permit No. MC 5603, issued August 12, 1943, to Querin Special Motor Freight Line, Inc., Florence, New Jersey, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in New Jersey, Delaware, Pennsylvania, New York, Maryland, and the District of Columbia. Francis P. Desmond, 115 East Fifth St., Chester, Pa. 19013, attorney for applicants.

No. MC FC 75640. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Leroy Peterson, doing business as Peterson Trucking, Ellsworth, Wis., of the operating rights set forth in Certificates Nos. MC 84633 and MC 84633 (Sub-No. 3), issued by the Commission November 15, 1949 and January 2, 1952, respectively, to W. H. Murphy, Prescott, Wis., authorizing the transportation of livestock, farm machinery, animal and poultry feeds, feed ingredients, seeds, and fertilizer, and general commodities, with the usual exceptions, from, to, and between specified points in Minnesota and Wisconsin. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

No. MC-FC-75644. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to A. W. Kozel Trucking Co., Inc., Perth Amboy, N.J., of the operating rights set forth in Permit No. MC 56382, issued by the Commission October 26, 1961, to Andrew W. Kozel, doing business as A. W. Kozel Trucking Co., Edison, N.J., authorizing the transportation of groceries, empty containers or related articles used in transporting groceries, and alcoholic liquors, from specified points in New Jersey and New York, to points in Pennsylvania, New York, Connecticut, Maine, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, and the District of Columbia. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, practitioner for applicant.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-4456 Filed 2-18-75; 8:45 am]

**DEPARTMENT OF THE TREASURY****Comptroller of the Currency****INDEX OF PUBLIC RECORDS****Freedom of Information Requirements**

On November 21, 1974, Pub. L. 93-502 was enacted. This law, referred to as the 1974 Amendments to the Freedom of Information Act amended 5 U.S.C. 552. A provision of Pub. L. 93-502 requires that "Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or

published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication."

The provision of 5 U.S.C. 552 which was amended by the above quoted language originally read "Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4,

1967, and required by this paragraph to be made available or published."

Pursuant to this original provision, the Comptroller of the Currency promulgated 12 CFR 4.15(b) stating the location where the index was available for inspection and copying.

After full consideration of 5 CFR 4.15 (b) and the type and contents of the index referred to therein, I hereby determine and order that the publication of the index and supplements thereto is unnecessary and impracticable.

Signed at Washington, D.C. on February 14, 1975.

THOMAS G. DESHAZO,  
*Acting Comptroller of the Currency.*

[FR Doc.75-4672 Filed 2-18-75;8:45 am]